

# **City Council Meeting Packet**



**August 16, 2016**

## AGENDA

Norton City Council

August 16, 2016

6:00 P.M.

1. Roll Call
2. Invocation – Rev. Freddie Powers
3. Pledge of Allegiance
4. Approval of Minutes
  1. Meeting of July 12, 2016
5. Audience for Visitors
6. Special Presentation
7. New Business
  - A. Presentation by the Black Diamond Resource Conservation & Development Council.
  - B. Request by Appalachian Natural Gas Distribution Company to Install Gas Line Across Public Right-of-Way.
  - C. Presentation about a Conceptual Plan for the Proposed Riverwalk.
  - D. Resolution Approving Financing Terms for the Purchase of Election Public Works Equipment.
  - E. Resolution Authorizing the City Manager to Enter Into A Grant Agreement with the Virginia Department of Transportation.

- F. Confirmation of Checks(s)/Transfer(s) in Excess of \$100,000.
- G. Closed Meeting to Discuss Personnel as Per Section 2.2-3711 (A) (1) of the City of Virginia, as Amended; Consultation with Legal Counsel Pertaining to Actual or Probable Litigation Per Section 2.2-3711 (A) (7) as Amended; and Section 2.2-3711 (A) (3) of the Code of Virginia, as Amended, 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.

1. Appointment to the Black Diamond Resource Conservation & Development Council for a Two (2) Year Term; Currently Mark Leonard Whose Term Ended 7/1/2016.

To 7/1/2018

2. Appointment to the Department of Social Services for a Four (4) Year Term; Currently Ethel Daniels Whose Term Ended 8/5/2016.

To 8/5/2020

8. Comments by the City Manager, City Attorney, and City Council.
9. Adjournment.

The rescheduled meeting of the Norton City Council was held on Tuesday, July 12, 2016 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

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

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

The invocation was given by the Reverend Gary Hill and was followed by the Pledge of Allegiance led by Police Chief James Lane.

At this time, Mayor Mays advised Council he would like to amend the agenda to include under Item 6-E – Closed Meeting - an appointment to the Social Services Advisory Board as per Section 2.2-3711 (A) (1) of the Code of Virginia, as amended.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to amend the agenda under Item 6-E Closed Meeting as specified above.

Upon a motion by Councilman Fultz, seconded by Councilwoman Belcher, and passed by the following vote: YES – Caruso, Fultz, Fawbush, Mays, Belcher, NO – None, ABSENT – None, Council moved to adopt the minutes of the June 28, 2016 meeting as presented.

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

Council had been presented with A Resolution Approving the Planning District One Community Services Board Performance Contract for Fiscal Years 2017 and 2018.

Mr. Ramey advised Council considers the Planning District One Behavioral Health Services Performance Contract every two years. Planning District One provides mental health, mental retardation and substance abuse services for the Lenowisco District.

Upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by unanimous roll call vote, Council moved to adopt A Resolution Approving the Planning District One Community Services Board Performance Contract for FY 2017 and FY 2018. (Insert)

The City Manager advised that Council had briefly discussed the Adopt-A-Trail and Adopt-A-Spot programs at the last meeting and asked City Administration to place the City's current litter ordinance on the agenda for discussion. Mr. Ramey advised the City Attorney had researched the City's current litter ordinance and was ready to update Council on the ordinance.

Mr. Bradshaw informed Council of the various fines and penalties associated with the City's littering ordinance. He said that all littering offenses, with the exception of building code violations, are reason enough for the Police Department to issue a summons for the offender to appear in court. Mr. Bradshaw advised Council that the City's litter ordinance is up-to-date and he recommends no changes to the current ordinance.

Following a lengthy discussion, it was the consensus of Council to place signs with the penalty for littering at adopted locations and other areas where needed.

In Council's packets for their review was Proposals for the "Adopt-A-Spot" and "Adopt-A-Trail" Cleanup Programs within the City.

Mr. Ramey stated these programs will allow businesses, groups and individuals to partner with the City to keep public areas litter free by adopting a specific area or trail. These programs provide an application and a report form to track volunteer hours so the City can recognize these volunteers for their efforts.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by unanimous vote, Council moved to approve the "Adopt-A-Spot" and "Adopt-A-Trail" Cleanup Programs as presented.

Council had one transfer to confirm. The transfer was to the Norton City Schools dated June 28, 2016, in the amount of \$100,000 to pay for payroll expenditures.

Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher and passed by unanimous roll call vote, Council moved to confirm the transfer to the Norton City Schools as stated above.

Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, 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 consultation with legal counsel pertaining to actual or probable litigation as per Section 2.2-3711 (A) (7) of the Code of Virginia, as amended.

Mayor Mays declared Council in closed meeting.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, 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, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

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

City Administration is expecting an easement request in the Hawthorne area from Appalachian Natural Gas Distribution Company. City employees have met with company officials and located City utilities, and Mr. Bradshaw is reviewing their request. He also expects the Norton Industrial Development Authority (NIDA) to receive the same request for parcels owned in that area.

Rachel's Cupcakes, one of the Norton Business Challenge winners, had its grand opening and the owner is pleased with business so far.

Zest Catering, first place winner of the Norton Business Challenge, is working on its site and is planning on opening in August.

The City has received verbal notification that it will receive an AmeriCorps team for the month of August to work on trail development.

Mr. Ramey advised he had signed documents today regarding the Virginia Department of Transportation's Primary Extension Grant Program, allowing the City to pave a portion of Kentucky Avenue near the Laurel Grove Cemetery.

The Safe Routes to School (SRTS) punch list is scheduled to begin July 18<sup>th</sup>. The work will include replacing some sidewalk and stamping the crosswalks at the Dari Queen intersection.

A copy of the Annual Water Report was placed on Council's desks.

The City's Outdoor Camp begins July 18<sup>th</sup> and will teach kids in grades 5 through 12 fly fishing, archery, canoeing, setting up tents, and more. This is the first year the City is offering this type of camp and offering a camp for high school students.

The Environmental Camp begins July 25<sup>th</sup> and is for grades 2 through 5. Fifteen kids have signed up for this camp and Mr. Ramey said it is very popular every year.

In comments from the City Attorney, Mr. Bradshaw advised Council he anticipates using land use permits, rather than easements, for two potential requests from Appalachian Natural Gas Distribution Company.

He has received information on nine properties from the Treasurer to add to the delinquent real estate tax list. He has completed the title examinations and letters have been prepared to notify land owners of the intent to collect the delinquent taxes.

In comments from Council:

Councilman Caruso advised in the future he would like to receive a land map to go with the property list that will be sold for delinquent taxes.

Councilman Caruso said he attended the School Board meeting and they discussed the governor's budget. He asked for clarification on the City's FY 2016-2017 budget in regard to employee raises as it relates to the state's employee raises for the FY 2016-2017 budget.

Mr. Ramey advised Council adopted the budget with the understanding that if the state did not give employee raises, then the City would not give employee raises. Mr. Ramey stated the state is going to revisit the budget in September and it is possible employee raises could be given at that time.

Councilman Caruso stated the School Board is going to place all teachers on one pay scale.

He recommends that Council requests that the Planning Commission begin reviewing the Comprehensive Plan.

Mr. Ramey advised the Planning Commission has been reviewing the Comprehensive Plan for two months and will present recommendations to Council when the review is completed.

Councilman Caruso stated he read the City's Emergency Management Plan and it does not cover Council's role during a crisis. He would like for the document to include Council's responsibility during an emergency.

Mr. Ramey stated he will have Mr. Todd Lagow, the City's Emergency Management Coordinator, research the topic and then he will report back to Council.

Councilman Fultz stated the July 4<sup>th</sup> event was well attended and very positive.

He was not able to attend the Riverwalk Community Design Event due to attending a funeral but he understands that the event was well attended.

He reminded everyone that the High Knob Music Festival is July 23<sup>rd</sup>.

It is exciting to see the new Verizon building occupied and the new Raff's Grill preparing to open.

The Kanto Building is being worked on and downtown has five new businesses. Downtown is in transition and that is good compared to a year ago.

Mr. Ramey asked Council to be thinking now about the July 4<sup>th</sup> event for 2017. July 4<sup>th</sup> next year is on a Tuesday and City Administration has to sign a contract with the vendor by early December. He would like for Council to decide if they are going to have July 4<sup>th</sup> fireworks, and, if so, on what day next year.

Mr. Ramey advised there was a delay in receiving the glass for the farmers' market building. It is expected to arrive by next week and will be installed upon receipt.

Mayor Mays commented that he had received more positive comments at his work in St. Paul about the City's fireworks. He stated that customers advised him they were going to spend their money in Norton because they believe Norton appreciates its citizens.

Councilwoman Belcher stated the fireworks were great.

She attended the proposed Norton Riverwalk Community Design meeting and attendees were divided into groups and worked together on ideas for the Riverwalk. She noted that this project appears exciting and will attract people to Norton.

Councilman Fawbush stated he was on vacation at Panama City and their fireworks on July 4<sup>th</sup> did not compare to the City's. The City's fireworks were streamed on July 2<sup>nd</sup> and they were able to watch them while they were on vacation.

In reference to emergency management, he stated since he had been on Council, it has been Council's role to set policy and budget, and to hire the City Manager and City Attorney, and to appoint a City Clerk. He advised if Council is going to add additional duties to Council's role during a crisis that Council needs to study this thought in depth.

Councilman Caruso stated that his concern is that if there was an emergency Council is not involved in the decision making process according to the current Emergency Management Plan.

Mr. Bradshaw advised that Council had the option to remove the Emergency Management Coordinator.

Councilman Fawbush stated if we are talking about tasks he feels the emergency management staff would be in a better position to handle these issues. If Council needs to adopt a policy or allow for expenses, Council can call an emergency meeting.

Mr. Ramey advised it is hard to define Council's role pre-crises because the event is fluid. There has been one emergency event since he has been at the City, and Council was kept informed and were brought in when management felt Council's approval was needed. He will ask the City's Emergency Management Coordinator Mr. Todd Lagow to research the issue, and Mr. Ramey will update Council by letter.

Councilman Fawbush advised he is fine with clarifying Council's role during a crisis. He stated school begins in four weeks.

Mayor Mays stated he appreciates Council and their commitments to the City. He reminded Council the next meeting is August 16<sup>th</sup>.

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

CITY OF NORTON, VIRGINIA

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William Mays, Mayor

ATTEST:

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Clerk of Council



# Inter-Office Memo



**To:** Mayor and City Council  
**From:** Fred L. Ramey, Jr., City Manager *FR*  
**CC:**  
**Date:** July 7, 2016  
**Re:** Black Diamond Resource Conservation & Development Council

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Recent City Council asked that I invite a representative of the Black Diamond Resource Conservation & Development Council to a future council meeting to provide an overview of the organization. William "Bill" Worrell will be attending our August 16<sup>th</sup> meeting to provide the overview and answer any questions that City Council may have.

Thank You.



To whom it may concern:

Appalachian Natural Gas Distribution Company, has received a request to provide natural gas service to, several of the businesses along Hawthorne Drive in the City Of Norton. In order to establish service, we are requesting permission to horizontally directional bore Hawthorne Drive, as well as lay in the shoulder of Hawthorne Drive, within the City of Norton for the purpose of installing a 2" HDPE natural gas main. The purpose of the proposed main extension, is not only to provide service to the already existent customers along this route, but to also allow for future expansion as this area continues to grow.

ANGD is the certificated natural gas utility currently serving approximately 500 Industrial, commercial and residential customers in Wise, Dickenson, Buchanan, Russell, Lee and Tazewell counties. ANGD is responsible for operations and maintenance, including providing emergency response to its entire service area. As the certificated utility in Southwest Virginia, ANGD has vast construction experience working with VDOT, municipals and all towns within its service territory.

Regards,

Diogenes "Dio" Herrera

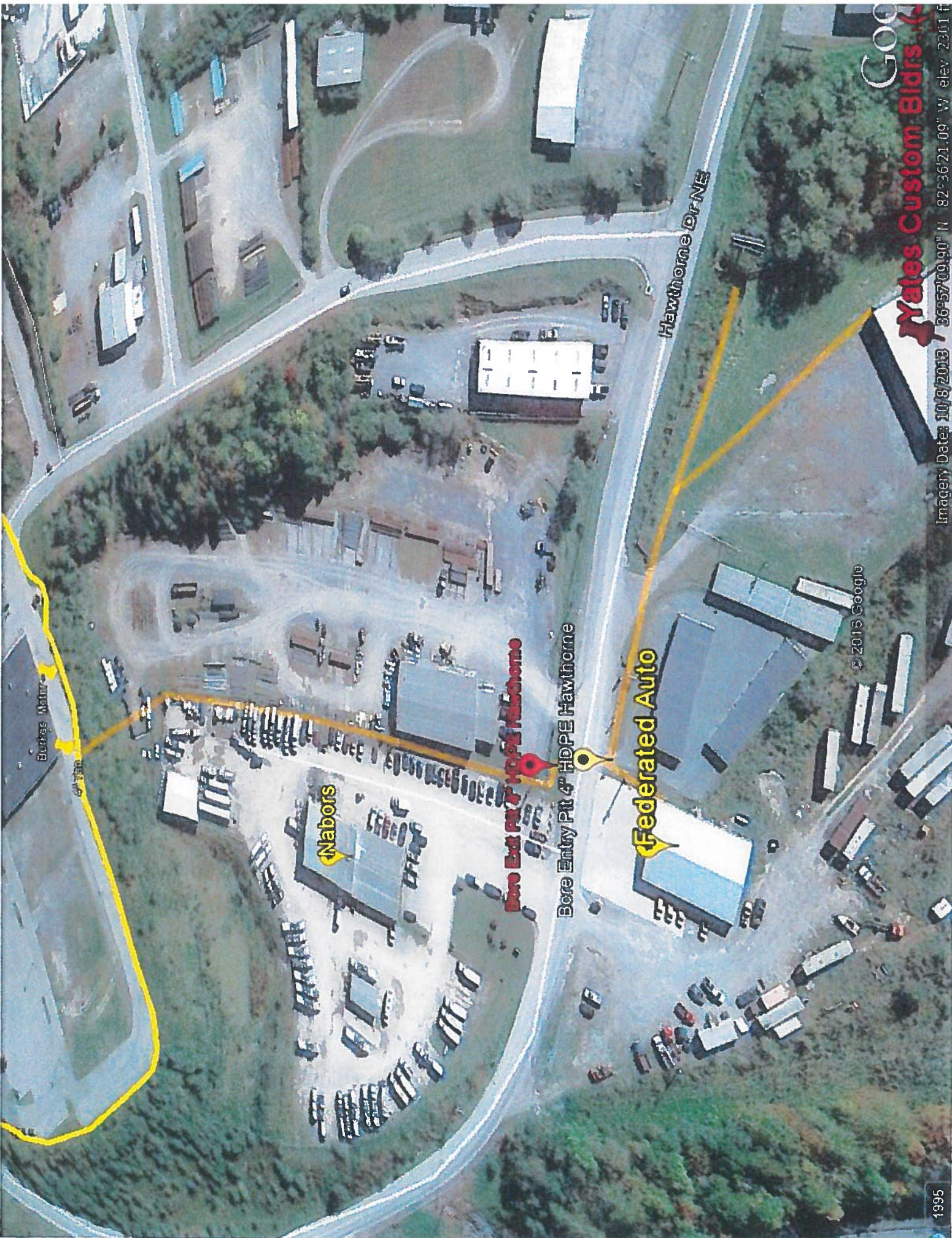
Director of Operations

Appalachian Natural Gas Distribution Company

276-525-0561

Dherrera@appnatgas.com





Buchs Water

Nabors

Bore Exit Pit 4" HDPE Hawthorne

Bore Entry Pit 4" HDPE Hawthorne

Federated Auto

Hawthorne Dr NE

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# Inter-Office Memo



To: Mayor and City Council  
From: Fred L. Ramey, Jr., City Manager *FR*  
CC:  
Date: July 7, 2016  
Re: Proposed Riverwalk Project

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At the June 28<sup>th</sup> City Council meeting, University of Maryland Landscape Architecture Masters Student Dylan Reilly provided City Council with an update on his Master's Thesis on the proposed Norton Riverwalk Project.

Since that time, he held a community input session, and he has been hard at work on a scope and design of the project that he will presenting to City Council at our August 16<sup>th</sup> meeting.

Thank You.

**Resolution Approving Financing Terms**

**WHEREAS:** The City of Norton, Virginia ("City") has previously determined to undertake a project for the lease purchase of new election equipment, a compact excavator, and a tracked carrier (the "Project"), and the Finance Director has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The City hereby determines to finance the Project through Carter Bank and Trust Company, in accordance with the proposal dated August 2, 2016. The amount financed shall not exceed \$55,000.00 the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.85%, and the financing term shall not exceed five (5) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Carter Bank and Trust financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds. To the extent necessary, this Resolution shall constitute a declaration of intent under Treas. Reg. §1.150-2 (the "Reimbursement Regulations") promulgated under the Internal Revenue Code of 1986, as amended, for the Project, and the Finance Director is hereby authorized to take any additional action with respect to this declaration of official intent to assure compliance with the Reimbursement Regulations.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

By: \_\_\_\_\_  
(Clerk)

By: \_\_\_\_\_  
(Council Chairman/City Manager)

SEAL

## RESOLUTION

**WHEREAS**, in accordance with new Virginia Department of Transportation procedures, it is necessary that the governing body authorize an official of the City to execute agreements related to State-Aid Projects; and

**NOW, THEREFORE, BE IT RESOLVED** that the Norton City Council approves the Primary Extension Paving Project UPC #109358 (Kentucky Avenue); and

**BE IT FURTHER RESOLVED** that the City Manager is authorized to execute any necessary agreements on behalf of the City related to this project.

Adopted this 16<sup>th</sup> Day of August 2016.

City of Norton

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William J. Mays, Mayor

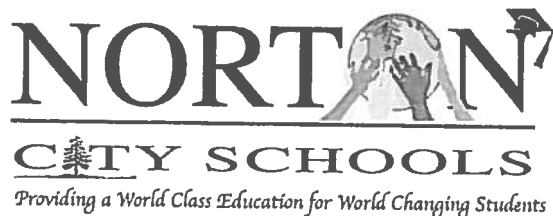
ATTEST:

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City Clerk

**SCHOOL BOARD**

Sherry Adams, Chairperson  
Mark Leonard, Vice-Chairperson  
Carol Caruso  
April Fletcher  
Joseph Stallard

**DIVISION SUPERINTENDENT**

Keith Perrigan, Ed.D.  
kperrigan@nortoncityschools.org  
Phone 276.679.2330  
Fax 276.679.4315

TO: Jeff Shupe  
FROM: Tamrya Spradlin   
SUBJECT: Request For Funds  
DATE: July 5, 2016

The Norton City Schools requests a deposit of City Funds in the amount of \$662,853.00 to cover the General Obligation School Bond, Series 2012 payment, due July 15, 2016.

Thank you!