

The regular meeting of the Norton City Council was held on Tuesday, December 15, 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 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.

Upon a motion by Councilman Caruso, seconded by Councilman Roop, and passed by unanimous vote, Council moved to adopt the minutes of the November 17, 2009 meeting as presented.

24554

At this time, Mayor Mays made a special presentation to representatives of the Norton Rescue Squad for the observance of their 50<sup>th</sup> Anniversary. He gave a brief history of the formation of this organization and then asked that Aaron Sargent, Captain of the Norton Rescue Squad, Skipper Dorton, and Ricky Cox come forward to accept a Certificate of Appreciation.

Captain Sargent thanked Council for this honor and Mr. Dorton then presented Council members with 50<sup>th</sup> Anniversary ball caps.

24555

Mayor Mays and Councilman Roop both expressed their appreciation to this organization for all its good work.

During the Mayor's call for visitors, Rocky Baker, Principal and Tim Duncan, Assistant Principal of J. I. Burton High School spoke to Council thanking them for the support given for last week's State Football Championship. Mr. Baker also spoke highly of the Norton Rescue Squad and stated that they, too, were in attendance at the football game last Saturday.

24556

Mr. Duncan thanked those members of Council and the City Administration that attended the pep rally, advising that he had not seen this done previously in the areas where he been employed.

Mayor Mays thanked Mr. Baker and Mr. Duncan for the job they are doing at the high school.

During Mr. Duncan's comments to Council, Councilman Hunnicutt took his seat on Council.

24557

Mrs. Carmen Cantrell, Chairman of the Norton Friends and Farmers Market, was present to express appreciation to Council for their support on the Farmers Market. She stated the year was a success and also gave appreciation to the fourteen members who volunteered to help with the Market.

She gave Council members a jar of apple butter made by one of the vendors along with a copy of the results of a survey taken by those in attendance at the Market.

Mayor Mays asked the City Manager to read A Resolution of the City Council of the City of Norton, Virginia Commending the Service of Norton Friends and Farmers Market Board of Directors and Volunteers. Upon a motion by Councilman Roop, seconded by Councilman Caruso, 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 City Council of the City of Norton, Virginia Commending the Service of Norton Friends and Farmers Market Board of Directors and Volunteers.  
(Insert)

Mayor Mays and other Council members expressed thanks to Mrs. Cantrell and the other volunteers for a job well done and stated that they look forward to the next Farmers Market.

A public hearing was held on the rezoning of certain property on Bernice Avenue from Residential A (R-A) to Residential B (R-B).

Councilman Fawbush advised at this time that he would abstain from any discussion or vote on this item for personal reasons.

Mr. Ward advised that the City had received a request from Silver Birch Properties to rezone three lots on Bernice Avenue. This request was heard by the Planning Commission on November 12, 2009 and, by a vote of 3-0 (the number of members present at that meeting), recommended to City Council that this request be approved. They stated the rezoning would not adversely affect the area and could even enhance the neighborhood. No citizens attended this meeting to speak against the request.

The City Administration advertised a public hearing to approve the request by drafting an ordinance for Council's review and consideration. He then advised Council that the City Administration is opposed to the favorable consideration of this ordinance for three reasons. These reasons are: The request could be construed as "spot zoning"; the request may not meet the future land use identified in the City's Comprehensive Plan; and after rezoning, any use allowed in Residential B (R-B) would be acceptable including multi-family housing.

The City Manager further advised that all adjoining property owners had been sent certified letters advising them of this request and Council's meeting date and time.

The City Attorney advised Council that they can legally do whatever they wish with this request; however once it is rezoned, as Mr. Ward stated, any use allowed in Residential B (R-B) will be acceptable. He further advised that the City has fully complied with the requirements to notify adjoining property owners.

Mr. Collins, the City's Building Official, advised Council that he had one call from an adjoining property owner who was not in support of this change.

Councilman Caruso stated he had a problem with the adjoining property owners not speaking up. Mr. Ward advised that they had been notified by letter twice during this process.

At this time, Mayor Mays opened the public hearing.

Chris Ward, a representative of Silver Birch Properties, spoke briefly to Council advising that the double wide they plan to put on this property is a modern home that will

enhance a piece of property that would be very difficult to do something else with. Mr. Ward then answered questions from Council.

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

Following a brief discussion and upon a motion by Councilman Caruso, seconded by Councilman Roop, and passed by the following vote: YES – Caruso, Hunnicutt, Roop, Mays, NO – None, ABSENT – None, ABSTAIN – Fawbush, Council tabled this matter until the next council meeting of January 5, 2010.

Mr. Ward presented Council members with a memorandum updating them on the ongoing City Sewer Projects. He advised there are four projects ready to start and briefly discussed each of these with Council. He advised these projects will generate a lot of work for City staff.

24560

Mayor Mays commended Mr. Ward and his staff for all the work done on these projects. He also stated that former council members, Robert Raines and Jack Wallace, had a big hand in obtaining these projects.

Council had a request from Wise County Administrator, Shannon Scott, asking that the City send a letter of support for Wise County as pertains to a Wastewater Treatment Plant on the Powell River.

Mr. Ward advised that part of the process the County is going through for the Department of Environmental Quality (DEQ) is to obtain input from the affected communities.

24561

Following a brief discussion and upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous vote, Council authorized the City Manager to send a letter of support with conditions to the Department of Environmental Quality per the request of Wise County stating that the City has no objections to this plant as long as there are no adverse effects on the C-N-W Regional Sewer Authority or on the citizens and businesses of Norton.

In their packets, Council had been furnished with a copy of A Resolution of the Governing Body of the City of Norton as pertains to the Upper Norton Reservoir Project. This resolution is standard USDA language and states that the City agrees to abide by the rules, regulations, and covenants of the U. S. Department of Agriculture Rural Development and authorizes the City Manager and Mayor to sign the necessary documents. Mr. Ward advised that there will be more paper work to come on this project.

24562

Upon a motion by Councilman Hunnicutt, seconded by Councilman Roop, and passed by the following unanimous roll call vote: YES – Caruso, Hunnicutt, Fawbush, Roop, Mays, NO – None, ABSENT – None, Council moved to adopt a Resolution of the Governing Body of the City of Norton. (Insert)

Mr. Ward presented Council with a request to approve a loan resolution with USDA Rural Development as pertains to the Upper Reservoir Project.

The City Manager advised this resolution is for the actual loan and stipulates that the City will accept a grant in the amount of one million dollars. There is also a certification that will be executed at the time of closing.

24563

Upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by the following unanimous roll call vote: YES – Caruso, Hunnicutt, Fawbush, Roop, Mays, NO – None, ABSENT – None, Council moved to adopt A Loan Resolution with the USDA Rural Development as pertain to the Upper Reservoir Project. (Insert)

Mr. Ward advised that the City had been given a Business Associate Agreement by Mr. Bob Cassell of the Lenowisco Health District which covers privacy and security of protected health information. He advised Council that the City Attorney had looked over this agreement.

Mr. Bradshaw advised that there are some errors on this form and he would like to have them corrected and cleaned up.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous roll call vote, Council authorized the City Manager to execute this Business Associate Agreement with the Lenowisco Department of Health once it has been corrected and it has been cleaned up.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous roll call vote, Council moved to approve a transfer in the amount of \$475,000 to the Norton City Schools to cover payroll and fringe benefits.

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous roll call vote, Council moved to approve a \$7,000 check made payable to J. I. Burton High School for the State Football Championship Game pending receiving the receipts from this trip with said funds to come from Contingency. (Insert – Councilman Roop’s Disclosure Form)

Upon a motion by Councilman Hunnicutt, 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 the discussion of the acquisition of real property as per Section No. 2.2-3711 (A) (3) of the Code of Virginia, as amended.

Mayor Mays declared Council in closed meeting.

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

Mayor Mays 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 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)

Mayor Mays opened the floor for an appointment to the Southwest Regional Health Authority for a four year term which will expire on December 31, 2009.

At this time, Councilman Roop advised he will abstain from discussion or vote on this item.

Councilman Caruso nominated Cheryl Roop to be reappointed to this Authority.

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by the following vote: YES – Caruso, Hunnicutt, Mays, Fawbush, NO – None, ABSENT – None, ABSTAIN - Roop, Council moved that the nominations cease.

24569

Mayor Mays declared Cheryl Roop reappointed to the Southwest Regional Health Authority for a four year term which will expire on December 31, 2013.

In comments from the City Manager, Mr. Ward advised this was the first full year for this City Council and that it had been a very busy and productive year. He then wished all present a Merry Christmas and Happy New Year.

24570

In comments from the City Attorney, Mr. Bradshaw thanked Council for the privilege of serving the City and extended his best wishes during this holiday period.

24571

In comments from City Council:

Councilman Roop advised that there had been various projects worked on this year and the City Administration had done an excellent job on them. He then extended his good wishes for the holiday season.

Councilman Fawbush stated that the citizens of Norton are very lucky to have this City Administration and all the City employees. He extended his holiday wishes for a quiet holiday season for all City employees.

Mayor Mays agreed with Councilman Fawbush and extended his best wishes for the holiday season.

24572

Councilman Caruso stated that in the New Year there will be serious hard economic times ahead and the City needs to prepare for a four billion dollar shortfall from the State and for some bad economic times in 2010. He also commended all City crews for the wonderful job done during the recent windstorm with downed trees and thanked the City, NIDA, and Assistant City Manager Fred Ramey for their support of the Southwest Regional Recreation Authority. Continued support of this group will make Norton very prosperous.

Councilman Hunnicutt advised there are some trees on City right-of-way across from the new CVS Property that need to come down.

Mayor Mays thanked Council for allowing him to serve as Mayor. He advised it had been a good year and extended his best wishes for a Merry Christmas and a Happy New Year. He advised the first council meeting of the New Year will be on January 5, 2010.

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

CITY OF NORTON, VIRGINIA



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William J. Mays, Mayor

ATTEST:



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Clerk