

The regular meeting of the Norton City Council was held on Tuesday, October 19, 2010 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, who asked that those present remember the family of former Norton Police Chief Sam Mongle. Mr. Mongle passed away last week. The invocation was followed by the pledge of allegiance which was led by Fire Chief D. C. Mullins and members of the Norton Fire Department.

At this time, Councilman Hunnicutt took his seat on Council.

24844

Upon a motion by Councilman Caruso, seconded by Councilman Hunnicutt, and passed by unanimous vote, Council moved to adopt the minutes of the September 21, 2010 meeting as presented.

24845

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

24846

Mr. Ward advised Council that as of October 13, 2010, the City had a combined reservoir capacity of 63 million gallons, which is a 131 day supply. We continue to purchase water from the Wise County PSA and on October 18th, we began purchasing 120,000 gallons per day from the Town of Big Stone Gap. The City will continue to observe the situation and ask citizens to continue to conserve water. Hopefully, we will begin receiving some precipitation.

24847

Mayor Mays thanked Mr. Ward for the update.

Council had been given a copy of A Resolution Authorizing the Issuance and Sale of General Obligation Refunding Bonds in a Maximum Aggregate Principal Amount of \$7,630,000 of the City of Norton, Virginia, Providing for the Firm, Details and Payment Thereof and Providing for the Refunding of a General Obligation Bond of the City.

Mr. Ward advised that he was advised at the last meeting to proceed with the issuance and sale of General Obligation Refunding Bonds to refinance the Norton Elementary School Project Debt. He also advised that the Administration had prepared a General Operating Statement which will be used with lending institutions to secure a favorable interest rate and he could supply Council members with a copy if they would like to have one. He also advised that Mr. David Rose of Davenport and Company and Mr. Dan Siegel, a bond counsel attorney from Sands Anderson were present at tonight's meeting.

Mr. Rose spoke briefly advising that if the interest rates continue to drop, they will refinance within the next few weeks and the closing will be a couple of weeks later. The interest rate will be locked in until 2015 and they will be talking with bond rating agencies tomorrow.

Mr. Siegel advised that the resolution, once adopted, will authorize the City Manager to decide if the savings is worth the refinancing when the information is received. He advised Council that he can give them the details of the bonds if they wish and that he is willing to answer any questions Council may have.

The City Manager advised that a public hearing is not required as this is not new debt. Mr. Rose then advised Council that if the interest rates go up and not worth the refinancing now, this can be done at a future date once the resolution has been adopted.

The City Attorney advised that once adopted, the resolution will go into effect immediately.

Following a brief discussion and upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by the following unanimous roll call vote: YES – Caruso, Hunnicutt, Fawbush, Roop, and Mays, NO – None, ABSENT – None, Council moved to adopt A Resolution Authorizing the Issuance and Sale of General Obligation Refunding Bonds in a Maximum Aggregate Principal Amount of \$7,630,000 of the City of Norton, Virginia, Providing for The Form, Details and Payment Thereof and Providing for the Refunding of a General Obligation Bond of the City as presented. (Insert)

Fire Chief D. C. Mullins spoke briefly to Council and introduced the working officers for the 2010/2011 fiscal year of the Norton Fire Department for Council's appointment. Mr. Mullins advised that there was a total of 170 years of service from these individuals and himself.

Following a brief discussion and upon a motion by Councilman Hunnicutt, seconded by Councilman Roop, and passed by unanimous vote, Council moved to appoint the working officers of the Norton Fire Department for the 2010/2011 fiscal year as presented.

In their packets, Council had a memorandum from the City Manager advising that Councilman Caruso had asked that Council consider amending the City Code to allow children twelve years of age and under to have the ability to fish in the Upper Reservoir without having to obtain a \$5.00 license. If Council decides to proceed with this amendment to the City Code, an ordinance will have to be adopted and a public hearing will be required.

Mr. Ward advised that the revenue that will be lost by the elimination of purchasing this license is approximately \$500 annually.

Following a brief discussion, it was the consensus of Council for the City Manager to advertise a public hearing, prepare an ordinance to change the City Code to state that any child under the age of twelve may fish as long as he is accompanied by an adult who has the proper State license and City permit. This will apply to both residents and non-residents.

Councilman Caruso advised that all changes for fishing should be put on the new permits. Mr. Ward advised that this would be done.

Council had two requests from the Commissioner of Revenue for refunds of erroneously assessed personal property taxes. The first is for Trula Kozitka in the amount of \$59.07 and the second is to Marsha Stacy in the amount of 19.84.

Following a brief discussion and upon a motion by Councilman Hunnicutt, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to approve refunds for erroneously assessed personal property taxes as stated above.

Following the vote on these requests and after receiving direction from the City Attorney regarding the refund for Ms. Stacy, Council then initiated a new substitute motion which is as follows: Upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to approve a refund to Trula Kozitka in the amount of \$59.07 for 2010 erroneously assessed personal property tax.

24852

Regarding Ms. Stacy's refund, Council asked the City Manager to get additional information. If no action needs to be taken on this refund, it will not be brought back to Council.

Council had a request for one water tap for J. L. Mullins, 5927 West Norton Road in the Josephine section of Wise County.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to approve one water tap to J. L. Mullins of 5927 West Norton Road.

24853

In their packets, Council had a copy of A Resolution Recognizing the Twentieth Anniversary of the Americans with Disabilities Act.

Mr. Ward advised this is on the agenda by a request from the Junction Center for Independent Living. He then discussed with Council areas where the City has made improvements such as sidewalk cuts and accessibility to City Hall. He then asked for Council's favorable action on this resolution.

24854

Upon a motion by Councilman Roop, seconded by Councilman Hunnicutt, and passed by the following unanimous vote: YES – Caruso, Hunnicutt, Fawbush, Roop, Mays, NO – None, ABSENT – None, Council moved to adopt A Resolution Recognizing the Twentieth Anniversary of the Americans with Disabilities Act. (Insert)

Mr. Ward advised Council members that the first meeting in November is Election Day. He asked Council if they would like to have this meeting at another location or consider canceling this meeting.

24855

Following a brief discussion and upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to dispense with the November 2, 2010 meeting and have one meeting on November 16th. Should any business come up before then, a called meeting can be held.

Council had a request for a transfer in the amount of \$360,000 to the Norton City Schools to cover payroll and fringes.

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous roll call vote, Council moved to approve a transfer in the amount of \$360,000 to the Norton City Schools to cover payroll and fringes. (Insert – Councilman Roop's Disclosure Form)

24856

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

24857

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 in open meeting.

Mayor Mays declared Council back in open meeting.

24858

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 Hunnicutt, 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 Certification of Closed Meeting. (Insert)

24859

Mayor Mays opened the floor for nominations to the Norton Redevelopment and Housing Authority to fill the unexpired term of Dorothy Graham. This term will expire on January 28, 2011.

24860

Councilman Hunnicutt nominated Renee Robinson to be appointed to this Authority.

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

Mayor Mays declared Renee Robinson appointed to the Norton Redevelopment and Housing Authority for the unexpired term of Dorothy Graham which will expire on January 28, 2011.

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

The Upper East Tennessee Round Table has received a grant to install a rain garden at our Clear Creek Park. This is estimated to cut down pollution into Clear Creek by 30% and the project is underway now.

The Norton Parks & Recreation Department, in conjunction with the Norton Lions Club, is planning a Halloween Bash in the City Park Saturday, October 23rd from 3:00 p.m. to 7:00 p.m.

24861

Halloween is on Sunday, October 31, 2010 and trick-or-treating will be from 5:30 to 8:30.

The Poplar Street Water Project is finished and this area will be paved shortly. The City Administration would like to do some additional paving on the High Knob Road. This would start at Laurel Avenue and go up to the culvert at Benges Branch. This road is in very bad condition. The rest of the road will be done next year.

A firm has been procured to do striping in the City and this will begin within the next two weeks.

Mr. Ward had a picture on the screen showing an area within the City and asked Council members if they recognized it. Both the Mayor and Vice Mayor recognized the area which was the old Ramsey Sewer Plant Property. The Guest River Phase I Project that the City is doing required use of some of this property. It has been graded and re-seeded and looks really good.

24862

There were no comments from the City Attorney.

2486

In comments from Council members, Councilman Hunnicutt stated that he was at a local restaurant in the City on Saturday evening. The restaurant had a live band and the local police officers showed up at 8:30 p.m. advising restaurant personnel that they had received complaints about the loud music.

24864

Mr. Ward advised that both he and the Assistant City Manager, Mr. Ramey, had received complaints about the music.

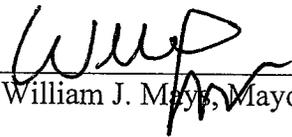
Councilman Hunnicutt advised that the City's Noise Ordinance needs to be reviewed.

The City Attorney advised that he shares the same concerns as Councilman Hunnicutt and that the City's ordinance can be improved.

Following a brief discussion, Mayor Mays advised that he would like to do some research on the internet before the City Manager brings this ordinance to Council for review.

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

CITY OF NORTON, VIRGINIA



William J. Mays, Mayor

ATTEST:



Clerk