

The regular meeting of the Norton City Council was held on Tuesday, October 19, 2004 at 7:30 p.m. in the Council Chambers with Mayor Robert Raines presiding.

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

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

The invocation was given by the City Manager and was followed by the pledge of allegiance which was led by Police Chief Sam Mongle.

Upon a motion by Jack Wallace, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council moved to approve the minutes of the September 19, 2004 meeting as presented.

20891

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

20892

Council had been given an updated list of the restrictive covenants for the Laurel Trail Subdivision. The list, presented to Council tonight, had been reviewed by the City Manager, Ken Poore, the City's consultant on this project, and Jeff Shupe. One covenant has been removed from the Structural Requirements. This covenant stated that all homes would have at least three bedrooms and two baths. The stipulation is now that there is a minimum of 1,250 square feet minimum per house.

In the Aesthetic Requirements, the covenant covering vehicles has been changed. This covenant now states that commercial vehicles over 26,000 pounds are prohibited. The covenant regarding fencing had been reworded. This wording, as presented to Council tonight, brought a brief discussion. It was the consensus of Council to include the phrase, "on or within 2 feet of side property line" on this covenant.

20893

The Administration was asked to make this change and to bring these covenants back at the next meeting for Council's action.

Council had a letter in their packet from Mr. Bobby S. Belcher, 1122 Spruce Street, N. W. Mr. Belcher wants the City to vacate a portion of the right of way adjacent to his home and to permit him to purchase a portion of this right of way. Mrs. Belcher was present tonight to answer any questions from Council.

Following a lengthy discussion, Mrs. Belcher was advised that the City does not own this property. If the City vacated the right of way on this property, then the property could revert back to the original owner. Mayor Raines advised Mrs. Belcher that she should go back and research the title and see who owns the free title to this property. He also advised her that the City does issue revocable permits and this might be a route she would want to pursue. If so, she should contact the City Manager.

20894

Council had been given a list of the working officers of the Norton Fire Department for the year 2004-2005 fiscal year for approval as per Section 8-38 of the Norton City Code.

Upon a motion by Joseph Hunnicutt, seconded by William Mays, and passed by unanimous vote, Council moved to approve the list of working officers for the Norton Fire Department for the fiscal year of 2004-2005.

20895

Council had a request from the City Treasurer and the Commissioner of Revenue for a refund for 2003 personal property taxes erroneously assessed to Subaru American Credit in the amount of \$259.46.

Upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous roll call vote, Council moved to authorize a refund of \$259.46 to the Subaru American Credit for 2003 personal property taxes that were erroneously assessed.

20896

During the discussion of this item, the City Manager advised that he would be bringing a presentation to Council in the near future on the impact of the personal property taxes on vehicles, which is due to action taken by the General Assembly.

Since Council's first meeting in November falls on Election Day, Council discussed the change of location for this meeting. Council asked Mr. Ward to see if the Norton Rescue Squad Building would be available that evening.

20897

Council was in receipt of an application for Jeffery Collins, 6406 West Norton Road, for a water tap.

Upon a motion by Joseph Fawbush, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council moved to approve one water tap for Jeffery Collins, 6406 West Norton Road. The Collins' have one year in which to purchase this tap.

20898

Mayor Raines advised that he would like to have this one year time line requirement added to any approved new water or sewer tap.

In Council's packets was a copy of a check in the amount of \$295,000 made payable to the Norton City Schools.

Upon a motion by Joseph Hunnicutt, seconded by William Mays, and passed by unanimous roll call vote, Council moved to approve a check to the Norton City Schools in the amount of \$295,000.

20899

Upon a motion by Joseph Fawbush, seconded by Joseph Hunnicutt, 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 the discussion of the consideration of the acquisition of real property for a public purpose as per Section 2.2-3711 (A) (3) of the Code of Virginia, as amended.

20900

Mayor Raines declared Council in closed meeting.

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

20901

Mayor Raines declared Council back in open meeting.

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 Joseph Hunnicutt, seconded by Joseph Fawbush, and

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

20902

Mayor Raines opened the floor for nominations of a citizen representative to the Lonesome Pine Office on Youth to fill an unexpired term to May 2, 2008.

Joseph Fawbush nominated Stephanie Cassell.

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

20903

Mayor Raines declared Stephanie Cassell appointed to the Lonesome Pine Office on Youth as a citizen representative for a term to expire on May 2, 2008.

Mayor Raines opened the floor for nominations to the Southwest Virginia EMS Council for a three year term which will expire on September 30, 2007.

William Mays nominated Bill Stokes to be reappointed to this Council.

20904

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

Mayor Raines declared Mr. Bill Stokes reappointed to the Southwest Virginia EMS Council for a three year term, which will expire on September 30, 2007.

In comments from the City Manager, Mr. Ward advised that Halloween will be held on Sunday, October 31st. Chief Mongle polled area towns and the county and this was the consensus of the majority of them.

20905

Mr. Ward also advised that he will be bringing an item to Council on their next agenda. This item will be the consideration to accept a sewer line into the City's system. This line, which will be constructed and paid for by Mr. George Barnette, is in the area of the Norton Commons Shopping Center. In addition, Mr. Barnette was granted one free sewer connection as part of a negotiation to provide property to accommodate the relocated Hawthorne Drive.

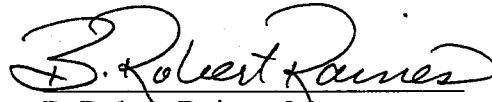
Mayor Raines advised that he has a concern about the ability to handle the sewer from this new growth in the northeast section of the City and outside the City. He would like to make sure these lines meet the capacity that will be needed for this area. Mayor Raines asked the City Manager to evaluate these sewer lines and advise Council of his findings.

20906

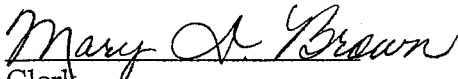
Following a lengthy discussion on this issue and upon a motion by Joseph Fawbush, seconded by William Mays, and passed by the following vote: YES – Wallace, Mays, Fawbush, Raines, NO – Hunnicutt, ABSENT – None, Council moved to put into effect a self imposed moratorium on sewer connections outside the City limits in the northeast section of the city until such time as the current sewer lines can be evaluated. This moratorium would not affect any existing sewer tap obligations already in place.

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

CITY OF NORTON, VIRGINIA


B. Robert Raines, Mayor

ATTEST:


Clerk