

The regularly scheduled meeting of the Norton City Council was held on Tuesday, March 3, 2009 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

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

Absent: Joseph Hunnicutt

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 Mark Caruso, seconded by Joseph Fawbush, and passed by unanimous vote, Council moved to approve the minutes of the February 17, 2009 meeting as corrected.

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There was no response to the Mayor's call for visitors.

2418

Council held a public hearing on An Ordinance of the City Council of the City of Norton, Virginia Amending Sections 4-61 thru 4-72 of the Norton City Code as Pertains to Regulations Requiring Cats within the Confines of the City of Norton, Virginia to be Hereby Licensed and Prescribing a Fee Schedule for Both Cats and Dogs.

Mr. Ward advised that City Council began to research this topic in January after receiving complaints and felt that regulations were necessary. Council had looked at a draft of this ordinance at the last meeting and the City Manager was instructed to proceed with advertising a public hearing.

Mr. Ward advised that he was in receipt of two letters regarding this topic. One was from Nancy Porter Wheeler, a property owner on Oak Street, who was in support of the ordinance, and another was from the Green Thumb Garden Club, who shared their thoughts on the cat situation within the City.

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There were no questions or comments from Council prior to the public hearing.

Mayor Mays opened the public hearing.

Mike Brown of 1026 Pine Street spoke briefly to Council asking that they amend the proposed ordinance to allow cats to have a microchip implanted as an alternative to wearing a collar. Mr. Brown presented each Council member with information regarding this procedure and the scanners for same.

During Mr. Brown's discussion with Council, Councilman Hunnicutt took his seat on Council.

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Also speaking to Council regarding this ordinance were: Lana Kennedy, 1503 Main Avenue, S.W., Roy Davidson, 1256 Spruce Street, who had previously sent Council a letter opposing this proposed ordinance, Jimmy Calhoun, 1223 Spruce Street, Becky Hash of Pine Street, and Samantha Delp of Virginia Avenue, N.W. All of the individuals speaking advised they have no problem with buying a tag or keeping their cats

vaccinated. The main concern of all those who spoke was the issue of their cats wearing a collar.

Speaking in support of this ordinance was Gordon Sandt of 1026 Spruce Street and John Richardson of Hamner Avenue.

There being no further public comments, Mayor Mays closed the public hearing.

Council discussed the comments heard tonight and following a lengthy discussion, it was the consensus of Council to table any action on this ordinance until the next meeting in order that the City Attorney can work with the City Administration on the language of this ordinance and to address the concerns discussed tonight. Mr. Bradshaw advised that another public hearing will not be required. Councilman Caruso asked that consideration be given to the citizens' comments heard tonight.

Mayor Mays thanked all those who attended and there was a two minute recess before continuing with the agenda.

Council had a request by the Norton Presbyterian Church to abandon a portion of an alley for a building expansion project.

Mr. Ward advised that this item had been brought before Council previously on January 6<sup>th</sup> and at that time, Council requested additional information on the expansion.

Mr. Ward advised that this is a 20 foot alley rather than a 30 foot alley as stated at the January 6<sup>th</sup> meeting and the Church is asking for 7 feet.

Jeff Davidson of 125 – 13<sup>th</sup> Street, spoke briefly and asked Council how this would affect the five lots he owns adjacent to this alleyway.

Following a brief discussion and upon the advice of the City Attorney, it was the consensus of Council to table this item until more information is received. Representatives of the Church were advised to research and see who owns this property.

Councilman Hunnicutt left the meeting at 8:00 p.m.

Council had been presented with three draft ordinances relating to dilapidated and blight properties within the City.

Mr. Ward advised that it had been the consensus of Council at the last meeting for the City Administration to look over several ordinances. The City Manager and the Building Official, Mr. Collins, have worked on these three ordinances that deal with dilapidated property.

Mr. Collins and Mr. Ward briefly discussed each of these ordinances and the changes that they had made. The City Attorney advised that he had issues on these ordinances.

Following a brief discussion, it was the consensus of Council for the City Attorney, City Manager, and the Building Official to schedule a meeting and work on these ordinances.

Mayor Mays advised that Mr. Ward and Mr. Collins had done a good job in getting this information together and Councilman Caruso advised that he felt that the City was headed in the right direction.

Council had been presented with a copy of the financial audit of the Norton Industrial Development Authority for the year ended June 30, 2008. Mr. Ward advised they had received a clean audit and discussed the significant relationship between the City and

NIDA due to several Memorandums of Understanding. He further discussed with Council the individual Memorandums of Understandings. The first is an \$800,000 loan obtained by NIDA in the early 1990s to renovate the Hotel Norton. This note has been paid in full. The second pertains to a \$3,900,000 loan to NIDA from Powell Valley National Bank to assist in the development of the Norton Commons Commercial Retail Center. This loan will be paid off over a ten-year period commencing on June 3, 2006 and retired on March 3, 2016. As of June 30, 2008, the outstanding amount on this debt was \$3,169,792. The third memorandum pertains to the acquisition of real property (Goad Property) which NIDA purchased in the amount of \$450,000 and is owner-financed and will be paid off over a five year period. As of June 30, 2008, the outstanding amount on this debt was \$158,595.

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Following a brief discussion, Mayor Mays thanked Mr. Ward for this presentation.

Council had received a request in their packets from the City Treasurer and Commissioner of Revenue for a refund for 2008 real estate taxes which were erroneously assessed in the amount of \$692.80 to Mrs. Charlene Price.

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Upon a motion by Terry Roop, seconded by Mark Caruso, and passed by unanimous roll call vote, Council moved to approve a refund for 2008 real estate taxes which were erroneously assessed in the amount of \$692.80 to Mrs. Charlene Price.

Upon a motion by Joseph Fawbush, seconded by Mark Caruso, and passed by unanimous roll call vote, Council moved to go into closed meeting to discuss personnel as per Section 2.2-3711 (A) (1) of the Code of Virginia as amended.

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Mayor Mays declared Council in closed meeting.

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

2419

Mayor Mays declared Council back in open meeting.

The Clerk then 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 Mark Caruso, seconded by Joseph Fawbush, 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)

2419

Mayor Mays opened the floor for nominations to the Southwest Virginia Regional Jail Authority for a four year term which will expire on April 3, 2013.

Terry Roop nominated E. W. Ward to be reappointed to this Authority and Fred L. Ramey, Jr. to be appointed as an alternate per the by-laws of the Southwest Virginia Regional Jail Authority.

2419

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

Mayor Mays declared E. W. Ward reappointed to the Southwest Virginia Regional Jail Authority for a four year term which will expire on April 3, 2013 and appointed

Fred L. Ramey, Jr. as an alternate per the by-laws of the Southwest Virginia Regional Jail Authority.

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

The Big Read Sneak Peek Star Spangled Cabaret Dinner Theatre sponsored by the Lonesome Pine Regional Library will be held on April 18, 2009 at 6:00 p.m. at the Hotel Norton. Should any Council member wish to attend, please notify the City Manager or the Assistant City Manager.

He was in receipt of a Virginia Municipal League legislative bulletin in which they had surveyed 144 local governments regarding the difficulty to make a budget work next year. Eighty five percent said it would be very difficult. He also read a letter from the VML Executive Committee to budget conferees which, in essence, stated that they were going on record for them to put the stimulus money to good use.

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He is in receipt of the Virginia Municipal League's analysis of the General Assembly's budget which was adopted on Saturday, February 28<sup>th</sup>. He presented Council members with a copy of same.

There were no comments from the City Attorney.

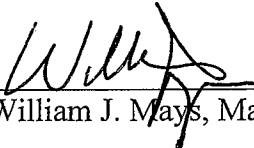
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In comments from City Council, Councilman Roop wished to congratulate the J. I. Burton Girls' Varsity Basketball Team for winning the LPD Tournament and being the runner up in the Region D tournament. They will be playing Saturday in Salem in the State Quarter Finals.

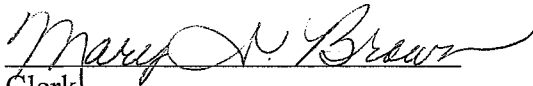
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There being no further business to come before the Council, the meeting adjourned.

CITY OF NORTON, VIRGINIA

  
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William J. Mays, Mayor

ATTEST:

  
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Clerk