

The regular meeting of the Norton City Council was held in the Fire Hall of the Municipal Building on Tuesday, May 3, 1994 at 7:30 p.m. with Mayor Raines presiding.

Present: Roy Roberts, Jack Wallace, Robert Raines, William Mays, and Ron McCall

Also Present: E. W. Ward, City Manager and Joe Pippin, City Attorney

Mayor Raines extended a welcome to the Quest Group and Government Class and their sponsors from J. I. Burton High School.

Prior to the invocation, Mayor Raines read a portion of the obituary of Mr. C. Leonard Marcum, the Commissioner of Revenue, who passed away this past week and asked for a minute of silence. The invocation was given by the City Manager and was followed by the Pledge of Allegiance led by Police Chief Sam Mongle.

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Upon a motion by Jack Wallace, seconded by William Mays, and passed by unanimous vote, Council moved to adopt the minutes of the April 19, 1994 meeting as presented.

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

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A public hearing was held to consider the 1994-95 City of Norton School Board Budget. Mayor Raines advised the budget had been advertised as a total budget in the amount of \$4,362,493 of which \$1,436,234 is from local funds, and \$55,000 for equipment funding. Since the advertisement, the School Board Budget has been amended.

Mr. Ward advised the budget now totals \$4,312,493 with \$1,386,234 in local funds and \$95,000 in capital projects.

The Mayor asked School Board Chairman Marty Hagy and Dr. Armentrout, Superintendent of Schools, to speak briefly on this budget so the school children in attendance will be aware of what it includes.

There were no questions or comments from Council prior to the public hearing.

Mayor Raines opened the public hearing.

There was no public response during the public hearing.

Mayor Raines closed the public hearing.

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Following a brief discussion and upon a motion by Ron McCall, seconded by Roy Roberts, and passed by unanimous roll call vote, Council moved to approve the City of Norton School Board Budget for 1994-95 in the total amount of \$4,312,493 with \$1,386,234 in local funds, and \$95,000 in capital projects.

Mr. Hagy, on behalf of the administration, faculty, and students thanked Council for their support.

Mr. Leland Branham, Resident Engineer of the Virginia Department of Transportation Office in Wise, gave Council an update of the Norton By-Pass and gave Council several maps covering this. Advising that the by-pass had run into major problems with the relocation of six additional families, the total cost of the by-pass has grown from 15.3 million dollars to over 20 million dollars. He advised there is a slight possibility that traffic might be on the by-pass this fall; however the estimated date of completion is June of 1995. The grading and bridge work are both about 60% complete.

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He then went over the handouts he had provided Council and answered questions Council had. He advised that VDOT has scheduled an urban project on the bridge at Second Street and that the bridge in Esserville at Rt. 620 will be closed beginning June 1st for 3 months due to repairs.

Michele Knox, Parks and Recreation Director, spoke to Council wishing to expand the Curbside Recycling Program to include another section of Virginia Avenue and 9th Street. This will expand our program to 189 from the current 152

households. Ms. Knox also advised we currently have a 50% participation rate.

Following a brief discussion and upon a motion by William Mays, seconded by Roy Roberts, and passed by unanimous roll call vote, Council authorized the City to expand its Curbside Recycling Program to another portion of Virginia Avenue and 9th Street and increasing our total households from 152 to 189.

Mayor Raines advised Ms. Knox that Council appreciated her efforts on this project.

Council had in their packets A Resolution Authorizing the Month of May 1994 as Adult Abuse Prevention Month in the City.

Following the City Manager's reading of the entire resolution and upon a motion by Roy Roberts, seconded by Jack Wallace, and passed by unanimous vote, Council moved to adopt A Resolution Authorizing the Month of May 1994 as Adult Abuse Prevention Month in the City. (Insert)

Upon a motion by Roy Roberts, seconded by William Mays, and passed by unanimous roll call vote, Council moved to go into Executive Session to discuss personnel as per 2.1-344(A) (1) of the Code of Virginia, as amended and consultation with legal counsel pertaining to actual or probable litigation as per 2.1-344(A) (7) of the Code of Virginia, as amended.

Mayor Raines declared the meeting Executive Session.

Upon a motion by Ron McCall, seconded by William Mays, and passed by unanimous vote, Council moved to go back in regular session.

Mayor Raines declared the meeting back in regular session.

The Clerk then polled each member of Council as to the Certification of Executive Meeting and received the following vote: Wallace, Mays, McCall, and Raines - YES. Mr. Roberts advised he is interested in the position of Commissioner of Revenue and therefore left the Executive Session when that discussion took place. He cannot certify as to what happened during that section of Executive Session; however he can certify yes to the remainder of the Executive Session. The Clerk then read the entire Resolution of the Certification of Executive Meeting. Upon a motion by William Mays, seconded by Ron McCall, and passed by the following vote: Wallace, Mays, McCall, Raines - YES; Roberts - ABSTAIN, (due to same reasons given above on polling), Council moved to adopt A Resolution of the Certification of Executive Meeting. (Insert)

Mayor Raines advised that there was no report to be made regarding litigation or legal items at this time.

Mayor Raines advised that Ms. Marilyn Maxwell had withdraw her resignation from the Social Services Advisory Board and will serve the remainder of her term so an appointment is no longer needed.

Under the consideration of the vacancy in the Commissioner of Revenue's Office due to the death of Mr. Leonard Marcum, Council had asked for clarification from the Attorney General's Office in Richmond on whether Council makes the appointment under the charter provisions of the Norton City Code or whether the Circuit Court Judges make the appointment after receiving recommendations from Council. The preliminary opinion of the Attorney General's Office by telephone is that the Circuit Court Judges will make the appointment. Assuming the formal written opinion from the Attorney General's Office confirms this, Council will instruct, by motion, the City Manager and the City Attorney to petition the Wise County Circuit Court for an interim appointment to the office of Commissioner of Revenue. Upon a motion by William Mays, seconded by Jack Wallace, and passed by the following vote: Wallace, Mays, McCall, Raines - YES, Roberts - ABSTAIN, Council instructed the City Manager and the City Attorney to petition the Wise County Circuit Court for an interim appointment to the office of Commissioner of Revenue.

Mayor Raines further advised that Council needed a motion to instruct the City Manager and City Attorney to petition the Circuit Court for a writ of election to fill the constitutional office of the City of Norton Commissioner of Revenue by special election to be held at the same time as the general election on November 8, 1994. Upon a motion by Ron McCall, seconded by Jack Wallace, and passed by the following vote: Wallace, Mays, McCall, Raines - YES, Roberts - ABSTAIN, Council authorized the City Manager and City Attorney to petition the Circuit Court for a writ of election to fill the constitutional office of the City of Norton Commissioner of Revenue by special election to be held at the same time as the general election on November 8, 1994.

There were no comments from the City Manager or Council.

Mayor Raines congratulated Mr. Roberts, Mr. Mays, and Mr. McCall on being re-elected to City Council for another four years.

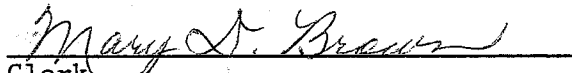
There being no further business to come before the Council, the meeting adjourned.

CITY OF NORTON, VIRGINIA



B. Robert Raines, Mayor

ATTEST:



Clerk