

The regularly scheduled meeting of the Norton City Council was held Tuesday, December 7, 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 Councilwoman Davis, seconded by Councilman Fultz, and passed by the following vote: YES – Mays, Caruso, Fultz, Davis, Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council moved to adopt the minutes of the November 16, 2021, council meeting as presented.

Mayor Fawbush welcomed former council member Delores Belcher, who was in the audience, to the council meeting.

The first agenda item was a special presentation to Norton City Sheriff Carlos Noaks, who will be retiring the end of December 2021.

The city manager said the city would like to recognize Sheriff Carlos Noaks for over 39 years of dedicated and faithful service to the City of Norton as a police officer, deputy, and sheriff. Mr. Ramey said Mr. Noaks began working for the city on October 1, 1982, as a police officer, became a deputy sheriff on July 1, 1986, and has served as sheriff since Jan. 1, 1998. He noted that Mr. Noaks has been a great member of the city team and will be missed by all of his co-workers.

On behalf of council, Mayor Fawbush presented Sheriff Noaks with a plaque, and council applauded Mr. Noaks in appreciation of his service. A photo was then taken of Sheriff Noaks with council.

Sheriff Noaks said serving the city and its residents has been an honor.

The mayor, the city manager, and council members thanked Mr. Noaks for his service and congratulated him on his retirement.

During the Mayor's Call for Visitors, Wise County Commonwealth's Attorney Charles "Chuck" Slemph approached council for consideration of A Resolution Supporting the Establishment of a Pilot Foster Care Interdisciplinary Law Office in the 30th Judicial Circuit.

The commonwealth's attorney said the pilot law office is a unique opportunity that would benefit all of Southwest Virginia. Noting the same resolution is being considered by Lee County, Scott County, and Wise County, he said if the pilot project is successful, the project could bring half a million dollars to Southwest Virginia to take better care of children in foster care. He told council that the goal is to put the pilot project, which includes matching federal funding and no local revenue, in this year's state budget. He said local space is required and several options are being considered.

After discussing the current state of foster care in Virginia and the proposed pilot foster care project, Mr. Slemph answered questions from council.

Upon a motion by Councilman Mays, seconded by Councilwoman Davis, and passed by the following unanimous roll call vote, YES – Mays, Fultz, Caruso, Davis, Fawbush, NO – None,

ABSENT – None, ABSTAIN – None, council moved to adopt A Resolution Supporting the Establishment of a Pilot Foster Care Interdisciplinary Law Office in the 30th Judicial Circuit.

The city manager asked Mr. Slemp to keep council updated as the foster care project advances through the General Assembly.

Council members thanked Mr. Slemp for addressing council.

Even though council consideration of a Resolution Approving the City of Bristol, Virginia, Becoming a Member of the Southwest Virginia Regional Jail Authority was on the agenda under old business, Mr. Ramey advised council that consideration of the resolution would need to be tabled until a later date.

Under new business, council was presented in their packets with a letter dated November 18, 2021, from LENOWISCO Health District Chief Operations Officer Reisa L. Sloce requesting that city council sponsor a rabies clinic on December 11, 2021, at Powell Valley Animal Hospital in Big Stone Gap, Virginia, and Pound Veterinary Hospital in Pound, Virginia, due to the presence of skunk and bat variant rabies and a large number of unvaccinated dogs and cats in the area.

Mr. Ramey explained that Virginia Code Section 3.2-6521 states that each county and city in Virginia shall ensure that a rabies clinic is conducted to serve its jurisdiction at least once every two years and the health department has a responsibility to help make these clinics happen.

Upon a motion by Councilwoman Davis, seconded by Councilman Mays, and passed by the following unanimous vote, YES – Mays, Fultz, Caruso, Davis, Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council moved to sponsor a rabies clinic at Powell Valley Animal Hospital and Pound Veterinary Hospital on December 11, 2021.

The city manager advised that a letter indicating city sponsorship of the December 11th rabies clinic would be mailed to the health department and notification of the rabies clinic would be placed on the city's social media, as well as in local newspapers.

Via a PowerPoint presentation, Mr. Ramey provided council with COVID-19 case trends from July through December 5, 2021, for the City of Norton.

LENOWISCO Health District COVID-19 case statistics for July 2021 in Norton totaled 15 (6 being 0-18 years); August 2021 - 58 (22 being 0-18 years); September 2021 - 73 (26 being 0 to 18 years); October 2021 - 53 (17 were 0-18 years); November - 46 (8 being 0-18 years); and December 1-5, 2021, 6 cases with one of those being 0-18 years old.

Mr. Ramey reported the following VDH COVID-19 statistics for the City of Norton as of December 3, 2021: Cases (661), 616 as of Nov. 12, 2021; Hospitalizations (35), 31 as of Nov. 12, 2021; Deaths (17), 15 as of Nov. 12, 2021; Increase in Cases Over 7-Day Period (13); and 7-Day Average Number of Daily New Cases Reported (2).

The city manager noted that the 661 number indicates that more than 10 percent of the population of the city has been diagnosed with COVID-19.

Updating council on American Rescue Plan Act (ARPA) funding and projects, Mr. Ramey advised council the city is taking every opportunity to learn more about ARPA funding guidelines and is still awaiting the Interim Final Rule from the United States Treasury.

Mr. Ramey said the city remains under contract with engineering consultants on three key infrastructure projects: the Hawthorne Drive Infrastructure Utility Replacement, the 10th Street Sewer Line Replacement, and the 400 Block of Park Avenue Waterline Replacement.

He said the city recently received preliminary design documents of the potential Splashpad Project, which are under review and will be shared in greater detail with council at a later date.

The city manager stated that the new Norton Rescue Squad ambulance is under contract with a delivery estimate of 12 months, which is not guaranteed. The cost of the new Ford F350 ambulance reported at the last council meeting was \$128,698.

He advised council that a new garbage truck and dump truck have been ordered with an estimated delivery date of 18-24 months. Mr. Ramey said the cost for both was significantly higher than a year ago. He said the approximate cost of the garbage truck was just over \$200,000 and the dump truck was \$189,000.

The city manager advised that city administration has developed a comprehensive list of potential ARPA projects which administration will share with council in more detail at a work session he hopes will be scheduled sometime the first of the year. The list includes: Public Facilities, Information Technology Upgrades, Neighborhood Improvements, Streets which could include paving, Complete Downtown Streetscape Efforts, Complete Federal Lands Access Program Projects (Destination Center, 12th Street Multi-use Trail and the Tower Trail), 11th Street Park Upgrades, Southside Housing and Neighborhood Project, and Utilities.

He said sidewalks in front of Wise Hardware and Furniture were completed December 4, 2021, and the city has a half a block of streetscape work on the north side of 900 Park Avenue remaining, which will hopefully be finished by summer.

Next, the city manager updated council on the issue of premium pay for city employees. He said there is still no confirmed final guidance, so what the city is operating under is the Interim Final Rule, as are other localities. He noted that city council has indicated its desire to do something to compensate city employees for their efforts during the COVID-19 pandemic.

The city manager told council one of the allowed uses under the American Rescue Plan Act is the ability to provide premium pay for essential workers offering additional support to those who have borne and will bare the greatest health risk because of their service in critical infrastructure. As defined by the Interim Final Rule, the city manager said essential workers are 'those in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others.'

He noted that the guidelines make it clear that using ARPA funds for premium pay cannot be issued strictly as a stipend across the board. He said it was also clear to city administration that the city could not use its Coronavirus Aid, Relief, and Economic Security (CARES) Act funding last year for this purpose.

Although the pandemic required the city to modify various aspects of its operations, the city manager noted that at no point during the pandemic, and this was very important to city council, did the city shut down any operations. He said the city temporarily closed offices to the public, but still provided services to the public by scheduling appointments and doing whatever was necessary to continue operation of services.

The city manager explained that providing premium pay using ARPA funding required a formula that is tied to an hourly rate. This meant that city administration had to define a period of time (April 1, 2020, to June 30, 2021, which was the beginning/ending of Virginia's COVID-19 State of Emergency) and had to calculate the total number of work hours during that period minus time off for vacation, sick leave, etc., per employee. Overtime hours were then added to the base time.

Next, city administration had to define employees that would be considered for premium pay which required employee categorization. The first category consisted of city employees funded by the city's General and Enterprise Funds (water plant, dispatch, administration, police department, and public works). The next category consisted of constitutional officers, the Office

of the Registrar, and Norton Department of Social Services. He said council had also indicated the desire to compensate Norton Rescue Squad personnel and Norton Fire Department volunteers their efforts throughout the pandemic.

Mr. Ramey explained that city administration analyzed a number of scenarios including tiered hourly rates and tiered hourly rates with caps, and communicated with area communities that are in the process of determining COVID-19 compensation for their employees as well. Following this analysis and many discussions, the city manager said city administration is recommending to council a flat hourly premium pay factor for all city employees that meets ARPA requirements and is competitive with what area communities are providing to their employees.

The city manager said the estimated pre-tax amount for the first category (water plant, dispatch, administration, police department, and public works) totals \$338,000. The estimated pre-tax amount for the constitutional officers and Registrar is \$29,000, while the Norton Department of Social Services pre-tax amount totals \$71,000. He explained that Norton Fire Department pay is based on a point system rather than hourly pay, so administration could not factor department volunteers in as traditional employees. Mr. Ramey recommended a flat \$500 amount for each volunteer which would likely need to be locally funded. The estimated pre-tax amount for Norton Rescue Squad is \$27,000 which would be given to the rescue squad as a contribution with the stipulation that the revenue be utilized for COVID-19 employee compensation.

Mr. Ramey advised council that after much analysis the plan outlined above is city administration's recommendation for COVID-19 compensation for city employees. He said city administration believes this is the option that seems to meet the goals of city council, falls within ARPA guidelines, and is commensurate with what area communities are offering.

Councilwoman Davis asked if the \$3,000 bonus that the state gave to the sheriff's department was taken into consideration when the formula for the Norton Sheriff's Department was calculated.

The city manager said the state bonus was factored into the city formula and wasn't additional to what the city would give.

Councilman Fultz asked about how compensation was determined for city employees who also serve as volunteers.

Mr. Ramey said this was something city administration encountered with the fire department and explained that those employees would receive both the employee compensation and the \$500 volunteer supplement.

Councilman Fultz inquired about the compensation timeline.

Mr. Ramey said the compensation was dependent upon action by council and the earliest the compensation would be distributed to employees and volunteers was the first of next week (Monday, December 13, 2021, or Tuesday, December 14, 2021). He said his recommendation to council was to include a letter from council informing employees of the compensation that would be given to employees along with their pay stubs on Friday, December 10.

Councilwoman Davis asked if this would be the only COVID-19 compensation city employees will receive.

The city manager explained that would be a council decision but there may be some additional compensation discussions in the future. He said this is the only compensation that is being recommended to council at this time.

Councilman Mays asked what surrounding counties and localities are doing in terms of COVID-19 employee compensation utilizing ARPA funding.

Mr. Ramey said he has talked to a couple of nearby municipalities and those administrations are developing similar compensation models to what has been formulated by Norton's administration.

Upon a motion by Councilwoman Davis, seconded by Councilman Mays, and passed by the following unanimous vote, YES – Mays, Fultz, Caruso, Davis, Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council moved to approve COVID-19 compensation utilizing ARPA funding to city employees paid from the General and Enterprise Funds (water plant, dispatch, administration, police department, and public works), constitutional officers, the Registrar's office, and Norton Department of Social Services, utilizing the formula as stated above; Norton Fire Department volunteers will receive \$500 each for a total of \$17,500; and a contribution of \$27,000 will be given to Norton Rescue Squad for the purpose of COVID-19 employee compensation.

Mayor Fawbush asked if there were any comments or questions from council.

Councilman Fultz stated for the record that one of his reasons for wanting to do this was to demonstrate to city employees that council is grateful for their service all the time, but council is particularly aware of their willingness to come to work and serve the citizens and serve the City of Norton at a time when there were many unknowns and questions, and stand in the face of the pandemic and do their jobs anyway. He said he vigorously and proudly supports this initiative.

Councilwoman Davis concurred with Mr. Fultz's comments.

Councilman Mays noted that many people left their jobs during the pandemic.

On behalf of the employees of the City of Norton, the city manager thanked council. He told council that a resolution will probably be done the end of the fiscal year to formally document council's intent to use ARPA funding for this action.

Mayor Fawbush thanked Mr. Ramey and city Finance Director Jeffery Shupe for their work associated with researching and developing the COVID-19 compensation for city employees. Council members agreed with the mayor.

Included in council packets for council consideration was the Commonwealth of Virginia's 2022 Holiday Calendar.

Upon a motion by Councilwoman Davis, seconded by Councilman Fultz, and passed by the following roll call vote: YES – Mays, Fultz, Caruso, Davis, Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council moved to approve the Commonwealth of Virginia 2022 Holiday Calendar as the City of Norton's 2022 Holiday Calendar, as presented.

In packets for council consideration was a transfer to Norton City Schools, dated November 8, 2021, in the amount of \$250,000 to cover November 2021 accounts payable expenditures.

Upon a motion by Councilman Mays, seconded by Councilwoman Davis, and passed by the following roll call vote: YES – Mays, Fultz, Caruso, Davis, Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council moved to confirm the transfer to Norton City Schools, as stated above.

Upon a motion by Councilwoman Davis, seconded by Councilman Mays, and passed by the following unanimous roll call vote: YES – Mays, Fultz, Caruso, Davis, Fawbush, NO – None, ABSENT – None, 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; for 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 as per Section 2.2-3711 (A) (3); and for

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's or Industry's Interest in Locating or Expanding its Facilities in the Community as per Section 2.2-3711 (A) (5).

Mayor Fawbush declared council in closed meeting.

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

Mayor Fawbush opened the floor for nominations to the Appalachian Juvenile Commission for a two-year term to fill the term of James Lane whose term expired November 30, 2021.

Councilman Caruso nominated James Lane to be reappointed to the Appalachian Juvenile Commission for a two-year term to expire November 30, 2023.

Upon a motion by Councilman Mays, seconded by Councilman Fultz, and passed by unanimous vote, council moved that the nominations cease.

The mayor declared James Lane reappointed to the Appalachian Juvenile Commission for a two-year term to expire November 30, 2023.

The mayor opened the floor for nominations to the Southwest Virginia Alcohol Safety Action Program Board for a three-year term to fill the term of James Lane whose term expired December 1, 2021.

Councilman Caruso nominated James Lane to be reappointed to the Southwest Virginia Alcohol Safety Action Program Board for a three-year term to expire December 1, 2024.

Upon a motion by Councilman Mays, seconded by Councilman Fultz, and passed by unanimous vote, council moved that the nominations cease.

The mayor declared James Lane reappointed to the Southwest Virginia Alcohol Safety Action Program Board for a three-year term to expire December 1, 2024.

Mayor Fawbush opened the floor for nominations for a parent representative to the Norton Family Assessment and Planning Team (FAPT) to fill the unexpired term of Nikki McElroy.

Councilwoman Davis nominated Kim Lawson as a parent representative to the Norton Family Assessment and Planning Team for a term to expire February 18, 2022.

Upon a motion by Councilman Fultz, seconded by Councilman Mays, and passed by unanimous vote, council moved that the nominations cease.

The mayor declared Kim Lawson appointed to the Norton Family Assessment and Planning Team for a term to expire February 18, 2022.

Mayor Fawbush opened the floor for nominations to the Planning District 1 Behavioral Health Services Community Services Board for a three-year term to fill the term of Delores Belcher whose term expires December 31, 2021.

Councilman Mays nominated Delores Belcher to be reappointed to the Planning District 1 Behavioral Health Services Community Services Board for a three-year term to expire December 31, 2024.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by unanimous vote, council moved that the nominations cease.

The mayor declared Delores Belcher reappointed to the Planning District 1 Behavioral Health Services Community Services Board for a three-year term to expire December 31, 2024.

The mayor opened the floor for nominations to the Southwest Virginia Regional Jail Authority for a four-year term to fill the term of Carlos Noaks whose term expires December 31, 2021.

Councilwoman Davis nominated Jason McConnell to be appointed to the Southwest Virginia Regional Jail Authority for a four-year term to expire December 31, 2025.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by unanimous vote, council moved that the nominations cease.

The mayor declared Jason McConnell appointed to the Southwest Virginia Regional Jail Authority for a four-year term to expire December 31, 2025.

In comments from the city manager:

Mr. Ramey noted that the city conducted the annual Christmas Tree Lighting at 6 p.m., Saturday, December 4, 2021, and hosted the holiday market at the Expo Center from 5 to 8 p.m. He said organizers were thoroughly pleased with attendance and plans are being made on ways to improve next year's event. The city manager said comments were very positive and there were some specific comments about the tree and how much people appreciated having the tree downtown.

He said the annual Christmas parade at 6 p.m., Sunday, December 5, 2021, also went well.

Mr. Ramey advised council that he was recently invited by the Virginia Department of Wildlife Resources to represent the City of Norton as a member of an interagency advisory committee that will be providing input on the revision of Virginia's Black Bear Management Plan. He said the committee will begin work on this revision in early 2022 with revision completion expected by early 2023. He said he indicated to the Virginia Department of Wildlife Resources that he would be willing to serve on the committee and represent the City of Norton, but he wanted council to be aware of this and requested the support of council. He asked if council had any questions or comments.

There were no questions or comments from council.

The city manager provided council with the latest financials, as well as traffic counts for High Knob and Flag Rock traffic counts for review. He said the High Knob counter is no longer working and needs replacement.

Discussing upcoming events, Mr. Ramey said there will be a Trash to Treasures Class at the community center on December 14, 2021. He asked for council to consider discussion of the holiday council meeting schedule for the second meeting of December (Dec. 21, 2021) and the first meeting in January (Jan. 4, 2022). Mr. Ramey advised that a council work session needs to be scheduled sometime in January 2022.

The following comments were made by council members:

Councilwoman Davis said she was excited about the forthcoming COVID-19 compensation announcement for all city employees. She also noted that this council meeting might be the last meeting of her first year as a council member and expressed her appreciation for allowing her to serve the citizens of Norton. She thanked the city manager and the finance director for their hard work. Councilwoman Davis wished everyone a Merry Christmas.

Councilman Fultz said Merry Christmas to everyone. He said the tree lighting was a nice compliment to the holiday market in the Norton Expo Center and he was glad the weather was favorable for this year's Christmas parade. Councilman Fultz wished Merry Christmas to the fire department and the citizens of the City of Norton. He said Norton Fire Department's new fire truck, Squad 33, looks great and thanked Norton Fire Chief and Emergency Management Coordinator Todd Lagow for inviting council members to the fire department's annual Christmas Dinner at the Shriner's Building on December 4, 2021, and for the 100th Anniversary glass and mug.

He also commended council and the city on completion of the city streetscape in downtown Norton and wished all city employees a Merry Christmas.

Councilman Mays echoed comments made by Councilwoman Davis and Councilman Fultz, adding that he wished all police departments and sheriff's offices in the area a Merry Christmas and urged them to use extra caution during the holidays because of the three incidents that happened locally this year.

He thanked Mr. Lagow and the Norton Fire Department for the delicious food at the fire department's Christmas dinner and wished everyone a Merry Christmas.

Councilman Caruso said he was approached by Jim Peters who said he owns the road in front of his trailers on State Route 619/12th Street all the way to the creek and he has the deeds to prove ownership which he said have been provided to the city. Mr. Caruso said Mr. Peters asked him to relay to council that he isn't giving up the road and will sue if he has to do so.

Councilman Caruso inquired if Heritage TV had gone out of business, because there isn't anything currently on the Heritage TV channel.

The city manager said he hasn't heard anything about this.

Councilman Caruso informed council that the city manager is working on a map of the High Knob Region that will be beneficial to tourism in the area.

He inquired about when city council would discuss capital improvement projects (CIP).

Mr. Ramey said CIP discussion would occur the later part of February.

Mr. Caruso wished everyone a Merry Christmas.

Mayor Fawbush said the Christmas parade on December 5 was well attended and downtown restaurants were busy.

He thanked Mr. Ramey for supplying council members with City of Norton sweatshirts to wear for the Christmas tree lighting.

The mayor asked if it was possible to return to having area ministers conduct the invocation at council meetings starting in January 2022.

The city manager said if that is the desire of council and the ministers are willing to do so.

Council members voiced their desire to resume the pre-COVID-19 practice of having area ministers perform the invocation at council meetings starting January 2022.

It was the consensus of council to cancel the December 21, 2021, and the January 4, 2022, council meetings, unless an emergency meeting would become necessary.

Mayor Fawbush wished everyone a Merry Christmas and a Happy New Year.

He said 2021 has been a very challenging and productive year for the City of Norton and commended the hard work of city administration, the street, police, and fire departments, and the rescue squad. He said Norton is strong and the city has an excellent support system with the city

administration and its departments, as well as a supportive community. He said he is proud to serve with his fellow council members.

It was the consensus of council to conduct a work session at 8:30 a.m., Saturday, January 22, 2022.

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