

A special called meeting of the Norton City Council was held on Tuesday, June 26, 2012 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: Fred L. Ramey, Jr., City Manager and Bill Bradshaw, City Attorney

The invocation was given by the City Manager and was followed by the pledge of allegiance led by Police Chief James C. Lane.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to adopt the minutes of the June 19, 2012 meeting as presented. 25466

At this time, Councilman Hunnicutt took his seat on Council. 25467

During the Mayor's audience for visitors, Lann Malesky, 1113 Virginia Avenue, N. W., spoke to Council regarding the elimination of funding to the Lonesome Pine Regional Library. He advised that his mother served on the Library Board and she, along with others, worked diligently on this library system, which now has nine branches and is open seven days a week. He asked Council's consideration to continue to support the library and not to cut their funding. 25468

Also speaking in support of the continuation of funding for the library system was Brenda Johnson, 436 - 5th Street, NW, Council's appointed representative on this Board. Ms. Johnson advised Council that our regional system is the second largest in the state.

Melissa Wharton, 10083 Airport Hollow Road, Wise, Virginia spoke to Council as a representative of the Appalachian Children's Theatre. She handed out brochures to Council members and then presented highlights of their mission statement and activities. She advised Council that children from the City are well represented in all of their activities and two children from Norton were the recipients of ACT Scholarships. Beginning in August, they will start a Residency Program in the Norton City School System which will be funded by their organization. 25469

Council was advised that she is very appreciative of meals being provided to the participants who attend camps held within the City. She stated this is the only school system that does this. Council was also thanked by Mrs. Wharton for their assistance with the Parks and Recreation Department Programs.

Mayor Mays thanked Ms. Wharton for the information and the job that she is doing with the Appalachian Children's Theatre.

Melissa Begley, 5720 Back Valley Road, spoke briefly to Council advising them of the formation of a Parent Teacher Student Association at J. I. Burton. She handed out brochures advising of their mission statement and advised Council they are working with 25470

Dr. Comer on various activities and that this organization will be calling on Council in the future.

A public hearing was held on the transfer of the Josephine Sewer System to the Wise County Public Service Authority.

Mr. Ramey gave a brief history on this sewer project and advised that in 2008, the City received a series of grants to make this feasible. Some obstacles occurred and an agreement was made with the Wise County Public Service Authority. The PSA agreed that once completed, they would accept the system. To date, 97 residents have been connected.

The City Attorney has worked with the PSA attorney and advised that they are brief and simple documents. Mr. Bradshaw advised that, as a transfer of any City property, it will require an affirmative vote of 4 of the 5 council members present.

Mr. Ramey advised we will still be working with the PSA regarding Josephine as the City provides water service there and the City will be billing the customers for sewer for the PSA with these funds forwarded to them after collection.

The City Manager advised he would be willing to answer any questions from Council. Mayor Mays advised that Mr. Ramey, Mr. Shupe and Mr. Ward had worked very hard on this project.

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

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

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by the following unanimous roll call vote: YES – Caruso, Hunnicutt, Fawbush, Roop, Mays, NO – None, ABSENT – None, Council approved the Asset Purchase Agreement, the Assignment and Assumption Agreement, and the Bill of Sale to transfer the Josephine Sewer System to the Wise County Public Service Authority as presented. (Inserts)

A public hearing was held to approve the Second Service Agreement with the Coeburn-Norton-Wise Regional Sewer Authority.

Mr. Ramey advised that Council, in their packets, has the latest version of this agreement. He advised that the City Attorney had worked hard in getting the changes, which Councilman Caruso had discussed at the last meeting, incorporated into this latest document.

Mr. Bradshaw then discussed the changes with Council and advised the form of this agreement can be recommended to Council. He further advised that the resolution, if adopted, will authorize the City Manager to execute this agreement on behalf of the City and give him the power to authorize minor changes to this agreement without bringing it back to Council.

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

Mayor Mays opened the public hearing.

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

Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, 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 Adopting the Second Service Agreement with the Coeburn-Norton-Wise Regional Sewer

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25472

Authority and authorize the City Manager to execute this agreement and give him the power to authorize minor changes to this agreement without bringing it back to Council for consideration. (Insert)

A public hearing was held on the vacation and abandonment of a portion of Commonwealth Drive. Mr. Ramey advised that this encroachment needs to be corrected in order for the developer to refinance the development debt and obtain additional funds for future development.

In their packets, Council had a copy of the latest draft of the necessary documents required for the transfer along with a copy of the public notice advertisement.

Mr. Ramey advised this was discussed at a previous council meeting and he was advised to proceed with the advertisement of the public hearing.

The encroachment is located on a portion of Hawthorne Drive that is 4.26' across the line x 81.8' in length. Council was advised that there are no impacts on the street and no utilities are in the area.

The City Attorney advised this is a two step process. The first is to vacate the public street which requires an ordinance of vacation and that a certified copy of this ordinance will be recorded with the Clerk of the Circuit Court. The second is that the conveyed portion of property vacated is to be transferred to the adjoining property owner. He further advised that the conveyance of public land by the City would require a positive vote of four of the five council members present.

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Mayor Mays opened the public hearing.

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

Upon a motion by Councilman Roop, seconded by Councilman Fawbush, and passed by the following unanimous roll call vote: YES – Caruso, Hunnicutt, Fawbush, Roop, Mays, NO – None, ABSENT - None, Council moved to adopt an Ordinance of Vacation of a Portion of Commonwealth Drive. (Insert)

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous roll call vote, Council authorized the Mayor to sign the Quitclaim Deed transferring this property to the developer. (Insert)

Council had been presented with An Ordinance Adopting the Budget for the City of Norton, Virginia for the Fiscal Year of July 1, 2012 Thru June 30, 2013 Appropriating Funds for All Contemplated Expenses of the City for the Fiscal Year and Placing Levies Upon All Real Estate, Personal Property and Bank Stock, Licenses, Fees, User Charges, and All Other Levies as Previously Imposed or Modified Herein.

Mr. Ramey advised that the City was nearing the end of the budget process which started in March. A work session was held on May 15th and on June 5th the budget was formally presented to Council, and he was advised to advertise a public hearing. The public hearing was held on June 19th and Council had to wait at least seven days after the public hearing before adoption of the budget could be acted upon.

He advised Council that the budget was for the fiscal year July 1, 2012 through June 30, 2013. The General Fund Budget totaled \$9,767,212; the Water/Sewer Fund totaled \$2,724,574, and the Social Services Budget totaled \$1,093,840. Mr. Ramey then advised he would be glad to answer any questions Council may have.

Councilman Caruso advised that he had two small amendments to the budget. They are: 1. Reduce the appropriation to the Southwest Recreation Authority from \$2,000 to \$1,000 due to NIDA's in-kind services to this organization. He would like for this \$1,000 be put in Marketing Funds for when new trails open. 2. He would like to reduce the appropriation to the Southwest Heritage Commission from \$7,500 to \$5,000 with an additional appropriation of \$500 to the Food Bank and an additional \$500 to the Appalachian Children's Theatre with these excess funds going back to the General Fund to be earmarked for the marketing and signage of trails.

Councilman Caruso made a motion to adopt An Ordinance Adopting the Budget for the City of Norton, Virginia for the Fiscal Year of July 1, 2012 Thru June 30, 2013 Appropriating Funds for All Contemplated Expenses of the City for the Fiscal Year and Placing Levies Upon All Real Estate, Personal Property and Bank Stock, Licenses, Fees, User Charges, and All Other Levies as Previously Imposed or Modified Herein with the two amendments specified above.

Mayor Mays called for a second on this motion. The motion died due to a lack of a second.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by the following roll call vote: YES – Hunnicutt, Fawbush, Roop, Mays, NO – Caruso, ABSENT – None, Council moved to adopt An Ordinance Adopting the Budget for the City of Norton, Virginia for the Fiscal Year of July 1, 2012 Thru June 30, 2013 Appropriating Funds for All Contemplated Expenses of the City for the Fiscal Year and Placing Levies Upon All Real Estate, Personal Property and Bank Stock, Licenses, Fees, User Charges, and All Other Levies as Previously Imposed or Modified Herein. (Insert)

25474

Prior to the roll call vote on the budget ordinance, Councilman Roop stated he would like the following information recorded in the minutes: The General Fund Budget increased \$212,671 or a little over 2% over the previous year and the Schools' Operational Budget decreased \$53,581 or 7/10 of 1% less than the last year.

In Council's packets was a Resolution of the City Council of the City of Norton Adopting a Five Year Capital Improvements Program.

Mr. Ramey advised Council that once adopted this resolution would only fund projects for the budget year of 2012-2013 which totals \$552,466.

Following a brief discussion, during which Councilman Roop stated it was good to have a CIP Plan, a motion was made by Councilman Fawbush, seconded by Councilman Hunnicutt, 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 City Council of the City of Norton Adopting a Five Year Capital Improvements Program. (Insert)

25475

Council was in receipt of a request from the Wise County Public Sewer Authority seeking Council's approval to allow sewage from several homes in the Hamilton Town area flow into the City's system. During their construction of the sewer project for this area, they ran into several homes whose septic field lines and tanks would be rendered inoperable during this construction phase. A master meter has been ordered and they expect installation within the next 4-6 weeks. The current agreement the City has with the PSA states that we will accept flow once it can be metered.

Mr. Ramey advised that the City Administration has no problem with this request as long as we limit the flow to a particular number of homes, limit it to existing residential connections, no business connections, and we bill PSA an out-of-town sewer rate, not a wholesale rate.

The City Attorney advised Council would need a resolution authorizing the City Manager to amend the existing agreement on the terms acceptable to him for the acceptance of this flow.

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous vote, Council authorized the City Manager to work on this resolution amending the existing agreement for the City to accept un-metered flow for up to ten (10) existing residential homes only, no new residential customers, and no business customers until a new meter is installed and to bill the PSA an out-of-town rate.

25476

Councilman Roop stated he likes the recommendation made by the City Manager that we bill the PSA for this flow rather than bill the individual customers.

A request is being made to the City by the Scott County Telephone Cooperative for authorization to run fiber lines on various poles within the City. Permission will be sought from the owners of the poles for the use of them. This fiber network is an economic development project in cooperation with the Virginia Coalfield Coalition. It will also provide the backhaul network for Verizon Wireless's 4G upgrade in Wise and Lee Counties.

Present tonight representing the Scott County Telephone Cooperative is Greg Hood who showed Council a map and answered questions from them and the City Manager.

Mr. Ramey advised this request could be granted by the use of a Special Use Permit which is revocable.

25477

Following a brief discussion and upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to authorize the City Manager to issue a Special Use Permit to Scott County Telephone Cooperative for the purpose of extending its fiber network through the City of Norton by attaching it to existing poles. Permission will be sought from the owners of these poles by them.

Mr. Ramey thanked Mr. Hood for his attendance at tonight's meeting.

Mr. Ramey advised that A Resolution Defining Signature and Access Requirements for Various City Accounts, Investments, and Certificate Storage covers a housekeeping item. Council has a copy of this resolution.

The name of E. W. Ward, the City's previous City Manager, is still on City accounts. Since there is no Assistant City Manager, there needs to an additional name added in case of an emergency or Mr. Ramey is not available.

25478

Mr. Ramey has talked with the City's auditor and, although a Finance Director is not typically permitted to sign checks, she stated she would be supportive of Mr. Shupe's name being added to City accounts only if he signs when the City Manager is not available.

The City Manager asked for Council's favorable consideration.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, 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

Defining Signature and Access Requirements for Various City Accounts, Investments, and Certificate Storage. (Insert)

Council had in their packets a water report from Tommy Roberts, the Superintendent of the Water Treatment Plant. This report states that we have a combined total in both reservoirs of 64.8 million gallons. We are purchasing an estimated 250,000 gallons per day from the Wise County PSA and an estimated 75,000 gallons from the Town of Big Stone Gap daily.

25479

The City Manager then gave Council a brief update, via PowerPoint, on the Upper Reservoir Spillway Project. This project is moving forward and, if good weather persists, the projected completion date is Labor Day.

The water report will continue to be on future Council agendas.

In their packets, Council had been given copies of three checks for approval. These checks are: Boring Contractors in the amount of \$152,733.84 for the Guest River Interceptor Replacement – Phase III, Pay Application #5; Thomas Construction Company in the amount of \$146,967.30 for the East Park Line Replacement Pay Application #5; and Mattern and Craig in the amount of \$114,437.46 for the Safe Routes to School – AML Highwall Project.

25480

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous roll call vote, Council moved to approve the three checks as listed above.

Mayor Mays brought up the topic of the first meeting in July, which would be July 3rd. 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 July 3, 2012 meeting. The next council meeting will be held on July 17, 2012.

25481

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

Paving bids were opened this morning and the low bid was up ten percent over the last ones received. At a future meeting, a paving list will be presented to Council.

Bids were opened today on the replacement roof at City Hall. We received three bids and the low bid was \$87,000.

Upcoming events include 4th of July activities, P&R Summer Camps, new flyers covering these camps, and he presented the schedule for the new event of the summer, "Wet & Wild Wednesdays".

25482

He will be out of town on vacation July 2 through July 7, 2012 and will be available by e-mail.

There were no comments from the City Attorney.

25483

In comments from City Council:

Councilman Caruso stated he was glad to see that the sales tax revenue for the month of May is the second highest in the history of the City. Mr. Ramey stated it may be up 3% overall.

He then stated his policy as to how he feels regarding the Library Board, Pro-Art, and other organizations who receive public funding from the City. He advised each of these organizations needs to present to Council, on an annual basis, a report on the services they are rendering to the citizens of Norton. These presentations need to be done prior to budget deliberations. He further proposed that the City revise the contract with the library since the one in effect now was done in 1972 and has no ending date.

25484

As far as Pro-Art is concerned, he thinks it is a wonderful organization and would like to see a more direct focus on the City of Norton, our children, and more events in the City.

Councilman Hunnicutt stated he was very pleased with the moves made on the Josephine Sewer Project.

25485

Mayor Mays stated that lots of credit on the Josephine Sewer Project goes to the past and current City Administrations who worked very hard for many years on it.

25486

Councilman Roop applauded the Parks and Recreation Department, particularly Michele Knox, Director, on the various programs they are sponsoring for the kids during the summer months.

He is glad to see funding of the library continued and stated that it is a very good regional library system. They have good summer reading programs for younger children and he feels we are getting a good deal for our money.

25487

He is glad to see that the sales tax is up 1.79% over last year.

He applauds the efforts of Winfred Collins, Building Official, on his efforts on keeping property owners mowing their grass; however, he would like to see more action on dilapidated properties within the City.

Mayor Mays advised that he hoped everyone has a happy and safe summer and enjoys the 4th of July activities.

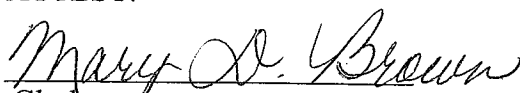
There being no further business to come before the Council, the meeting was adjourned.

CITY OF NORTON, VIRGINIA



William J. Mays, Mayor

ATTEST:



Clerk