

The rescheduled meeting of the Norton City Council was held on Tuesday, October 27, 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

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

Absent: Joseph Hunnicutt

The invocation was given by Father Tim Drake and was followed by the pledge of allegiance led by Jeff Lester, a reporter for the Coalfield Progress.

Upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to adopt the minutes of the October 6, 2009 meeting as presented.

24420

During the Mayor's call for visitors, Mr. Lann Malesky, 1113 Va. Ave., NW spoke briefly to Council regarding the demolition of the property on Park Avenue where the new CVS will be built. He had talked with Councilman Fawbush earlier and had been advised today by Councilman Fawbush that the matter had been handled. His concern was for a potential rodent problem once the houses are demolished. The City had contacted the developer and the developer had advised that they have hired an exterminator to handle this problem should it arise. Mr. Malesky thanked Councilman Fawbush and the City for the assistance in handling this problem for the residents of this area.

24421

Ms. Angela Robinette, a resident of Norton, spoke with Council advising that her son had been given a ticket for trespassing at the City Park on June 25, 2009. The Police Department gave no warning ticket and her son was assigned to do 20 hours of community service. She handed Council members pictures of the signs posted at the park, which she stated were small, and offered several suggestions to Council that could be done at the park to see that there is not a reoccurrence of this happening. Mayor Mays advised that Mrs. Robinette had some good suggestions and that the City Manager with follow up with the Parks and Recreation Director. Ms. Robinette thanked Council for their consideration of this situation.

24422

Mr. Scott Kiser, Principal of Norton Elementary and Middle School, spoke briefly to Council thanking the City for their assistance in getting things ready for the opening of school this year, the coordination on the Walk to School Day, and issues with traffic flows. He expressed his appreciation to all involved in these situations.

24423

At their last meeting, Council had been presented with financial options on the Norton Elementary School Project and the City Maintenance and Public Works Building by Mr. David Rose of Davenport and Company.

Mr. Ward briefly reviewed these options again tonight with Council advising that the NES Project Bond Anticipation Note in the amount of \$7,500,000 with Sun Trust Bank matures in December of this year, and the City will need to refinance this existing

obligation. The recommendation made by Mr. Rose was a five year callable note with First Bank and Trust Company, a local bank, at a rate of 3.86% for a five year period. This rate will expire on November 6, 2009.

Regarding the proposed \$2,000,000 new money for the Public Works Facility, Mr. Ward advised the best option was with Tru Point Bank for a 20 year structured loan at 3.99%.

Mr. Ward advised that nothing needs to be done at this point on the Public Works Facility; however, action needs to be done taken on the NES Project.

Following a brief discussion and upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by the following unanimous roll call vote, YES – Caruso, Fawbush, Roop, Mays, NO – None, ABSENT – Hunnicutt, Council moved to adopt A Resolution of the Council of the City of Norton Providing for the Form, Details and Payment of a General Obligation Bond, Previously Authorized, in an Aggregate Principal Amount not to Exceed \$7,500,000 which had been prepared by the City's Bond Counsel, Webster Day, and included in Council's packets. (Insert)

It was the consensus of Council to table any action on the Public Works Facility until after the election and state legislative sessions.

Mr. Ward discussed with Council the possibility of repealing the City's Auto Decal Tax. He had supplied Council, in their packets, information where other localities have done this. The loss revenue to the City, which is \$28,500, can be regained in other ways and he informed Council on several ways this could be done. The City Treasurer advised him that working with the Department of Motor Vehicle's Program, DMV Stop, that City Personal Property Taxes would have to be paid before state decals can be purchased.

The City Attorney advised that a public hearing would need to be held to repeal this Decal Ordinance and it would then take thirty days to go into effect.

Following a brief discussion and upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, the City Manager was advised to advertise a public hearing to repeal the City Decal Ordinance. Mr. Ward advised he would try to have this ready for the next meeting and asked that the City Attorney write this ordinance.

The City Attorney advised Council that they could adopt the ordinance following the public hearing and that it would take effect in thirty days.

Council had a request for authorization to execute agreements with the Department of Housing and Community Development as pertains to the Josephine and Benges Branch Sewer Projects.

Mayor Mays advised that the City Administration has worked a long time on this project.

Mr. Ward advised these contracts will allow the City to go forward with the Josephine Sewer Project and the Benges Branch Interceptor Project. He then gave Council a brief overview on these projects which totals 2.7 million dollars. He also advised that he would like to thank the citizens of the Josephine area as well the City Administration for the work done on this project. He asked for Council's authorization to sign the agreements for these projects.

Upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by unanimous roll call vote, Council moved to authorize the City Manager to sign the necessary agreements for the Department of Housing and Community Development for the Josephine Sewer Project and the Benges Branch Interceptor Line.

Councilman Caruso advised that the City Administration has done an outstanding job on this project.

Fire Chief David Mullins spoke briefly to Council and asked their favorable consideration in the approval of the working officers for the Norton Fire Department for the upcoming 2009-2010 fiscal year. He advised there were no changes from the previous year.

Upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to approve the working officers of the Norton Fire Department for the year 2009-2010 as presented by Fire Chief David Mullins.

24427

Council had been given a copy of a transfer to the Norton City Schools in the amount of \$250,726.51 for the Norton Elementary School Project.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to approve a transfer to the Norton City Schools in the amount of \$250,726.51 for the Norton Elementary School Project. (Insert – Councilman Roop’s Disclosure Form)

24428

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, 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 Investment of Public Funds for Wastewater Infrastructure Improvements as per Section No. 2.2 -3711 (A) (6) of the Code of Virginia, as amended and Consideration of the Acquisition of Real Property for a Public Purpose as per Section No. 2.2-3711 (A) (3) of the Code of Virginia, as amended.

24429

Mayor Mays declared Council in closed meeting.

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

24430

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.

24431

Upon a motion by Councilman Caruso, seconded by Councilman 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)

As to the acquisition of real property for a public purpose, a motion was made by Councilman Roop, seconded by Councilman Fawbush, and passed by unanimous roll call

vote, that the City Manager proceed with the purchase of the Henderson property, Lost Creek Tract, also known as the Jenkins-Stone Mountain Tract in the amount of \$2,500.

24432

Mayor Mays opened the floor for nominations to the Cumberland Airport Commission for a four year term which will expire on October 31, 2013.

Councilman Caruso nominated Wally Witt to be reappointed to this Commission.

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

24433

Mayor Mays declared Mr. Wally Witt reappointed to the Cumberland Airport Commission for a four year term which will expire on October 31, 2013.

In comments from the City Manager, Mr. Ward advised that Council's next meeting will be November 17, 2009. The November 3, 2009 meeting was cancelled earlier by Council due to the election. He further advised that Flag Rock will close this week-end and reopen on Monday for an additional two weeks without camping and restroom facilities.

24434

In comments from the City Attorney, Mr. Bradshaw advised that he had attended a picnic at Flag Rock recently and wished to commend Shelly Knox and the Parks and Recreation Department for this great facility.

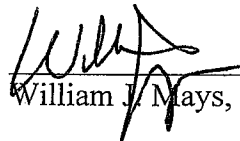
24435

In comments from City Council, all Council members commented on the Flag Rock Recreational Area and what a great facility it is.

24436

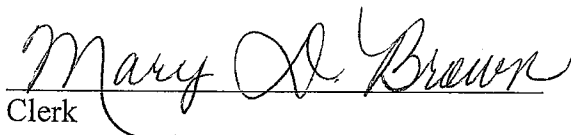
There being no further business to come before Council, the meeting adjourned.

CITY OF NORTON, VIRGINIA



William J. Mays, Mayor

ATTEST:



Clerk