

AGENDA

Norton City Council

March 4, 2014

6:00 P.M.

1. Roll Call
2. Invocation – Rev. Ken Taylor
3. Pledge of Allegiance
4. Approval of Minutes
 1. Regular Meeting of February 18, 2014
5. Audience for Visitors
6. Public Hearing
 - A. A Public Hearing to Receive Comments on the Possible Relocation of Polling Place from City Council Chambers to the Norton Community Center.
 1. Public Hearing
 2. Consideration by City Council
7. New Business
 - A. Presentation of the City's Strategic Tourism Plan by the Tourism Committee.
 - B. Confirmation of a Check(s)/Transfer(s) in Excess of \$100,000.

The regularly scheduled meeting of the Norton City Council was held on Tuesday, February 18, 2014 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, William Mays, Joseph Fawbush, and Terry Roop

Absent: Joseph Hunnicutt and Bill Bradshaw

Also Present: Fred L. Ramey, Jr., City Manager

The invocation was given by Rev. John Ellington and was followed by the pledge of allegiance led by Dr. Jeff Comer, Superintendent of the Norton City Schools.

Upon a motion by Councilman Caruso, seconded by Councilman Roop, and passed by unanimous vote, Council moved to adopt the minutes of the February 4, 2014 meeting as presented.

26063

There was no response to the Mayor's call for visitors.

26064

Mr. Ramey advised that Council had decided a couple of years ago to formerly recognize board and commission members once their terms have expired or they resigned. Three of the five recipients that are to be presented with plaques are in attendance. At this time, Mayor Mays presented an award to Cheryl Roop for serving five years on the Southwest Virginia Health Advisory Board and a plaque to Roger Sloce for 15 years on the Social Service Advisory Board. Present to accept the award for her father, Randy "Doc" Castle, recently deceased, for his 37 years of service on the City's Highway Safety Commission was Dawn Castle Robbins.

26065

Plaques honoring Gordon Sandt for 2 years on the City's Tourism Board and Mike Reed for 3 years of service on the Building Code Board of Appeals, both not in attendance, will be delivered to them.

Following the presentations, Mayor Mays asked Council to come forward and a picture was taken with the award recipients. Both the Mayor and Council members thanked each of them for their years of dedicated service to the City.

In their packets, Council had a request for approval of a transfer in the amount of \$200,000 to the Norton City Schools to cover employee fringe benefits.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous roll call vote, Council moved to approve a transfer in the amount of \$200,000 to the Norton City Schools in the amount of \$200,000. (Insert – Councilman Roop's Disclosure Statement)

26066

In comments from the City Manager, Mr. Ramey advised that:

He had handed out the latest Retail Sales Tax Report for the month of February.

Council was asked to check their calendars and see if there were any conflicts for Saturday, March 8th for the annual CIP Meeting which will be held in City Council Chambers.

A public hearing will be held at the March 4, 2014 meeting for receiving public comments for the possible relocation of the City's polling station.

The Tourism Committee has completed their Strategic Plan and hope to present it to Council at one of the March meetings.

In comments from Council, Councilman Roop advised the City is down in excess of \$100,000 in sales tax from last year. In spite of this loss, there is still a lot for the City to be thankful.

There being no further business to come before the Council, the meeting was adjourned to go into a work session with the City of Norton School Board. (Insert – Councilman Roop's Disclosure Statement)

CITY OF NORTON, VIRGINIA

William J. Mays, Mayor

ATTEST:

Clerk



February 5, 2014

**NOTICE OF PUBLIC HEARING
FOR THE
POSSIBLE RELOCATION OF POLLING PLACE**

The City Council of the City of Norton, Virginia will hold a public hearing on Tuesday, March 4, 2014 at 6:00 p.m. in the Municipal Council Chambers located at 618 Virginia Avenue, NW, Norton, Virginia. The purpose of the hearing is to receive public comments on the possible relocation of the City's polling place from the City Council Chambers located at 618 Virginia Avenue NW to the Norton Community Center located at 201 Park Avenue NE. Citizens are encouraged to attend the meeting and provide comments on the proposed relocation plan.

Fred L. Ramey, Jr.
City Manager

This institution is an equal opportunity provider and employer.

To the Coalfield: Please advertise in the Coalfield Progress on Tuesday, February 18th, Tuesday, February 25th, and Friday, February 28, 2014.



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Fred L. Ramey, Jr.
City Manager

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MINUTES from JANUARY 7, 2014 Council Meeting

Mr. Ramey advised that our reservoirs are full and overflowing with a combined capacity of 124 million gallons in both lakes. Monitoring will continue; however, this will no longer be a regular agenda item.

26005

Mr. Ramey advised he was in receipt of a request from Mike Brown, Chairman of the City of Norton Electoral Board, on behalf of the Board and poll workers, seeking Council's consideration on relocating the City's voting precinct from the City's Council Chambers to the Community Center.

Mr. Brown spoke briefly to Council advising the positive aspects of this move. He advised that he had discussed this with Dr. Jeff Comer, Superintendent of the Norton City School System, Police Chief James Lane, and Michael Wampler, Director of Mountain Empire Older Citizens Agency. All advised they would be happy to work with the City. Also, Jim Wright of the Junction Center for Independent Living had inspected the facility and advised it had passed as viable according to the Americans with Disabilities Act. A copy of Mr. Wright's findings was presented to each Council member.

26006

Mr. Brown stated some electrical outlets would need to be replaced in the Community Center and a couple of lights in the parking lot need to be replaced.

Following this presentation, Mr. Brown advised he would be willing to answer any questions from Council.

The City Attorney advised he would look into the changes of the Voting Rights Act to see if approval needs to be made by the Justice Department. He does not anticipate any problem but will advise Council before a public hearing is scheduled.

Council was advised that the only cost to the City would be the issuance of new voter registration cards and postage to mail them.

Also present tonight were Board members Delores Belcher, Lisa Powers, and Assistant Registrar Ann Minor.

Mayor Mays thanked all for their service to the City.

A presentation of the 2013-2014 audit was made by Tamara Greear of the firm, Thrower, Blanton, and Associates, P. C. She expressed thanks to the City's administration and staff for the assistance on this audit and advised that it was completed on time. Copies of the audit were presented to Council members.

She advised the City received a clean audit; however there were a few minor findings regarding paper work, which have been corrected.

26007

Following her brief summary, she advised that this is a lengthy document and if any member of Council has a question regarding it, she will be glad to answer any questions they may have.

During this presentation of the audit, Mr. Hunnicutt left the meeting.

26008

Mr. Ramey advised this document will be used in the budget process.

Mayor Mays thanked Ms. Greear for the presentation.

Councilman Roop asked about the cost of the audit and was advised that the cost is approximately \$25,000 which is shared by both the School Board and Social Services.

26009

WILLIAM E. BRADSHAW, P.C.

ATTORNEY AT LAW

302 SHAWNEE AVENUE

P. O. Box 267

BIG STONE GAP, VA 24219

8-A

WILLIAM E. BRADSHAW
E-MAIL web@bradshawlawoffice.us

TEL (276) 523-2428
FAX (276) 523-6675

January 23, 2014

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

RE: CITY ELECTORAL BOARD REQUEST

Dear Fred:

At the January 7, 2014 meeting of Council, representatives of the City of Norton Electoral Board requested that Council change the designation of the City's polling place from City Hall to the Community Center. At the time, I expressed some concern about whether it would be necessary to obtain preclearance from the Civil Rights Division of the U. S. Department of Justice before making such a change. We discussed the fact that the U. S. Supreme Court had issued a major decision last summer affecting the preclearance requirement so I wanted to research this decision in further detail to determine exactly how it affected the City's freedom of action in this matter. I have now done so. In sum, it is my opinion that the preclearance requirement is no longer effective with respect to the City and that Council can re-designate the polling place without preclearance from the Department of Justice if it so wishes.

Before the June 25, 2013 decision in *Shelby County v. Holder*, the federal Voting Rights Act, as most recently extended, required a number of jurisdictions to preclear any changes to do with voting with the Department of Justice before putting them into effect. The covered jurisdictions were defined over forty (40) years ago as being ones in which a history of voting violations had been established. Virginia and its localities were among those jurisdictions at that time. In the *Shelby County* case, the court considered the constitutionality of the reenacted Sections 4 and 5 of the Voting Rights Act. Section 4 set forth the formula by which it was determined which jurisdictions were subject to the preclearance requirement. Section 5, the preclearance requirement section, applied only to those jurisdictions identified applying the formula used in Section 4. The Court decided 5-4 that Section 4 was based on evidence so old that it was no longer relevant nor current, and was consequently unenforceable. Because Section 4 was struck down, there were no jurisdictions to which Section 5 could apply. The net result was that the preclearance requirement was ineffective in all jurisdictions and remains so unless and until Congress reconsiders the jurisdictions to which the preclearance should apply.

Consequently, the City is free to make a change in the designated polling place without first obtaining preclearance from the Department of Justice.

I also discussed this matter at some length with an attorney from the State Electoral Board, whose opinion is the same as mine. He was kind enough to provide me with the attached letter dated July 9, 2013 from the Chief, Voting Section of the Civil Rights Division. This letter concerned a preclearance which had been requested before the *Shelby County* decision was made. In this particular case, the Department of Justice, discussing *Shelby County*, announced the position of the Civil Rights Division that the coverage formula in Section 4 of the Voting Rights Act is unconstitutional and can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5. Accordingly, the Division was unable to make a determination as to whether the requested change was in accordance with established procedures or not. I believe this reinforces my conclusion that, if asked, the Civil Rights Division would return a request for preclearance on this same basis.

I hope this satisfactorily addresses the concerns which were expressed at Council on January 7th. I will be happy to address this matter in greater detail and depth if you wish. If you have any further questions or concerns please do not hesitate to contact me. Best regards.

Sincerely,

WILLIAM E. BRADSHAW, P.C.



William E. Bradshaw

WEB:sgc
Enclosure



U.S. Department of Justice
Civil Rights Division

TCH:RSB:LB:ILV:par
DJ 166-012-3
2013-1789

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

July 9, 2013

Charles L. Shumate, Esq.
County Attorney
P.O. Box 339
Stafford, Virginia 22555-0339

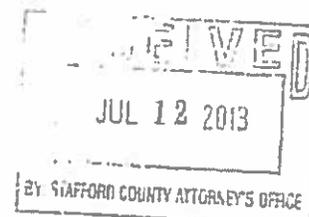
Dear Mr. Shumate:

This refers to the polling place change for Stafford County, Virginia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on May 30, 2013.

On June 25, 2013, the United States Supreme Court held that the coverage formula in Section 4(b) of the Voting Rights Act, 42 U.S.C. 1973b(b), as reauthorized by the Voting Rights Act Reauthorization and Amendments Act of 2006, is unconstitutional and can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. *Shelby County v. Holder*, 570 U.S. ___, 2013 WL 3184629 (U.S. June 25, 2013) (No. 12-96). Accordingly, no determination will be made under Section 5 by the Attorney General on the specified change. *Procedures for the Administration of Section 5 of the Voting Rights Act*, 28 C.F.R. 51.35. We further note that this is not a determination on the merits and, therefore, should not be construed as a finding regarding whether the specified change complies with any federal voting rights law.

Sincerely,


T. Christian Herren, Jr.
Chief, Voting Section



Department of Justice

§51.37

may request that the submission be given expedited consideration. The submission should explain why such consideration is needed and provide the date by which a determination is required.

(b) Jurisdictions should endeavor to plan for changes in advance so that expedited consideration will not be required and should not routinely request such consideration. When a submitting authority demonstrates good cause for expedited consideration the Attorney General will attempt to make a decision by the date requested. However, the Attorney General cannot guarantee that such consideration can be given.

(c) Notice of the request for expedited consideration will be given to interested parties registered under §51.32.

§51.35 Disposition of inappropriate submissions and resubmissions.

(a) When the Attorney General determines that a response on the merits of a submitted change is inappropriate, the Attorney General shall notify the submitting official in writing within the 60-day period that would have commenced for a determination on the merits and shall include an explanation of the reason why a response is not appropriate.

(b) Matters that are not appropriate for a merits response include:

(1) Changes that do not affect voting (see §51.13);

(2) Standards, practices, or procedures that have not been changed (see §§51.4, 51.14);

(3) Changes that previously have received preclearance;

(4) Changes that affect voting but are not subject to the requirement of section 5 (see §51.18);

(5) Changes that have been superseded or for which a determination is premature (see §§51.22, 51.61(b));

(6) Submissions by jurisdictions not subject to the preclearance requirement (see §§51.4, 51.5);

(7) Submissions by an inappropriate or unauthorized party or jurisdiction (see §51.23); and

(8) Deficient submissions (see §51.26(d)).

(c) Following such a notification by the Attorney General, a change shall

be deemed resubmitted for section 5 review upon the Attorney General's receipt of a submission or other written information that renders the change appropriate for review on the merits (such as a notification from the submitting authority that a change previously determined to be premature has been formally adopted). Notice of the resubmission of a change affecting voting will be given to interested parties registered under §51.32.

[Order 3263-2011, 76 FR 21246, Apr. 15, 2011]

§51.36 Release of information concerning submissions.

The Attorney General shall have the discretion to call to the attention of the submitting authority or any interested individual or group information or comments related to a submission.

§51.37 Obtaining information from the submitting authority.

(a) *Oral requests for information.* (1) If a submission does not satisfy the requirements of §51.27, the Attorney General may request orally any omitted information necessary for the evaluation of the submission. An oral request may be made at any time within the 60-day period, and the submitting authority should provide the requested information as promptly as possible. The oral request for information shall not suspend the running of the 60-day period, and the Attorney General will proceed to make a determination within the initial 60-day period. The Attorney General reserves the right as set forth in §51.39, however, to commence a new 60-day period in which to make the requisite determination if the written information provided in response to such request materially supplements the submission.

(2) An oral request for information shall not limit the authority of the Attorney General to make a written request for information.

(3) The Attorney General will notify the submitting authority in writing when the 60-day period for a submission is recalculated from the Attorney General's receipt of written information provided in response to an oral request as described in §51.37(a)(1), above.



[Handwritten signature]

RECEIVED
JUL 12 2013
BY STAFFORD COUNTY ATTORNEY'S OFFICE



Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager 
CC:
Date: February 24, 2014
Re: Strategic Tourism Plan

Members of the City's Tourism Committee will be at the March 4th City Council meeting to formally present the Strategic Tourism Plan that it has been working on over the past year.

Committee Members are:

Buzz Witt – Chairman
Carol Caruso – Vice Chairman
Mike Craft – Secretary
Chris Jones
Bud Stewart

Thank You.

132107

02-24-2014

Norton Industrial Development Authority
February 2014 Draw Request

\$122,004.25

4-001-081000-5604

**CITY OF NORTON
GENERAL OPERATING FUND
NORTON, VA 24273**

**THE FIRST BANK & TRUST
NORTON, VA**

132107

68-446/514
10

*****One Hundred Twenty-Two Thousand Four Dollars and Twenty-Five Cents*****

PAY TO THE ORDER OF:

DATE
02-24-2014

AMOUNT
\$122,004.25

Norton Industrial Development Authority

AUTHORIZED SIGNATURE

⑈ 132107 ⑈ ⑆051404464⑆ 100002346⑈