

City Council Meeting Packet



February 7, 2017

AGENDA

Norton City Council

February 7, 2017

6:00 P.M.

1. Roll Call
2. Invocation – Rev. Ken Taylor
3. Pledge of Allegiance
4. Approval of Minutes
 1. Meeting of January 17, 2017
5. Audience for Visitors
6. New Business
 - A. Mountain Empire Community College Update by Dr. Scott Hamilton, President.
 - B. Request to Install an Information Kiosk Regarding the Salamander Sanctuary at Flag Rock as Part of an Eagle Scout Project.
 - C. Request by the Heart of Appalachia Tourism Authority to Use the City of Norton’s “Woodbooger” Service Mark for the Purpose of Naming a Motorcycle Route.
 - D. Request to Advertise a Public Hearing in Relation to Possible Community Development Block Grant Funding.
 - E. Confirmation of a Check(s)/Transfer(s) in Excess of \$100,000.

F. Closed Meeting Discuss Personnel as Per Section 2.2-3711 (A) (1) of the City 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 as Per Section 2.2-3711 (A) (3) of the City of Virginia, as Amended.

1. Appointment to the Norton Redevelopment and Housing Authority for a Four (4) Year Term; Currently Margaret McAfee Whose Term Expires 1/28/2017.

To 1/28/2021

2. Appointment to the Building Code Board of Appeals for a Five (5) Year Term; Currently Mike Ball Whose Term Expires 1/17/2017.

To 1/17/2022

3. Appointment to the Norton Highway Safety Commission for a Two (2) Year Term; Currently Fred McConnell; Bruce Rose, Gary Call, and Danny Holt Whose Terms Expires 1/31/2017.

To 1/31/2019

4. Appointment to the Norton Rescue Squad Board of Directors for a One (1) Year Term; Currently Mark Caruso and Todd Lagow Whose Terms Expire 2/1/2017.

To 2/1/2018

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, January 17, 2017, at 6:00 p.m., in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, William Mays, Joseph Fawbush, and Dee Belcher

Absent: Robert Fultz, Jr.

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

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

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to adopt the minutes of the January 3, 2017, organizational meeting and the January 3, 2017 regularly scheduled meeting as presented.

There was no response to the Mayor's Call for Visitors.

A public hearing was held on An Ordinance of the City Council of the City of Norton Virginia Amending Chapter 17 of the City Code as Pertains to Regulating Pawnshops in the City of Norton.

Mr. Ramey advised that the City Attorney had researched and prepared a draft ordinance following downtown business owner David Fields' request on November 15, 2016, to expand his business to include pawn brokering.

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

Mayor Mays opened the public hearing.

There being no public input, Mayor Mays closed the public hearing.

There were no comments from Council.

Upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by unanimous roll call vote, Council moved to adopt An Ordinance of the City Council of the City of Norton, Virginia Amending Chapter 17 of the Norton City Code to allow regulation of a maximum three pawnshops in the City of Norton. (Insert)

Mr. Ramey stated that David Hill of Hill Studio of Roanoke, Virginia, was in attendance to update Council on the Norton Downtown Revitalization Planning Grant from the Department of Housing and Community Development.

Mr. Hill, via a PowerPoint presentation, presented Council with Hill Studio's strategy to design a planning project for the City's downtown. Mr. Hill stated his organization will be partnering with Thompson and Litton, Inc., of Wise and the firm of Arnett Muldrow of Greenville, South Carolina to provide services to the City as part of this grant. He said the planning project will allow the City to apply for an Implementation Grant. His company will also work on branding or developing an image for the City which will uniquely identify Norton. Mr. Hill said the area of revitalization will begin at Dairy Queen and

include downtown to Legion Park on High Knob. He then went on to provide examples of branding and restructuring and how other towns have used revitalization grants to transform their downtowns. He advised a design meeting to solicit public input is scheduled for 5:30 p.m., Thursday, February 2, in the Municipal Council Chambers.

Mayor Mays stated the February 2 meeting is very important to the successful transformation of the City's downtown and the City looks forward to working with Hill Studio to complete this project.

Councilman Fawbush thanked Mr. Hill and his staff for starting to work immediately on the planning project.

Council had been presented with A Resolution Establishing Fee Schedules for Pawnbrokers. Mr. Ramey said Council had previously proposed a \$200 application fee and a \$200 annual fee. Included in Councils' packets is a draft Application for a Pawnbrokers License that includes the proposed fee.

Mr. Bradshaw advised that an applicant must first petition the Circuit Court for permission to apply for a license, in addition to complying with federal regulations, prior to obtaining a license from the City.

Following a brief discussion, and upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, and passed by the following roll call vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to adopt A Resolution Establishing Fee Schedules for Pawnbrokers and the Application for a Pawnbrokers License as presented. (Insert)

Mr. Ramey said City Administration is requesting additional funding of \$12,500 for Norton Rescue Squad. He said a board of directors was established to ensure the stability of the organization and this move has been positive for the squad. In 2014, the City began contributing additional funding to Norton Rescue Squad and has provided funding each of the following years to guarantee continued emergency services to Norton citizens. As of the recent Memorandum of Understanding between the Norton Rescue Squad and the City of Norton (MOU), City Administration has begun providing payroll and accounting services. City Administration is asking for additional funding in the amount of \$12,500 for any documented need to be used during low cash flow periods.

Councilman Caruso added reorganization has gone well and the board is reviewing the budget. The squad is billing for services and payment is slow from insurance companies making cash flow difficult.

Upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by the following roll call vote: YES – Fultz, Fawbush, Belcher, Mays, NO – None, ABSTAIN – Caruso, Council moved to amend the budget and appropriate \$12,500 from unappropriated reserves to be used for the Norton Rescue Squad as the City Manager deems necessary.

Council had one transfer to confirm. This transfer was to Norton City Schools, dated December 9, 2016, in the amount of \$155,352 to cover the General Obligation School Bond Series 2012 interest payment due January 5, 2017.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by the following unanimous roll call vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays,

NO – None, ABSENT – None, Council moved to confirm the transfer to Norton City Schools as stated above.

Upon a motion by Councilman Fultz, seconded by Councilman Caruso, 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 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 Councilman Fultz, and passed by the following unanimous roll call 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 the following:

He placed at each member's desk a copy of the flyer for the Downtown Design Workshop and the latest Retail Sales Tax Report for Council's review.

Also, the City is featured in the 2017 Keep Southwest Virginia Beautiful calendar for the month of May and a copy has been placed at each member's desk.

Council has been provided with a copy of an email from Mary Jo Fields of the Virginia Municipal League (VML) detailing a budget amendment that VML and the Virginia Association of Counties (VACo) have promoted and that regional legislators are supporting. The budget amendment authorizes an adequacy study to see if the Standards of Quality (SOQ) reflects the cost of meeting state accountability standards.

Mr. Bradshaw thanked City Council for his reappointment as the City Attorney.

In comments from Council:

Councilwoman Belcher stated that she is looking forward to the Design Workshop on February 2, and is thankful for the hard work of City employees.

Councilman Fultz said Hill Studio had a good presentation on the downtown revitalization process.

Councilman Caruso noted he was pleased with Hill Studio and it is apparent they are experienced in downtown revitalization. He wants the City to have a vision for the future and this process will lead to creating one.

Mr. Ramey said Hill Studio will be developing a master plan for the City for the next 10 to 20 years and this document will be used during the City's capital budget process.

Councilman Fawbush stated he is looking forward to working with Hill Studio, Arnett Muldrow, and Thompson and Litton Inc., on the City's downtown revitalization.

He also commended Mr. Ramey for keeping up with all the City's projects and for continuing to move forward with them.

He commended the City's Police Department, Fire Department, and Norton Rescue Squad for taking the lead during emergencies.

He is optimistic for 2017 and he is hopeful that the City will be in a better position in 2018.

Mayor Mays said we live in a blessed community and are fortunate to have good employees.

CITY OF NORTON, VIRGINIA

William Mays, Mayor

ATTEST:

Rebecca K. Coffey, Clerk of Council



Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: February 3, 2017
Re: Update on Mountain Empire Community College

At our February 7th Council meeting, Dr. Scott Hamilton President of the Mountain Empire Community College will provide an update on the College. Due to his upcoming retirement, this will be Dr. Hamilton's last planned update to City Council.

Thank You.



Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: February 3, 2017
Re: Request to Install an Information Kiosk

As part of his Eagle Scout Project, Eagle Scout Candidate Isaac Meade will be attending our February 7th Council meeting to request permission to install an information kiosk to highlight the Salamander Sanctuary at Flag Rock. Mr. Meade will be joined by his Scout Master Teddy Huff and possibly other members of his troop.

Thank You.

Fred Ramey

From: Kitty Barker <kbarker@heartofappalachia.com>
Sent: Monday, January 30, 2017 2:14 PM
To: Fred Ramey
Subject: Appalachian Backroads Motorcycle Routes

Dear Fred, the Heart of Appalachia Tourism Authority is in the process of changing the motorcycle routes and names to appeal to the motorcycle riding community. We would request the Norton City Council to allow the use of the "Woodbooger" name to create a new route entitled "Woodbooger Run". This route will begin and end in downtown Norton, and includes a highly technical ride to Flag Rock and High Knob. Our routes encourage riders to hub in Norton to spend the night, and ride several different routes each day. We would appreciate City Councils approval to utilize the "Woodbooger" name. Below are the route numbers.

1. Woodbooger Run – 75 Miles

Start in Norton on Business 23 towards Appalachia
 R on 68 N. Inman St.
 68 turns into 606 before Keokee
 L on 421 to Pennington Gap
 L on 621 Right Poor Valley Rd
 Bear L to stay on 621 twice
 L on Alt 58 to Big Stone Gap
 At Norton, Take Exit 1 then right on 619 to Woodbooger Run
 TECHNICAL RIDE to Flag Rock and High Knob Elevation 4,233 Ft
 Back to Norton

Things To Do

Woodbooger Statue Flag Rock- Norton
 High Knob Tower - Norton
 Powell Overlook – N 23 Big Stone Gap
 SWVA Museum State Park – Big Stone Gap
 Trail of the Lonesome Pine Outdoor Drama = Big Stone Gap
 Country Cabin Music Venue- Norton
 Central Drive In - Norton
 Keokee Lake - Keokee

Eateries

Lodging

--
 Kitty Barker, Executive Director
 Heart of Appalachia Tourism Authority
 3028 4th Ave. Market Square
 St. Paul, VA 24283

WILLIAM E. BRADSHAW, P.C.

Bradshaw Law Office
1752 Holton Avenue, E
P. O. Box 267
Big Stone Gap, VA 24219
Email: web@bradshawlawoffice.us

January 21, 2016

William E. Bradshaw, Attorney
Sandy Coeburn, Legal Assistant

Phone: (276) 523-2428
Fax: (276) 523-6675

Fred Ramey, City Manager
 City of Norton
 P. O. Box 618
 Norton, VA 24273

RE: WoodBooger Service Mark

Dear Fred:

This past Tuesday at the Council Meeting, I delivered to you the original of the WoodBooger Service Mark from the United States Patent and Trademark Office registered January 12, 2016. As a follow up, I wanted to outline the requirements for maintaining the federal trademark registration. They are as follows:

Requirements in the First Ten Years

- **First Filing Deadline:** You must file a Declaration of Use between the 5th and 6th years after the registration date.
- **Second Filing Deadline:** You must file a Declaration of Use **and** an Application for Renewal between the 9th and 10th years after the registration date.

Requirements in Successive Ten-Year Periods

- You must file a Declaration of Use **and** an Application for Renewal between every 9th and 10th year period, calculated from the registration date.

The City should calendar these dates for follow-up and action. I have enclosed a copy of the requirements for your file. If you have any questions please give me a call. Best regards.

Sincerely,

WILLIAM E. BRADSHAW, P.C.



William E. Bradshaw

WEB:sgc
 Enclosure

United States of America

United States Patent and Trademark Office

WoodBooger

Reg. No. 4,885,003

Registered Jan. 12, 2016

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

CITY OF NORTON, VIRGINIA (UNITED STATES MUNICIPAL CORPORATION)
618 VIRGINIA AVENUE NW
NORTON, VA 24273

FOR: PROMOTING RECREATION AND TOURISM IN NORTON, VIRGINIA AND SURROUNDING AREA, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-10-2014; IN COMMERCE 1-10-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-625,147, FILED 5-11-2015.

ROBERT COHEN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* *See* 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

The following notice is to be published as a ***non-legal (display) advertisement*** in the **Tuesday, February 14th** edition of the *Coalfield Progress*.

NOTICE OF PUBLIC HEARING

The City of Norton will conduct a public hearing on Tuesday, February 21, 2017, at 6:00 p.m., in the City Council chambers, 618 Virginia Avenue NW, Norton, to solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for a project in the City.

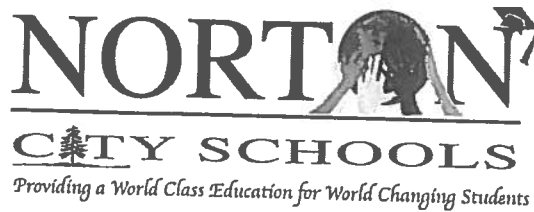
Information on the amount of funding available, the requirements on benefit to low- and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance, as necessary, will be available. Citizens will also be given an opportunity to comment on Norton's past use of CDBG funds. All interested citizens are urged to attend. For additional information, contact Mr. Fred Ramey, Norton City Manager, at (276) 679-1160.

Complaints and grievances can be submitted in writing to the City Manager's office at Norton City Hall, 618 Virginia Avenue NW, Norton VA 24273, or by phone at (276) 679-1160, until the date of the hearing.


If you plan to attend and have any special needs requirements, please call the number listed above.

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, Director of Finance
FROM: Tamrya Spradlin, Supervisor of Finance 
SUBJECT: Request For Funds
DATE: December 16, 2016

Norton City Schools requests a deposit of City Funds in the amount of \$200,000 to cover December 20, 2016 payroll expenditures.

Thank you!