

AGENDA

Norton City Council

October 5, 2021

6:00 P.M.

1. Roll Call
2. Invocation
3. Pledge of Allegiance
4. Approval of Minutes
 1. Meeting of September 21, 2021
5. Audience for Visitors
6. New Business
 - A. Updated from the 2021 AmeriCorps/NCCC Team Tide 5.
 - B. Discussion of an Ordinance to Allow Revocable Special Use Permits for Firewood Removal on City Property.
 - C. Resolution of Governing Body Authorizing a Rural Development Loan-Grant Application for Emergency Vehicles.
 - D. Request for One Water Tap Located in the County.
 - E. Update on the American Rescue Plan Act's Coronavirus Local Fiscal Recovery Funding.
 - F. Closed Meeting for Personnel as Per Section 2.2-3711 (A) (1) of the Code of Virginia as Amended, Section 2.2-3711 (A) (7) of the Code of Virginia as Amended; Consultation with Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual

or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; Section 2.2-3711 (A) (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community; and Section 2.2-3711 (A) (3) Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, or of the Disposition of Publicly 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 Mountain Empire Regional Business Incubator Board for a Four-Year Term; Currently Tyler Giles Whose Term Expires 6/30/2021.

To 6/30/2025

2. Appointment to the Norton Industrial Development Authority to Fill the Unexpired Term of Bryan Lewis.

To 5/10/2024

3. Appointment to the Mountain Empire Older Citizens Board for a Four-Year Term; Currently Michele Knox Whose Term Expires 9/15/2021.

To 9/15/2023

4. Appointment to the Tourism Committee for a Four-Year Term; Currently Becky Lagow Whose Term Expires 9/30/2021.

To 9/30/2025

5. Appointment to the Tourism Committee for a Four-Year Term; Currently Patty Bates Whose Term Expires 9/30/2021.

To 9/30/2025

6. Evaluation of the City Manager.
7. Comments by the City Manager, City Attorney, and City Council.
8. Adjournment.

The regularly scheduled meeting of the Norton City Council was held Tuesday, September 21, 2021, at 6:00 p.m., in the Municipal Council Chambers with Mayor Joseph Fawbush presiding.

Present: William Mays, Robert Fultz, Jr., Joseph Fawbush, Mark Caruso, and Sarah Davis

Also Present: Fred L. Ramey, Jr., City Manager and Interim City Clerk

The invocation was given by Councilman Robert Fultz, Jr., and the Pledge of Allegiance was led by Norton Police Department First Sergeant Greg Mays.

Upon a motion by Councilman Mays, seconded by Councilwoman Davis, and passed by the following vote: YES – Mays, Fultz, Caruso, Davis, Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council moved to adopt the minutes of the September 7, 2021, council meeting as presented.

During the Mayor's Call for Visitors, AmeriCorps/National Civilian Conservation Corps (NCCC) Southern Region Team Tide 5 member Austin Franklin of Hermiston, Oregon, asked council members and the city manager to sign a hat, explaining that this is something he is doing with every AmeriCorps/NCCC assignment. Tide 5 team member Jaden Briggs of Chaska, Minnesota, also asked council and Mr. Ramey to sign a hat for him as well.

The city manager asked Mr. Franklin and team members in attendance to inform council about what the team has done the last two weeks.

He said he is estimating that the team has cleared over 400 feet of trail work so far and enjoyed going to the movies at Central Drive-In.

Mayor Fawbush thanked Mr. Franklin and Mr. Briggs for addressing council and for the work they are doing.

The mayor said Wise County and City of Norton Commonwealth's Attorney C. H. "Chuck" Slemp was in attendance to provide an update on the impact the COVID-19 pandemic has had on court cases in Wise County and the City of Norton.

Prior to his presentation, Mr. Slemp commented briefly on the success of the Wise Works Program, an alternative sentencing program for low-level felony offenders. He said the program has expanded to include misdemeanor offenders from General District Court and has seen \$2.3 million in jail-cost savings since its inception in 2017. He said the Norton Public Works Department has received over 200 hours of public service from the program, while the Norton Police Department has received 28 public service hours.

Via a PowerPoint presentation, Mr. Slemp shared statistical data with council that showed the number of criminal cases handled by the Wise County Court System has steadily increased from 2016 to 2021. He said when the pandemic occurred in 2020 the Wise County courts continued to operate, but the majority of cases could not be concluded and many pending 2019 and 2020 cases were continued. Increased court cases and continuances due to COVID-19 created a case backlog for the court system. Mr. Slemp explained that in 2016 Wise County Circuit Court cleared 730 more cases than were initiated, with similar efficiency in 2018 and 2019; however, there was a backlog of 1,382 cases in 2020. He said 2021 statistics indicate that Wise County Circuit Court is on track to have over 3,000 new criminal cases initiated. He also noted that new felony charges filed in General District Court went from 426 in 2016 to 911 in 2020, which is a 113.85 percent increase. He reported that the number of continued cases in General District Court from 2016 (4,484) to 2020 (9,603) has nearly doubled.

Mr. Slemp said the court system is still under the Supreme Court's Judicial Emergency Order and that recent legislative changes to Virginia law have increased the responsibilities of the Commonwealth's Attorney and made prosecution of crimes more difficult. He explained that the court system's workload continues to increase as the number of new criminal cases increases, plus the recent rise in COVID-19 cases is causing significant delays in resolving court cases. He said despite these challenges the Wise County Court System is working diligently to resolve cases efficiently and fairly while reducing the COVID-19-related backlog. He noted that continuances have slowed in 2021 because some of the COVID-19 restrictions were lifted and staff was able to move some of the cases.

He also informed council about changes in state law that are taking place and answered questions from council. He thanked the mayor and council for the opportunity to speak.

The city manager and council expressed their appreciation to Mr. Slemp for the update.

Via a PowerPoint presentation, the city manager showed council COVID-19 case trends for Sept. 1-19, 2021, for the City of Norton and Wise County.

LENOWISCO Health District COVID-19 statistics for September 1-19, 2021, showed cases in Norton totaled 44 (13 being 0-18 years), while Wise County cases totaled 319 (65 of those 0-18 years).

Mr. Ramey said Virginia Department of Health COVID-19 statistics for the City of Norton as of September 17, 2021, were: Cases (436), 379 as of September 9, 2021; Hospitalized (21); Deaths (8); Increase in Cases Over 7-Day Period (22); and 7-Day Average Number of Daily New Cases Reported (4).

He reported the following Ballard statistics as of September 1, 2021: 331 patients hospitalized (310 unvaccinated and 21 vaccinated); 77 patients in the intensive care unit (74 unvaccinated and three vaccinated); and 48 patients on ventilators (47 unvaccinated and one vaccinated).

Ballard statistics as of September 15, 2021, with added percentages showed: 396 patients hospitalized (367 unvaccinated or 92 percent and 29 vaccinated); 104 patients in the intensive care unit (102 unvaccinated or 98 percent and two vaccinated); and 79 patients on ventilators (77 unvaccinated or 97 percent and two vaccinated).

The city manager also presented council with a comparison of COVID-19 case and vaccination rate statistics for Falls Church, Virginia, and the City of Norton, since the cities are the smallest cities in the Commonwealth. He explained that Norton is the smallest city by population, while Falls Church is the smallest city by land area. Both cities had similar case stats for total cases, hospitalizations and deaths as of September 17, 2021. Norton statistics showed 436 total cases, 21 hospitalizations, and 8 deaths, while Falls Church statistics showed 502 total cases, 21 hospitalizations, and 8 deaths. The city manager said analysis of the vaccination statistics for the two cities showed that Falls Church had a higher vaccination rate than Norton in all age groups. The Virginia Department of Health reported the following vaccination rates as of September 17 for Norton: 33.1 percent (Ages 12-17); 47.9 percent (Ages 12+; 49.2 percent (Ages 18+; and 67.8 percent (Ages 65+). He said these vaccination statistics may explain why the city is seeing an increase in cases.

Providing an update on utility relief outreach efforts, the city manager reported that city administration mailed 216 disconnection notification letters on July 31 and another 225 letters on August 24. He said as of September 21, the city had only received 83 applications for assistance. He reported that on September 2 the remaining Municipal Utility Relief Program funding of \$16,717.25 was applied to 36 accounts, with 14 of those accounts brought up to date. He said

payment agreements for 40 accounts had been signed and the remaining accounts did not contact city administration regarding either option. A series of cutoffs began September 21st.

City Finance Director Jeffery Shupe reported that this was the first time the city had done water cutoffs for delinquent accounts since February or March of 2020.

The city manager then provided council with an update on American Rescue Plan (ARP) Act funding. He said the city is under contract with engineers for the Hawthorne Drive Infrastructure Utility Replacement, 10th Street Sewer Line Replacement, and the 400 Block of Park Avenue Waterline Replacement. The city is also in discussions with a firm regarding design of a potential Splashpad Project.

Mr. Ramey said city administration is continuing to learn more about American Rescue Plan funding guidelines and is awaiting the final ruling by the United States Treasury.

He suggested scheduling another council workshop within the next two to three weeks to discuss potential projects. Following discussions about possible meeting dates for the workshop, the consensus of council was to schedule a council workshop for 3 p.m., Sunday, October 3, 2021, in Municipal Council Chambers.

Included in packets for council consideration was a check to Bizzack Construction, LLC, dated August 6, 2021, in the amount of \$337,391.14 for paving in the city.

Upon a motion by Councilman Mays, seconded by Councilman Caruso, and passed by the following roll call vote, YES – Mays, Fultz, Fawbush, Caruso, Davis, NO – None, ABSENT – None, council moved to confirm payment to Bizzack Construction LLC, as stated above.

Upon a motion by Councilwoman Davis, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Mays, Fultz, Fawbush, Caruso, Davis, NO – None, ABSENT – None, council moved to go into closed meeting for Personnel as per Section 2.2-3711 (A) (1) of the Code of Virginia, as amended.

Mayor Fawbush declared council in closed meeting.

Upon a motion by Councilman Caruso, seconded by Councilwoman Davis, and passed by the following vote, YES – Mays, Fultz, Fawbush, Caruso, Davis, NO – None, ABSENT – None, council moved to go back into open meeting.

Mayor Fawbush declared council back in open meeting.

Mr. Ramey polled each member of council as to the Certification of Closed Meeting with each answering yes. The city manager then read A Resolution of the Certification of Closed Meeting.

Upon a motion by Councilman Caruso, seconded by Councilwoman Davis, and passed by the following unanimous vote, YES – Mays, Fultz, Fawbush, Caruso, Davis, NO – None, ABSENT – None, council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

No action was taken on nominations and appointments by council.

In comments from the city manager:

Mr. Ramey said the Lonesome Pine Regional Development Authority announced September 14, 2021, that EarthLink is coming to the Project Intersection site. He said EarthLink will initially locate at the Wise County Industrial Park near the Lonesome Pine Airport in Wise and is expected to eventually move to the Project Intersection site in Norton once site preparation is

completed. He explained that infrastructure and road work still have to be done at the Project Intersection site and thanked council members for attending the economic development announcement ceremony.

The city manager recommended to council that the City of Norton observe Halloween on Sunday, October 31, 2021. He noted that he has been contacted by some businesses about having a potential downtown fall festival Saturday, October 30, 2021. He said the event will potentially close a section of Park Avenue and have music and a costume contest. He said if there had been enough time to plan this event it would have been nice to have scheduled Halloween and the festival on the same date.

The consensus of council was to conduct Halloween trick-or-treat activities in Norton from 5:30 to 8 p.m., Sunday, October 31.

The city manager informed council he has received some inquiries about whether the city allows people to cut and collect fire wood on city property on High Knob. He said if this is something council is interested in allowing, the city may want to use the permit process and he can work with the city attorney on developing a permit. He asked council to consider whether to have individuals request permits from council or to have permits handled administratively.

Mr. Ramey advised the permit should only be issued for downed trees along the corridor of Route 619.

Following a brief discussion, the city manager said he and the city attorney would work on a draft permit for cutting and collecting wood on city property primarily on High Knob along Route 619.

Mr. Ramey distributed for council review copies of the latest Retail Sales Report and monthly financial statements.

Upcoming events noted by the city manager included the High Knob Hellbender 10K on October 2, and the Cloudsplitter 100 on October 16-17. He reported that as of Friday, September 17th, 212 participants had registered for the Cloudsplitter event.

The following comments were made by council members:

Councilwoman Davis said the EarthLink announcement and the Splashpad Project progress were exciting news, and she commended the mayor for his public address at the EarthLink announcement ceremony.

Councilman Fultz also expressed his excitement about the EarthLink announcement and noted that many things still need to be done at the Project Intersection site.

He recollected that during his first year on city council three projects were discussed and Mr. Ramey said if there is ever going to be a chance to do the Project Intersection project the time is now. He said council took a chance and now two of the three projects are happening.

Councilman Caruso was pleased with the positive sales tax revenue report and he thanked city administration for helping achieve this positive report.

He welcomed North 40 Airsoft, LLC, to downtown Norton (846 Park Avenue N.W.) and said the EarthLink announcement is good news. He said the city is looking good in terms of economic development.

Mayor Fawbush said the Earthlink announcement has been a long process involving many people and thanked LENOWISCO Planning District Commission, the Regional Industrial Facility Authority (RIFA) Board, city council, Mr. Ramey, LENOWISCO Planning District Commission Executive Director Duane Miller, and area legislators including the late Senator Ben Chafin, Jr., and others for their work on this project.

He also expressed appreciation to Councilman Fultz and the Norton City Schools administration, staff and students for their work during the COVID-19 Delta resurgence.

There being no further business to come before council, Mayor Fawbush declared the meeting adjourned.

CITY OF NORTON, VIRGINIA

Joseph Fawbush, Mayor

ATTEST:

Fred Ramey, Jr., Interim Clerk of Council



Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: October 1, 2021
Re: AmeriCorps/NCCC Team River 5

AmeriCorps/NCCC Team Tide 5 has been developing new trail over the past few weeks in the Flag Rock Recreation Area. Later this month, the team will be leaving Norton heading towards their next assignment. I have asked the team to provide City Council with an update on their projects.

Thank You.

ORDINANCE CONCERNING REMOVAL OF WOOD FROM CITY PROPERTY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTON:

WHEREAS, Citizens of the City have expressed a desire to cut and remove wood from City property for non-commercial household use, and

WHEREAS, Council wishes to accommodate the request, subject to certain restrictions and limitations,

NOW THEREFORE BE IT ORDAINED,

1. That the Code of the City of Norton be amended by the addition of Chapter 14, Article II, Section 14-85 as follows:

“Section 14.85. Removal of Wood from City Property.

- (a) It shall be unlawful for any person or entity to remove wood from City property, except pursuant to a revocable special use permit issued by the City Manager.
- (b) Any such permit shall be subject to the following conditions and restrictions:
 - (i) The term of the permit shall not exceed twelve (12) months from the date of issuance.
 - (ii) The geographical area of the permit shall be limited to the area lying within one hundred (100) feet on either side of Route 619 between the City Water Plant and the southern boundary of the City.
 - (iii) The permittee shall agree to indemnify and hold the City and its agents harmless from any claim, cost or expense in any way connected with actions of the permittee or the permittee's agents while on City property.
 - (iv) The permittee's use of wood taken from the permit area shall be limited to personal household use and shall not be sold for commercial purposes.
 - (v) The permittee shall remove only fallen fuel wood and shall not cut or fell any standing trees, living or dead.
 - (vi) The permittee shall not travel on City Forest roads or park so as to impede the safe and orderly flow of traffic along Route 619, including fire and emergency travel.
 - (vii) The permittee shall leave the area in a neat and clean condition, including removal of wood products and trash or litter generated during exercise of the permit.
 - (viii) The permittee shall be responsible for any damage to City property during exercise of the permit.
 - (ix) The permit shall be non-transferrable.
 - (x) The permit shall be in permittee's personal possession while exercising the permit and shall be exhibited to law enforcement upon demand.

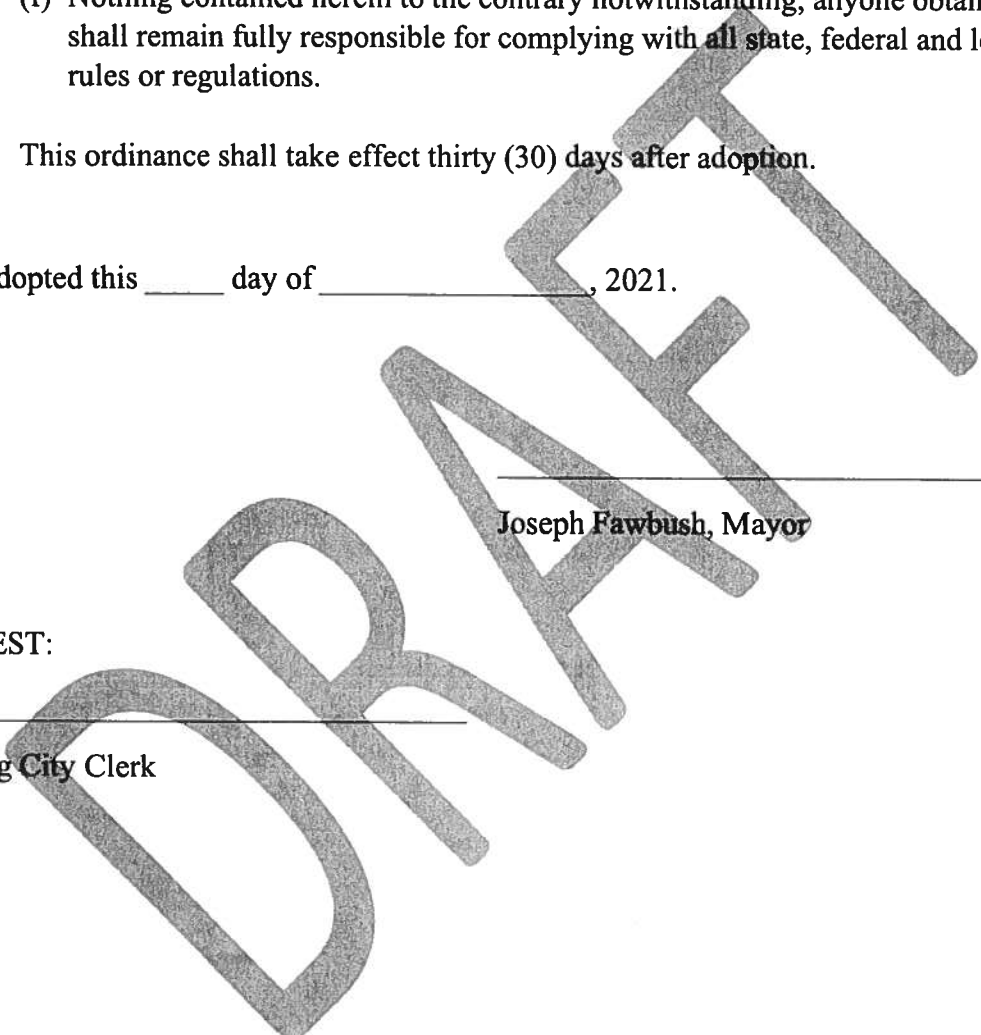
- (xi) The City Manager may unilaterally revoke the permit upon determining that the permittee has not complied with the terms of the permit or if the City Manager concludes that permit revocation is in the best interest of the City and its citizens.
 - (c) A violation of this Section 14-85 shall be punishable as a Class 4 misdemeanor.
 - (d) The City Manager shall develop a permit application and form of permit language incorporating the terms and conditions of this section.
 - (e) This ordinance shall be enforceable by the City of Norton Police Department.
 - (f) Nothing contained herein to the contrary notwithstanding, anyone obtaining a permit shall remain fully responsible for complying with all state, federal and local laws, rules or regulations.
2. This ordinance shall take effect thirty (30) days after adoption.

Adopted this ____ day of _____, 2021.

Joseph Fawbush, Mayor

ATTEST:

Acting City Clerk





REVOCABLE SPECIAL USE PERMIT

Removal of Down Trees for Firewood Cutting and Removal as Firewood Only on City Property Located Along Rt. 619

ISSUED TO:

LOCATION: City Property Along Rt. 619

DATE OF ISSUANCE:

Pursuant to the authority of the City Council of the City of Norton, Virginia, at a meeting of _____, 2021, the City Council of the City of Norton, Virginia hereby granted to _____ a 12-month revocable permit for the Removal of Down Trees for Firewood Cutting and Removal Only on City Property Located Along Rt. 619.

This permit granted to _____, is confined to the use of the property for the stated purpose and no other. _____, agrees to the following conditions:

1. _____, covenants not to sue and shall indemnify, defend and hold the City and its employees, agents, representatives and officers (the "Indemnified Parties") harmless from and against any and all actions, claims, demands, suits or costs in any way connected with the activities of _____, in exercising the privileges granted by this permit.
2. Firewood gathered using this permit is not for commercial resale.
3. Vehicles will ONLY be on or along City roads and MAY NOT travel on City forest service roads.
4. Permittee parking shall not bloc traffic or impede fire or emergency vehicles.

- 5. Permittee is **REQUIRED TO REMOVE THEIR FIREWOOD SLASH/DEBRIS** from roadway and ditchline before leaving the area.
- 6. Permittee shall remove all trash and litter resulting from the permittee's activities.
- 7. Permittee shall pay for or repair all damage to natural features, riparian areas, roads, trails, fences, ditches, or other improvements resulting from permittee's activities under this permit.
- 8. Permittee is subject to all applicable federal, state, and local laws.
- 9. Permit is non-transferrable.
- 10. Permit must be in the Permittee's possession while harvesting and transporting firewood.
- 11. The City reserves the right to unilaterally revoke this permit for permittee's noncompliance with its terms and conditions or when revocation is in the public's interest.
- 12. This permit will expire on _____, 2022.

Given under my hand this _____ day of _____, 2021.

AGREED:

CITY OF NORTON, VIRGINIA

By: _____

Fred L. Ramey, Jr., City Manager

By: _____

**RESOLUTION OF GOVERNING BODY OF
THE CITY OF NORTON**

The Governing Body of the City of Norton, consisting of 5 members, in a duly called meeting held on the 5th day of October 2021, at which a quorum was present, **RESOLVED** as follows:

BE IT HEREBY RESOLVED that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the development of a proposed loan/grant to purchase two emergency vehicles to serve the community, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the City Manager and Finance Director of the City of Norton be authorized to execute on behalf of the City of Norton the above-referenced agreements, documents, and forms and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in obtaining the said financial assistance.

This Resolution is hereby entered into the permanent minutes of the meetings of this Board.

Norton City Council

By: _____
Mayor

Attest: _____
Clerk of Council

CERTIFICATION

I hereby certify that the above Resolution was duly adopted by the Governing Body of the City of Norton in a duly assembled meeting on the 5th day of October 2021.

Clerk of Council

City of Norton

Application For Out of City Limits Water and (or) Sewer Connection



YOU MUST BE 18 YEARS OF AGE

NAME (or) Company Mark Allen Dykstra, Sr.
(PRINT FULL NAME) FIRST MIDDLE LAST

IF CONTRACTOR, WHO IS TAP FOR? _____

SERVICE ADDRESS 4639 Overlook Rd. Norton VA 24273

MAILING ADDRESS 4639 Overlook Rd. Norton VA 24273

PHONE (276) 679-5544 ARE YOU OVER THE AGE OF 18? YES NO

PLEASE INDICATE SERVICE REQUEST(S) BY CHECKING THE APPROPRIATE BOX(ES)

WATER SEWER _____ SIZE METER 5/8" 3/4 1" Over 1" _____

DATE 9/22/21 SIGNATURE Mark A Dykstra Sr.

FOR OFFICE USE ONLY

APPLICATION APPROVAL/DENIAL

INSIDE CITY LIMITS? YES _____ NO

COMMENTS: Water is Available

DATE _____

SIGNATURE T & D Foreman
T & D FOREMAN

CONNECTION FEES

Water \$ _____ Sewer \$ _____

Date Collected _____

Comments _____

NORTON CITY COUNCIL OUTSIDE CONNECTION APPROVAL/DENIAL

APPROVED: _____ DENIED: _____ IF APPROVED, APPLICATION VOID AFTER _____ DAYS

DATE WHICH APPLICATION PRESENTED TO CITY COUNCIL: _____

DATE _____ SIGNATURE _____

CITY MANAGER

City of Norton

Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: October 1, 2021
Re: American Rescue Plan Act and CLFRF

At this meeting, the City Administration will provide a brief update on the City's share of the American Rescue Plan Act's Coronavirus Local Fiscal Recovery Fund (CLFRF) and an overview of the guidance that we have received to-date.

Thank You.