

The regularly scheduled meeting of the Norton City Council was held on Tuesday, September 16, 2008 at 7:30 p.m. in the Municipal Council Chambers with Mayor Robert Raines presiding.

Present: Jack Wallace, Robert Raines, William Mays, and Joseph Fawbush

Absent: Joseph Hunnicutt

Also Present: E. W. Ward, City Manager and Bill Bradshaw, City Attorney

The invocation was given by Rev. Ken Taylor and was followed by the pledge led by City Manager E. W. Ward.

Upon a motion by Jack Wallace, seconded by Joseph Fawbush, and passed by unanimous vote, Council moved to adopt the minutes of the September 2, 2008 meeting as presented.

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

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In tonight's segment of "Looking Back", the topic is Education. In attendance to make this presentation was Ron McCall, Chairman of the Norton City School Board, and former City Councilman, who served with Mayor Raines and Councilman Wallace for eight years.

This segment is a tribute to Mayor Raines and Councilman Wallace, who will be retiring from Council at the end of the year. Together, they have 45 years of service to the City and citizens of Norton.

Mr. McCall discussed with Council the difference in a beginning teacher's salary which has doubled during this timeframe and the City's local appropriation of funds. In 1986-1987, the local appropriation was 1.2 million dollars and this year it is 2.540 million dollars. He also discussed the various projects that have been either been completed or in the process of completion. These projects include: In 1987, a project at J. I. Burton High School which included an elevator and new lighting; Asbestos removal at both schools in 1989; a 1991 project at J. I. Burton which included new gym windows, lights, doors, etc.; a 1995 project to air condition J. I. Burton; in 2005, the Cafeteria Project at Norton Elementary School, and presently the J. I. Burton Stadium Project, the addition at Norton Elementary School, and the Ricky Harris Athletic Complex at J. I. Burton. All together, these projects total over 11 million dollars.

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Mr. McCall stated that City Council has always shown their dedication to education – not only by the projects listed above but contributions made to send the students to various competitions and playoffs and also the purchase of buses. The schools are in good condition and should last many years. He further stated that this Council has set a precedent for future Councils.

On behalf of the Norton City Schools and the School Board, Mr. McCall expressed appreciation for everything that has been done and he hoped that they enjoy their retirement.

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

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Mayor Raines stated that Council has tried to invest in our children and our community and that the School Board brought to Council projects that had merit which would enhance the education of our children. Mayor Raines then expressed Council's appreciation to the School Board and to Mr. McCall for this presentation.

Council was presented with an update on the City's water reserves. As of September 11th, the City had a total of 75.5 million gallons out of a total capacity of 124 million gallons in both reservoirs. We continue to purchase water from Big Stone Gap and the Wise County Public Service Authority. There was a problem over the week-end and we were not able to purchase water for 36 hours from Big Stone Gap; however, this situation has been rectified and we are again purchasing water from them.

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The City Administration feels fairly comfortable with the storage we have and the time of the year that it is; however, citizens are asked to please continue to conserve water.

Dr. Lee Brannon, Superintendent of the Norton City Schools, was present to give Council an update on both the J. I. Burton Stadium Project and the Norton Elementary School Project.

Dr. Brannon advised that school started in the City after Labor Day and enrollment was up.

The Norton Elementary School Project is proceeding and the contractors are working to get as much done as possible before cold weather. Progress is being made and excavation is being done for the footers for the library. Monthly meetings are being held with contractors.

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Following a brief discussion, Dr. Brannon advised he would be willing to answer any questions Council may have.

Dr. Brannon gave Council an update on the Lawson-Fitchko Stadium. He had presented Council members with before and after photos of the stadium and advised that the pictures say it all. This project is 99.9% complete.

He then discussed the Maintenance Plan for the stadium and advised that there will be annual inspections by Ball Construction Company and the consulting engineer, Walter Seek.

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Following a brief discussion, Dr. Brannon advised he would answer questions from Council members.

Mayor Raines thanked Dr. Brannon for tonight's presentation.

Council had a request for one sewer tap in the County.

Mr. Ward advised that a year ago, City Council had given a sewer tap to the Wise County Public Service Authority for their new office building which will be located in the Wise County Industrial Park. They have now advised that they will not be in this building until next year and they are asking for Council's consideration on their relinquishing this sewer tap to J-Jireh Contracting, Inc. The PSA advises that they are aware that they will have to reapply to the City for another sewer tap for their new

building. He advised that should Council approve this transfer, a permit will be issued to J-Jireh Contracting similar to the one conveyed to the PSA.

Mr. Ward stated the City Administration takes the stand that the sewer moratorium needs to be honored and upheld; however if the PSA relinquishes its tap, we can allow J-Jireh to connect to the City's system.

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Following a lengthy discussion, Mayor Raines advised the City Manager not to bring to Council, as agenda items, requests for sewer taps outside the corporate limits until such time as Wise County comes forward with some proffers to assist with the City's sewer problems or the moratorium has been lifted. A strong message needs to be sent to Wise County and the City has contacted them on several occasions and has had no response as to helping with a solution to this sewer problem. A recently completed Sewer Comprehensive Study has shown that the City has 23 million dollars of work on sewer lines that needs to be addressed.

Upon a motion by Joseph Fawbush, seconded by Joseph Hunnicutt, and carried by a voice vote, Council moved to table this request.

Council had, in their packets, a request from the City of Norton Electoral Board asking that the City offices be closed on Election Day, November 4, 2008. This is due to the fact that the City now only has one precinct and this election is anticipated to have a record-breaking turnout. She presented a sketch she had prepared for the flow of voters. Voters will enter through the lobby and exit through the doors in Council Chambers. Parking will be a problem if City offices are open as well as a disruption for City employees.

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Following a brief discussion and upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous vote, Council moved to close City offices on Election Day, November 4, 2008. The Electoral Board is to also ask their employees not to park around the building on that day.

Mayor Raines advised the City Manager to keep expenditures for this day close to the amount in the budget; however, he may have to come to Council asking for additional funds.

The Assistant City Manager, Fred Ramey, gave Council a PowerPoint presentation as an update on the City's Sidewalk Replacement Program. He advised this program began in the late '80's and Council chose to start in the downtown area first. The Residential Sidewalk Program began in 1991. The City is broken down into several zones as far as this program is concerned and he discussed each briefly.

Shown during this presentation were areas with problems such as utility poles, trees, and walls.

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He further advised that the City, since 1989, has expended funding in the amount of \$905,000 for downtown sidewalks and \$758,000 has been expended since 1991 on residential sidewalks. A total of five miles of sidewalks has been replaced in the past 20 years. Currently, the City is renovating the sidewalks and entrance to the City Hall and this work should be completed prior to Election Day. Also, the City has hired some men with concrete experience and the City has been able to do this work themselves rather than hire an outside company. Currently, the City has \$150,000 in the budget for sidewalk replacements.

At this time, Mr. Ramey advised he would be glad to answer any questions from Council.

Mayor Raines thanked Mr. Ramey for this update.

Council received an update on the Southwest Virginia Recreation Authority from Mr. Mark Caruso, Council's recent appointee to this board.

Mr. Caruso advised Council of the progress the Authority has made to date and showed Council their marketing logo, which is Spearhead Trails. He further advised that the Authority needs to get a Feasibility Study done which will cost, in the neighborhood of \$70,000 - \$100,000. They have been awarded some funds from the Virginia Tobacco Commission and have had some funds pledged or committed; however, they do not have any general operating funds. He asked Council's consideration for \$2,000 for the establishment of operating funds.

Following a brief discussion and upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous roll call vote, Council moved to appropriate \$2,000 to Spearhead Trails to be used as operating expenses with said funds to come from Contingency.

Mr. Caruso thanked Council for this allocation of funds.

Council had a request for approval of a wire transfer in the amount of \$155,314.65 to the Norton City Schools as a draw down on the Norton Elementary School Project.

Upon a motion by Joseph Fawbush, seconded by Joseph Hunnicutt, and passed by unanimous roll call vote, Council moved to approve a wire transfer in the amount of \$155,314.65 to the Norton City Schools as a draw down on the Norton Elementary School Project.

Upon a motion by Joseph Hunnicutt, seconded by Joseph Fawbush, 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.

Mayor Raines declared Council in closed meeting.

Upon a motion by Jack Wallace, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council moved to go back in open meeting.

Mayor Raines declared Council back in open meeting.

The Clerk then 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 Joseph Hunnicutt, seconded by Jack Wallace, and passed by the following unanimous vote: Yes: Hunnicutt, Wallace, Mays, Fawbush, Raines, NO - None, ABSENT - None, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

Mayor Raines opened the floor for nominations to the City of Norton Planning Commission.

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Joseph Hunnicutt nominated Mark Gardner and Tim Cassell to this Commission. Mr. Gardner's term will expire on July 31, 2009 and Mr. Cassell's term will expire on July 31, 2011.

Upon a motion by Jack Wallace, seconded by William Mays, and passed by unanimous vote, Council moved that the nominations cease.

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Mayor Raines declared Mr. Mark Gardner appointed to the City of Norton Planning Commission for a term to expire on July 31, 2009 and Mr. Tim Cassell appointed to the Norton Planning Commission for a term to expire on July 31, 2011.

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

The Hawthorne Corridor Study is underway with traffic counts now being done.

The City has advertised for engineering services on the Josephine Sewer Project and the City is working with Lenowisco in preparing an application to the Appalachian Regional Commission to provide funding for the balance needed for this project if, in fact, we can move forward on it. The City has learned, not from Wise County, but through the Wise County PSA, that the County will work with us on this project.

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Tax tickets will be mailed out within the next week or so.

In comments from the City Attorney, Mr. Bradshaw advised that:

The City Manager and he are in receipt of a letter by mail with an updated request from attorneys representing Wellmont Health Systems concerning the request of tax exemption on their facilities here in the City. Both he and the City Manager will be considering this and will be reporting to City Council shortly on this request.

He has done more research on the use of jake brakes and the bottom line is that no other locality in the Commonwealth has sought to pass an ordinance to regulate the use of this piece of safety equipment, which is approved by the Federal Highway Administration and the Department of Motor Vehicles for use throughout the Commonwealth. Also, there is no statutory authority in the Code of Virginia that would authorize localities to regulate the use of safety equipment such as this. The City is without statutory authority and any attempt to do so would be in violation of the Dillon Rule; therefore it is his opinion that the relief that has been requested by this particular operator that we limit or otherwise control the use of jake brakes at that particular location is that we are without authority to do so.


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He then advised of our possibilities such as the noise ordinances that are in place and also some ordinances dealing with equipment and the condition of same. He had sent the City Manager a letter regarding these this afternoon.

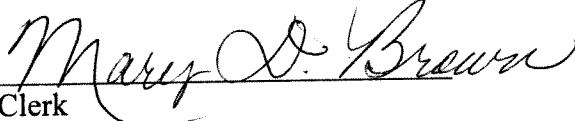
Mayor Raines then advised that the City will be milling and repaving at this location.

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

CITY OF NORTON, VIRGINIA


B. Robert Raines, Mayor

ATTEST:


Clerk