

AGENDA

Norton City Council

November 1, 2022

6:00 P.M.

1. Roll Call
2. Invocation – Rev. Freddie Powers
3. Pledge of Allegiance
4. Approval of Minutes
 1. Meeting of October 18, 2022
5. Audience for Visitors
6. Public Hearing
 - A. A Public Hearing on Consideration of Supplemental Local Appropriations from the FY23 City of Norton General Operating Fund to the Norton City Schools' FY23 Fiscal Budget in the Amount of \$23,583 and to Amend the Norton City Schools FY23 Budget in the Amount of \$1,499,180, Which Represents the \$23,583 in Local Appropriation and Additional State Revenues for FY23 in the Amount of \$1,475,597.
 1. Public Hearing
 2. Comments by City Council
 3. Action by City Council
7. New Business
 - A. Update on the Proposed Amendments to the City of Norton Charter.

B. Confirmation of a Check/Transfer in Excess of \$100,000.

C. Closed Meeting for Personnel as Per Section 2.2-3711 (A) (1) of the Code of Virginia as Amended:

1. Appointment to the Virginia Heritage Music Trail (The Crooked Road) Board for a Three-Year Term; Currently Linda Hamilton Whose Term Expires 11/30/22.

To 11/30/2022

2. City Attorney

3. City Manager

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

9. Adjournment.

The regularly scheduled meeting of the Norton City Council was held Tuesday, October 18, 2022, at 6:00 p.m., in the Municipal Council Chambers with Mayor Joseph Fawbush presiding.

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

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

The invocation was given by Rev. Ronnie Large, and the Pledge of Allegiance was led by Norton Police Department First Sergeant Greg Mays.

Mayor Fawbush respectfully requested that council amend the agenda to include a presentation by the Electoral Board chairman as the first new business item.

The consensus of council was to allow the presentation by the Electoral Board chairman as the first item under new business.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by the following vote: YES – Mays, Fultz and Caruso, NO – None, ABSENT – None, ABSTAIN – Davis and Fawbush, council moved to adopt the minutes of the September 20, 2022, council meeting as presented.

Upon a motion by Councilman Mays, seconded by Councilman Fultz, and passed by the following vote: YES – Mays, Fultz, and Fawbush, NO – None, ABSENT – None, ABSTAIN – Davis and Caruso, council moved to adopt the minutes of the October 4, 2022, council meeting as presented.

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

City of Norton Electoral Board Chairman Mike Brown told council that City of Norton General Registrar Gwyn Carlton has earned Certified Elections Registration Administrator (CERA) certification following completion of a multi-year course of study through Auburn University. Noting that she is one of 1,420 registrars in the United States who have earned this designation, he passed around the CERA certificate for council members to see and said the Electoral Board is very proud of Ms. Carlton for achieving this distinction.

Mr. Brown asked Ms. Carlton to stand and be recognized for her achievement which benefits City of Norton voters.

Council recognized Ms. Carlton with applause.

The electoral board chairman provided council with a voting report on the upcoming November 8, 2022, election, noting that early voting has already begun. He said there are 2,614 registered voters in the city and so far, 58 people have voted early in person. Mr. Brown said the registrar mailed 74 ballots, 46 have been returned, and voters can request a mail ballot until 5 p.m., October 28. He said the registrar's office is open for voting from 8:30 a.m. to 5 p.m. weekdays and from 9 a.m. to 5 p.m., Saturday, October 29th, and Saturday, November 5th.

On behalf of the electoral board, he expressed appreciation to the city for having purchased the curbside voting tent and said that both entrances at the community center are handicapped accessible.

Mr. Brown provided council with sample ballots and said sample ballots are also available online. He noted that for a write-in on a paper ballot the oval next to the write-in must be filled.

He asked Ms. Carlton to explain an issue that has occurred through the state.

Ms. Carlton said information explaining the issue has been placed on the city website and Facebook page. She said that when redistricting is done every 10 years the state is required to send out new voter registration notices to everyone in case there is a change and there were no changes for Norton. She said the General Assembly voted to pay for those notices and the decision was made to have a third-party company send the notices. Ms. Carlton explained that the Virginia Department of Elections has identified that there is an issue with voter notices sent to some voters in Southwest Virginia and voters with a post office box might have received a voter notice with incorrect voting location information. She said the Department of Elections is planning on mailing corrected notices. Voters can check their voting information of the Department of Elections website at www.elections.virginia.gov or by calling 804-864-8901 and dialing 0 for the operator.

Ms. Carlton said voters can also call her office at 276-679-1162 for verification of their voting location.

On behalf of council and the citizens of Norton, Mayor Fawbush thanked Ms. Carlton for her accomplishment and for the excellent services the Registrar's Office and the Electoral Board provide the citizens of the City of Norton.

Next on the agenda was council consideration of a request from Norton City Schools for a Supplemental Local Appropriation of \$23,583 from General Fund City Appropriations and a FY23 Budget Amendment in the amount of \$1,499,180 from General Fund Revenue and Expenditures.

The city manager said a letter from Norton City Schools Superintendent Dr. Gina Wohlford requesting the budget changes was included in council packets and Dr. Wohlford was in attendance to discuss the request and answer questions from council.

Mr. Ramey said the request was anticipated because of how early the school system had to start the budget process and how late the state finished the budget process. He said city administration was aware that there could be modifications.

The school superintendent said revenue changes totaled an increase of \$1,499,180 and included: Construction Grant, \$1,228,210; ARPA Bonus Payment, \$92,062; State Difference Between House Budget and Adopted Budget, \$155,325; and Local Difference Between House Budget and Adopted Budget, \$23,583.

She said expenditure changes totaled an increase of \$1,499,180 and included: Increase in Building Services for Construction Grant, \$1,228,210; Estimated ARPA Bonus Payment Expense, \$117,550; and if the average daily membership (ADM) does not change, a Transfer to Capital Projects of \$153,420.

Mayor Fawbush asked if there were any questions from council and advised that the budget changes would have to be advertised for public hearing.

She said ADM at the last school board meeting was 780 and the budgeted number was 770. She said enrollment was 786 but ADM is an average and enrollment is trending up.

The consensus of council was to allow the city manager to advertise a public hearing on the proposed Norton City Schools request for a Supplemental Local Appropriation of \$23,583 and a FY23 Budget Amendment of \$1,499,180. The public hearing will take place at the November 1st council meeting.

Council had been presented in their packets a request to refund two erroneously assessed 2022 real estate public service taxes.

The city manager said the State Corporation Commission did not provide an assessed value prior to the city's first-half real estate public service tax billing on the two entities, so a correct

assessment could not be determined. Therefore, Commissioner of the Revenue Judy Miller determined that a refund was due to Norfolk & Western Railway for real estate public service taxes in the amount of \$393.49.

Upon a motion by Councilman Fultz, seconded by Councilman Mays, and passed by unanimous roll call vote: YES – Mays, Fultz, Davis, Caruso and Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council authorized a refund for erroneously assessed 2022 real estate public service taxes to Norfolk & Western Railway in the amount of \$393.49.

The second erroneous assessment refund request was for Interstate RR. The city manager said the State Corporation Commission did not provide an assessed value prior to the city's first-half real estate public service tax billing, so again a correct assessment could not be determined. Therefore, the commissioner of the revenue determined that a refund was also due to Interstate RR for real estate public service taxes in the amount of \$514.42.

Upon a motion by Councilwoman Davis, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Mays, Fultz, Davis, Caruso and Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council authorized a refund for erroneously assessed 2022 real estate public service taxes to Interstate RR in the amount of \$514.42.

In packets for council consideration was a check to Boyd's Construction and Excavation Company, LLC, dated August 26, 2022, in the amount of \$172,590.58 for paving Flag Rock and a section of Route 619.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by unanimous roll call vote: YES – Mays, Fultz, Davis, Caruso and Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council moved to confirm the check to Boyd's Construction and Excavation Company, LLC, as stated above.

Upon a motion by Councilman Caruso, seconded by Councilwoman Davis, 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) as amended.

Mayor Fawbush declared council in closed meeting.

Upon a motion by Councilman Fultz, seconded by Councilman Caruso, and passed by unanimous vote, 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 Mays, and passed by unanimous vote, council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

Mayor Fawbush opened the floor for nominations to the Norton Planning Commission to fill the unexpired term of the late Robert Isaac whose term expired July 31, 2022.

Councilman Caruso nominated Steve Childers to be appointed to the Norton Planning Commission to fill the expired term of the late Robert Isaac whose term expired July 31, 2022.

Upon a motion by Councilman Mays, seconded by Councilman Fultz, and passed by the following vote, YES – Mays, Fultz, Davis, Caruso, Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council moved that the nominations cease.

The mayor declared Steve Childers appointed to the Norton Planning Commission to fill the expired term of the late Robert Isaac whose term expired July 31, 2022.

The mayor opened the floor for nominations to the Norton Department of Social Services Advisory Board for a four-year term to expire November 15, 2026.

Councilman Caruso nominated June Jones to be reappointed to the Norton Department of Social Services Advisory Board for a four-year term to expire November 15, 2026.

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

The mayor declared June Jones reappointed to the Norton Department of Social Services Advisory Board for a four-year term to expire November 15, 2026.

Mayor Fawbush opened the floor for nominations to the Social Services Community Policy and Management Board for a four-year term to expire November 15, 2026.

Councilman Fultz nominated Sarah Davis to be reappointed to the Social Services Community Policy and Management Board for a four-year term to expire November 15, 2026.

Upon a motion by Councilman Caruso, seconded by Councilman Mays, and passed by the following vote, YES – Mays, Fultz, Caruso and Fawbush, NO – None, ABSENT – None, ABSTAIN – Davis, council moved that the nominations cease.

The mayor declared Sarah Davis reappointed to the Social Services Community Policy and Management Board for a four-year term to expire November 15, 2026.

The mayor opened the floor for nominations to the Mountain Empire Community College Board to fill the remaining term of Tim Cassell who resigned and whose term expires June 30, 2024.

Councilman Fultz nominated Carol Caruso to the Mountain Empire Community College Board to fill the remaining term of Tim Cassell who resigned and whose term expires June 30, 2024.

Upon a motion by Councilwoman Davis, seconded by Councilman Mays, and passed by the following vote, YES – Mays, Fultz, Davis and Fawbush, NO – None, ABSENT – None, ABSTAIN – Caruso, council moved that the nominations cease.

The mayor declared Carol Caruso appointed to the Mountain Empire Community College Board to fill the unexpired term of Tim Cassell who resigned and whose term expires June 30, 2024.

In comments from the city manager:

Mr. Ramey advised council that the city closed the Virginia Resources Authority loan in the amount of \$255,912 for the Southside Waterline Replacement Project.

He said council had authorized city administration to apply for another school resource officer (SRO) and the city was notified this week that the application for that position was not approved. He explained the reason the city was not awarded the position was because the position would be replacing a position that was already being funded. He said under federal guidelines, this is called supplanting. He explained that if the city had applied for a second school resource officer

at the school, the grant application would probably have been awarded. He said once the grant reopens application for funding could possibly be sought at that time.

Councilman Caruso inquired about the school system's security plan and a brief discussion followed.

Mr. Ramey said there is a tax sale scheduled for November 3 for two city properties and advised that fall paving began this week.

The city manager said he had been approached about the city's willingness to move the city Christmas tree to the city parking lot between the chamber of commerce and Doughmakers. Mr. Ramey said the second and third rows of the parking lot would remain open.

A discussion about tree relocation followed, and the city manager asked council members to think about tree relocation possibilities.

Councilman Mays said he would support relocating the Christmas tree to that location as long as the most impacted businesses in that area agree with the tree relocation.

Councilwoman Davis said the Christmas market could be conducted in the municipal parking lot where the tree would be located like a traditional Christmas market.

The city manager informed council that the City of Norton and the Woodbooger were mentioned in an article in the Cooperative Living magazine which is distributed to power cooperatives throughout Maryland, Virginia and Delaware.

Mr. Ramey provided copies of the latest Retail Sales Tax Report and High Knob Traffic Counts for council review.

Upcoming events mentioned by the city manager included the Halloween Bash tentatively scheduled for Saturday, October 29, and Halloween Trick-or-Treat observance in Norton from 5:30 to 8:30 p.m., Monday, October 31.

He said council is still looking at potentially conducting a council workshop in November.

The following comments were made by council members:

Councilwoman Davis said the Cloudsplitter 100 went well and recognized the Job Corps for manning the Edith Gap aid station this year.

She said the Job Corps has expressed an interest in working with the city to clear trails or in other ways, so she asked the Job Corps Student Government Association president to develop a written proposal which could be presented to council.

She said she thought the Job Corps should be recognized for assisting with this year's Cloudsplitter 100.

The city manager said he thought the Job Corps is planning to submit something for publication to local newspapers with photos taken and provided by the city.

Councilwoman Davis asked council to keep the Stewart family in their prayers.

Councilman Caruso said council members were provided with notes from the Virginia Municipal League Conference he recently attended and asked them to let him know if they had any questions. He said one of the issues that council needs to look at is short-term housing/Airbnb issues and the need for planning to address that growing sector of the economy.

He said he would love to see a council workshop conducted on housing in the city covering short-term rentals such as Airbnb's, hotel and homelessness issues, homeless housing issues, and low, middle and high-end housing developments that are possibilities within the city. The councilman said he thinks that housing is something that is going to be a real issue as economic development comes to the area and he would like to see how council can facilitate development in a positive direction.

Councilman Caruso inquired if there was any additional information about the small mobile nuclear plant/facility that is supposed to locate in the area.

Mayor Fawbush said if anything does happen it will be at least 10 years away.

The mayor said the Sports Car Club of America has announced the 2023 SCCA Hill Climb Series calendar and the Flag Rock Hill Climb is listed for June 2-4, 2023, and August 25-27, 2023.

Discussion followed and council pointed out that those dates still must be officially approved by council.

Mayor Fawbush inquired about the possibility of upgrading the municipal parking lot marquee sign.

The city manager said the marquee upgrade was something that could be investigated.

The consensus of council was to conduct a work session at 5 p.m., Monday, November 14, in council chambers.

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



October 19, 2022

NOTICE OF PUBLIC HEARING

The City Council of the City of Norton, Virginia will Hold a Public Hearing on Tuesday, November 1, 2022, at 6:00 PM in the Municipal Council Chambers Located at 618 Virginia Avenue, N.W., Norton, Virginia. The Purpose of the Hearing is to Solicit Input on Consideration of Supplemental Local Appropriations from the FY23 City of Norton General Operating Fund to the Norton City Schools' FY23 Fiscal Budget in the Amount of \$23,583 and to Amend the Norton City Schools FY23 Budget in the Amount of \$1,499,180, Which Represents the \$23,583 in Local Appropriation and Additional State Revenues for FY23 in the Amount of \$1,475,597. A Breakdown of the Appropriations is Available for Inspection Monday through Friday between 8:30 A.M. and 5:00 P.M. in the City Manager's Office or Available at www.nortonva.gov. Attendance and Comments at the Meeting are Encouraged and Welcome.

The City of Norton ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact the City Manager at 276-679-1160.

Fred L. Ramey, Jr.

City Manager

This institution is an equal opportunity provider and employer.

TO THE COALFIELD:

Please run in the Friday, October 21st and Friday, October 28th editions of the Coalfield Progress.

SCHOOL BOARD
 Cody McElroy, Chairperson
 Dr. Wes Campbell, Vice-Chairperson
 Carol Caruso
 Cheryl Redman
 Mark Sturgill



DIVISION SUPERINTENDENT
 Dr. Gina J. Wohlford
 gwohlford@nortoncityschools.org
 Phone 276.679.2330
 Fax 276.679.4315

October 13, 2022

Mr. Fred L. Ramey, Jr.
 City Manager
 618 Virginia Ave., NW
 Norton, VA 24273

Re: Norton City Schools Supplemental Appropriation and Budget Amendment for the 2022-2023
 School Year

Mr. Ramey:

The Norton City School Board requests a supplemental local appropriation in the following amount:

Fund 001 – General Fund	
City Appropriations	\$23,583.00

The Norton City School board requested a budget amendment in the following amounts:

Fund 001 – General Fund	
Revenue -	\$1,499,180.00
Expenditures -	\$1,499,180.00

Please contact me if additional information is needed.

Sincerely,

Dr. Gina J. Wohlford
 Superintendent

Norton City Schools
Budget Amendment
22/23 School Year
10/13/2022

Revenue Changes

Construction Grant	1,228,210.00
ARPA Bonus Payment	92,062.00
State differences between House Budget and Adopted Budget	155,325.00
Local differences between House Budget and Adopted Budget	23,583.00
Total Increase in Revenue	1,499,180.00

Expenditure Changes

Increase in Building Services for Construction Grant	1,228,210.00
Estimated ARPA Bonus Payment Expense	117,550.00
Transfer to Capital Projects	153,420.00
Total Increase in Expenditures	1,499,180.00

Norton City Schools
 Budget Amendment
 22/23 School Year
 10/13/2022

Revenue

FUND NAME	MAJOR NAME	22-23 BUDGET	Change	22-23 BUDGET
		As Adopted 4/11/2022		As Proposed 10/12/2022
GENERAL FUND	18030-REBATES AND REFUNDS	124,977.00		124,977.00
	18990-OTHER FUNDS	78,600.00		78,600.00
	24020-STATE RECEIPTS	7,190,290.00	1,475,597.00	8,665,887.00
	33020-FEDERAL RECEIPTS	521,448.60		521,448.60
	51050-LOCAL APPROPRIATIONS	2,889,700.25	23,583.00	2,913,283.25
GENERAL FUND Total		10,805,015.85	1,499,180.00	12,304,195.85
TEXTBOOK FUND	11100-BEGINNING BALANCE	275,192.56		275,192.56
	18990-OTHER FUNDS	240.00		240.00
	24020-STATE RECEIPTS	74,869.00		74,869.00
	51050-LOCAL APPROPRIATIONS	22,863.00		22,863.00
TEXTBOOK FUND Total		373,164.56	-	373,164.56
RETIREE HEALTH FUND	11100-BEGINNING BALANCE	3,000.00		3,000.00
	15000-TRANSFERS	-		-
	18030-REBATES AND REFUNDS	30,000.00		30,000.00
	18990-OTHER FUNDS	40.00		40.00
RETIREE HEALTH FUND Total		33,040.00	-	33,040.00
FOOD SERVICE FUND	11100-BEGINNING BALANCE	290,547.66		290,547.66
	16120-PUPIL LUNCHESES	10,300.00		10,300.00
	18990-OTHER FUNDS	2,015.00		2,015.00
	24020-STATE RECEIPTS	36,326.00		36,326.00
	33020-FEDERAL RECEIPTS	591,600.00		591,600.00
FOOD SERVICE FUND Total		930,788.66	-	930,788.66
CAPITAL PROJECTS FUND	11100-BEGINNING BALANCE	217,531.42		217,531.42
	18990-OTHER FUNDS	-		-
CAPITAL PROJECTS FUND Total		217,531.42	-	217,531.42
		12,359,540.49	1,499,180.00	13,858,720.49

Norton City Schools
Budget Amendment
22/23 School Year
10/13/2022

Expenditures

FUND NAME	MAJOR NAME	22-23 BUDGET	Change	22-23 BUDGET
		As Adopted 4/11/2022		As Amended 10/12/2022
GENERAL FUND	61100-INSTRUCTIONAL	6,301,034.99	83,500.00	6,384,534.99
	61210-GUIDANCE SERVICES	180,024.00	2,150.00	182,174.00
	61230-HOMEBOUND INSTRUCTION	13,592.00	-	13,592.00
	61310-IMPROVEMENT OF INSTRUCTION	74,772.76	-	74,772.76
	61320-MEDIA SERVICES	213,950.00	2,150.00	216,100.00
	61410-OFFICE OF THE PRINCIPAL	734,324.00	8,650.00	742,974.00
	62100-ADMINISTRATION	568,248.75	5,400.00	573,648.75
	62220-HEALTH SERVICES	119,675.00	2,150.00	121,825.00
	62230-PSYCHOLOGICAL SERVICES	15,000.00	-	15,000.00
	62240-SPEECH/OT/PT/AUDIOLOGY	136,850.00	1,075.00	137,925.00
	63200-PUPIL TRANSPORTATION	372,712.00	2,750.00	375,462.00
	64200-BUILDING SERVICES	822,599.97	1,236,860.00	2,059,459.97
	64300-GROUNDS SERVICES	5,000.00	-	5,000.00
	64400-EQUIPMENT SERVICES	46,154.00	-	46,154.00
	65500-SWVA PUBLIC ED CONSORTIUM	86,777.00	-	86,777.00
	66100-TRANSFERS TO OTHER FUNDS	-	153,420.00	153,420.00
	67100-DEBT SERVICE	737,662.38	-	737,662.38
68000-TECHNOLOGY	376,639.00	1,075.00	377,714.00	
GENERAL FUND Total		10,805,015.85	1,499,180.00	12,304,195.85
TEXTBOOK FUND	61100-INSTRUCTIONAL	10,000.00		10,000.00
	69000-ENDING BALANCE	363,164.56		363,164.56
TEXTBOOK FUND Total		373,164.56	-	373,164.56
RETIREE HEALTH FUND	61100-INSTRUCTIONAL	30,000.00		30,000.00
	69000-ENDING BALANCE	3,040.00		3,040.00
RETIREE HEALTH FUND Total		33,040.00	-	33,040.00
FOOD SERVICE FUND	65100-SCHOOL FOOD	761,000.00	8,500.00	769,500.00
	69000-ENDING BALANCE	169,788.66	(8,500.00)	161,288.66
FOOD SERVICE FUND Total		930,788.66	-	930,788.66
CAPITAL PROJECTS FUND	69000-ENDING BALANCE	217,531.42		217,531.42
CAPITAL PROJECTS FUND Total		217,531.42	-	217,531.42
		12,359,540.49	1,499,180.00	13,858,720.49

A RESOLUTION RECOMMENDING REVISIONS TO
THE CITY OF NORTON CHARTER

WHEREAS, the current charter of the City of Norton was last amended by the General Assembly in 1988, and

WHEREAS, the Code of Virginia has undergone a number of revisions and reorganizations since the charter was last amended, and

WHEREAS, Council wishes to bring the charter into alignment with the Code of Virginia and current local practices.

NOW, THEREFORE, be it RESOLVED by the Council of the City of Norton:

1. That Council recommends the revisions of the current charter of the City of Norton to read in its entirety as follows:

CHARTER

CHAPTER 1. INCORPORATION AND BOUNDARIES

§ 1.1. Incorporation.

The inhabitants of the territory included within the present boundaries of the City of Norton shall continue to be a body politic and corporate under the name of the City of Norton, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure.

§ 1.2. Boundaries.

The boundaries of the City of Norton shall be as described in § 1.3 of Chapter 565 of the Acts of Assembly of 1954 as modified by decrees of the Circuit Court of Wise County, Virginia, in the annexation proceedings styled *City of Norton, Virginia versus Wise County, Virginia*, Case No. 22042, by an order dated 10-10-62; in the annexation proceedings styled *City of Norton versus Wise County*, Case No. 20,000 by an order dated 12-28-74; and in the annexation proceedings styled *Boco, Ltd., et al. versus City of Norton, et al.*, Case No. C83-134 by an order dated 4-19-84, and Boundary Line Adjustment by order entered in Case No. C04-07 of record as Wise County and City of Norton Land Instrument No. 200400372, as the same from time to time may be amended.

CHAPTER 2. POWERS

§ 2.1. General grant of powers.

The powers set forth Chapter 1, Chapter 9 and Chapter 11 of Title 15.2 of the Code of Virginia (1950) as now exist and as hereafter amended, and all other powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth are hereby conferred upon the City of Norton.

§ 2.2. Eminent domain.

The powers of eminent domain set forth in Title 15.2 and Title 25.1 of the Code of Virginia (1950), as amended, and all acts amendatory thereof and supplemental thereto, *mutatis mutandis*, are hereby conferred upon the City of Norton.

A. Certificates issued pursuant Chapter 3 of Title 25.1 of the Code of Virginia (1950), as amended, and acts amendatory thereof and supplemental thereto may be issued by the city council, signed by the mayor and countersigned by the city treasurer or director of finance. Such certificates shall have the same effect as certificates issued by the Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the city.

B. In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the city, at any time after the filing thereof, provided that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the city or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the city.

§ 2.3. Financial powers.

In addition to the powers granted elsewhere in this charter, the city shall have the power to raise by taxes and assessments, as permitted by general law, in the city, such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city. In the event the fees, rents or charges payable for the use and services of any public utility or public service supplied by the City of Norton for or in connection with any real property shall not be paid when due, interest may be charged on such unpaid balance at the legal rate of interest. Such fees, rents or charges and the interest due thereon shall constitute a lien against such property, and shall also be recoverable by the city in an action at law or a suit in equity. In addition to, but not as a limitation upon, this general grant of power the city shall have the power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the city, which taxes may be added to and collected with the price of such admission or other change; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege license taxes, including tipping tax, decal tax and utility tax, as provided by law; to require licenses, coal tipping license, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect to all businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles or trailers of all kinds for the privilege of using the streets and other public places of the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such licenses, and to have the power to require as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle license applicant of

adequate proof of the payment of all personal property taxes then due and payable to the city of [by] the license applicant.

CHAPTER 3. ADMINISTRATION AND GOVERNMENT

§ 3.1. City council.

The administration and government of the City of Norton shall be vested in a city council and such administrative offices as may herein be provided.

§ 3.2. Composition of council.

The city council of the City of Norton shall consist of five members elected at large. The members of the city council shall each have one vote.

§ 3.3. Who may become candidate for city council.

Any citizen who is a qualified voter and a bona fide resident of the City of Norton may become a candidate for the city council.

§ 3.4. Elections; terms of council members.

The members of council in office at the time of the adoption of this charter shall continue in office until the expiration of the term for which they were elected, or until their successors are elected and qualified. An election for two council members shall be held on the first Tuesday following the first Monday in November, 2024, and every four years thereafter, and for three council members on the first Tuesday in following the first Monday in 2026, and every four years thereafter. Elections shall be held on the first **Tuesday following the first Monday in November** every two years thereafter. The council members shall serve for a term of four years, or until their successors are elected and qualified. The term of each person elected under this section shall begin on the first day of January next following their election.

§ 3.5. Vacancies on council.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the city by a majority vote of the remaining members of council.

§ 3.6. Council a continuing body.

The council shall be a continuing body, and no measure pending before each [such] body or any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council member.

§ 3.7. Mayor and vice-mayor.

At its first meeting in January, 2025, and biennially thereafter following the regular municipal election, the council shall elect on a majority vote one of its members as mayor and another as vice-mayor. Vacancies hereunder shall be filled for the unexpired term by council from its membership. The mayor shall preside over the meetings of the council, have the right to speak therein as other members and shall have a vote, but no veto. In the absence of the mayor the vice-mayor shall carry out the duties of the mayor.

§ 3.8. Constitutional officers.

At the general election to be held on the first Tuesday following the first Monday in November in the year 2026, and on the said date every four years thereafter, there shall be elected by the qualified voters of the city, a commissioner of the revenue, a treasurer, and a sheriff. In case of a vacancy in these offices, the council, by a majority vote, shall select a qualified person, who must be an elector of the city, to fill the office in which such vacancy occurs for the unexpired term. The said officers shall have such power and perform such duties and receive such compensation as provided by general laws for cities.

CHAPTER 4. POWERS OF COUNCIL**§ 4.1. Generally.**

All powers of the city and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this charter, the council shall:

1. Exercise all powers granted to the city by general law and this charter.
2. Appoint the city manager who shall be the chief administrative officer of the city to supervise the administration of the affairs of the city and to perform such duties as prescribed by council.
3. Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs through the city manager.
4. Provide for the performance of all the governmental functions of the city, and to that end provide for and set up all departments and agencies of government that shall be necessary.
5. Pass all ordinances relating to its municipal affairs, subject to the Constitution and general laws of the Commonwealth and of this charter and may from time to time amend, reamend, or repeal any or all of its ordinances for the proper regulation, management, and government of the city and impose fines and penalties for the violation or nonobservance thereof.
6. Compel the attendance of its members and suspend or expel its members for improper behavior by vote of two-thirds majority of the whole council.
7. Fix salaries and wages of all officers and employees of the city, unless otherwise provided by this charter or by the general laws of the Commonwealth.

§ 4.2. Compensation of council members.

The salaries of the mayor and councilmen shall be as established by ordinance from time to time in accordance with general law.

§ 4.3. Rules of procedure.

The council is empowered, subject to the provisions of this charter, to adopt its own rules of procedure under the guidelines of the current Robert's Rules of Order. Such rules shall provide for the time and place of holding regular meetings of the council which shall not be less frequently than once each month. They shall also provide for the calling of special meetings by the mayor, or any two members of council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of council present. A majority of the council shall constitute a quorum for the transaction of business.

§ 4.4. Ordinances and regulations—How council to act, title and subject.

Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or other obligations and appropriating money to be raised thereby shall be confined to those subjects respectively.

§ 4.5. Same—Enacting clause, reading and amendment of ordinances, taking, etc., ayes, and nays, vote required for passage.

The enacting clause of all ordinances passed by the council shall be "Be it ordained and enacted by the Council of the City of Norton." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings or one regular and one special meeting, or two special meetings, not less than seven days apart in any case, unless the requirement of such reading has been dispensed with by the affirmative vote of three of the members of council. No ordinance or section thereof shall be revised or amended by its title or section number only, but a new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council, and every ordinance or resolution shall require, on final passage, the affirmative vote of at least a majority of members present.

§ 4.6. Same—Effective date; emergency measures.

All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by affirmative vote of three-fifths of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be passed as an emergency measure.

§ 4.7. Same—Recordation and authentication.

Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the city clerk.

§ 4.8. Duty of members to vote.

Every member, when present, when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon.

§ 4.9. When certain officers appointed; provisions particularly applicable to city manager.

At the first meeting in January following each councilmanic election, or as soon thereafter as practicable, the council shall appoint the officers provided for in this charter and general laws.

CHAPTER 5. SCHOOLS

§ 5.1. Creation of separate division.

The territory embraced within the corporate limits of the City of Norton as hereinabove described or as may be extended or contracted in the future, shall constitute a separate division for school purposes and government. Such division shall be known as the Norton City School, City of Norton, Virginia, and shall be a separate and distinct unit within itself, insofar as the Constitution of Virginia permits.

§ 5.2. Election of school board members; terms.

The school division shall have a board of five members elected at large by the qualified voters of the city for staggered terms of four years. The election and terms of school board members shall coincide with those of council members such that two school board members shall be elected at the general election in November 2024, and every four years thereafter, and three school board members shall be elected at the general election in November 2026, and every four years thereafter.

All candidates shall be nominated only by petition as provided by general law. No employee of the school board shall be eligible to serve as a school board member.

§ 5.3. Persons disqualified to serve on school board.

No school board member can be a member of the city council.

CHAPTER 6. GENERAL PROVISIONS

§ 6.1. Officers to hold over until successors appointed and qualified.

Whenever under the provisions of this charter any officer of the city or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer or member shall continue to hold office until his successor is appointed and qualified.

§ 6.2. Continuation in effect of city ordinances, etc.

All ordinances of the City of Norton, and all rules, regulations and orders legally made by any duly constituted authority empowered to pass such ordinances, and make such rules and regulations, insofar as they or

any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter.

§ 6.3. Application of general law to city and city officers.

The City of Norton and all the officers thereof elected or appointed in accordance with the provisions of this charter shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this charter.

§ 6.4. Citation of charter.

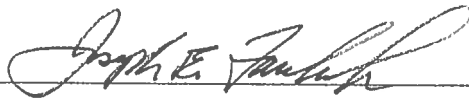
This charter may for all purposes be referred to or cited as the City of Norton Charter of 2023.

§ 6.5. Severability clause.

If any clause, sentence, paragraph, section or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

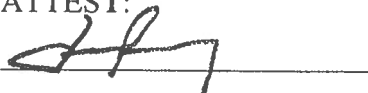
2. That the City Manager send copies of this resolution to the Senator and Delegate representing the City in the General Assembly seeking passage of the charter as set forth herein.

ADOPTED this 21st day of June, 2022.



Joseph Fawbush, Mayor

ATTEST:

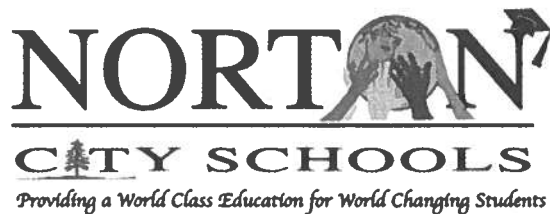


Interim Clerk of Council

VOTING RESULTS

NAME	AYE	NAY
Joseph Fawbush	<u>X</u>	_____
Mark Caruso	<u>X</u>	_____
William Mays	<u>X</u>	_____
Robert Fultz	<u>X</u>	_____
Sarah E. Davis	<u>X</u>	_____

SCHOOL BOARD
Cody McElroy, Chairperson
Dr. Wes Campbell, Vice-Chairperson
Carol Caruso
Cheryl Redman
Mark Sturgill



DIVISION SUPERINTENDENT
Dr. Gina J. Wohlford
gwohlford@nortoncityschools.org
Phone 276.679.2330
Fax 276.679.4315

TO: Jeff Shupe
FROM: Jacqueline Brooke
SUBJECT: Request for Funds

DATE: August 26, 2022

Norton City Schools requests a deposit of City Funds in the amount of \$350,000 to cover August payroll expenditures.

Thank you!