

The regularly scheduled meeting of the Norton City Council was held on Tuesday, May 5, 2009 at 6:00 p.m. in the 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.

Mayor Mays welcomed Ms. Pam Giles, a member of the Forward Wise County Class, to tonight's meeting.

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Upon a motion by Councilman Caruso, seconded by Councilman Roop, and passed by unanimous vote, Council moved to adopt the minutes of the April 21, 2009 meeting as presented.

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

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A public hearing was held on An Ordinance of the City Council of the City of Norton, Virginia Rezoning Certain Property on Park Avenue, N. W. Between 11<sup>th</sup> Street and 12<sup>th</sup> Street from Residential B (RB) to Central Business (B-2).

The City Manager advised that this ordinance covers rezoning property listed as Lots 1-18 on Map 494-2-12. Copies of this map were included in Council's packet. He further advised that the City was in receipt of a request from Carolina Holdings requesting this rezoning for the purpose of a development they plan on these sites. In April, the Planning Commission held their public hearing and unanimously asked City Council for their approval on this and permit Carolina Holdings to construct a CVS drug store on this property.

Mr. Ward advised that conditional zoning requires proffers and briefly discussed the three proffers, contained in the ordinance, that will accompany this rezoning.

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Mr. Britt Goodson of Carolina Holdings was present and discussed with Council the proffers that will go along with the property should Council grant the conditional zoning. He gave a brief synopsis of their plans and advised Council he would be willing to answer any questions they may have.

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

Mayor Mays opened the public hearing.

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

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Caruso, Fawbush, Roop, Mays, NO – None, ABSENT - Hunnicutt, Council moved to adopt An Ordinance of the City Council of the City of Norton, Virginia Rezoning Certain Property on Park Avenue, N. W. Between 11<sup>th</sup> Street and 12<sup>th</sup> Street from Residential B (RB) to Central Business (B-2) with the proffers as listed in said ordinance. (Insert)

A public hearing was held on An Ordinance of the City Council of the City of Norton, Virginia Adding Article III to Section 20 of the Norton City Code and Repealing Section 20-8 as Pertains to Fishing in the Lower Reservoir.

Mr. Ward advised that this proposed ordinance had been discussed at Council's last two meetings. This ordinance, if adopted, would allow citizens to fish at the lower reservoir with the proper permit. City residents will pay a \$25.00 fee and non-residents will pay a fee of \$35.00. This permit will be purchased from the Treasurer's Office and will be in addition to the license for fishing at the Upper Reservoir.

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At this time, Councilman Hunnicutt took his seat on Council.

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Following brief comments from Council members, Mayor Mays opened the public hearing.

There being no public comment, Mayor Mays closed the public hearing.

Upon a motion by Councilman Caruso, seconded by Councilman Hunnicutt, and passed by the following unanimous roll call vote: YES – Caruso, Hunnicutt, Fawbush, Roop, and Mays, NO – None, ABSENT – None, Council moved to adopt An Ordinance of the City Council of the City of Norton, Virginia Adding Article III to Section 20 of the Norton City Code and Repealing Section 20-8 as Pertains to Fishing in the Lower Reservoir. (Insert)

24259

A public hearing was held on the proposed 2009-2010 budget of the Norton City Schools which totals \$7,589,857 of which \$1,996,370 is local funding and \$87,125 over the previous year's local funding.

Mr. Ward advised that Dr. Brannon, Superintendent of the Norton City Schools, presented this budget to Council at its last meeting and Council authorized the City Manager to advertise a public hearing. Mr. Ward gave a brief synopsis of the budget and advised that Council takes no action tonight.

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

Mayor Mays opened the public hearing.

There being no public comment, Mayor Mays closed the public hearing.

Mayor Mays advised action on this budget would take place at Council's next meeting.

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At this time, Mayor Mays turned the meeting over to Vice Mayor Fawbush to conduct the meeting on a request for a budget amendment in the amount of \$46,000 to the 2008-2009 Police Department Investigative Restitution Fund. Mayor Mays advised that he has a son who is a police officer.

Chief Randy Mullins spoke briefly to Council asking for this budget amendment in the amount of \$46,000 and provided Council with a list showing how these funds would be spent.

Following a brief discussion and upon a motion by Councilman Hunnicutt, seconded by Councilman Roop, and passed by the following roll call vote: YES – Caruso, Hunnicutt, Fawbush, Roop, NO – None, ABSENT – None, ABSTAIN – Mays, Council

24261

moved to approve a budget amendment in the amount of \$46,000 to the 2008-2009 Police Investigative Restitution Fund.

At this time, Vice Mayor Fawbush turned the meeting back over to Mayor Mays. 24262

Council had been presented in their packets a copy of A Proclamation Declaring Foster Care Month as May 2009.

The Director of the City of Norton Social Services Department, Roger Ramey, spoke briefly to Council regarding this proclamation. 24263

Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to adopt A Proclamation Declaring Foster Care Month as May 2009. (Insert)

In their packets, Council had requests to approve the transfer of funds to the Norton City Schools in the amount of \$100,000 for April payroll and fringe benefits and \$308,095.96 for the Norton Elementary School Project.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous roll call vote, Council moved to approve the transfer of funds to the Norton City Schools in the amount of \$100,000 for April payroll and fringe benefits and \$308,095.96 for the Norton Elementary School Project. (Insert – Councilman Roop’s Declaration/Disclosure of Personal Interest) 24264

Upon a motion by Councilman Hunnicutt, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to go into closed meeting to discuss personnel as per Section No. 2.2-3711 (A) (1) of the Code of Virginia, as amended and the Acquisition of Real Property as per Section No.2.2-3711 (A) (3) of the Code of Virginia, as amended. 24265

Mayor Mays declared Council in closed meeting.

Upon a motion by Councilman Caruso, seconded by Councilman Hunnicutt, and passed by unanimous vote, Council moved to go back into open meeting. 24266

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 Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by the following unanimous vote: YES – Caruso, Hunnicutt, Fawbush, Roop, Mays, NO – None, ABSENT – None, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert) 24267

Mayor Mays opened the floor for nominations to the Norton Industrial Development Authority for four year terms which will expire on May 10, 2013.

Councilman Hunnicutt nominated Charles Graham and Glenn Teasley to be reappointed to this Authority.

Upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared Charles Graham and Glenn Teasley reappointed to the Norton Industrial Development Authority for four year terms which will expire on May 10, 2013.

Mayor Mays opened the floor an appointment of an Agency Representative to the Wise County/City of Norton Youth Services Board for a four year term which will expire on May 2, 2013.

Councilman Caruso nominated Stan Wilson to be reappointed to this Board.

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared Stan Wilson reappointed as an Agency Representative to the Wise County/City of Norton Youth Services Board for a four year term which will expire on May 2, 2013.

Mayor Mays opened the floor for appointments to the VML Policy Committees.

Councilman Fawbush, nominated Fred Ramey on the Community and Economic Development Committee, Tommy Roberts on the Environmental Quality Committee, Jeff Shupe on the Finance Committee, Ernie Ward on the General Laws Committee, Roger Ramey on the Human Development and Education Committee, and Steve McElroy on the Transportation Committee.

Upon a motion by Councilman Caruso, seconded by Councilman Hunnicutt, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared the above individuals appointed to the various VML Policy Committees.

In comments from the City Manager, Mr. Ward advised Council that he is asking for authorization to proceed with engineering services on the Upper Reservoir and Dam Project since the funding package is in place. The City has received some stimulus monies from the USDA-Rural Development with a one million dollar grant and a low interest loan in the amount of \$2,160,000. There is also a grant from the Virginia Department of Health in the amount of \$200,000. Previously, proposals were sent out for engineering services and the successful firm was Thompson and Litton. He further advised that the City is conditionally permitted to operate the dam and the conditional permit runs for two years. The current permit expires in March of 2011 and the City has just been re-issued another conditional permit. Included in this new permit is the condition that the City make these improvements to the dam.

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous roll call vote, Council authorized the City Manager to proceed with engineering services on the Upper Reservoir and Dam Project.

In comments from the City Attorney, Mr. Bradshaw reported that eight parcels of real estate within the City were sold on Saturday, May 2, 2009 at 2:00 p.m. All properties were purchased by residents of the City. He further advised that he will be taking these offers to purchase to the Wise County Circuit Court on June 4<sup>th</sup> to recommend their approval on the sales on those terms on which they were sold. The one remaining suit

will go before a Special Commissioner and he hopes to complete this suit before the end of the year.

Mr. Bradshaw also extended his thanks to Mr. Ramey, the Assistant City Manager, for his assistance during this real estate sale.

Mayor Mays commended the City Attorney for his actions regarding the delinquent tax property.

In comments from City Council, Councilman Caruso inquired as to how the construction on the upper dam will affect activities on the dam. Mr. Ward advised him that it will have an adverse effect and the City will do what it can to minimize this.

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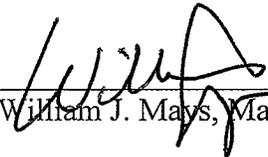
At this time, Mayor Mays recognized Bob Isaac. Mr. Isaac advised that he lives on Nosler Street and he would like the City to consider installing curb and guttering on the right hand side of Craig Street going up toward Nosler. He presented Council with pictures showing the problems in this area.

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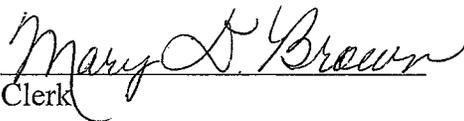
Mayor Mays asked Mr. Ward and Mr. Ramey to work on this problem.

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