

The regular meeting of the Norton City Council was held on Tuesday, July 19, 2005 at 7:30 p.m. at the Hotel Norton with Mayor Robert Raines presiding.

Present: Jack Wallace, Robert Raines, William Mays, and Joseph Fawbush

Absent: Joseph Hunnicutt

Also Present: E. W. Ward, City Manger

The invocation was given by the City Manager and was followed by the pledge of allegiance, which was led by City Sheriff Carlos Noaks.

Upon a motion by Jack Wallace, seconded by William Mays, and passed by unanimous vote, Council moved to adopt the minutes of the June 21, 2005 meeting as presented.

21109

During the Mayor's call for visitors, Mike Garrison of 9th Street spoke to Council regarding the new apartments built behind him. He specifically inquired as to what code section the Building Inspector used in allowing the owners of these apartments a 60 day extension on the off-street parking requirement.

Mr. Ward advised that the Building Inspector used his discretion in granting this extension.

21110

Following a brief discussion, Mayor Raines advised Mr. Garrison that the owner of the apartments had the remainder of the 60 day extension and that Mr. Hurt could advise him when this extension expires.

During this discussion, the City Attorney took his seat.

21111

At this time, Mayor Raines amended the agenda to include Item G-6 under Closed Meeting to include an appointment to the Southwest Virginia Emergency Services Council for the unexpired term of Brian Sanders. This term will expire on September 30, 2005.

21112

Council had in their packets A Resolution Authorizing the Execution and Delivery of A Continuing Disclosure Agreement in Connection with the Issuance by the Virginia Public School Authority of Its School Financing Bonds (1997 Resolution) Refunding Series 2003 D, A Portion of the Proceeds of Which Refunded the City of Norton General Obligation School Bond, Refunding Series 1994 A; and Authorizing Any Other Actions Necessary to Achieve the Objectives Contemplated Hereby.

Mr. Ward advised that the City had received a letter from the Virginia Public School Authority advising of a refund on the 2003 D Bonds. The amount of the refund due the City is \$10,883.92. The only stipulation that goes with this refund is that the funds have to be used for School Capitol Projects. The City Manager advised he is working with the staff of the Virginia Public School Authority on this.

Following a brief discussion and upon a motion by Joseph Fawbush, seconded by William Mays, and adopted by the following unanimous roll call vote: YES – Wallace,

21113

Mays, Fawbush, Raines, NO – None, ABSENT – Hunnicutt, Council moved to adopt A Resolution Authorizing the Execution and Delivery of a Continuing Disclosure Agreement in Connection with the Issuance by the Virginia Public School Authority of Its School Financing Bonds (1997 Resolution) Refunding Series 2003 D, A Portion of the Proceeds of Which Refunded the City of Norton General Obligation School Bond, Refunding Series 1994 A; and Authorizing Any Other Actions Necessary to Achieve the Objectives Contemplated Hereby. (Insert)

The City Manager advised Council that the City was in receipt of a one year Conditional Class I Operation and Maintenance Certificate for the upper reservoir by the Commonwealth of Virginia Department of Conservation and Recreation. Along with this certificate were some conditions that need to be met by the dates so designated. Of the five conditions listed, the City has met the deadline on three with a fourth due on August 10, 2005. The remaining condition is to submit a complete Alteration Permit Application by January 15, 2006 for spillway improvements. Mr. Ward advised this item is the most critical of the conditions. The City Manager advised that he feels that the City needs to seek procurement on this item. On June 1, 2005, Mr. Ward sent a letter to Lenowisco seeking funds from their General Assembly appropriation of funds to cover costs of plans and specifications for the Upper Reservoir Project. Of the approximate cost of two million dollars for this project, it is estimated that plans and specifications will cost between \$150,000 to \$200,000.

21114

Following a brief discussion and upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous vote, Council authorized the City Manager to proceed with the procurement of engineering services for the design work on this Upper Reservoir Project and for the City Manager to continue to work with Mr. Ron Flanary of Lenowisco for the funds requested from this organization.

At this time, Mayor Raines advised that Lenowisco had presented to the City a check in the amount of \$5,000 to be used on any water/sewer project. Having accepted this check on behalf of the City, Mayor Raines presented this check to the City Manager.

21115

Included in Council's packet was information on the transfer of ownership of the cable service from Adelphia to Comcast Corporation and Time Warner Cable, Inc. This results from the bankruptcy reorganization that Adelphia is going through at this time.

Mr. Ward advised that the City has 120 days from the date the letter was received, which was June 10, 2005, to consent to this transfer. After talking with Mr. Dave Harris, the consultant used by the local entities in preparing their Cable Franchise Ordinance a few years ago, he was advised that the City needs to be careful in signing off on this transfer.

21116

Following a brief discussion, it was the consensus of Council that the City Manager should reconvene the committee that worked together on this Cable Franchise Ordinance and with the consultant, Mr. Dave Harris, on this transfer of cable ownership.

Council had been presented with A Resolution Approving the Planning District One Community Services Board Performance Contract. This Board deals with mental health,

mental retardation, and substance abuse cases and the City's representative on this Board is Mrs. Barbara Caruso.

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

21117

A request for a refund in the amount of \$26.14 to Mr. David Smith for erroneously assessed mobile home taxes was submitted to Council by the City Treasurer.

Upon a motion by William Mays, seconded by Joseph Fawbush, and passed by unanimous roll call vote, Council moved to approve a refund to Mr. David Smith for \$26.14 for erroneously assessed mobile home taxes in 2004.

21118

Council had been given copies of two checks made payable to the Norton City Schools. One check is in the amount of \$123,881.04 and is for the NES Kitchen Project. The second check is in the amount of \$200,000 for payroll.

21119

Upon a motion by William Mays, seconded by Joseph Fawbush, and passed by unanimous roll call vote, Council moved to approve two checks made payable to the Norton City Schools in the amount of \$123,881.04 for the NES Kitchen Project and \$200,000 for payroll.

Upon a motion by Jack Wallace, seconded by William Mays, 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.

21120

Mayor Raines declared Council in closed meeting.

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

21121

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

21122

Mayor Raines opened the floor for nominations to the Lonesome Pine Library Board for a four year term which will expire on June 30, 2009.

William Mays nominated Brenda Johnson to be reappointed to this Board.

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

21123

Mayor Raines declared Brenda Johnson reappointed to the Lonesome Pine Library Board for a four year term which will expire on June 30, 2009.

Mayor Raines opened the floor for nominations to the Cumberland's Airport Commission for a four year term which will expire on June 30, 2009.

Joseph Fawbush nominated Walley Witt to be reappointed to this Commission.

Upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Raines declared Walley Witt reappointed to the Cumberland's Airport Commission for a four year term which will expire on June 30, 2009.

21124

Mayor Raines opened the floor for nominations to the Southwest Virginia Emergency Medical Services Board for the remainder of Brian Sanders' term which will expire on September 30, 2005.

Jack Wallace nominated William Mays to fill this term.

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

Mayor Raines declared Mr. William Mays appointed to the Southwest Virginia Emergency Medical Services Board for the remainder of a term which will expire on September 30, 2005.

21125

In comments from the City Manger, Mr. Ward advised that he will be out of town on vacation the first week in August.

At this time, Mayor Raines advised that the Assistant City Manger will be out of town attending a meeting and that he will be out of the country on vacation.

Upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous vote, Council moved that the meeting of August 2, 2005 be cancelled.

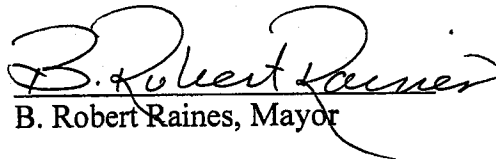
21126

In comments from the City Attorney, Mr. Bradshaw advised that he had submitted the petition for the nominations to the Board of Zoning Appeals; however they have not yet been signed by the Court. He will check on these and advise Council at their next meeting.

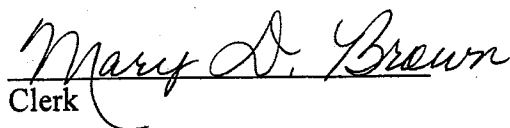
21127

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

CITY OF NORTON, VIRGINIA


B. Robert Raines, Mayor

ATTEST:


Clerk