

The rescheduled meeting of the Norton City Council was held on Tuesday, July 28, 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

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

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved that the minutes of the June 16, 2009 meeting be adopted as presented.

24329

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

24330

A public hearing was held to solicit public input on a proposed funding application to the Virginia Recreational Trails Program for the development of a multi-purpose trails system from Legion Park to the High Knob Tower.

The City Manager advised that this grant opportunity requires a 20% match and he thanked Norton resident Carmen Cantrell for her efforts in developing the grant application. The City Manager then asked the City's Park and Recreation Director, Michele Knox, to detail the proposed trail project. Ms. Knox explained that the total projected was expected to cost approximately \$65,000 and would upgrade the trail, which begins at Legion Park and travels to Flag Rock Park and the City Reservoir before connecting to a National Forest trail, which ultimately connects to the High Knob Observation Tower site. In addition to the improvements, switchbacks would be installed around the steepest portions of the trail, a new trail would be added around the Norton Reservoir, and a new handicapped fishing and parking area would be developed at the Upper Reservoir.

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

24331

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

Upon a motion by Councilman Roop, 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 A Resolution Supporting a Grant Application Made to the Virginia Department of Conservation and Recreation for the Virginia Recreational Trails Grant Program. (Insert)

Councilman Caruso thanked Ms. Cantrell and Ms. Knox for their efforts on this grant opportunity and said that he was excited about the trail which would, in essence, connect the downtown to the National Forest Trail System.

Mr. Ward advised that, based upon City Council's request at the June 2, 2009 meeting, he had prepared a draft resolution opposing a requested rate increase by Old Dominion Power Company. Councilman Caruso stated that the resolution was not as strong or harsh as he would have preferred to see, but he thanked Mr. Ward for his efforts on the draft resolution.

24332

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by the following unanimous vote: YES – Caruso, Mays, Fawbush, Roop, NO – None, ABSENT - Hunnicutt, Council moved to approve A Resolution of the City of Norton, Virginia Opposing A Request Rate Increase By Old Dominion Power Company as presented. (Insert)

Mr. Ward explained that he planned to share our resolution with other communities in hopes that they will consider similar action. In addition, he noted that the State Corporation Commission planned a November public hearing in Norton to hear public comment on the request.

City Council had been presented with a Revocable Special Use Permit to Pathfinders Outdoor Adventures, LLC (Pathfinders OA, LLC) to utilize the City of Norton Firing Range to conduct firearms training and classes. Mr. Ward explained that the agreement would require the following: covenants not to sue and shall indemnify the City of Norton, maintain a liability insurance with coverage of not less than \$1,000,000, each participant in the classes shall be required to enter into a Indemnification Agreement; all firearms training shall be conducted by properly certified instructors, and shall comply with all local, state, and federal laws, rules, and regulations. In addition, a prepaid fee of \$30.00 would be charged for each time of use. Mr. Ward also noted that the City Attorney had reviewed and assisted with the Permit.

24333

Councilman Roop asked Mr. Ward how the fee amount was reached and Mr. Ward explained that he attempted to make it similar to other fees charged for other City facilities.

Upon a motion by Councilman Roop, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to enter into a Revocable Special Use Permit to Pathfinders Outdoor Adventures, LLC (Pathfinders OA, LLC) to utilize the City of Norton Firing Range to conduct firearms training and classes.

At this time, Mayor Mays recognized the Norton Little League 11-12 All-Stars who had arrived after the Audience for Visitors and allowed them to address City Council. Ms. Stephanie Adams spoke on behalf of the group who wanted to thank City Council for their financial support for the team's trip to the State Tournament in Northern Virginia. In addition to Ms. Adams, members of the team and coaches shared their experiences of their sightseeing in DC with City Council and the team provided City Council members with a team photo.

24334

Mayor Mays thanked the team for coming to the meeting and was joined by City Council Members in congratulating them on making it to the state tournament and advised that Council looked forward to their success next year.

Mr. Ward presented City Council with a proposed paving list for 2009 and noted that City Council had increased the paving budget from \$180,000 to \$250,000 this year. Mr. Ward explained the list and specifically noted the streets that the City Administration was targeting for resurfacing.

Mr. Ward further explained that the City Administration would advertise the paving bid within the next 30 days and asked City Council to notify him of comments that they may have regarding the streets to be paved.

24335

Mayor Mays asked that the City Administration to consider Murphy Street due to the settling of portions of the street as a result of the construction of a water line. Mr. Mays also wanted Mr. Ward to tell City crews, who had been doing patching recently, that they were doing a good job. Councilman Fawbush also noted that they had also done a good job on the recent patching of 6th Street.

Council had been presented with a draft Ordinance Authorizing Twice A Year Billing for Real Estate and Changing Due Dates for Taxes.

Mayor Mays explained that during both the Capital Improvement Meeting and budget deliberations, City Council discussed the possibility of going to twice a year tax billing for real estate. He further noted that Council members had heard comments over the years from citizens about the difficulty of being faced with paying their taxes in December during the Christmas season. Mayor Mays noted that more localities are moving toward twice a year billing as a way to accommodate the concerns of the citizens and that only 4 of the 39 cities in the Commonwealth have a December 5th annual due date for real estate taxes, one of those being Norton. For these reasons, City Council had requested the City Manager to draft an ordinance that would authorize twice a year tax billing which he has included in their packet.

24336

Mr. Ward advised that, as directed by City Council, he had been working on the draft ordinance with the City's Commissioner of Revenue and Treasurer in preparing the draft that is being presented for Council's consideration. In addition, he noted that due dates for the twice a year payments were recommended to be May 15th and October 15th.

After a brief discussion, City Council requested that the City Administration consider using NMAC 51 and other means to communicate to the citizens once this ordinance is adopted.

Upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by unanimous vote, Council moved to advertise a Public Hearing, to be held on August 18th at 6 PM, to consider an Ordinance Amending Section 23-2 of the Norton City Code Establishing A Due Date for the Payment of Local Taxes and Prescribing Penalties and Interest Thereof.

Council had received an Application for a Water Connection from Kenneth O'Quinn who lives at 6423 West Norton Road which is outside the City limits.

Mr. Ward advised that City staff had reviewed the application and indicated that water is available.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, Council approved the Request for an Outside Water Connection of Kenneth O'Quinn at 6423 West Norton Road.

24337

In their packets, Council had a copy of A Resolution Approving the Planning District One Community Services Board Performance Contract.

The City Manager advised that the City's annual share of their budget is approximately \$21,000 and that the City has one representative on this Board, Ms. Sarah Davis. Primarily, this Board handles mental and drug abuse problems for the member localities.

24338

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous vote: YES – Caruso, Fawbush, Roop, Mays, NO – None, ABSENT – Hunnicutt, Council moved to adopt A Resolution Approving the Planning District One Community Services Board Performance Contract. (Insert)

Council had been given in their packets two requests for reimbursement of 2008 Personal Property Tax due to an erroneous assessment in the amount of \$95.00 for Judy Mathieson and an erroneous assessment in the amount of \$58.26 for Michael Seymore.

Upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to approve two reimbursements of 2008 Personal Property Tax due to an erroneous assessment in the amount of \$95.00 for Judy Mathieson and an erroneous assessment in the amount of \$58.26 for Michael Seymore.

24339

City Council had been given a copy of a check in the amount of \$3,000.00 payable to the Norton Little League to assist with the expenses of the 11-12 year old All-Stars for their trip to the state tournament.

Upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by unanimous roll call vote, Council moved to confirm the check in the amount of \$3,000.00 made payable to Norton Little League.

24340

In their packets, Council had a drawdown request from the Norton City Schools in the amount of \$483,408.70 for the Norton Elementary School Project.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous roll call vote, Council moved to approve a check in the amount of \$483,408.70 made payable to Norton City Schools.

24341

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 2.2-3711 (A) (1) of the Code of Virginia, as amended and acquisition of real property as per Section No. 2.2-3711 (A) (3) of the Code of Virginia, as amended.

24342

Mayor Mays declared Council in closed meeting.

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

Mayor Mays declared Council back in open meeting.

24343

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

24344

Mayor Mays opened the floor for appointment to the Kids Central Board for a Three (3) Year Term which will expire on 5/31/12.

Councilman Roop nominated Norma Crowder for appointment to the Kids Central Board. Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, Council moved that the nominations cease.

24345

Mayor Mays declared Norma Crowder appointed as the City's representative on the Kids Central Board for a three year term which will expire on May 31, 2012.

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

The next regular City Council meeting is scheduled for next Tuesday, August 4th and wanted to know if Council members would prefer to have the meeting as scheduled, move the next meeting, or cancel the meeting which would make the next Council meeting to be held on August 18th. Upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by unanimous vote, Council moved to dispose of the August 4th meeting.

The Safe Routes to School Project is beginning to move forward and two contracts have recently been executed. The first contract involves A VDOT grant for Plan Development to be used at the Norton Elementary School to encourage and educate school age children to walk and ride to school safely. The second contract involves a Preliminary Engineering Report which is being funded by the Department of Mines, Minerals, and Energy.

24346

The City received a letter from Appalachian Traditions requesting a donation for the upcoming Dock Boggs Festival to be held at the Country Cabin II. After a brief discussion, Councilman Caruso requested that Appalachian Traditions representatives attend the next meeting to discuss their request.

The City is currently experiencing a major leak at the Norton Water Treatment Plant under a sediment tank that was constructed in 1937. It is estimated to cost approximately \$18,000 and will require the water plant to be partially down for approximately two weeks. In addition, the City will be required to begin purchasing water from the Town of Big Stone Gap and the Wise County Public Service Authority.

The City received a letter from the Coeburn-Norton-Wise Wastewater Authority regarding a notice that their Authority had received from the Department of Environmental Quality stating that their plant average flow values greater than or equal to 95 percent of their design flow for the facility for three consecutive months. As a result, C-N-W is required to submit a plan of action to DEQ by August 31st.

The Assistant City Manager, Fred Ramey, was asked to update Council on recent marketing activities. Mr. Ramey presented City Council with a City ad which was purchased for the upcoming Crooked Road Guide. The Crooked Road has purchased 100,000 Guides which should be available by the end of August.

He presented Council with new padfolios which can used by City Council as they represent the City in their various functions.

The City Pool will be closing on August 16th.

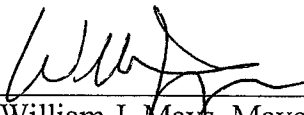
In comments from Council, Councilman Roop commented that he would like to see the City study the potential of a fitness/aquatic center for our residents. Mayor Mays requested that the City Administration list that as a topic for our next Capital Improvement Meeting.

Councilman Caruso thanked City Administration for their recent efforts and interest in Adventure Tourism activities which includes a visit to the Hatfield-McCoy ATV Trails System in West Virginia this Friday. He invited other Council members to attend if available. In addition, Councilman Caruso thanked City Administration for their professional efforts/conduct during the recent negotiations with the Wise County Public Service Authority regarding sewer service. He further stated that he hoped that the City and the Wise County PSA would be able to come to some common ground in the future.

Mayor Mays congratulated Councilman Caruso's ROTC Program for finishing 5th in a recent national competition with 1,200 other programs, most of which were much larger schools.

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

CITY OF NORTON, VIRGINIA



William J. Mays, Mayor

ATTEST:



Deputy Clerk

24347