

City Council Meeting Packet



September 15, 2015

AGENDA

Norton City Council

September 15, 2015

6:00 P.M.

1. Roll Call
2. Invocation – Rev. Ken Taylor
3. Pledge of Allegiance
4. Approval of Minutes
 1. Meeting of September 1, 2015
5. Audience for Visitors
6. New Business
 - A. Update on the 9 & 10 Year Old Girls Softball Teams July Trip to the State Tournament in Leesburg, VA.
 - B. Update on the Proposed Utility Vehicle Ordinance.
 - C. Resolution Authorizing Application to the Virginia Department of Transportation for a Transportation Alternatives Project.
 - D. Confirmation of a Check(s)/Transfer(s) in Excess of \$100,000.
 - E. Closed Meeting to Discuss Personnel as Per Section 2.2-3711 (A) (1) of the Code of Virginia, as amended.
 1. Appointment to the Mountain Empire Older Citizens Advisory Board for a Two (2) Year Term; Currently Michele Knox whose term expires 9/15/15.

To 9/15/2017

7. Comments by the City Manager, City Attorney, and City Council.

8. Adjournment.

The regularly scheduled meeting of the Norton City Council was held on Tuesday, September 1, 2015 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, Robert Fultz, Jr., William Mays, and Dee Belcher

Absent: Joseph Fawbush

Also Present: Fred L. Ramey, Jr., City Manager and Bill Bradshaw, City Attorney

The invocation was given by City Manager Fred Ramey and was followed by the pledge of allegiance led by First Sergeant Greg Mays.

Upon a motion by Councilman Fultz, seconded by Councilwoman Belcher, and passed by unanimous vote, Council moved to adopt the minutes of the August 18, 2015 meeting as presented.

During the Mayor's call for visitors, Mrs. Linda Leonard, 1005 Virginia Avenue, N.W., came forward to present City Council with a handout on the Arts in the Park event scheduled for September 12, 2015 in Norton City Park. Ms. Leonard invited Council to the event and advised Council the planning of the event was going well.

Dr. Scott Hamilton, President of Mountain Empire Community College, presented Council with an update on activities at the college. Enrollment is up 8% over this time last year and dual enrollment is also up. Last year John I. Burton High School had 18 students enrolled in dual enrollment and this year the college has 31 students on campus. The college has been doing testing at the high school and there will be other students enrolled in dual enrollment that will be taught at the high school.

Dr. Hamilton presented Council with a handout outlining the college's goal for student success. He advised the college is mainly focused on students not only getting into college, but also finishing college and receiving either a diploma or certificate.

Mayor Mays thanked Dr. Hamilton for his update.

The City Manager informed Council that the Planning Commission has been working on amending and updating the City's Zoning Ordinance and that Mr. Winfred Collins, the City's Building Official was present to summarize the process and to answer any questions Council may have regarding the proposed modifications to the City's Zoning Ordinance.

During his summarization via a PowerPoint presentation, Mr. Collins reviewed the process with Council beginning with the rezoning application submitted in August 2014 and informed Council that the Planning Commission finalized a draft amendment and draft official map on May 14, 2015. The City Attorney has approved the draft zoning text and the official map amendment is provided tonight for Council's review before referring the matter back to the Planning Commission.

Following a brief discussion, it was consensus of Council to bring the Proposed Zoning Ordinance back on Council's agenda at the October 5th meeting to give Council adequate time to review the draft official map amendment.

Council had a lease agreement between Norton City School Board and the City of Norton for the former swimming pool property included in their packets. Mr. Ramey advised Council that since the last meeting he had shared the information with Dr. Perrigan and the insurance information has been updated and matches the school system. Dr. Perrigan indicated that he is ready to share with the School Board upon Council's approval.

There were no questions or concerns from Council members and upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by the following unanimous vote: YES - Caruso, Fultz, Belcher, Mays, NO - None, ABSENT - Fawbush, Council moved to approve the lease agreement between Norton City School Board and the City of Norton for the former swimming pool property.

Council had been presented in their packet A Resolution Authorizing Application to the Virginia Department of Health and Water Supply Assistance Grant Fund. Mr. Ramey advised Council the draft resolution would allow City Administration to apply to the Virginia Department of Health for a planning grant. The proposed planning grant would allow for a Preliminary Engineering Report (PER) to study the feasibility of membrane filtration versus a traditional plant upgrade project, analyzing potential cost savings in operation and maintenance cost, and include increased electrical consumption. The project would also include an Environmental Assessment and a Pilot Study for membrane filtration.

There being no comments or questions from Council and upon a motion by Councilman Fultz, seconded by Councilwoman Belcher, and passed by unanimous roll call vote, Council moved to adopt the Resolution Authorizing Application to the Virginia Department of Health and Water Supply Assistance Grant. (Insert)

In their packets, Council had one check to be confirmed. The check was made payable to Mattern and Craig in the amount of \$120,782.92.

Upon a motion by Councilwoman Belcher, seconded by Councilman Fultz, and passed by unanimous roll call vote, Council moved to confirm the one check as stated above.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by unanimous roll call vote, Council moved to go into closed meeting to discuss personnel as per Section 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, or of the disposition of publically held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body as per Section 2.2-3711 (A) (3) of the Code of Virginia, as amended.

Mayor Mays declared Council in closed meeting.

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

Mayor Mays declared Council back in open meeting.

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 Caruso, seconded by Councilwoman Belcher, and passed by the following unanimous vote: YES – Caruso, Fultz, Belcher, Mays, NO – None, ABSENT – Fawbush, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

Mayor Mays opened the floor for nominations of Clerk of Council.

Councilman Caruso nominated Rebecca Coffey to be appointed as Clerk of Council.

Upon a motion by Councilman Fultz seconded by Councilwoman Belcher, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared Rebecca Coffey appointed as Clerk of Council.

Mayor Mays opened the floor for nominations to the Norton Tourism Board for a four year term.

Councilman Fultz nominated Carol Caruso to be reappointed to the Norton Tourism Board.

Upon a motion by Mayor Mays, seconded by Councilwoman Belcher, and passed by the following vote: YES – Fultz, Belcher, Mays, NO – None, ABSENT – Fawbush, ABSTAIN – Caruso, Council moved that the nominations cease.

Mayor Mays declared Carol Caruso reappointed to the Norton Tourism Board for the remainder of a four year term which will expire on September 30, 2019.

At this time, Mayor Mays advised Council there was a citizen who wished to approach Council that did not make it to the 6:00 meeting.

Chris Jones advised Council he was present tonight as a citizen but he is also on the Norton Tourism Board. Mr. Jones then stated he wanted Council to understand the economic pressures on area businesses in Southwest Virginia. He said he feels there is an urgency to get things done quicker, and feels we are dragging our feet. Mr. Jones explained he felt there were many pieces to the puzzle, one of which was the Woodbooger event. He stated he is not suggesting Council is not doing anything but we need to get on the stick. Mr. Jones advised Council he recently became a member of Round the Mountain and spoke with Heartwood in Abingdon and they were thrilled he has a storefront for them to use in their tourism promotions of this area. Mr. Jones advised Council this was another piece of the puzzle. He asked Council to be open and try new ideas. Mr. Jones thanked Council for their time.

Councilman Fultz asked if there was a business association. Mr. Jones advised they had tried two or more times to have a Norton Business Association without success.

Mayor Mays thanked Mr. Jones.

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

City Administration had been advised that October tax tickets have been printed and should be going out next week.

Arts in the Park and a 5K Glow Run are scheduled for Saturday, September 12th and the City will be coordinating and working with these events.

There were no comments from the City Attorney.

Mayor Mays asked the City Attorney to explain the information provided City Council on utility vehicles. The City Attorney explained a special use permit cannot be issued for utility vehicles. It has to be done by ordinance and Council has to be able to recite in any ordinance that Council decides to adopt that Council has considered the matters as outlined in paragraph 4 of the letter. In addition, utility vehicles must be in harmony with the state and local transportation plans, the statewide pedestrian policy and operators must have a valid driver's license. After further discussion, Mayor Mays asked the City Attorney if it were possible to prepare a draft ordinance by September 15th. The City Attorney said he felt like it was something he could do.

In comments from Council:

Councilwoman Belcher thanked the Police Department for being on top of the issue with the recent fugitive from Florida and advised she was ready to do her part to get things done.

Councilman Fultz was also thankful of the Norton Police Department and is grateful the issue was handled without incident.

He advised Mr. Jones a lot of people felt his pain and are concerned about our area. He agrees there is not one answer. There are multiple pieces to this puzzle and we need to act upon each piece. Our success is tied to the County's success and to the region's success because a certain amount of interaction is inevitable. Councilman Fultz then thanked Mr. Jones for speaking to Council.

Councilman Caruso stated he had some concerns and he is not one to pat people on the back for doing a good job. He advised there are 25 empty store fronts in the city center and downtown is dying for a lack of people on the street. He stated NIDA cannot plan and execute plans for economic development meeting 1 hour per month. City Council meets roughly 4 hours per month with hardly any economic development discussion. We have no strategic plan or marketing plan to guide the City, Administration or NIDA for economic development within the City. We have no collective vision for the City for the next 10 years. Council has expressed interest in approving an ATV ordinance to improve downtown business traffic on weekends but it has not been passed. He believes an IDA/Tourism director position needs to be created and filled immediately. The City needs to reach out to the surrounding areas of Kingsport, Bristol, and Johnson City and market our assets downtown. I have been here 6 years and I am more discouraged today now that I am a downtown businessman and see nothing being done to make our downtown more successful.

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

CITY OF NORTON, VIRGINIA

William Mays, Mayor

ATTEST:

Clerk



City of Norton

Donation Policy

Adopted by City Council
4/15/2014

City of Norton Donations Policy

BACKGROUND:

The City of Norton provides financial support to various regional and local organizations through our annual budget process. From time to time, City Council receives requests for funding outside of our normal budget process. Since the City receives more requests for funds than our funding will allow, this policy will assist City Council in considering each request.

APPLICANT ELIGIBILITY:

- Applicant must provide services which benefit residents of the City of Norton.
- Applicant must be:
 - Non-profit organization recognized by the IRS and the Commonwealth of Virginia; or
 - Charitable institution or association not controlled in whole or part by any church; or
 - Educational;
- And:
 - Past transactions with the City must have been free of significant problems

NOTE: Teams cannot be considered as applicants. In cases of athletic requests, the applicant must either be part of a youth sports organization or Norton City Schools.

REQUEST ELIGIBILITY:

The City shall not approve any donation which is not in conformance with § 15.2-953 of the Code of Virginia, as amended.

- The event or activity must not promote religion or religious organizations.
- The event must demonstrate some form of financial commitment other than the City funds being requested.
- Organizations (other than Norton City Schools) will be limited to one approved request per the City fiscal year (July 1st – June 30th).
- If the funding request includes travel, then:
 - Trip must be in excess of 100 miles one way;
 - Room nights shall include no more than one night before and one night after the primary event(s) which was the basis for the request;
 - Rooms must be assigned to players/students at a minimum of 2 per room;
 - A maximum of four rooms to be assigned for coaches/teachers;
 - An educational or cultural component should be included, when possible;
 - Expenses that cannot be paid with approved funds:
 - Meals for anyone other than coaches/teachers and players/students.
 - Hotels for anyone other than coaches/teachers and players/students.
 - Travel for anyone other than coaches/teachers and players/students.
 - Mileage expenses, to and from events, for coaches, teachers, and members of their families who use their personal vehicles for approved trips.

EVALUATION CRITERIA:

- Whether the request is acceptable for support.
- Whether the request demonstrates a convincing need for funding.
- Whether the City's financial situation will allow funding the request.
- Amount of previous funding the Applicant has received.
- Applicant's demonstration of organization integrity by use of strong business practices, a committed and responsible board, sound financial practices, and effective management controls.

APPLICANT REQUIREMENTS IF FUNDING IS AWARDED:

- Funds must be used only for what was requested and approved.
- A financial report of the use of the funds, including receipts, must be provided to the City within 60 days after completion of the event or project.
- Applicant may be asked to appear before City Council to present a formal update of the use of the funds.
- The City may choose to fund all, none, or some of the requested funds.
- The City may provide the funds prior to the event (project) or choose to reimburse the requesting organization, up to a specified amount, when receipts are presented to the city.
- Return any unused funds to the City within 60 days after completion of the event or project.

If you have any questions regarding the application or the consideration process, please feel free to contact the City Manager.



Application for Donation

Applicant/

Organization: NORTON Little League, INC.

Federal ID: _____

Address: 205 East Park Ave

NORTON, VA 24213

Contact

Person: TIM MCNEW - President

Phone: 276-639-6059 Fax: _____

Email: lawdog1433@yahoo.com

Organization's
Board

Members: V.P. Holly Jones, Treas. Crystal McNew

VP SB - Michael McCurdy, Safety Officer - Aaron Sargent

Player AGENT - Brad Hart

Secretary - Carla McCurdy

Amount

Requested: _____

Total
Amount
Needed: _____

Purpose for
Funds (attached additional information if needed):

Help 9+10 yr old Softball Team with Expenses
for Hotel Travel for State Softball Tourney
In Leesburg, VA on July 9 - July 15 2015

Describe
Fund Raising

Activities: We are having Bake Sales, Carwashes, Hotdog
Dinner Sales. We have went to local businesses
and asked for donations. We are having several
Raffles.

Include overall financial information for the applicant organization with the application. This information should be the current budget or financial statements where applicable.

Applicant Certifies that they (the organization) will:

- Provide Accurate, current, complete financial records of the use of any approved funds.
- Maintain records which identify adequately the source and application of funds for grant supported activities.
- Maintain effective control over and accountability for all funds, property, and other assets ensuring that assets are used solely for authorized purposes.
- Provide the City access to the grant-related financial records.
- Expend requested funds for only the purposes described in the application form and attachments.
- Request permission in writing to make substantial changes in budget.
 - The changes must be approved by the City in advance.
- Will submit to the City a narrative and financial report within sixty (60) days after completion of the approved activity.

This form must be signed by an individual duly authorized by the governing body of the organization to act on its behalf. The signature of the individual below indicates the organization's compliance with the entire list of certifications listed above.

The undersigned certifies to the best of his/her knowledge that:

- The information in this application and its attachments is true and correct;
- The filing of this application has been duly authorized by the governing body of the applicant organization;
- The applicant organization agrees to comply with all conditions cited above.

The undersigned further certifies that he/she has the authority to obligate the application organization.

Tim McNew
Name of Authorizing Official

President
Title

[Signature]
Signature of Authorizing Official

President
Title

Name of Applicant Organization: NORTON Little League, Inc.

NORTON LITTLE LEAGUE 9/10
SOFTBALL DISTRICT 13 CHAMPIONS
THANK YOU FOR SUPPORTING
NORTON LITTLE LEAGUE

COACHES: JAM ADAMS TOM MCCURDY TIM MONEW

PLAYERS:

- ANNAH HOLLINGER MCKENZIE TATE
- JAYCE RUSSELL MONICA JOHNSON
- ASHLEIGH ADAMS SAVANNAH ADAMS
- KIERRA MCCURDY CHLOE MONEW
- SARAH CHURCH JADENIE DESBRY
- ASSY PETERS KARI BURHAM



ORDINANCE AMENDING CHAPTER 13 OF THE CITY CODE
PERTAINING TO UTILITY VEHICLES

WHEREAS, City Council wishes to promote economic opportunity, small business and the appearance and accessibility of property in the City, and

WHEREAS, these values will be enhanced if entrepreneurs are enabled to offer services in the areas of general maintenance, snow removal and light hauling for horticultural and similar purposes, and

WHEREAS, the use of utility vehicles is desirable in the conduct of these activities, and

WHEREAS, it will be necessary and convenient for utility vehicles to be operated on City streets when moving from property to property, and

WHEREAS, the City Council has considered the speed, volume and character of motor vehicle traffic on the streets designated herein and has determined that utility vehicle operations on the streets and in the areas designated herein is compatible with state and local transportation plans and is consistent with the Commonwealth's Statewide Pedestrian Policy, after receiving a recommendation as to such use from the City Manager,

NOW THEREFORE, BE IT ORDAINED,

1. That the Norton City Code be amended by adding thereto as Chapter 13, Article IV – UTILITY VEHICLES, the following:

“Sec. 13-77. –Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the meanings respectfully ascribed to them:

Multi-purpose path means that area of a public street designated by the City for pedestrian travel, and use by utility vehicles.

Sidewalk means that area of a public street set aside or used for pedestrian travel which is parallel to and within the boundary lines of a street.

Street means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the City, including the streets and alleys, for law-enforcement purposes, the entire width between the boundary lines of all private roads or private streets that have been specifically designated “highways”, as that term is defined in §46.2-100 of the State Code, by ordinance, and also including sidewalks and multi-purpose paths.

Utility vehicle means a motor vehicle that is (i) designed for off-road use, (ii) powered by an internal combustion engine of no more than twenty-five (25) horsepower or an electric motor which restricts the speed of the utility vehicle to less than thirty-five (35) miles per hour, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. “Utility vehicle” does not include all-terrain vehicles as defined in §46.2-915.1 of the State Code, riding lawn mowers, or any other vehicle whose definition is included in §46.2-100 of the State Code.

Sec. 13-78. –Utility vehicle operations on streets not otherwise designed for such operation.

It shall be unlawful for any person to operate a utility vehicle on or over any street, sidewalk, or multi-purpose path in the City, except as provided in this article.

Sec. 13-79. –Limitations on utility vehicle operations on designated streets.

(a) Utility vehicle operations on designed streets shall be in accordance with the following limitations:

- (1) A utility vehicle may be operated only on designated streets where the posted speed limit is twenty-five (25) miles per hour or less. No utility vehicle shall cross any street at an intersection where the street being crossed has a posted speed limit of more than twenty-five (25) miles per hour;
- (2) No person shall operate any utility vehicle on any street unless he has in his possession a valid driver’s license;
- (3) Every utility vehicle, whenever operated on a street, shall display a slow-moving vehicle emblem in conformity with §46.2-1081 of the State Code; and
- (4) Utility vehicles shall be operated on designated streets only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (§46.2-100 et seq.) of Chapter 10 of the State Code.
- (5) Utility vehicles operating on designed streets pursuant to this article shall be insured by a policy of liability insurance with coverage of not less than three hundred thousand dollars (\$300,000.00) per accident. In lieu of coverage provided by an insurance policy, the owner of such utility vehicles may self-insure the liability coverage if the Commissioner of the Virginia Department of Motor Vehicles has issued a certificate of self-insurance pursuant to §46.2-368 of the State Code.

(b) The limitations of subsection (a)(1) of this section shall not apply to utility vehicles being operated to the extent necessary for local government employees, operating only upon streets within the City, to fulfill a governmental purpose, provided the utility vehicle is being operated on streets with speed limits of thirty-five (35) miles per hour or less.

Sec.13-80. –Procedure for designation of streets for utility vehicle operations.

- (a) No street or portion thereof may be designated for use by utility vehicles unless that portion of the street has been reviewed and approved for such usage by the City Council and designated for such use in this article.
- (b) Prior to approving a street or portion thereof for use by utility vehicles, the City Council shall (i) consider the speed, volume, and character of motor vehicle traffic using such streets, and (ii) determine that utility vehicle operation on a particular street is compatible with state and local transportation plans and consistent with the Commonwealth’s Statewide Pedestrian Policy provided for in Section 33.1-23.03:001 of the state code, after receiving a recommendation as to such use from the City Manager.
- (c) No street or portion thereof shall be designated for use by utility vehicles if such utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

Sec. 13-81. –Designated streets for utility vehicle use.

Notwithstanding any other provision of the City Code to the contrary, the following portions of streets in the City are designated for use by utility vehicles in accordance with the provisions of this article and state law:

[To be supplied]

Sec. 13-82. –Violations of this Article IV shall be a traffic infraction punishable by a civil penalty not to exceed \$100.00. Enforcement shall be by citation issued by a member of the City Police Department.

This ordinance shall be effective thirty (30) days after adoption.

ADOPTED this ___ day of October, 2015.

MAYOR

ATTEST:

CLERK



Jeff Buchanan, P. E.
Assistant Traffic Engineer
SWRO Bristol Area Traffic
August 28, 2014



ATV ROUTE DEVELOPMENT

Required Submittals

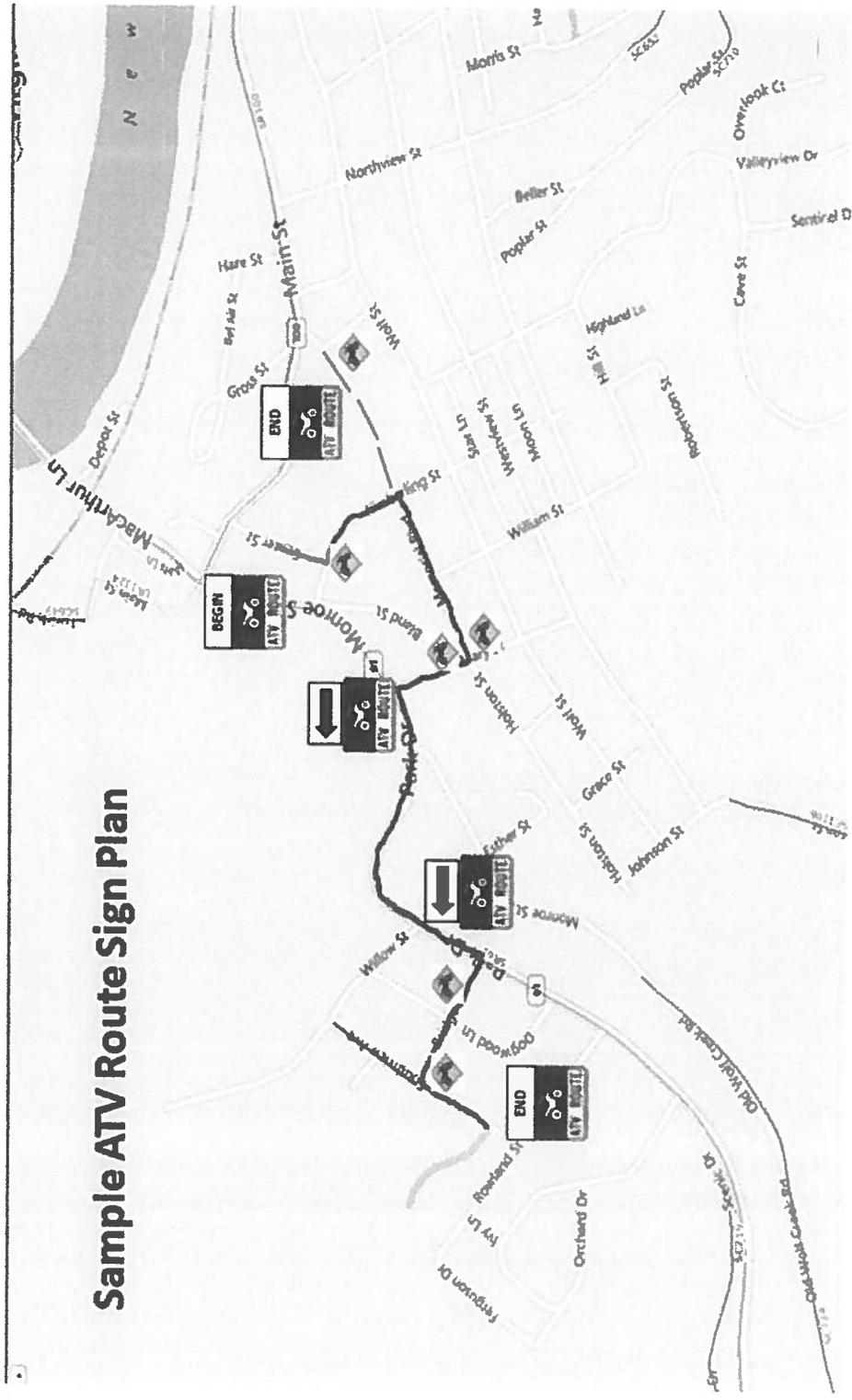
Route Plan

- **Map showing roads/streets to be included in the proposed ATV Trail must be identified.**
- **Begin/end points and any destinations along the proposed route.**



ATV ROUTE DEVELOPMENT

Sample ATV Route Sign Plan



ATV ROUTE DEVELOPMENT

Required Submittals

Data

- **Data for each road included in the proposed ATV Trail, to include as a minimum:**
 - a. Speed limit
 - b. Traffic volume
 - c. Percent trucks
 - d. Road (pavement) width
 - e. Crash data
 - f. Written narrative showing ATV is compatible with existing traffic volume, speed and type.

ATV ROUTE DEVELOPMENT

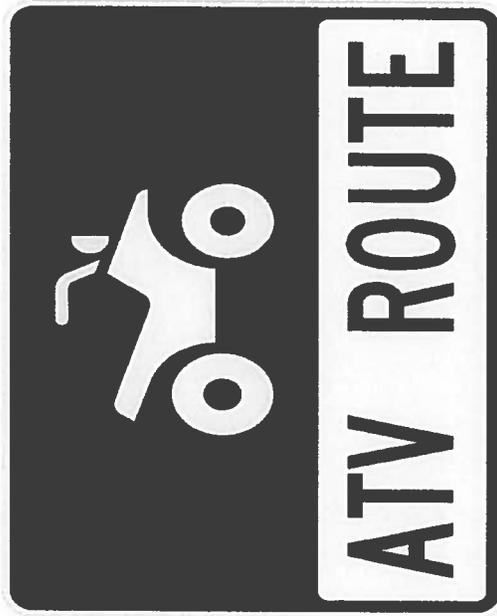
Required Submittals

Signage

- Allowable signs are the black and white regulatory ATV Route sign (including BEGIN, END and Directional Arrows).
- Sign design for signage on ALL roads, including locally maintained roads, must meet the same design standards as on VDOT maintained roads (color, size, reflectivity, etc.)
- Sign shop drawings – show type of material, font size/type, reflectivity.
- No trail name or logos may be included on the sign or attached to the sign post.

VDOT

ATV ROUTE DEVELOPMENT



ATV ROUTE DEVELOPMENT



ATV ROUTE DEVELOPMENT

VDOT Review

- Review of traffic volume, data and crash rate.
- VDOT approval will include a field visit to review the physical location of proposed signs.
- Response will be in writing – indicating points requiring additional information, issues of concern and overall approval or disapproval.

OFF-ROAD RECREATIONAL VEHICLE/ALL-TERRAIN VEHICLE (ATV) SIGNING GUIDELINES

Introduction

Code of Virginia § 46.2-800.2 governs the use of Off-Road Recreational Vehicles (ORRVs) on Virginia highways. The code allows for the governing body of any locality that is a part of the Southwestern Regional Recreational Authority (SRRA) to authorize the operation of ORRVs on public highways within its jurisdictional boundaries. Currently the SRRA is comprised of seven counties in far Southwest Virginia (Lee, Wise, Scott, Dickenson, Buchanan, Tazewell, and Russell) plus the City of Norton.

ORRVs generally consist of either three-wheeled All-Terrain Vehicles (ATVs) or four-wheeled Utility Task Vehicles (UTVs), sometimes known as “side-by-sides”. These vehicles are typically gas-powered and designed to ride on rough terrain. To be consistent with the Code this document refers to ORRVs, however it is recommended that any signage use the “ATV” acronym as the most commonly known acronym. This policy guidance below applies equally to roads where only ATVs may operate, vs. roads where both ATVs and UTVs may operate.

The Code states that the ordinances enacted by the localities may only authorize ORRV operations on public roads subject to the following conditions:

- ORRV operations may only be authorized on either:
 - highways that have a maximum speed limit of no more than 25 mph, or
 - highways that have a maximum speed limit greater than 25 mph, but only for a maximum length of five miles within that locality.
- Any signs erected by any City, County, or Town (or by SRRA) shall first be approved by VDOT with respect to their design, number, and location. This applies to both state- and locality-maintained roadways.
- ORRVs cannot operate on public roads unless signs have been erected warning motorists that ORRVs may be erected on that highway.

VDOT, being responsible for the safe and efficient operation of all users of state-maintained highways (motorists, ORRV riders, bicyclists, and pedestrians) has the authority and the responsibility to determine if the operation of ORRVs will not compromise safety before approving the ORRV signage. Since the law requires such signage in order for ORRV operations to proceed, the law effectively gives VDOT the authority to approve or deny any requests by a locality or SRRA to allow for ORRV operations on a state-maintained highway.

This policy document encompasses VDOT’s policies for reviewing and approving requests by localities to open VDOT-maintained roads to ORRV operation, as well as VDOT’s policies regarding the installation and maintenance of ORRV-related signs on VDOT roads. This policy document also develops consistent standards for ORRV signage that are to be used on all public roads, including locality-maintained roads, to ensure compliance with the Code, maintain uniformity across locality boundaries, and reduce confusion for both motorists and ORRV drivers.

At present Virginia Code limits ORRV operations on public roads to the SRRA member localities, however this policy will also apply to other localities should Virginia Code ever be expanded to allow ORRV operations on public roads in other localities.

OFF-ROAD RECREATIONAL VEHICLE/ALL-TERRAIN VEHICLE (ATV) SIGNING GUIDELINES

All persons operating ORRVs shall wear helmets, shall obey all rules of the road applicable to other motor vehicles, and shall either be a licensed driver or accompanied by a licensed driver.

Relationship to Golf Cart/UTV Regulations

UTVs have similar characteristics to Golf Carts, and a separate section of VA Code (§ 46.2-916.2 and § 46.2-916.3) governs when Golf Carts/Utility Vehicles can operate on public roads. Golf carts (and some UTVs) are typically battery-powered, designed to ride only on smoother terrain, and are slower than ORRVs.

VDOT's policies on Golf Cart operations and Golf Cart signage can found on VDOT's Land Use Permits website.

Application Requirements

Application for a land use permit authorizing the installation of ORRV signs on state-maintained highways shall be made through the local District permit office by the requesting locality.

The District Administrator's designee receiving the request shall coordinate review and approval of the request with all appropriate VDOT personnel.

The Regional Traffic Engineer (or their designee) shall perform a review of the land use permit application and supporting material.

A land use permit is not required to erect signs on roads not maintained by VDOT. However §46.2-800.2 does provide VDOT the Authority to approve the sign design used for ORRV operations for all Cities, Counties, and Towns. Therefore localities that maintain their own roads shall only install signs that match the sign designs in this policy.

A list of Counties with their corresponding VDOT District offices and contact information may be obtained on the VDOT web site at: <http://www.virginiadot.org/about/districts.asp>.

Requirements for ORRV operations on state-maintained roads

VDOT will only permit signage allowing for ORRV operations on state-maintained roads if they meet the following criteria:

- The locality or agency requesting the ORRV signage must consider the speed, volume, and character of motor vehicle traffic using such highways to determine if ORRV vehicle operation is compatible with state and local transportation.
- The locality or agency shall provide VDOT with evidence of its consideration of the speed, volume, and character of motor vehicle traffic for routes being considered for ORRV designation.
- The locality or agency shall provide VDOT with an overall route plan show connectivity to and from specific origins and destinations. Example origins and destinations include the trailhead parking lot(s) for the off-road ORRV routes, local restaurants and shops, visitor centers, etc.

OFF-ROAD RECREATIONAL VEHICLE/ALL-TERRAIN VEHICLE (ATV) SIGNING GUIDELINES

- As per VA Code, the speed limit of the highway to be designated shall not exceed 25 mph, except if the designated section of road is less than five miles in length through that locality.
- The AADT of the highway to be designated should not exceed 1000 vehicles per day.
- The designated route shall not have geometric constraints that restrict minimum intersection sight distance or stopping sight distance for the posted speed limit.
- The total pavement width of the designated route shall not be less than 18 feet in width if there is no on-street parking. Where on-street parking exists, the minimum pavement width shall be 26 feet if parking is allowed on one side and 32 feet if parking is allowed on both sides. These widths may include any drivable paved or grass shoulders on each side of the travel way. These width restrictions do not apply to one-way streets.
- Daily truck traffic should not exceed 10%. VDOT shall determine if truck traffic creates an operational or safety concern for the use of ORRVs on the designated route.
- Routes with high incidences of crashes will not be considered for designated use by ORRVs.
- VDOT shall make a determination as to whether on-going land development will trigger any thresholds that would deem the designated route as not compatible for the operation of ORRVs.

ORRV Signage – General Principles:

Any signage erected on Virginia roads (including signs erected by localities that maintain their own roads) must abide by the standards of the *Manual on Uniform Traffic Control Devices* (MUTCD), issued by the Federal Highway Administration (FHWA). The Code of Federal Regulations (23 CFR 655F) requires that the MUTCD be the national standard for all traffic control devices (signs, markings, signals, etc.) on any road or bikeway open to public travel. This federal requirement provides national uniformity in Traffic Control Devices which promotes safer travel, reduces road user confusion and allows for uniform enforcement of traffic laws. Any signage erected on state-maintained highways must also abide by the standards of the Virginia Supplement to the MUTCD.

Virginia Code [§ 46.2-1312](#) requires that traffic signs, signals and markings placed or erected by local authorities conform in size, design, and color to those erected for the same purpose by VDOT. Virginia Code [§ 33.1-46](#) provides that the signs/signals/markings placed on roads maintained by localities are still subject to the approval of VDOT.

The MUTCD generally does not apply to unpaved ORRV trails, however it does apply to the trailhead parking lot, any roads (private and public) open to general vehicular traffic, and paved shared use paths. It also applies to directional signs directing motorists from nearby major roads to the trailhead parking lot.

The MUTCD does not explicitly cover the subject of ORRV signage. However, the MUTCD does give states some flexibility to create new signs in response to unique situations as long as certain basic principles related to sign shapes/sizes/colors/symbols are still met. In the case of ORRVs, the MUTCD does provide a standard symbol (the RS-095 symbol) for ATVs and VDOT has the flexibility to use that symbol on warning, regulatory and guide signs.

These signs must follow the following general principles:

OFF-ROAD RECREATIONAL VEHICLE/ALL-TERRAIN VEHICLE (ATV) SIGNING GUIDELINES

- 1) As per § 46.2-800.2, the signs will be the property of the locality or the SRRA and must be maintained by the locality or SRRA.
- 2) VDOT reserves the right to require relocation or removal of any sign on a VDOT-maintained road if VDOT determines the sign is posing a hazard or does not comply with the minimum standards.
- 3) All signs must of the correct shape, size, color, and design as outlined in the MUTCD and this policy document.
- 4) All signs must be designed and erected as per the latest effective edition of VDOT's *Road & Bridge Standards* and *Road & Bridge Specifications*. Signs must be of the proper material, have the proper retroreflective sheeting, be mounted on VDOT standard sign supports, and be located the appropriate distance laterally from the road and at the appropriate elevation.
- 5) Warning signs and regulatory signs shall not be used on the same assembly.
- 6) Signs shall be located where they will be adequately visible, where they won't block the view of other traffic control devices, and where they won't distract drivers at critical decision points such as major intersections.
- 7) Logos or names for specific named ATV trails shall not be incorporated into the below regulatory and warning signs.
- 8) The locality or SRRA shall prepare sketches showing the location of existing and proposed signs, as well as all details related to the proposed signs. These sketches shall be approved by the Regional Traffic Engineer or designee prior to installation. If an atypical situation exists and non-standard signing is proposed, the Regional Traffic Engineer or designee may submit a recommendation to Central Office TED for signing based the agency's request and documentation as to what/why it is atypical.
- 9) Signs shall only be installed on roads where the Code of Virginia and local ordinance allows ORRV operation on that road. In other words, warning signs or other signs regarding ORRV operation shall not be erected on roads in which ORRV operation is illegal.

"ATV Route" Regulatory Signs

- 1) Routes shall be signed with a 36" x 24" black-and-white "ATV Route" sign (similar in design to the R3-17 "Bike Route" sign). The placement of ATV Route signs should follow the same general principles as Bike Lane signs (see Section 9B.04 of MUTCD) where appropriate.
- 2) Green background signs shall not be used for ATV Routes, because the ATV Route sign is a regulatory sign communicating that ORRVs are only allowed on roads on which these signs are posted.
- 3) A sign assembly consisting of the "ATV Route" sign with a R3-9cP "Begin" plaque atop shall be placed at the beginning of the official ORRV Route. Begin ATV Route sign assemblies may be



OFF-ROAD RECREATIONAL VEHICLE/ALL-TERRAIN VEHICLE (ATV) SIGNING GUIDELINES

omitted on side roads that intersect with the main ATV route if the local ordinance allows ORRVs to operate on very short (<1000 ft) sections of that side road.

- 4) A sign assembly consisting of the "ATV Route" sign with a R3-9dP "End" plaque atop shall be placed at the end of the official ORRV Route. The "End ATV Route" posting is particularly necessary to notify ORRV riders that driving past the end of the route is a violation and a potential safety hazard (and reduce the possibility of tickets issued for illegally riding an ORRV on a road being dismissed). End ATV Route assemblies are not required at the end of dead-end roads. End ATV Route sign assemblies may be omitted on side roads that intersect with the main ATV route if the local ordinance allows ORRVs to operate on very short (<1000 ft) sections of that side road.
- 5) The ATV Route sign should be supplemented with M-series turn arrow signs where the designated ORRV Route changes direction.

"No ATV" Regulatory Signs

- 1) "No ATV" Regulatory signs may be posted where necessary to reinforce the prohibition against riding ORRVs on roads except those where it is explicitly allowed. Such signs should not be used indiscriminately since VA Code already prohibits ORRV riding on all public roads except for designated ATV Routes as outlined in this policy. Their use should be limited to roads immediately adjacent to ATV Routes, or at other locations where there is a need to emphasize the prohibition on ATV riding. In most cases the sign would not be appropriate for use outside the SRRA member localities.
- 2) The sign shall be black ATV symbol and border on a square white background sign, plus the universal symbol for prohibition in red (similar to R5-6 "No Bicycles" or R9-14 "No Equestrians" signs).
- 3) The "No ATV" sign shall be 24" x 24" in size when used on conventional single-lane or multi-lane roads, and 30" x 30" when used on expressways.
- 4) The sign, if used, should be placed immediately downstream of the intersection so that ATV riders will see the sign before they attempt to turn onto the prohibited road.



ORRV Warning Signs

- 1) All warning signs related to ORRV operations shall use a non-fluorescent yellow background. Fluorescent yellow-green background shall not be used as that color is reserved exclusively for signs warning about bicyclists or pedestrians.
- 2) An ATV Warning sign should be used where appropriate to warn motorists of the potential for encountering ATVs. The ATV Warning sign is a diamond-shaped yellow sign, either 30" x 30" on single-lane roads or 36" x 36" on double lane roads.



OFF-ROAD RECREATIONAL VEHICLE/ALL-TERRAIN VEHICLE (ATV) SIGNING GUIDELINES

- 3) The ATV Warning sign should be used in conjunction with a) a W16-1P "Share the Road" plaque, b) in conjunction with a W11-15P "Trail Xing" sign, or c) in conjunction with a W16-7P downward-pointing arrow sign.
- 4) Agencies may erect an ATV "Share the Road" assembly along the route if justified using the specific conditions of that segment and engineering judgment. These signs should only be used on two-lane roads where regular ORRV use exists and the road has insufficient width (lane width plus paved or unpaved shoulder width) for drivers to pass ORRVs without crossing a marked centerline, resulting in conflict with higher speed automobile or truck traffic. The lane width, shoulder width, vehicular volume, and truck volume should be taken into account. The signs may also be considered where horizontal/vertical geometry could limit sight distance for a faster vehicle approaching a slower ORRV.
- 5) Sign assemblies consisting of the diamond-shaped sign above a W11-15P "Trail Xing" sign and/or W16-7P downward-pointing arrow sign should be erected at locations where an ATV path crosses a public street. Chapter 9 of the MUTCD provides guidance on signs and markings where bicycle paths cross public roads, and that guidance should generally be applicable to ATV path crossings. However, the higher operating speeds of ATVs as compared to bicycles should also be considered.

APPENDIX A – CODE OF VIRGINIA

[Note: the below is current as of September 2014.]

§ 46.2-800.2. Operation of off-road recreational vehicles in localities embraced by the Southwest Regional Recreation Authority.

A. The governing body of any county, city, or town embraced by the Southwest Regional Recreation Authority may by ordinance authorize the operation of any off-road recreational vehicles (i) on highways within its boundaries that have a maximum speed limit of no more than 25 miles per hour and (ii) for a distance of no more than five miles on any highway within its boundaries that has a maximum speed limit of more than 25 miles per hour. Any such ordinance shall define "off-road recreational vehicle." Any such operation shall be subject to the following conditions, and such additional restrictions and limitations as the county, city, or town by ordinance may impose:

1. Signs whose design, number, and location are approved by the Virginia Department of Transportation shall have been posted by the county, city, town, or Southwest Regional Recreation Authority warning motorists that off-road recreational vehicles may be operating on the highway;

2. Such off-road recreational vehicles shall be operated only during daylight hours;

3. Off-road recreational vehicle operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

4. Riders of such off-road recreational vehicles shall wear helmets of a type approved by the Superintendent of State Police; and

5. Operators shall be licensed drivers or accompanied by a licensed driver who is either occupying the same vehicle or occupying another vehicle within a prudent distance; however, no person shall operate any off-road recreational vehicle as provided in this section if his driver's license, whether issued in the Commonwealth or in another jurisdiction, has been suspended or revoked.

B. The governing body of any county, city, or town that enacts any ordinance under subsection A shall notify in writing the Virginia State Police and all law-enforcement agencies within the county, city, or town of its action, together with a copy of such ordinance.

C. Operation of any off-road recreational vehicle as provided in the foregoing provisions of this section shall be subject to the issuance of a permit by the Southwest Regional Recreation Authority pursuant to § 15.2-6020. Any such permit shall be valid for such period of time and subject to the payment of such fee as the Authority shall provide.



Transportation Alternatives Project Endorsement Resolution

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in the City of Norton, Virginia.

NOW, THEREFORE, BE IT RESOLVED, that City of Norton, Virginia, requests the Commonwealth Transportation Board to establish a project for the assistance in construction of a 1.25 mile long, 10 foot wide, multi-use path along the Guest River in Norton.

BE IT FURTHER RESOLVED that City of Norton, Virginia hereby agrees to provide a minimum 20 percent matching contribution for this project.

BE IT FURTHER RESOLVED that City of Norton, Virginia hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

BE IT FURTHER RESOLVED that City of Norton, Virginia will be responsible for maintenance and operating costs of any facility constructed with Transportation Alternatives Program funds unless other arrangements have been made with the Department.

BE IT FURTHER RESOLVED that if City of Norton, Virginia subsequently elects to cancel this project City of Norton, Virginia hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. City of Norton, Virginia also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

ADOPTED this 15th day of September, 2015.

CITY OF NORTON, VIRGINIA

William J. Mays, Mayor

ATTEST:

Clerk

137323

08-24-2015

Norton Industrial Development Authority

\$122,004.25

4-001-081000-5604

August 2015 Draw Request

V-496

**CITY OF NORTON
GENERAL OPERATING FUND**
NORTON, VA 24273

THE FIRST BANK & TRUST
NORTON, VA

137323

68-446 514
10

*****One Hundred Twenty-Two Thousand Four Dollars and Twenty-Five Cents*****

PAY TO THE ORDER OF:

DATE

AMOUNT

08-24-2015

\$122,004,25

Norton Industrial Development Authority


AUTHORIZED SIGNATURE

⑈ 137323⑈ ⑆ 051404464⑆ 100002346⑈