

The regularly scheduled meeting of the Norton City Council was held on Tuesday, January 6, 2009 at 7:30 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, Joseph Hunnicutt, William Mays, Joseph Fawbush, and Terry Roop

Also Present: E. W. Ward, City Manager and Bill Bradshaw, City Attorney

The invocation was given by Rev. John Ellington and was followed by the pledge of allegiance led by Police Chief Randy Mullins.

Upon a motion by Joseph Hunnicutt, seconded by Joseph Fawbush, and passed by unanimous vote, Council moved to approve the minutes of the December 2, 2008 meeting as presented.

22120

During the Mayor's call for visitors, Mr. Gordon Sandt, 1026 Spruce Street, spoke briefly to Council regarding a problem he is experiencing with a dog lot next door to his property and also a cat problem. He advised he had talked with the Animal Warden and Building Official on these problems.

Mayor Mays referred the item of dog lots to the City Attorney. Mr. Bradshaw advised he would be happy to do some background work on this stating that the City's Zoning Ordinance may apply to this problem.

Following a discussion, Mr. Sandt was advised that the City Attorney will research this; however, he may want to consider going the route of the Civil Nuisance Act with private counsel.

22121

As to the cat problem, Mayor Mays advised that Council has looked into this several times. The City Attorney advised that the most complaints are with feral cats.

Following a discussion, the City Manager was advised to research some options and bring back this information to Council at the next meeting.

The City had received a request from the Norton Presbyterian Church to abandon a portion of City right-of-way behind their location and to deed same to them. Present tonight representing the Church was Mr. Carl McAfee.

Mr. Ward advised that the City Attorney had given handouts to Council members in response to the City's Manager's request of his opinion on the procedure to be used should Council select to do so.

22122

Following a lengthy discussion, Council asked Mr. McAfee to bring the architectural plans for their review in order that they may see how much footage the Church would need. Mayor Mays advised Mr. McAfee the Council was not opposed to his request for the Church; however, Council wants to make sure they will be doing the right thing as far as future development in this area for the City.

Mr. Ward presented Council with a brief history on the Duffield Development Authority's formation and discussed with Council the dividend check the City recently received from them in the amount of \$41,666.67.

He advised that the Authority was organized in 1969 and the City joined by ordinance and was one of four members. The other members are Wise County, Lee County, and Scott County. The initial amount paid by the City upon joining was \$17,537.50. There are seven board members and currently, Fred Ramey is the City's representative and is serving as Chairman. The Authority was formed to develop the Duffield Industrial Park. This park is almost fully developed and the purpose of the Authority is coming to a close. Dissolution of the Authority will take place within the next two years and the City should receive approximately \$166,000 at that time. He then advised of several items that need to be done before the dissolution can take place.

22123

As to the funds received in December in the amount of \$41,666.67, it was Council's opinion that they be left in the General Fund until Council conducts its CIP meeting later in the year.

Council had received a request for the appropriation of 2008 Federal Asset Forfeiture Funds in the amount of \$10,753. Mr. Ward advised the Police Department had received a letter from the Southwest Virginia Multi-Jurisdictional Task Force stating that said funds can be used only for appropriate law enforcement equipment.

Present to speak to Council regarding the use of these funds for specific equipment for the Police Department was Police Chief Randy Mullins. He advised Council that he would like to use these funds to purchase new portable radios and had samples of the type of radios he would like to purchase. The current radios will be stored and maintained and used for such incidents as disaster response.

22124

Following a brief discussion and upon a motion by Mark Caruso, seconded by Joseph Hunnicutt, and passed by unanimous roll call vote, Council moved that the \$10,753 in Federal Asset Forfeiture Funds be expended toward the purchase of new portable radios for the Police Department.

The City Manager gave Council an update on Governor Kaine's budget proposal for the remainder of the biennium. He advised that the City will be impacted both directly and indirectly. The most significant reduction in funds will be that of K-12 Education. He further advised that it appears that the Norton City School System will suffer a significant loss of state revenue. The City will also see a reduction in state aid for the Police Department, Constitutional Officers, and the complete elimination or suspension of certain state revenues. He also broke down his comments on this situation to four points. These points were: Responsibility shift, legislative failing to look at alternatives, City staff budget reduction, and the impact on education. Mr. Ward advised that he does not think the state is handling this financial crisis as it should and the bottom line is that Council may want to submit a resolution or have the Mayor send a letter to Richmond stating so.

22125

Following a brief discussion, it was the consensus of Council for the City Manager to prepare a resolution and present it to Council at the next meeting.

Mayor Mays advised that the Legislators Reception is being held on the 29<sup>th</sup> and representation should be there to advise them of the City's feelings on this matter.

Council had been given in their packets a request for reimbursement of 2008 Personal Property Tax due to an erroneous assessment in the amount of \$55.50 for AAA Allied Group, Inc. for machinery and tools.

Upon a motion by Joseph Fawbush, seconded by Terry Roop, and passed by unanimous roll call vote, Council moved to approve a reimbursement of 2008 Personal Property Tax in the amount of \$55.50 for AAA Allied Group, Inc. for machinery and tools which had been erroneously assessed. 22126

During this discussion and due to illness, Councilman Hunnicutt left the meeting. 22127

In their packets, Council had a copy of a check to the Norton Industrial Development Authority in the amount of \$122,004.25 to be paid to the Powell Valley National Bank on the commercial development loan and copies of transfers to the Norton City Schools in the amount of \$350,000 to cover payroll and fringes and \$565,787.61 for the Norton Elementary School Renovation and Addition Project for approval. 22128

Upon a motion by Terry Roop, seconded by Mark Caruso, and passed by unanimous roll call vote, Council approved the \$122,004.25 check payable to NIDA and the transfers payable to the Norton City Schools in the amounts of \$350,000 and \$565,787.61 as specified above.

Upon a motion by Joseph Fawbush, seconded by Mark Caruso, and passed by unanimous roll call vote, Council moved to go into closed meeting as per Section No. 2.2-3711 (A) (1) of the Code of Virginia, as amended. 22129

Mayor Mays declared Council in closed meeting.

Upon a motion by Joseph Fawbush, seconded by Mark Caruso, and passed by unanimous vote, Council moved to go back into open meeting. 22130

Mayor Mays declared Council back in open meeting.

The Clerk polled each member of Council as to the Certification of Closed Meeting with each answering yes. The Clerk then read A Resolution of the Certification of Closed Meeting. Upon a motion by Joseph Fawbush, seconded by Terry Roop, and passed by the following unanimous vote: YES – Caruso, Fawbush, Roop, Mays, NO – None, ABSENT – Hunnicutt, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert) 22131

Mayor Mays opened the floor for nominations to the Southwest Virginia Regional Jail Authority for a four year term which will expire on December 31, 2012.

Joseph Fawbush nominated William Mays to this Authority. 22132

Upon a motion by Mark Caruso, seconded by Terry Roop, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared William Mays appointed to the Southwest Virginia Regional Jail Authority for a four year term which will expire on December 31, 2012.

Mayor Mays opened the floor for nominations to the Southwest Virginia EMS Council for a one year term which will expire on January 31, 2010.

Mark Caruso nominated William Mays to be reappointed to this Council.  
Upon a motion by Joseph Fawbush, seconded by Terry Roop, and passed by unanimous vote, Council moved that the nominations cease.

2213

Mayor Mays declared William Mays appointed to the Southwest Virginia EMS Council for a one year term which will expire on January 31, 2010.

In comments from the City Manager, Mr. Ward advised that:

Prior to the next meeting on January 20, 2009, which will be held at 6:00 p.m., there will be a photo session and Council members are asked to wear a suit and tie.

The Legislative Reception will be held in Richmond on January 29<sup>th</sup>. The City has a block of rooms reserved for the 28<sup>th</sup> and 29<sup>th</sup>. Any member of council wanting to attend should advise him as soon as possible in order that the rooms may be finalized.

The Financial Disclosure Forms are due in the Clerk's office on January 15, 2009.

22134

Mr. Ward, Councilman Caruso, and Councilman Roop will be leaving Friday for Richmond to attend a new Council Member Workshop. They will return home on Saturday.

There were no comments from the City Attorney.

In comments from Council, Mayor Mays thanked his fellow council members for the appointment of Mayor stating he hoped to live up to the tenure of his predecessor, Mayor Raines, and thanked them for the confidence shown in him.

22135

Vice Mayor Fawbush also expressed his appreciation for his appointment of Vice Mayor and welcomed the two new council members.

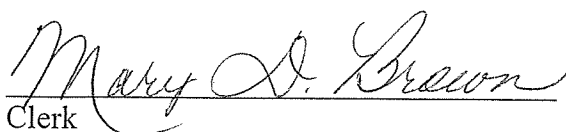
22136

There being no further business to come before the Council, the meeting was adjourned.

CITY OF NORTON, VIRGINIA

  
\_\_\_\_\_  
William J. Mays, Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk