

The regularly scheduled meeting of the Norton City Council was held on Tuesday, June 19, 2012 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, William Mays, and Joseph Fawbush

Absent: Joseph Hunnicutt and Terry Roop

Also Present: Fred L. Ramey, Jr., 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 James C. Lane.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to adopt the minutes of the June 5, 2012 meeting as presented.

25444

During the Mayor's call for visitors, Mr. Stan Wilson of Nosler Street spoke briefly to Council regarding the Burton High School Class of 1962 Reunion held this past week-end in Norton. He thanked Council for the gift bags prepared by the City and given to each member of the class in attendance. He stated they were enjoyed by all and he also expressed appreciation to Vice Mayor Fawbush for his remarks at this reunion.

Mr. Wilson also briefly advised that he had become aware of Coalfield Progress newspapers being sold in stores for \$1.05. If purchased from a newspaper box, they are only \$1.00. He asked if Council had put a passed a levy on the newspaper and, if so, could it be rescinded? He was advised the City has no levy on newspapers.

25445

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

25446

Mr. Wilson thanked Council for their attention to this matter.

The City Attorney advised there was nothing the City could do on the cost of the newspaper. When asked, Coalfield Reporter Jeff Lester advised he had no knowledge regarding this; however he did state that they had no control of how businesses charged for papers.

25447

A public hearing was held on a requested budget amendment in the amount of \$603,402 to the 2011-2012 budget of the City of Norton General Operating Fund for the appropriation of grant funds and additional expenditures.

Mr. Ramey advised that the list of proposed amendments was included in Council's packet. He further advised that the public hearing had been duly advertised and presented Council with a brief synopsis of these expenditures.

Mayor Mays opened the public hearing.

25448

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

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous roll call vote, Council moved to approve the budget amendments in

the amount of \$603,402 to the 2011-2012 budget of the City of Norton General Operating Fund.

A public hearing was held on An Ordinance Adopting the Budget for the City of Norton for the Fiscal Year July 1, 2012 through June 30, 2013.

Mr. Ramey advised that the purpose of this being on the agenda tonight is to receive public comment on the proposed budget. Council had been presented with a copy of the budget in their packets and the public hearing had been duly advertised. He then presented a brief PowerPoint presentation on this budget.

The budget has a total in the General Fund Budget of \$9,767,212, \$2,274,574 in the Water/Sewer Fund Budget, and \$1,093,840 in the Social Services Budget. There are no proposed rate increases in this budget and there is a 2% COLA for employees.

Following his presentation, Mr. Ramey advised he would answer any questions from Council members.

Prior to the public hearing, Mayor Mays asked if there were any comments from Council members. Councilman Caruso stated he had several recommendations as to modifications he would like to see made on this budget. These were as follows:

1. Do not allocate funds to the Lonesome Pine Regional Library System in the amount of \$48,500 as he feels that the citizens of Norton do not receive any services from the library that warrant this appropriation.
2. Reduce the allocation to the Pro-Art Association by \$1,000 (making their allocation \$4,000).
3. Increase the Appalachian Children's Theatre from \$500 to \$1,000 due to the impact they have on the children in the City.
4. Reduce the S. W. Virginia Cultural Heritage's allocation back to \$6,500 from \$7,500 and use the balance internally rather than externally such as in Parks and Recreation or tourism type activities.
5. Increase the appropriation on to the Food Bank from \$500 to \$1,000.
6. Put the amount appropriated for the Assistant City Manager/Planning Director back in the budget for an approximate amount of \$116,000. He was advised by the City Manager that these funds would not be used unless the position was filled.

25449

Mr. Ramey advised that he had done some research on the library appropriation per Councilman Caruso's request and found that no county or city participating in the regional library system shall withdraw from the regional library system without two years' notice to the other participating counties and city, without the consent of such other participating political subdivisions per 1972 contract language. He then presented a brief PowerPoint presentation to Council on this issue and provided City Council with an informational packet including the 1972 agreement.

Following a lengthy discussion, it was decided that the changes requested by Councilman Caruso can be made after the budget is adopted if Council so chooses. The Mayor advised that the City Attorney can give Council guidance on the library issue at a later date.

At this time, Mayor Mays opened the public hearing.

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

Mayor Mays advised the budget will be on the agenda June 26<sup>th</sup> for consideration of adoption.

Council had in their packets the latest update on the Second Service Agreement with the C-N-W Regional Sewer Authority.

Mr. Ramey stated a lot of action had taken place on this document and this was due to the hard work of the City Attorney. There has been another draft made that he will present to Council at the next meeting. A public hearing has been scheduled for the June 26<sup>th</sup> meeting; at which time, formal consideration can be taken on this.

The City Attorney advised that all owners and the contracted partner as well as their attorneys had several meetings and worked hard on this latest agreement.

Councilman Caruso had several comments. One was that Wise County is not a member of the C-N-W and is a contracted member user. He stated that was not in the agreement and if that is not included in the document, he will be voting against it. Councilman Caruso also brought up several other items in the agreement that he was not pleased with, especially where it stated that "each participant shall pay any Surcharge determined by C-N-W". The City Attorney responded to each item brought up by Councilman Caruso and advised that the timeline may not permit additional meetings and changes on the document. 25450

The City Manager advised that a public hearing has been advertised for the June 26<sup>th</sup> meeting and failure to adopt this agreement could impact the very favorable funding from the Virginia Resources Authority, which is only available until July 1, 2012.

Following a discussion, Mayor Mays advised that the public hearing will be held on the 26<sup>th</sup> as this new upgrade is critical to the entire region.

Councilman Caruso stated that in his opinion the agreement is flawed.

Council was given an update by the City Manager on the transfer of the Josephine Sewer System to the Wise County PSA.

Mr. Ramey advised that a public hearing is scheduled for June 26<sup>th</sup> and stated that the City Attorney has worked very diligently with the Public Service Authority's attorney. If approved, there will be three documents for the Mayor to sign. Also, due to Virginia Code, it will take a vote of four out of the five council members voting favorably for this transfer to take place. He also stressed that it would be advantageous for both the City and the PSA to transfer this at the end of the fiscal year. Should anyone have any questions, they should contact either him or the City Attorney. 25451

At this time, Mayor Mays advised there would be a three to four minute break and then the meeting will resume. 25452

During this break, Councilman Hunnicutt left the meeting. 25453

Council had been presented with a copy of the 2012-2013 budget of the Norton City Schools.

Mr. Ramey advised Council that a public hearing on this was held at the last meeting and action can be taken tonight.

Following a brief synopsis by the City Manager and upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to adopt the 2012-2013 budget of the Norton City Schools.

2545

Presented to Council in their packets were three resolutions which are required to be adopted and forwarded to the Virginia Retirement System.

The first resolution is "A Resolution of the Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In accordance with the 2012 Appropriation Act Item 468(H))." This resolution stipulates that the City certifies that it is electing to pay the certified contribution rate of 12.23%.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous roll vote: YES – Caruso, Fawbush, Mays, NO – None, ABSENT – Hunnicutt, Roop, Council moved to adopt "A Resolution of the Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In accordance with the 2012 Appropriation Act Item 468(H))" which stipulates that the City certifies that it is electing to pay the certified contribution rate of 12.23%. (Insert)

The second resolution is "A Resolution of Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions (In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))." This resolution confirms that the City has selected the Employee Paid Member Contribution of 1%.

25455

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Caruso, Fawbush, Mays, NO – None, ABSENT – Hunnicutt, Roop, Council moved to adopt "A Resolution of Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions (In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))." This resolution stipulates that the City has selected the Employee Paid Member Contribution of 1%. (Insert)

The third resolution is "A Resolution of the Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate (In accordance with the 2012 Appropriation Act Item 468(H))."

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Caruso, Fawbush, Mays, NO – None, ABSENT – Hunnicutt, Roop, Council moved to adopt A Resolution of the Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate. (Insert) (In accordance with the 2012 Appropriation Act Item 468(H)). (Insert)

Michele Knox, Parks and Recreation Director, presented Council with her annual report via PowerPoint.

She discussed the various classes held in 2011 along with special activities, environmental activities, recycling efforts, the Flag Rock Recreation Area, and the Appalachian Children Theatre's Summer Camp.

A new sign has been purchased and installed at the Locust Avenue Park.

During Ms. Knox's presentation, Mr. Ramey advised that the bike trail is a slow process and he would like to show it to members of Council for anyone interested. It will

be a great asset once completed. He further advised that Ms. Knox and he are working on "Wet and Wild Wednesdays" for the rest of the summer. This will be an activity at various city parks with water slides for four hours each Wednesday beginning July 4<sup>th</sup>.per day.

25456

He also showed Council an award the City had received from the Upper Tennessee Round Table. The award was for the most outstanding effort by a "Green" locality. Mr. Ramey advised the City would not have received this award without the efforts of Ms. Knox. A round of applause was given to Ms. Knox by Council and those in attendance.

Ms. Knox then advised of future camps that will be held this summer and answered questions from Council.

In their packets, Council had a transfer to the Norton City Schools in the amount of \$200,000 to cover payroll and fringes.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous roll call vote, Council moved to approve a transfer to the Norton City Schools in the amount of \$200,000 as stipulated above.

25457

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, 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.

25458

Mayor Mays declared Council in closed meeting.

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

25459

Mayor Mays declared Council back in open meeting.

The Clerk then polled each member of Council as 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 Caruso, seconded by Councilman Fawbush, and passed by the following unanimous vote: YES – Caruso, Fawbush, Mays, NO – None, ABSENT – Hunnicutt, Roop, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

25460

Mayor Mays opened the floor for nominations to the Planning Commission for a four year term which will expire on June 30, 2016.

Councilman Caruso nominated Randy Stidham to be reappointed to this Board.

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

25461

Mayor Mays declared Randy Stidham reappointed to the Planning Commission for a four year term which will expire on June 30, 2016.

Mayor Mays opened the floor for nominations to the Mountain Empire College Board for a four year term which will expire on June 30, 2016.

Councilman Fawbush nominated Robert Isaac to be reappointed to this Board.

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

25462

Mayor Mays declared Robert Isaac reappointed to the Mountain Empire College Board for a four year term which will expire on June 30, 2016.

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

NIDA had a special called meeting on Monday, June 18<sup>th</sup>, to approve the deed for the sale of the property to the Wise County School Board. The money has been transferred to NIDA and he recommends that a portion of these funds be used to replace the roof at the high school.

It was another successful year for the Best Friend Festival. He extended thanks to the BFF Committee for their yearlong efforts and also to City staff who devote numerous hours of overtime to this festival.

At the next Council meeting on Tuesday, June 26<sup>th</sup>, three public hearings will be held as well as adoption of the City's budget. The public hearings will be on the transfer of the Josephine Sewer System, approve the Second Service Agreement with the C-N-W, and the encroachment of Hawthorne Drive.

He then discussed upcoming Parks and Recreation events which run from June 20<sup>th</sup> to August 8<sup>th</sup>.

There were no comments from the City Attorney.

In comments from City Council, Councilman Caruso asked if construction on the new school on the property purchased by the Wise County School Board has not begun by September 1<sup>st</sup>, do the funds need to be held until such time that construction begins?

The City Attorney advised him that construction has already started and they are in the process of getting their permits.

The City Manager reiterated that he would like to appropriate \$150,000 of these funds for the new roof at the high school.

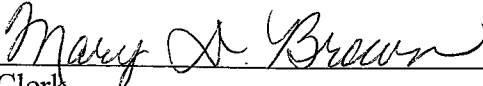
Councilman Caruso again stated his concern about the C-N-W Second Service Agreement.

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

CITY OF NORTON, VIRGINIA

  
\_\_\_\_\_  
William J. Mays, Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk