

The regularly scheduled meeting of the Norton City Council was held Tuesday, December 3, 2019, at 6:00 p.m., in the Municipal Council Chambers with Mayor Joseph Fawbush presiding.

Present: William Mays, Robert Fultz, Jr., Joseph Fawbush, Mark Caruso and Delores Belcher

Also Present: Fred L. Ramey, Jr., City Manager

The invocation was given by Pastor and City Councilman Robert Fultz, Jr., and was followed by the Pledge of Allegiance led by Fire Chief Todd Lagow.

Upon a motion by Councilman Mays, seconded by Councilwoman Belcher, and passed by the following vote: YES – Mays, Fultz, Fawbush, Caruso, Belcher, NO – None, ABSENT – None, council moved to adopt the minutes of the November 19, 2019, meeting as presented.

There was no response to the Mayor's Call for Visitors.

Council had been presented in their packets with two Resolutions Declaring the City of Norton, Virginia, a Second Amendment Sanctuary City.

Mayor Fawbush said the two resolutions are a variation of each other, but both documents support declaring the city a Second Amendment Sanctuary City. He said council would consider adoption of one or none of the resolutions. Mayor Fawbush told audience members if anyone wanted to address council before members begun deliberation they were welcome to come forward and address council.

Donald Purdie of 406 Foggy Bottom Lane, Hiltons, Virginia, came forward and told council he applauded their efforts and the resolution sends a very clear message that citizens are not going to allow infringement of their Second Amendment rights,

Ron Norris of 520 Kentucky Avenue, Norton, Virginia, told council the Second Amendment protects the rights of the individual to keep and bear arms and was ratified in 1791. He noted that in the 2008 court case of the District of Columbia V. Heller, 554 U.S. 570 (2008) the Supreme Court of the United States held that the Second Amendment protects the rights of the individual to keep and bear arms. Mr. Norris said the right is for individuals to protect themselves especially in their homes. He said state and local governments are limited to the same extent as the federal government and are kept from infringing upon citizens' individual rights. Mr. Norris went on to say that the Second Amendment is not specific about the type of guns citizens can own, and council passing the resolution to keep and protect the Second Amendment sends a message to state government that they cannot modify the Second Amendment.

Sam Dixon of 405 Oak Street, Norton, Virginia told council he did not think the word "patriot" should be used in the resolution. Mr. Dixon said he felt just as patriotic as a gun owner and he doesn't think the number of guns a person has in their gun safe is the definition of a patriot.

There being no one else to approach council, Mayor Fawbush asked members for comments to begin deliberation and/or a motion on one of the resolutions in council's packets.

Councilman Caruso thanked council members and those in the audience for their support of the Second Amendment Sanctuary City Resolution. He also thanked those that support the resolution and efforts to defend the constitution of Virginia and the United States but could not attend tonight's meeting. Prior to reading the four-page resolution, Councilman Caruso asked council members for their support for the Resolution Declaring the City of Norton, Virginia a Second Amendment Sanctuary City. In a prepared statement, Councilman Caruso said citizens who support the Second Amendment wish to avoid a constitutional crisis and possible confrontations between law-abiding citizens and good law enforcement officers who serve Virginians every day. Councilman Caruso said citizens are asking Virginia Governor Ralph Northam to have legislators withdraw all proposed gun legislation that restricts gun ownership and the right for people to freely assemble and train, or veto any bill that restricts Virginians' Second Amendment or right to assemble. He stated that the upcoming proposed statute is an attack on the civil rights of Virginians' on both state and federal levels and must be contested by citizens as if it were any other guaranteed rights and protections. Councilman Caruso said the proposed gun legislation will make Virginians less safe and secure and benefit criminals who wish to do harm to citizens across the state. He said if Northern and Eastern Virginia counties, towns, and cities want gun control legislation, local governments can enact laws for their individual communities. Councilman Caruso said cities, towns, and counties that support the Second Amendment should form an alliance to create a joint legal defense fund to oppose the proposed gun control legislation. He said that if the governor does not renounce the proposed statutes law-abiding citizens will use every means to peacefully restore the Second Amendment guaranteed under the Bill of Rights (Prepared Statement Attached).

Councilman Caruso said council has two resolutions to consider and he would like to present the resolution he feels best identifies the problem and how to deal with the issues the new proposed legislation will create. He said if any council member wants to make a substitute motion they may do so.

Councilman Caruso made a motion to adopt the four-page Resolution Declaring the City of Norton Virginia, a Second Amendment Sanctuary City and then read the resolution aloud. After reading the resolution, a standing ovation was given by the audience, and Mayor Fawbush asked if there was a second to the motion and if council had any comments or discussion. Councilwoman Belcher seconded the motion and stated that if you allow someone to get their foot in the door eventually all firearms will be confiscated. She also noted that once Second Amendment supporters are classified as felons they lose their right to vote and gun control advocates can do what they want to with gun legislation.

Councilman Fultz said that this is not a fight we chose; it's been forced upon us by the outcome of the recent election. He stated that he cannot reconcile the governor's approval of abortion or killing babies outside of the womb, but he is afraid of citizens owning guns. Councilman Fultz said for the City of Norton this is one step of many and everyone needs to register and vote. He said citizens across the Commonwealth need to work together to retake the Virginia legislature and the governor's office because the current state government will continue to push these agendas. Councilman Fultz said he was in agreement with Councilman Caruso that Northern Virginia can pass gun legislation for their area but leave Norton alone. The audience then applauded, and Councilman Mays concurred with fellow council members Fultz and Belcher.

Mayor Fawbush said when council elected him as mayor he took an oath to protect the Constitution of the United States and the Constitution of the Commonwealth of Virginia and

he finds it ironic that on our state flag is the symbol “Sic Semper Tyrannis” which basically means tyrants will be overthrown and removed from power.

Mayor Fawbush asked council if anyone had any more comments and then asked the clerk to call roll: YES – Mays, Fultz, Fawbush, Caruso, Belcher, NO – None, ABSENT – None, ABSTAIN – None, council moved to unanimously adopt the Resolution Declaring the City of Norton, Virginia, a Second Amendment Sanctuary City (Insert). At this time, council received a standing ovation and a round of applause.

Councilman Caruso read a prepared statement, thanked council members for adopting the resolution to protect the civil rights of the citizens of Norton, and thanked the audience members for their attendance. He said the resolution demonstrates Norton’s resolve to stand against the proposed gun restriction legislation through peaceful and legal means (Complete Comments Attached). After Councilman Caruso’s statement, council was honored with applause.

Mayor Fawbush declared a 10-minute recess.

Council had been presented with a Resolution urging federal legislators to support legislation to reauthorize the Abandoned Mine Land (AML) Program.

Mr. Ramey said Matthew Hepler of Appalachian Voices gave council a draft AML resolution at the November 19th council meeting requesting council’s consideration. Mr. Ramey said the AML Fund was established to help with the reclamation of former mined land before the 1977 Reclamation Act was passed. He said the draft resolution has been slightly modified from the original version and is ready for council’s review and consideration.

Upon a motion by Councilman Mays, seconded by Councilwoman Belcher, and passed by unanimous vote, council moved to adopt the Abandoned Mine Land Resolution. (Insert)

Council had in their packets a Resolution in Support of the Community Remembrance Project and Acknowledgement of the Efforts of Former Norton Resident and Business Owner Bruce Crawford.

Mr. Ramey said at the September 17th meeting that Preston Mitchell and others presented this resolution and explained the resolution’s purpose. At that meeting, Councilman Fultz suggested more information about Norton business owner Bruce Crawford and his efforts be included in the resolution. Mr. Ramey said Mr. Mitchell said there wasn’t much more he could add to the resolution so he added Mr. Crawford’s name to the title of the resolution in an effort to highlight Mr. Crawford’s efforts to end lynching.

Upon a motion by Councilwoman Belcher, seconded by Councilman Caruso, and passed by unanimous vote, council moved to adopt the Resolution in Support of the Community Remembrance Project and Acknowledging the Efforts of Former Norton Resident and Business Owner Bruce Crawford. (Insert)

The city manager said in 2016 city council authorized city administration with its financial advisors and bond counsel to request proposals to establish a line of credit with a banking institution. He said the purpose of the line of credit was to assist the city during periods of short cash flow and to assist with the advance payment of grant projects that the city works on until reimbursement funds are received from the grantor. The city manager noted that the line of credit would also assist with large debt service payments that also come due during low cash flow periods and for any unforeseen emergencies that might arise. The city manager

stated that the city accepted a three-year two million dollar line of credit from Carter Bank and Trust, the line of credit has expired, and the bank is no longer issuing lines of credit as part of its portfolio. He said city administration is requesting authorization to work with the city's financial advisors to request proposals for the establishment of a new line of credit.

Councilman Mays made a motion to authorize city administration to work with the city's financial advisors to request proposals from banking institutions for a new line of credit. The motion was seconded by Councilman Fultz, and passed by unanimous roll call vote.

In packets for council consideration was a transfer to Norton City Schools, dated September 26, 2019, in the amount of \$200,000 to cover September 2019 payroll expenditures.

Upon a motion by Councilwoman Belcher, seconded by Councilman Mays, and passed by unanimous roll call vote, council moved to confirm the transfer to Norton City Schools, as stated above.

Upon a motion by Councilman Belcher, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Mays, Fultz, Fawbush, Caruso, Belcher, NO – None, ABSENT – None, council moved to go into closed meeting for Personnel as per Section 2.2-3711 (A) (1), and for the Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body as per Section 2.2-3711 (A) (3), of the Code of Virginia, as amended.

Mayor Fawbush declared council in closed meeting.

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

Mayor Fawbush 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 Councilman Fultz, seconded by Councilman Mays, and passed by unanimous vote, council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

Mayor Fawbush opened the floor for nominations to the Appalachian Juvenile Commission for a two-year term to expire November 30, 2021.

Councilman Mays nominated James Lane to be reappointed to the Appalachian Juvenile Commission for a two-year term to expire November 30, 2021.

Upon a motion by Councilwoman Belcher, seconded by Councilman Caruso, and passed by unanimous vote, council moved that the nominations cease.

Mayor Fawbush declared James Lane reappointed to the Appalachian Juvenile Commission for a two-year term to expire November 30, 2021.

Mayor Fawbush opened the floor for nominations to the Virginia's Heritage Music Trail for a three-year term to expire November 30, 2022.

Councilwoman Belcher nominated Linda Hamilton to be reappointed to the Virginia's Heritage Music Trail for a three-year term to expire November 30, 2022.

Upon a motion by Councilman Mays, seconded by Councilman Caruso, and passed by unanimous vote, council moved that the nominations cease.

Mayor Fawbush declared Linda Hamilton reappointed to the Virginia's Heritage Music Trail for a three-year term to expire November 30, 2022.

In comments from the city manager:

Mr. Ramey informed council that the FY19 Audit is in underway and it is anticipated that the audit will not be completed until January 2020.

Mr. Ramey reminded council that the required Conflict of Interest Act training must be completed by December 31, 2019.

Mr. Ramey told council the following events are scheduled for the month of December: The city's Christmas Tree Lighting Ceremony is scheduled for 5:00 – 8:00 p.m., Saturday, December 7th, at Veterans' Park; the Christmas parade begins at 6:00 p.m., Sunday, December 8th; and the Regional Legislative Reception is scheduled to begin Wednesday, January 22, 2020, at the Library of Virginia in Richmond.

The following comments were made by council members:

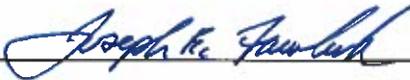
Councilman Mays asked the city manager to email the link to take the Conflict of Interest Act training again.

Councilman Caruso thanked council members for their support of the Second Amendment resolution, and he said he is proud that so many came out to support the resolution.

Mayor Fawbush noted that it is a busy weekend in the city with the upcoming tree lighting ceremony and the Christmas parade

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

CITY OF NORTON, VIRGINIA



Joseph Fawbush, Mayor

ATTEST:



Rebecca K. Coffey, Clerk of Council