

The regularly scheduled meeting of the Norton City Council was held Tuesday, September 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 Fire Chief and Emergency Management Coordinator Todd Lagow.

Upon a motion by Councilman Caruso, 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 August 17, 2021, council meeting as presented.

During the Mayor's Call for Visitors, J. W. Construction Company Owner Jerry Wharton asked to address council at this time to discuss possible redevelopment of property owned by his company and located along US 23 Southbound near Exit 2. Mr. Wharton had been scheduled to address council at the August 17, 2021, council meeting, but was unable to attend.

The city manager asked Mr. Wharton to address council after the AmeriCorps/National Civilian Conservation Corps (NCCC) Southern Region Team Tide 5 update and introduction.

Mayor Fawbush said council is pleased to welcome AmeriCorps/NCCC Southern Region Team Tide 5 to the council meeting.

Mr. Ramey said it is that exciting time of year when the city is fortunate enough to have an AmeriCorps/NCCC Southern Region team come to Norton to help with development of the city's trail system and for council to meet the team. The 2021 AmeriCorps/NCCC Southern Region Team Tide 5 arrived August 28, 2021, and the 11-member team began working on August 30. He said Norton City Trail Coordinator Shayne Fields was present to brief council on the work the team is doing.

Mr. Fields said rather than working on one big project or trail, the Tide 5 team is working on the completion of several trail segments - the Campground Trail and the Bigfoot Trail. He noted that Overlook and Woodbooger symbols will be added to Lower Campground signs so campers, hikers and visitors will know that they can use the trail system to hike from the Lower Campground to the Overlook and the Woodbooger Statue at Flag Rock.

He told council that when he applies for an AmeriCorps/NCCC team, he not only has to have a primary project for them to work on, but he also has to plan an additional itinerary for the team in the event of inclement weather. Last week's rain prevented the team from working Tuesday and Wednesday, so the team worked with the Family Crisis Support Services Hope House and painted the inside of the city's farmers market, now called the Expo Center. He said the team also painted some of the downtown lampposts on Thursday and should be able to complete the rest of the lampposts another day.

Mr. Fields then turned the update over to Tide 5 Team Leader Kyle Scheer of Cedar Rapids, Iowa, and asked him to introduce the team.

On behalf of the Tide 5 Team, Mr. Scheer thanked council for the opportunity to come to Norton and help with trail building. He also thanked the city manager, Norton Police Officer Cody Childers, Mr. Fields and Team Leader Josh Outsey for welcoming the team to Norton and for being given the opportunity to work in such a beautiful place and explore its natural beauty

and area businesses. He noted that this is the team's first time working together and the team is really enjoying the work. He said team members are happy to see their work translate into economic benefit for the community and are very grateful for the opportunity.

He then asked team members to introduce themselves and state where they are from: Austin Franklin, Hermiston, Oregon, who completed the Woodbooger Restaurant Hamburger Eating Challenge with a time of 9 minutes and 15 seconds; Beth Lumia, Syracuse, New York; Claire O'Hearn, Frenchtown, New Jersey; Cody Baker, New Albany, Mississippi; Zaida Cilone, Bostic, North Carolina; Genevieve Meadows, Williamsburg, Virginia; Maria Rusnak, New Orleans, Louisiana; Jaden Briggs, Chaska, Minnesota; Carl Csaposs, Davis, California; and Jack Impastato, Dayton, Ohio.

Council members expressed their appreciation to the team with applause.

The city manager asked the team to come to a council meeting to present an update on what they have done before the team leaves on October 18th. He said he is hopeful the team will be in Norton for the Cloudsplitter on October 16 and 17 and will have the opportunity to explore the area and have some fun. He said council is thankful to have them and council members appreciate their help.

Councilman Caruso told the team that the people they have seen while at Norton's restaurants is due to the work of prior AmeriCorps/NCCC teams helping make trails available for residents, out-of-town visitors and outdoor enthusiasts. He said they may not see the economic impact of the trail work they are doing, but their work and the work of their predecessors have had a tremendous impact on the City of Norton. He thanked the team and prior teams for their hard work that has not only impacted Norton, but the surrounding communities as well.

The mayor and council members thanked the team for attending the meeting and informing council about the work they are doing.

At this time, J. W. Construction Company Owner Jerry Wharton addressed council concerning possible redevelopment of property his company owns along US 23 Southbound near Exit 2. As he distributed maps of the property being considered for mining and redevelopment to council members, he gave a brief history of the property. He said his plan is to re-mine approximately 90 acres and try to bring 20 acres of the property up to the level of US 23 and have an exit-only road off of US 23.

He told council he was approaching council tonight about mining 200,000 to 300,000 tons of coal from the property with the city receiving coal severance tax revenue that at a minimum could total a quarter of a million dollars. He said this property is one of the few pieces of property in the City of Norton that is feasible to develop for commercial or residential use. He explained that mining and redevelopment of the property could create approximately 67 acres of tabletop or flat land for potential commercial/residential use, but the only thing that is preventing this is a city ordinance created in the 1970's that prohibits mining in city limits. He asked council to consider amending the ordinance to permit mining for this project and for council's input on the redevelopment project.

Mr. Wharton said the property is not pre-sold and it would probably take a year to get the project ready to be mined and the project would probably be completed in a year and a half to two years.

Mr. Ramey gave council copies of the city ordinance prohibiting mining in the city, but he said the ordinance includes some exceptions which need to be looked at by the city attorney. Other components of the project that need to be navigated are permits with the Virginia Division of Mines, Minerals and Energy (DMME) and the Virginia Department of Transportation (VDOT), as well as zoning.

Following discussion about the project, the consensus of council was that council is interested in the project and council asked the city manager to work with the city attorney to review potential options.

Council members thanked Mr. Wharton for discussing the project with council.

The next agenda item was an update on the city's recent Virginia Department of Transportation (VDOT) Revenue Sharing Application for the Replacement of the Laurel Avenue Bridge. Mr. Ramey told council that the city has been working on the application for a month and a half and some VDOT application guidelines have changed making the application selection more competitive. The city manager asked City Engineer Stephen McElroy to update council on the application.

Mr. McElroy informed council that VDOT looks at four selection criteria when selecting a project. Those criteria include: 1. The project has already received Revenue Sharing funding; 2. The project is identified specifically in the Capital Improvements Plan (CIP); 3. The project falls into VDOT's Bridge Maintenance Program; 4. Other. He explained that the Laurel Avenue Bridge Replacement Project does not meet the first three criteria. He noted that when a project falls in the other category, the application doesn't score well.

He said the project pre-application was selected and VDOT suggested that the city strengthen its Capital Improvements Plan (CIP). He noted that VDOT has a specific format for applications and a revised CIP (2021 Capital Improvements Program Amendment #1, General Fund #67 Bridge Repairs for the Laurel Avenue Bridge Superstructure Replacement) was submitted to VDOT for approval, was approved, and was included in council packets as an attachment along with the resolution he is requesting council to adopt.

He said the Amended CIP will be attached to the resolution and be submitted to VDOT with the Revenue Sharing application that has to be submitted by October 1, 2021.

There was discussion about projected cost estimates for replacement of the Laurel Avenue Bridge and possible funding options.

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 adopt A Resolution Adopting Amendment No. 1 to the Five-Year Capital Improvements Program for the Laurel Avenue Bridge Superstructure Replacement Project. (Insert)

The city manager then updated council on a Virginia Clean Water Revolving Loan Funding Application for Sewer System Evaluation. He said in July city council authorized city administration to apply for funding of a comprehensive study of the city's sewer system and the city received a letter on July 26, 2021, tentatively approving the project for FY 2022 funding assistance from the Virginia Clean Water Revolving Loan Fund, as part of the Southwest Virginia Pilot Program. He said the funding is a 75 percent grant with 25 percent being paid by the city.

He explained that the sewer study is critically important for the city because the city needs to know the condition of its sewer system/infrastructure plus the study will help the city when applying for federal infrastructure and American Rescue Plan funding. Mr. Ramey asked for council's approval for the acceptance of the Virginia Clean Water Revolving Loan funding and payment of the 25 percent local payment, as well as authorization for the city manager to enter into an agreement with the Virginia Department of Environmental Quality for the sewer study.

Mr. McElroy said the final approval won't happen until the later in September, but having the approval in the minutes will help speed the process of approval by the Virginia State Water Control Board.

The consensus of council was to authorize the city manager to enter into an agreement with the Virginia Department of Environmental Quality for the sewer system study and accept 75 percent grant funding from the Virginia Clean Water Revolving Loan Fund.

The city manager also provided council with an update on the LENOWISCO Small Business Recovery Assistance Project. He informed council that the city received a letter from the Virginia Department of Housing and Community Development (DCHD) on July 22, 2021, stating that the city's request for an additional Community Development Block Grant (CDBG) of \$640,000 has been approved for a total grant contract amount of \$2,340,000. The city serves as fiscal agent for the grant which has provided financial assistance for businesses in Lee, Wise, and Scott counties and the City of Norton impacted by COVID-19 and the associated mandates. He said the city executed an agreement to accept those funds on behalf of the LENOWISCO regional initiative and he was asking for council approval for the city manager to accept the funding and proceed moving forward with that project.

The consensus of council was for the city manager to accept the additional \$640,000 in CDBG Small Business Recovery Assistance funding and move forward with the project.

Councilman Mays asked if any landlords who are losing their property as a result of COVID-19 would qualify for this financial assistance.

Mr. Ramey said that it depends on if the landlord is set up as a business and the landlord may qualify for some assistance if the landlord still has a mortgage on the property.

Via a PowerPoint presentation, the city manager showed council COVID-19 case trends for July 2021, August 2021, and Sept. 1-5, 2021, for the City of Norton and Wise County.

LENOWISCO Health District COVID-19 statistics for July 2021 showed cases in Norton totaled 15 (6 being 0-18 years), while Wise County cases totaled 133 (21 of those 0-18 years).

COVID-19 statistics for August 2021 showed cases in Norton totaled 58 (22 being 0-18 years), while Wise County cases totaled 389 (107 of those 0-18 years).

Norton's COVID-19 case stats for Sept. 1-5, 2021, were 9 (4 of those 0-18 years), while totals for the same dates for Wise County were 62 (16 being 0-18 years).

Mr. Ramey said COVID-19 statistics for the City of Norton as of September, 3, 2021, were: Cases (379), the cases when the city stopped tracking COVID-19 cases the end of June 2021 totaled 330; Hospitalized (20), had been 19 for a period of time; Deaths (8), one additional death in the past week, previously 7 deaths since April 16, 2021; Increase in Cases Over 7-Day Period (25); and 7-Day Average Number of Daily New Cases Reported (1).

He said regional Sunday, Sept. 5, 2021, newspapers 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).

Mr. Ramey asked City Finance Director Jeffery Shupe to inform council about what is happening with the Municipal Utility Relief Program.

Mr. Shupe said the city applied for and received \$49,294 from the Virginia Department of Housing and Community Development (DCHD) to assist city customers who were experiencing economic hardship due to COVID-19. He said the funds, which could be used to pay past due water and sewer bills incurred during the COVID-19 State of Emergency, have been expended and will be reported to the state.

The State of Emergency in the Commonwealth ended June 30, 2021, and with that many of the restrictions and mandates were lifted including the moratorium on utility disconnections due to non-payment. Flyers were mailed twice to inform approximately 200 customers that disconnection for non-payment are scheduled for the end of September if they did not contact the city to make arrangements by September 3, 2021, to pay their delinquent accounts through the Municipal Utility Relief Program.

If the funds were expended or a customer did not qualify for Municipal Utility Relief Program funding, Mr. Shupe explained that another option to assist with payment of delinquent water and sewer bills is being offered to customers. The city has established a COVID-19 Relief Prepayment Plan which will allow customers to repay their delinquent bills over a period of six to 24 months. He said as of the September 3 deadline, 71 customers contacted the city and signed an agreement and there are a few more who are in the process of signing agreements.

Mr. Shupe explained that customers participating in the COVID-19 Relief Prepayment Plan must pay their current bill each month and pay a portion of the arrearage until there is a zero balance. If a customer misses a payment, the customer will be subject to disconnection and must pay the full balance at that time. He said no penalty or interest is being charged on prepayment plan accounts.

The city manager noted that city administration was hopeful that additional Municipal Utility Relief Program funding was going to be allocated, but that wasn't the case. He said the city is trying to do everything possible to work with customers. The city plan is primarily for residential customers, but also for commercial customers and is based on state requirements.

Via a PowerPoint presentation, Mr. Ramey reminded council of what was discussed at the August 24, 2021, council workshop: an overview of the American Rescue Plan, city administration's approach to that plan (following the city's Capital Improvement Plan), potential projects, distribution of two outside agency requests the city has received, as well as a request for authorization to move forward with engineering in advance of potential federal infrastructure funding. He said council also discussed the city's focus on key projects such as Federal Lands Access Program (FLAP) projects and identified projects the city wants at the front of the potential funding list.

He said during the workshop council fully supported the following project recommendations: Completing FLAP projects that have been started and using ARP funding as needed for those projects; Engineering for the Hawthorne Drive Infrastructure Utility Replacement Project (currently under contract); Engineering for 10<sup>th</sup> Street Sewer Line Replacement Project (currently under contract to start that project); and a Potential Splashpad Project at the city park with a goal of starting as soon as possible as a community project (currently in discussion with a firm).

The city manager said council decided at the workshop that additional workshops are needed with updates on current projects and identification of additional possible projects. He also informed council that the city is also under contract with an engineer for a waterline replacement project on the 400 block of Park Avenue.

He said city administration is continuing to participate in informational sessions to learn everything possible about ARP funding guidelines and is awaiting the final ruling by the United States Treasury.

Included in packets for council consideration was a check to Powell Valley National Bank dated July 23, 2021, in the amount of \$108,193.85 for the first consolidated debt payment.

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

Upon a motion by Councilman Fultz, 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 Councilwoman Davis, seconded by Councilman Mays, 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 Councilman Fultz, 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 by council on appointments to the Mountain Empire Regional Business Incubator Board and to the Norton Industrial Development Authority.

In comments from the city manager:

Mr. Ramey informed council that the city has received six donations for the 1951 Norton Little League All-Star Commemorative Marker Project totaling \$3,000.

The city manager said this Saturday is September 11<sup>th</sup> and will be the 20<sup>th</sup> anniversary of the 9/11 terrorist attacks. In commemoration of 9/11, the University of Virginia College at Wise Reserve Officers Training Corps (ROTC) will perform a U. S. flag changing ceremony at Flag Rock around 8 or 8:30 a.m. He said the ROTC will conduct a ruck run at 7 a.m. at the Expo Center that will end at Flag Rock for the flag changing ceremony. He said the AmeriCorps Team Tide 5 and Councilman Caruso will also participate in the ceremony.

He placed at council member's desks complimentary 45<sup>th</sup> Anniversary Pro-Art Association season tickets and schedules of events.

The city manager also gave council a copy of a *Virginia Town and City Magazine* article recognizing Norton business Lincoln Road Coffee Lounge.

Mr. Ramey said Halloween is on a Sunday this year and asked for council's input on selecting what day Halloween will be observed in the city. He said he thinks most of the localities are planning to celebrate Halloween Saturday, October 30. Council did not set a date for Halloween activities in the city.

Mr. Ramey distributed copies of the latest High Knob traffic count to council members, and noted that the Flag Rock traffic counter may be experiencing some issues and need replacement.

Other upcoming events noted by the city manager included: Mountain Fork Half Marathon, September 19; High Knob Hellbender 10K, October 2; Woodbooger Festival scheduled for October 2 has been canceled; and the Cloudsplitter 100, October 16-17.

The city manager informed council that there is a record number of registrants for this year's Cloudsplitter with 203 people registered for all four races combined. He said the first couple of years there were 130 people registered for the event.

Mr. Ramey said emails that included amenity and parking information have been sent to Cloudsplitter registrants and feedback from those emails has been good. He said organizers are following the same protocol as last year by having four separate starts and registrations.

He reported that additional volunteers are still needed for the night shift for the Cloudsplitter aid station at Bark Camp Lake and that a participant is flying from Hawaii for the event.

The following comments were made by council members:

Councilwoman Davis said she was impressed with the AmeriCorps/NCCC Southern Region Team Tide 5 and that she didn't realize that teams came to Norton to help with trail development.

She also said she is excited about the redevelopment project Mr. Wharton discussed with council.

Councilman Fultz also had positive comments about the redevelopment project and the Tide 5 team. He noted how nice it was for people to actually see the team members painting the downtown lampposts, when their work on the trails is not something people in town get to see them doing.

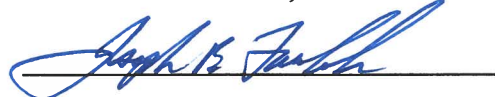
Councilman Caruso said trails from Legion Park to Flag Rock are looking really good and the restrooms at Flag Rock were immaculately clean. He said city employees working at Flag Rock Recreation Area are doing an excellent job.

Mayor Fawbush said it was a difficult decision to cancel the 2021 Woodbooger Festival, but after weighing all COVID-19 safety factors festival organizers thought it was best to cancel the event.

The mayor informed council of the passing of former Norton resident Louise Witt.

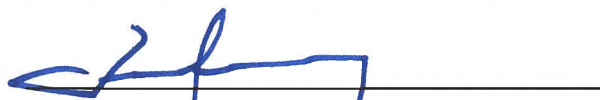
There being no further business to come before council, Mayor Fawbush declared the meeting adjourned.

CITY OF NORTON, VIRGINIA



Joseph Fawbush, Mayor

ATTEST:



Fred Ramey, Jr., Interim Clerk of Council