AGENDA

Special Called Meeting

of the

Norton City Council

June 24, 2014

6:00 P.M.

1. Roll Call

2. Invocation – Rev John Ellington

3. Pledge of Allegiance

4. Approval of Minutes

    1. Regular Meeting of June 17, 2014

5. Audience for Visitors

6. Old Business

    A. Consideration of an Ordinance Enacting a Stormwater Management and Soil & Erosion Control Ordinance.

    B. Consideration of Fee Schedule for Stormwater Management and Erosion & Sediment Control Program Administration and Permit Issuance.

7. New Business

    A. Request for an Additional Appropriation for Fiscal Year 2014 as pertains to the Comprehensive Services Act (CSA).

B. Consideration of An Ordinance Adopting the Budget for the City of Norton for the Fiscal Year July 1, 2014 Thru June 30, 2015.

C. A Resolution Indicating City's Election of VRS Contribution Rate for Employees.

D. A Resolution Indicating City's Election of VRS Employer Contribution Rate.

E. A Resolution Adopting a Five (5) Year Capital Improvement Plan.

F. Discussion Concerning An Amendment to Section City Code Section 20-52 Related to Fishing License Fees.

G. Discussion Concerning the Meeting Scheduled in July.

H. Confirmation of a Check(s)/Transfer(s) in Excess of $100,000.

I. Closed Meeting to Discuss Personnel as Per Section 2.2-3711 (A) (1) of the Code of Virginia, as Amended.

1. Appointment to the Southwest Regional Recreation Authority for a Three (3) Year Term; Currently William "Buzz" Witt Whose Term Ends 6/30/2014.

   To 6/30/2017

2. Appointment of a Student Representative to the Lonesome Pine Office on Youth for a Four (4) Year Term; Currently Megan Steffey Whose Term Ends 7/1/2014.

   To 7/1/2018

3. Appointment to the Black Diamond Resource Conservation Development Council; Currently Joseph Fawbush.

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

9. Adjournment.

The regularly scheduled meeting of the Norton City Council was held on Tuesday, June 17, 2014 at 6:00 p.m. with Vice Mayor Joseph Fawbush presiding.

Present: Mark Caruso, Joseph Hunnicutt, Joseph Fawbush, and Terry Roop

Absent: William Mays

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

The invocation was given by Father Tim Drake and was followed by the pledge of allegiance led by Police Chief James C. Lane.

Upon a motion by Councilman Caruso, seconded by Councilman Hunnicutt, and passed by unanimous vote, Council moved to adopt the minutes of the June 3, 2014 meeting as presented. 26173

During the Vice Mayor's call for visitors, Ms. Imogene Emershaw, 1227 Spruce Street, spoke to Council again regarding a dwelling she owns at 1223 Spruce Street which is a non-conforming dwelling. She has previously discussed this situation before with Council and gave each member a rendering of the proposed structure next to this 26174
non-conforming dwelling. She advised if Council adopts the new ordinance, which has been discussed previously, this is what she will have facing her property. Council will have this proposed ordinance on the agenda following the completion of the budget process.

A public hearing was held on An Ordinance Amending Article VI – Transient Occupancy Tax – Section 23-172 of the Norton City Code to Increase the Tax Rate Applicable Under that Section from 4% to 6%.

This public hearing was authorized by Council at their last meeting. Mr. Ramey presented a PowerPoint presentation showing this increase will generate approximately $70,000. The last increase of this tax was in July 1996. He further advised that the City has one of the lowest rates in our area on this tax. A copy of the proposed ordinance and letter had been mailed to all hotels within the City. 26175

After Mr. Ramey answered a question from Councilman Caruso, the Vice Mayor opened the public hearing.

There being no public comment, Vice Mayor Fawbush closed the public hearing.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Roop, and passed by the following unanimous roll call vote: YES – Caruso, Hunnicutt, Roop, Fawbush, NO – None, ABSENT – Mays, Council moved to adopt An Ordinance of the City Council of the City of Norton, Virginia Amending Article VI. Transient Occupancy Tax; Section 23-172 of the Norton City Code. (Insert)

A public hearing was held to solicit public input regarding a proposed increase of the personal property tax levy from $1.85 per $100 assessed value to $2.05 per $100 assessed value. This proposed increase will bring in an additional $50,000 in revenues. Historically, Mr. Ramey advised that he could not pinpoint when the last increase in this

rate was made, but it was definitely prior to the 1990s and possibly dates as far back as the 1970s. Compared to state levels, the City has the lowest rate in the State and in comparison with other surrounding towns, the average rate is $2.09. He further advised that the Town of Wise and Wise County also plan to increase their rates.

There was no comment from Council prior to the public hearing.

Vice Mayor Fawbush opened the public hearing.

Mr. Ralph McFarland, Chestnut Street, spoke to Council regarding this increase. He advised he is retired with disability and would like to know why Council would raise the tax rate so people like him would have problems paying them.

All Council members spoke to Mr. McFarland and advised him of the economical situation the City is facing and that this tax was fairer than a real estate tax rate hike. Property owners would be burdened with that increase where vehicle owners would not. This increase would be on more residents; especially those who do not own real estate. He was further advised that this tax rate had not been increased since the 1990s.

26176

Council members advised Mr. McFarland that his opinion is appreciated and respected and they appreciated his attendance at tonight's meeting.

There being no further public comments, Vice Mayor Fawbush closed the public hearing.

The City Manager advised that an ordinance is not required on this fee increase as it will be included in the budget ordinance.

A public hearing was held on the proposed 2014-2015 budget for the City of Norton. Mr. Ramey gave a PowerPoint synopsis of the budget and advised that the synopsis had been advertised in the local newspaper.

Advising that revenues are continuing to decline, the City is making adjustments to address debt service. The budget is mostly impacted by outside purchased services such as the Regional Jail and Juvenile Commission, and the impact of the recently adopted Commonwealth budget is still being evaluated.

There is a proposed Transient Occupancy Tax increase of 2% (4% to 6%), a garbage rate increase of $2.00 (from $10.00 to $12.00 per month), a personal property tax increase of $ .20 cents per $100 of value (from $1.85 to $2.05), an increase to a couple of revenue line items due to historical trends, and no transfers from reserves.

There is no Cost of Living Raise for employees, health insurance premiums have increased and the plan has been changed, reduced employee bonus program, reduced employee step increase, included VRS required modifications for year 4 and 5, eliminated one full-time position, and no capital projects are included. All departments have had cuts made except Health and Welfare, Parks and Recreation, and General Government Administration.

26177

In the Enterprise Fund, revenue projections continue to decline. Water consumption has dropped an additional 275,000 gallons per month over the past year and the City is billing 28 fewer customers on the average per month from fiscal year 2013-2014. Also, the City, being the largest customer for the CNW, has to pay its share on the current expansion of that facility.

There is a $ .30 increase to the base rate structure on water.

Following this summary, Mr. Ramey answered questions from council members.

Council members congratulated Mr. Ramey and the City Administration for the great job they did on this budget. Vice Mayor Fawbush advised this has been the worst budget year in his tenure on Council.

At this time, Vice Mayor Fawbush opened the public hearing.

There being no public comments, the Vice Mayor closed the public hearing.

Mr. Ramey advised this budget will be on the agenda for the June 24, 2014 council meeting to be considered for adoption.

A public hearing was held on An Ordinance of the City Council of the City of Norton, Virginia Repealing Chapter 7 as Pertains to Erosion and Sediment Control.

The City Manager advised Council that the City Attorney, at its previous meeting, advised that the the ordinance presently being used would have to be repealed prior to adoption of the proposed ordinance.

Vice Mayor Fawbush opened the public hearing.

At this time, Ralph McFarland, Chestnut Street, again spoke to Council regarding a problem he is experiencing with water pooling in his driveway and stated he would like it fixed. The City Manager advised he is aware of this problem and that he will have City staff review the situation to see if this problem can be resolved. 26178

There being no further public comments, the Vice Mayor closed the public hearing.

Upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Caruso, Hunnicutt, Fawbush, Roop, NO – None, ABSENT – Mays, Council moved to adopt an Ordinance of the City Council of the City of Norton, Virginia Repealing Chapter 7 as Pertains to Erosion and Sediment Control. (Insert)

In their packets, Council had a copy of the 2014-2015 Norton City Schools Budget. A public hearing was held at Council's June 3, 2014 meeting. This budget totals $7,906,964 with $2,260,495 being local funding.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and 26179
adopted by the following roll call vote: YES – Caruso, Fawbush, Roop, NO – Hunnicutt, ABSENT – Mays, Council moved to adopt the 2014-2015 City of Norton Schools budget. (Insert – Councilman Roop's Disclosure Form)

The next agenda item was the consideration of An Ordinance Enacting a Stormwater Management and Soil and Erosion Control Ordinance.

This item has been discussed at the past three council meetings. A public hearing on this ordinance was held at our previous meeting and the only point of discussion is how the appeals process will work. Two meetings ago, the City Administration was asked to modify the ordinance to make City Council responsible for hearing appeals. At the last meeting, Council asked to see additional options. Council was advised, at that time, that the City Attorney would draw up documents stating how each of these changes would read for Council's consideration. These documents are included in packets for tonight's meeting. 26180

The City Attorney advised that this was Council's decision to make. Appeal Path A covers the appeal going to City Manager and then to the Circuit Court. Appeal Path B has the appeal going to City Manager, City Council, as a whole or a designated member

of Council, as Council may elect. In both cases, the aggrieved will have thirty (30) days to appeal the decision.

Following a lengthy discussion, it was the consensus of Council to table this item and that of the Fee Schedule for Stormwater Management and Erosion & Sediment Control Program Administration and Permit Issuance until the meeting of June 24th. Adoption needs to be done by June 30th.

Council had been given information regarding the submission of a 2014 Community Oriented Policing Services (COPS) Hiring Program. This grant, if awarded, would pay for a school resource officer for four years. For three years, the grant would pay 75% of the salary and benefits with the City paying 25%. For the fourth year, the City would pay all costs. After the fourth year, Council would determine the future of the position. 26181

During a discussion, Mr. Ramey was asked to contact the School Administration and see if there is an interest for a resource officer and their partnering with the City on the costs.

During this discussion, Councilman Hunnicutt left the meeting due to illness. 26182

Upon a motion by Councilman Caruso, seconded by Councilman Roop, and passed by unanimous vote, Council authorized the City Administration to move forward to the submission of an application for a 2014 COPS Grant which would cover a school resource officer. Mr. Ramey will talk with Dr. Comer and the new Superintendent, Dr. Perrigan. 26183

Council had been presented with a copy of the 2014-2015 budget for the Norton Industrial Development Authority.

Following a brief discussion and upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to confirm the 2014 budget of the Norton Industrial Development Authority. 26184

Council had been furnished with copies of a transfer in the amount of $175,000.00 to the Norton City Schools to cover employee fringe benefits and a check in the amount of $322,756.23 to Thomas Construction Company for the Safe Routes to School Project. 26185

Upon a motion by Councilman Caruso, seconded by Councilman Roop, and passed by unanimous roll call vote, Council moved to approve one transfer and one check as stipulated above. (Insert – Councilman Roop's Disclosure)

Upon a motion by Councilman Caruso, seconded by Councilman Roop, and passed by unanimous roll call vote, Council moved to go into closed meeting to discuss personnel as per section No. 2.2-3711 (A) (1) of the Code of Virginia, as amended. Vice Mayor Fawbush declared Council in closed meeting. 26186

Upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to go back into open meeting. 26187

Vice Mayor Fawbush 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 Roop, and passed by the following unanimous vote: YES – Caruso, Fawbush, Roop, NO – None, ABSENT – Mays, Hunnicutt, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert) 26188

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

At the last meeting, Council nominated three individuals to the Board of Zoning Appeals. One of these, William "Butch" Hutchinson's term does not expire until 2015; therefore the City Administration would like to ask Council to rescind its nomination of Mr. Hutchinson.

Upon a motion by Councilman Caruso, seconded by Councilman Roop, and passed by unanimous vote, Council moved to rescind the nomination of William "Butch" Hutchinson as was made at the June 3, 2014 City Council meeting.

Another Council meeting will be held next Tuesday, June 24th, at 6:00 p.m. He stressed it was important to have a quorum for multiple reasons and asked should a member not be able to attend to please contact him.

A copy of the June retail sales tax report was placed at each individual's desk.

The updated tourism maps have been received and he placed a copy for each member. Free copies will be provided to any of our businesses and hotels. There is also an electronic copy on line. This is the third printing of the maps and the City Administration has worked with both the Tourism Committee and NIDA on them. 26189

The Summer Science and Engineering Day Camps sponsored by the Norton Parks and Recreation Department have begun and he gave a brief update of each. He hopes to have some of the participants of these classes attend one of the August meetings.

The Norton Water Treatment Plant was a recipient of a Gold Certificate Award for 2013 for Excellence in Clarification, Filtration, and Backwash.

Jim Campbell of the Norton Lions Club has invited Council members and/or spouses/guest to a breakfast at their facility on Saturday, June 21st, from 8:00 a.m. to 10:00 a.m.

Councilman Caruso stated he would be unable to attend.

US District Ranger Jorge Hersel has invited City Council for a personal tour of the High Knob Tower Project. Please advise him and he will schedule this on Council members' behalf.

The City Administration would like to thank all of the volunteers, participants, and employees that made the 28th Annual Best Friend Festival such a success even with the rain showers. He has heard good comments on this festival.

Fireworks will be held on Saturday, July 5th.

The City Attorney advised that he reviewed his Appeal Path A and Appeal Path B during Closed Meeting and he had included a time frame of 30 days for an appeal in them. Council can change that to any amount of days they would like. 26190

It was the consensus of Council to leave this time frame to 30 days.

In comments from Council, Councilman Roop advised he appreciated all those volunteering on summer programs and that he had received good feed back on these programs. He is also proud of the City Administration for working together on the budget issues they have faced on the upcoming budget.

Vice Mayor Fawbush advised this has been one of the most difficult budget years he has seen while serving on Council. He thanked the City Administration who worked on this budget and also thanked all City personnel who worked with the Best Friend Festival. It was very successful.

There being no further business to come before the Council, the meeting was adjourned.

CITY OF NORTON, VIRGINIA

_____

Joseph Fawbush, Vice Mayor

ATTEST:

_____

Clerk

6-A

APPEAL PATH A.
Administrator – City Manager – Circuit Court
(REVISED JUNE 18, 2014)

Sec 7.14. Hearings and Appeals

(a) Any person subject to this Ordinance who is aggrieved by a decision of the Administrator shall have the right to appeal that decision to the City Manager by delivering written notice to the City Clerk within thirty (30) days of such decision. The notice shall set forth the grounds for the appeal. The standard for review shall be whether the Administrator's decision was supported by substantial evidence on the record taken as a whole.

(b) The procedure on appeal shall be substantially in conformance with the procedures followed on appeal by the State Water Quality Control Board.

(c) Any person subject to this Ordinance who is aggrieved by the decision on appeal by the City Manager shall have the right to appeal that decision to the Circuit Court for Wise County and the City of Norton by filing written notice of appeal with the City Manager and the Clerk of the Circuit Court within thirty (30) days of the City Manager's decision. The standard of review shall be whether the City Manager's decision is supported by substantial evidence on the record taken as a whole.

APPEAL PATH B.
Administrator – City Manager – City Council - Circuit Court
(REVISED JUNE 18, 2014)

Sec 7.14. Hearings and Appeals

(a) Any person subject to this Ordinance who is aggrieved by a decision of the Administrator shall have the right to appeal that decision to the City Manager by delivering written notice to the City Clerk within thirty (30) days of such decision. The notice shall set forth the grounds for the appeal. The standard for review shall be whether the Administrator's decision was supported by substantial evidence on the record taken as a whole.

(b) Any person subject to this Ordinance who is aggrieved by a decision on appeal by the City Manager shall have the right to have that decision reviewed by Council sitting as a whole or a designated member of Council, as Council may elect, by delivering written notice to the City Clerk within thirty (30) days of such decision. The standard for review shall be whether the City Manager's decision was supported by substantial evidence on the record taken as a whole.

(c) The procedure on appeal shall be substantially in conformance with the procedures followed on appeal by the State Water Quality Control Board.

(d) Any person subject to this Ordinance who is aggrieved by the decision on appeal by City Council shall have the right to appeal that decision to the Circuit Court for Wise County and the City of Norton by filing written notice of appeal with the City Clerk and the Clerk of the Circuit Court within thirty (30) days of the City Council's decision. The standard of review shall be whether the City Council's decision is supported by substantial evidence on the record taken as a whole.

An Ordinance of the City Council of the City of Norton, Virginia Enacting a Stormwater Management & Soil & Erosion Control Ordinance

Be It Ordained and Enacted by the Council of the City of Norton, Virginia as Follows:

Pursuant to State Code Section 62.1-44.15:27, this ordinance is adopted as part of an initiative to integrate the City of Norton's stormwater management requirements with the City of Norton's erosion and sediment control program, and the flood plain management program of the City of Norton, (Chapter 26.1 of Norton City Code) requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both the City of Norton and those responsible for compliance with these programs.

Sec. 7-1. PURPOSE, AUTHORITY, AND APPLICABILITY.

(a) The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of the City of Norton and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater and erosion and sediment control requirements related to water quality and quantity shall be administered and enforced.

(b) This ordinance is applicable to all land-disturbing activities not specifically exempted under the definition of land disturbance or land disturbing activity (Section 7-2) and (Section 7-5) and exceeding 10,000 square feet of disturbance.

(c) Land-disturbing activities exceeding 10,000 square feet but are less than one acre and not part of a larger common plan of development are subject only to the requirements of the Virginia Erosion and Sediment Control law and regulations.

(d) Land-disturbing activities exceeding 10,000 square feet and exceeding one acre of disturbance, or are part of a larger common plan of development are subject to the law and regulations of both the Virginia Erosion and Sediment Control Program and the Virginia Stormwater Management Program.

(e) This ordinance is adopted pursuant to Articles 2.3 & 2.4 (§ 62.1-44.15:24, § 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Sec. 7-2. DEFINITIONS.

In addition to the definitions set forth in 9VAC25-840-10 and 9VAC25-870-10 of the Virginia Stormwater Management Regulations and Virginia Erosion and Sediment Control Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this Ordinance have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

Administrator means the Virginia Stormwater Management Program authority,(VSMP) and the Virginia Erosion and Sediment Control Program authority, (VESCP), including the City of Norton staff person or department responsible for administering the VSMP and VESCP on behalf of the City of Norton. *(Building Official)*

Agreement in lieu of a plan means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Applicant means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

Areas of Extreme Slope means areas where conditions are favorable for significant stormwater runoff and/or significant sediment loss.

Best management practice or BMP means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

Certified inspector means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of project inspection or (ii) is enrolled in the board's training program for project inspection and successfully completes such program within one (1) year after enrollment.

Certified plan reviewer means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of plan review, (ii) is enrolled in the board's training program for plan review and successfully completes such program within one (1) year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Section 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

Certified program administrator means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one (1) year after enrollment.

City means City of Norton.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

Clean Water Act or CWA means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

Common plan of development or sale means a contiguous area where separate and distinct construction activities may be taking place at different times on difference schedules.

Control measure means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

Department means the Department of Environmental Quality.

Development means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

Director means the Director of the Virginia Department of Environmental Quality.

Ecologically sensitive area means an area that is located near rivers, streams, wetlands or bodies of water.

Erosion and sediment control plan or *plan* means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

General permit means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in 9VAC25-880 et seq. of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

Grading means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Land disturbance or *land-disturbing activity* means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those the following exceptions and those exemptions contained in Section 7-5 of this ordinance:

(1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

(2) Individual service connections;

(3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land- disturbing activity is confined to the area of the road, street or sidewalk which is hard- surfaced;

(4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

(5) Surface or deep mining;

(6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;

(7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety

Act, Article 2, (Section 10.1-604 et seq.) of Chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Section 10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Section 10.1-1163;

(8) Repair or rebuilding of the tracks, rights-of-way, bridges, communications facilities and other related structures and facilities of a railroad company;

(9) Disturbed land areas of less than ten thousand (10,000) square feet in size.

(10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(11) Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this chapter; and

(12) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land-disturbing permit means a permit issued by the City of Norton for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

Layout means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

Local erosion and sediment control program or *local control program* means an outline of the various methods employed by the City of Norton to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

Minor modification means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in

sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

Natural channel design concepts means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain

Operator means the owner or operator of any facility or activity subject to regulation under this Ordinance.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

Permit or *VSMP Authority Permit* means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department.

Permittee means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed and the person to whom the VSMP Authority Permit is issued.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

Plan-approving authority means the program administrator responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

Program authority means the City of Norton which has adopted a soil erosion and sediment control and stormwater management program that has been approved by the State Board.

Regulations means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870, and erosion and sediment control 9VAC25-840, as amended.

Responsible land disturber means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a responsible land disturber certificate of competence, (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review, (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Section 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

Runoff volume means the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one (1) family.

Site means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

State means the Commonwealth of Virginia.

State Board means the State Water Control Board.

State erosion and sediment control program or *state program* means the program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.

State permit means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

State Water Control Law means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

Stormwater means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater management plan means a document(s) containing material describing methods for complying with the requirements of Section 7-12 of this Ordinance.

Stormwater Pollution Prevention Plan or *SWPPP* means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

Subdivision means the same as defined in Appendix A of Norton City Code.

Total maximum daily load or *TMDL* means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

Transporting means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Stormwater Management Act or *Act* means Article 2.3 (§62.1-44.15.24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Virginia Stormwater BMP Clearinghouse website means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

Virginia Stormwater Management Program or VSMP means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

Virginia Stormwater Management Program authority or *VSMP authority* means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program.

Water quality volume means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

Sec. 7-3. - Local Erosion &Sediment , Stormwater Management Programs Established. Submission and Approval of Plans; Prohibitions.

(a) Pursuant to Section 62.1-44.15:54 of the Code of Virginia, the City of Norton hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.

(b) Pursuant to § 62.1-44.15:27 of the Code of Virginia, the City of Norton hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in Section 7-1 of this Ordinance. The City of Norton hereby designates the Building Official as the Administrator of the Virginia stormwater management program.

(c) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:

(1) A permit application that includes a general permit registration statement, if such statement is required.

(2) An erosion and sediment control plan approved in accordance with Section 7-4 of this Ordinance;

(3) A stormwater management plan that meets the requirements of Section 7-6 of this Ordinance.

(d) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.

(e) No VSMP authority permit shall be issued until the fees required to be paid pursuant to Section 7-15, are received and a reasonable performance bond required pursuant to Section 7-16 of this Ordinance has been submitted.

(f) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit.

(g) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator.

(h) Before adopting or revising regulations, the City of Norton shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the City of Norton is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the City of Norton proposes or revises regulations that are more stringent than the state program. In addition, in accordance with Section 62.1-44.15:52 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts are not manmade channels and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.

In accordance with Section 62.1-44.15:52 of the Code of Virginia, any plan approved prior to July 1, 2014 that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to (i) detain the water quality volume and to release it over forty-eight (48) hours; (ii) detain and release over a twenty-four-hour period the expected rainfall resulting from the one (1) year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-, 2-, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels as defined in regulations promulgated pursuant to 62.1-44.15:54 or 62.1-44.15.65. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (62.1-44.15:24 et seq.) and attendant regulations, unless such land-disturbing activities are in accordance with the

grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Permit Regulations.

The regulations shall:

(1) Be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the Commonwealth, including, but not limited to, data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

(2) Include such survey of lands and waters as may be deemed appropriate by the Board or required by any applicable law to identify areas, including multijurisdictional and watershed areas, with critical erosion and sediment problems; and

(3) Contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of erosion and sediment resulting from land-disturbing activities.

(i) Pursuant to Section 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of the City of Norton shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

(j) The City of Norton hereby designates the Building Official as the plan-approving authority.

(k) The program and regulations provided for in this chapter shall be made available for public inspection at the office of the Building Official.

Sec. 7-4. Submission and approval of plans; contents of plans.

(a) Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the erosion and sediment control program administrator for the City of Norton an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority and evidence of Virginia Stormwater Management permit coverage on qualifying activities has been verified. Where land-disturbing activities involve lands under the jurisdiction of more than one (1) local control program, an erosion and sediment control plan, at the option of the

applicant, may be submitted to the State Board for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan or a stormwater plan if executed by the plan-approving authority. A registration statement is not required for a detached single-family dwelling home construction within or outside a common plan of development or sale, but such projects must adhere to the requirements of the general permit.

(b) The standards contained within the "Virginia Erosion and Sediment Control and the Virginia Stormwater Regulations," the Virginia Erosion and Sediment Control Handbook and the Virginia Stormwater Management Handbook as amended and are to be used by the applicant when making a submittal under the provisions of this chapter and in the preparation of an Erosion and Sediment Control plan or Stormwater Pollution Prevention Plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the state regulations shall take precedence.

(c) The Administrator or any duly authorized agent of the Administrator shall review erosion and sediment control management plans and shall approve or disapprove erosion and sediment control management plans according to the following:

(1) The Administrator shall determine the completeness of a plan in accordance with Section 7-4 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.

(2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.

(3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.

(4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the

plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.

(5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.

The plan-approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single family residence unless the land disturbance exceeds one acre. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by Section 62.1-44.15:52 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this chapter.

(d) When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

(e) An approved plan may be changed by the plan-approving authority when:

(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations and/or deficiencies have been discovered; or

(2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.

(f) Variances: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

(1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan or stormwater pollution prevention plan. The applicant shall explain the reasons for requesting variances

in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.

(2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten (10) days of receipt of the request, the request shall be considered to be disapproved. Economic hardship alone is not a sufficient reason to request an exception from the requirements of this chapter. The request for an exception will be reviewed pursuant to 9VAC25-870-122. An exception to the requirement that the land-disturbing activity obtain a state permit will not be granted by the VSMP authority._Following disapproval, the applicant may resubmit a variance request with additional documentation.

(g) In order to prevent further erosion, the City of Norton may require approval of a plan for any land identified in the local program as an erosion impact area.

(h) When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan and a shall be the responsibility of the owner. The preparation, submittal, and approval of stormwater plans shall be the operator as defined in Section 7-2 of this ordinance.

(i) In accordance with the procedure set forth by Section 62.1-44.15:55(E) of the Code of Virginia, any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetlands mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the board for review and approval consistent with guidelines established by the board.

(j) State agency projects are exempt from the provisions of this chapter except as provided for in the Code of Virginia, Section 62.1-44.15:56.

Sec. 7-5. STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.

(a) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP authority permit has been issued by the Administrator in accordance with the provisions of this Ordinance.

(b) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:

(1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;

(2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;

(3) Single-family residences separately built and disturbing one to five acres, including additions or modifications to existing single-family detached residential structures but such projects must adhere to the requirements of the general permit.

(4) Land disturbing activities that disturb less than one acre of land area, that are not part of a larger common plan of development or sale that is one acre or greater of disturbance;

(5) Discharges to a sanitary sewer or a combined sewer system;

(6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;

(7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and

(8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

Sec. 7-6. STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

(a) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II [stormwater pollution prevention plan] of the general permit.

(b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.

(c) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

Sec. 7-7. STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN.

(a) The Stormwater Management Plan, required in Section 7-3 of this Ordinance, must apply the stormwater management technical criteria set forth in Section 7-10 of this Ordinance to the entire land-disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities. Stormwater management plans for residential, commercial or industrial subdivisions will govern the development of individual parcels within that plan, throughout the development life even if ownership changes. The Stormwater Management Plan must include the following information:

(1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and post-development drainage areas;

(2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;

(3) A narrative that includes a description of current site conditions and final site conditions **[Alternatively, the City of Norton may allow the information that addresses the current and final site conditions to be provided and documented during the review process]**;

(4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;

(5) Information on the proposed stormwater management facilities, including:

(i) The type of facilities;
(ii) Location, including geographic coordinates;
(iii) Acres treated; and
(iv) The surface waters or karst features, if present, into which the facility will discharge.

(6) Hydrologic and hydraulic computations, including runoff characteristics;

(7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 7-10 of this ordinance.

(8) A map or maps of the site that depicts the topography of the site and includes:

(i) All contributing drainage areas;
(ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
(iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
(iv) Current land use including existing structures, roads, and locations of known utilities and easements;
(v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
(vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
(vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
(viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.

(b) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 7-10 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the

commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia.

(c) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

(d) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. **[NOTE: The Administrator may elect not to require construction record drawings for stormwater management facilities for which maintenance agreements are not required pursuant to Section 7-11 (b).]**

Sec. 7-8. – POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

(a) Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:

(1) Wastewater from washout of concrete, unless managed by an appropriate control;

(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

(4) Soaps or solvents used in vehicle and equipment washing.

(c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

Sec. 7-9. - REVIEW OF STORMWATER MANAGEMENT PLAN.

(a) The Administrator or any duly authorized agent of the Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:

(1) The Administrator shall determine the completeness of a plan in accordance with Section 7-7 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.

(2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.

(3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.

(4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.

(5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.

(b) Approved stormwater plans may be modified as follows:

(1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.

(2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.

(c) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 7-11(b).

Sec. 7-10 - TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.

(a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the City of Norton hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; and, 9VAC25-870-85 [stormwater management impoundment structures or facilities], and 9VAC25-870-93 through 9VAC25-870-99 which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (b) of this Section.

(b) Any land disturbing activity shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria of the VSMP Regulation provided:

(1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with the Part II C technical criteria of the VSMP Regulation, and (iv) has not been subsequently modified or amended in a manner

resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;

(2) A state permit has not been issued prior to July 1, 2014; and

(3) Land disturbance did not commence prior to July 1, 2014.

(c) Locality, state and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria of the VSMP Regulation provided:

(1) There has been an obligation of locality, state or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012;

(2) A state permit has not been issued prior to July 1, 2014; and

(3) Land disturbance did not commence prior to July 1, 2014.

(d) Land disturbing activities grandfathered under subsections A and B of this section shall remain subject to the Part II C technical criteria of the VSMP Regulation for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

(e) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Part II C.

(f) Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.

(g) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.

(1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the

Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.

(2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.

Sec. 7-11. LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES

(a) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:

(1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;

(2) Be stated to run with the land;

(3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;

(4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and

(5) Be enforceable by all appropriate governmental parties.

(b) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.

(c) If a recorded instrument is not required pursuant to Subsection 7-11 (b), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator, or any duly authorized agent of the Administrator.

Sec. 7-12. Monitoring, reports, and inspections.

(a) The City of Norton may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and stormwater.

(b) The Building Official shall periodically inspect the land-disturbing activity in accordance with Sections 9VAC25-840-60 & 9VAC25-870-114 of the Virginia Erosion and Sediment Control Regulations and the Virginia Stormwater Management Program regulations_(9VAC25-870)_to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the Building Official determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by mailing with delivery confirmation_to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter and shall be subject to the penalties provided by this chapter.

(c) The Administrator, or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:

(1) Compliance with the approved erosion and sediment control plan;

(2) Compliance with the approved stormwater management plan;

(3) Development, updating, and implementation of a pollution prevention plan; and

(4) Development and implementation of any additional control measures necessary to address a TMDL.

(d) The Administrator, or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.

(e) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.

(f) Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.

(g) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly authorized agent of the Administrator pursuant to the City of Norton adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 7-11.

(h) Upon determination of a violation of this chapter, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this chapter. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Wise County.

If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by mailing with delivery conformation to the address specified in the permit application or the land records of the City of Norton.

The owner or operator may appeal the issuance of an order to the Circuit Court of Wise County.

Any person violating or failing, neglecting or refusing to obey an order issued by the program administrator may be compelled in a proceeding instituted in the Circuit Court of Wise County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the program administrator from taking any other action authorized by this chapter.

Sec. 7-13. -Penalties, injunctions, and other legal actions.

(a) Violators of this chapter shall be guilty of a Class I misdemeanor.

(b) Any person who violates any provision of this chapter shall, upon a finding of the <u>appropriate</u> Court, be assessed a civil penalty. The civil penalty for any one violation shall be one hundred dollars ($100.00), except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be one thousand dollars ($1,000.00). Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of three thousand dollars ($3,000.00), except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of ten thousand dollars ($10,000.00).

(c) The City of Norton or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of Wise County to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist.
However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen (15) days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

(d) In addition to any criminal penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the City of Norton in a civil action for damages.

(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars ($2,000.00) for each violation. A civil action for such violation or failure may be brought by the City of Norton. Any civil penalties assessed by a court shall be paid into the treasury of the City of Norton, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the City of Norton may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (e) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (e).

(g) The Commonwealth's Attorney shall, upon request of the City of Norton or the permit issuing authority, take legal action to enforce the provisions of this chapter.

(h) Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

(i) Failure To Comply With VSMP Provisions:

(1) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

a. The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.

b. If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with Section 7-12 (h) of this ordinance. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 7-13(i) (3).

(2) In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with Section 7-13 of this ordinance.

(3) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in Wise County Circuit Court by the City of Norton to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

(4) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed $32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.

a. Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:

(i) No state permit registration;
(ii) No SWPPP;
(iii) Incomplete SWPPP;
(iv) SWPPP not available for review;
(v) No approved erosion and sediment control plan;
(vi) Failure to install stormwater BMPs or erosion and sediment controls;
(vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
(viii) Operational deficiencies;
(ix) Failure to conduct required inspections;
(x) Incomplete, improper, or missed inspections; and
(xi) Discharges not in compliance with the requirements of Section 9VAC25-88-70 of the general permit.

b. The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

c. In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

d. Any civil penalties assessed by a court as a result of a summons issued by the City of Norton shall be paid into the treasury of the City of Norton to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the City of Norton and abating environmental pollution therein in such manner as the court may, by order, direct.

(5) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than $2,500 nor more than $32,500, or both.

Sec. 7-14. Hearings and Appeals

(a) Any permit applicant or permittee, or person subject to Ordinance requirements, aggrieved by any action of the City of Norton taken without a formal hearing, or by inaction of the City of Norton, may demand in writing a formal hearing by the City of Norton Council causing such grievance, provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.

(b) The hearings held under this Section shall be conducted by the City of Norton Council at a regular or special meeting of the City of Norton Council, or by at least one member of the City of Norton Council designated by the City of Norton Council to conduct such hearings on behalf of the City of Norton Council at any other time and place authorized by the City of Norton Council.

(c) A verbatim record of the proceedings of such hearings shall be taken and filed with the City of Norton Council. Depositions may be taken and read as in actions at law.

(d) The City of Norton Council or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the City of Norton, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

(e) Any permit applicant or permittee or person subject to Ordinance requirements who is aggrieved by a permit or enforcement decision of the City, is entitled to judicial review thereof by the Wise County Circuit Court, provided an appeal is filed within 30 days from the decision being appealed.

Sec. 7-15. Permits; fees; security for performance.

(a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(b) No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this chapter, and has paid the fees and posted the required bond.

(c) A plan review and inspection fee in the amount authorized by City Council from time to time shall be paid at the time of submission of the erosion and sediment control plan and/or the Stormwater Pollution Prevention Plan.

(d) No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(e) Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with a fee schedule or schedules_approved by the City of Norton Council from time to time in accordance with and subject to statewide statutes and regulations of general applicability.

(f) An approved fee schedule, entitled, "Fee Schedule for Stormwater Management Program Adminstration/Erosion and Sediment Control Program Administration/Permit Issuance" is on file in the Building Official's office.

Sec. 7-16. - Performance Bond

Prior to issuance of any permit, the Applicant may be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the City of Norton Attorney, to ensure that measures could be taken by the City of Norton at the Applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions

which may be required of him by the permit conditions as a result of his land disturbing activity. If the City of Norton takes such action upon such failure by the Applicant, the City of Norton may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

Adopted this the 3rd day of June, 2014.

City of Norton

_____

William J. Mays
Mayor

ATTEST:

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City Clerk

6-B

Fee Schedule for Stormwater Management Program Administration/Erosion and Sediment Control Program Administration/Permit Issuance

Table 1

Fee type	Total fee to be paid by Applicant (includes both VSMP authority and Department portions where applicable)	Department portion of "total fee to be paid by Applicant" (based on 28% of total fee paid*)
Land Disturbance Permit(Areas over 10,000 square feet but under 1 acre and not in a common plan of development.)	$50	$0
General/Stormwater Management-Single Family Homes whether located inside or outside a common plan of development.(1-5 acres, Does not include < acre)	$100	$0
General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre. Does not include SFD)	$290	$0
General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	$2,700	$756
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	$3,400	$952
General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	$4,500	$1,260
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	$6,100	$1,708
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	$9,600	$2,688

(1) If the project is completely administered by the Department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the Department.

(2) City of Norton projects are only subjected to Column 2, "Department portion", of the fee chart.

(3) Applicants required to obtain a VSMP will not be required to pay the fee for a land disturbance permit though a land disturbance permit will be issued and maintained by the Administrator.

Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the City of Norton, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1. **[NOTE: Fees specified in this Subsection go to the City of Norton.]**

Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	$20
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	$200
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	$250
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	$300
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	$450
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	$700

The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. **[NOTE: Fees specified in this Subsection go to the City of Norton.]**

Table 3: Permit Maintenance Fees

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	$50
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	$400
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	$500
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	$650
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	$900
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	$1,400

General permit coverage maintenance fees shall be paid annually the City of Norton, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

The fees set forth in Tables 1 -3 above, shall apply to:

(1) All persons seeking coverage under the general permit.

(2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.

(3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater From Construction Activities.

(4) Permit and permit coverage maintenance fees outlined in table 3 may apply to each general permit holder.

No general permit application fees will be assessed to:

(1) Permittees who request minor modifications to general permits as defined in Section 1-2 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.

(2) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.

All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The City of Norton shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

ADOPTED this 17th day of June, 2014.

CITY OF NORTON, VIRGINIA

_____

William J. Mays, Mayor

ATTEST:

_____

Clerk

7-A

CITY OF NORTON
COMMUNITY POLICY & MANAGEMENT BOARD

June 18, 2014

Mr. Fred L. Ramey Jr.
Mayor and City Council
PO Box 618
Norton VA 24273

Dear Mr. Ramey & Norton City Council:

The City of Norton Community Policy and Management Board is respectfully requesting supplemental local funding for the Comprehensive Services Act. With our current budget of $126,891.00, we estimate needing an additional $29,729.90 to cover the expenses for our current CSA caseloads through June 30, 2014. This will be a local share of $9,674.11.

We have provided services for eleven children in the City of Norton as of June 2014. Due to the child abuse/neglect issues and continuing substance abuse issues in our community, the children which we are currently serving have unique needs. Due to these extreme needs this causes a need for treatment foster care services and residential placements.

All of the Community Policy and Management Board, the Family Assessment and Planning Team, and local human service agencies have worked hard to keep costs as low as possible. We are, as always, committed to providing the best care for our children and families in need. We seek other funding sources whenever possible, such as the Promoting Safe and Stable Families grant for preventive services, Title IV-E funding, Medicaid, and have made other arrangements as appropriate for some clients in order to be good stewards of the funding provided.

We realize local funds are tight at this time and regret having to request this additional funding, however, as these children are mandated to be served by State guidelines we have no choice but to request these additional funds.

Respectfully submitted,

Glenda E. Collins

Glenda Collins
Community Policy & Management Board Chairperson

WHAT IS CSA?

The Comprehensive Services Act for At-Risk Youth and Families (CSA) is a law enacted in 1993 that establishes a single state pool of funds to purchase services for at-risk youths and their families. The state funds, combined with local community funds, are managed by local interagency teams who plan and oversee services to youth.

MISSION STATEMENT:

The mission of the CSA is to create a collaborative system of services and funding that is child-centered, family-focused and community-based when addressing the strengths and needs of troubled and at-risk youth and their families in the Commonwealth.

WHAT IS THE CPMT?

The CPMT Community Policy and management Team coordinates agency efforts, manages the available funds, and sees that eligible youths and their families are referred for assessment as appropriate. This team includes parents, staff from community services boards, court service units, the department of social services, the public schools, a member from the local health department, and private providers.

LOCAL GOVERNMENT RESPONSIBILITIES:

The General Assembly and the governing body of each county and city shall annually appropriate such sums of money as shall be sufficient to provide special education services and foster care services for children and meet relevant federal mandates for the provisions of these services. The participating governing bodies shall jointly designate an official of one member city or county to act as fiscal agent for the team. This is usually the Treasurer for the City or County and Social Services are responsible for the payments to vendors.

CSA INTENT:

(1) Ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public.
(2) Identify and intervene early with young children and their families who are at risk of developing emotional or behavioral problems, or both, due to environmental, physical, or psychological stress.
(3) Design and provide services that are responsive to the unique and diverse strengths and needs of troubled youths and families.
(4) Increase interagency collaboration and family involvement in service delivery and management.
(5) Encourage a public and private partnership in the delivery of services to troubled and at-risk youth and their families.

7-B

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF NORTON, VIRGINIA FOR THE FISCAL YEAR OF JULY 1, 2014 THRU JUNE 30, 2015 APPROPRIATING FUNDS FOR ALL CONTEMPLATED EXPENSES OF THE CITY FOR THE FISCAL YEAR AND PLACING LEVIES UPON ALL REAL ESTATE, PERSONAL PROPERTY AND BANK STOCK, LICENSES, FEES, USER CHARGES, AND ALL OTHER LEVIES AS PREVIOUSLY IMPOSED OR MODIFIED HEREIN.

WHEREAS, pursuant to Chapter 25 of Title 15.2 of the Code of Virginia, the Council has prepared a budget for this municipality setting forth the contemplated expenditures, the aggregate amount appropriated during the preceding fiscal year and the amount expended during that year, and the aggregate amount appropriated or expected to be appropriated for the current year; and,

WHEREAS, notice and publication and synopsis to the same were published in the newspaper of general circulation in Wise County, Virginia, and at least one public hearing was held at least seven days prior to the approval of the budget as provided by Section 15.2-2506 of the Code of Virginia; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council, after due notice and mature consideration of the said budget, after a public hearing, that the attached budget be, and it is hereby adopted as the budget of the City of Norton for the fiscal year beginning July 1, 2014 and ending June 30, 2015. The said budget is attached hereto and made a part hereof by reference.

BE IT FURTHER ORDAINED AND ENACTED that there is hereby appropriated from the funds set forth above for the fiscal year July 1, 2014 and ending June 30, 2015 the sums set forth after each item therein. Any contingency fund or unappropriated balances from the previous year are not appropriated by this ordinance and may be appropriated by Council from time to time.

BE IT FURTHER ORDAINED AND ENACTED that there is hereby levied a fee of $0.80 on each $100.00 of assessed value of real estate and improvements situated thereon in the City; a tax of $2.05 on each $100.00 of assessed tangible personal property assessed by the City and now segregated pursuant to Title 15.2, Chapter 25, of the Code of Virginia, and amendments thereto including tangible personal property of public utilities located and doing business within the City and upon all other properties subject to taxation by the City and not herein otherwise provided for.

BE IT FURTHER ORDAINED AND ENACTED that the transient occupancy tax rate shall increase from 4% to 6%.

BE IT FURTHER ORDAINED AND ENACTED that monthly residential garbage rate shall increase from $10 to $12 per month and the commercial garbage rate shall increase by 20% above the current rate.

BE IT FURTHER ORDAINED AND ENACTED that hereby a Motor Vehicle License Fee of $20.00 per assessed motor vehicle.

BE IT FURTHER ORDAINED AND ENACTED that the in-city water rate shall increase from $4.00 per 1,000 gallons to $4.30 per 1,000 gallons and the out-of-city water rate shall increase from $8.00 per 1,000 gallons to $8.60 per 1,000 gallons.

BE IT FURTHER ORDAINED AND ENACTED by the Council that all other assessments, taxes, and fees previously imposed by the City unless repealed are again levied, assessed and imposed as set forth previously by Council and shall remain in full force and effect until changed by Council.

THIS ORDINANCE shall be effective July 1, 2014.

ADOPTED on this 24th day of June, 2014.

CITY OF NORTON, VIRGINIA

_____
William J. Mays
Mayor

ATTEST:

_____
Clerk

7-C

Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Resolution

WHEREAS, the City of Norton, Virginia [Political Subdivision Name] 55235 [employer code] employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the City of Norton, Virginia [Political Subdivision Name] employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the City of Norton, Virginia [Political Subdivision Name] may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2014, to each such employee in service on June 30, 2014, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the percentage increase of the member contribution paid by such pursuant to this resolution (For example, if the member contribution paid by the employee increases from two to three percent pursuant to this resolution, the employee must receive a one percent increase in creditable compensation.)

BE IT THEREFORE RESOLVED, that the City of Norton, Virginia [Political Subdivision Name] does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2014:

PLAN 1	Percent
Employer Paid Member Contribution	0 %
Employee Paid Member Contribution	5 %
Total	5%

PLAN 2	Percent
Employer Paid Member Contribution	0 %
Employee Paid Member Contribution	5 %
Total	5%

(Note: Each column must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the City of Norton, Virginia [Political Subdivision Name] in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the City of Norton, Virginia [Political Subdivision Name] under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the City of Norton, Virginia [Political Subdivision Name] directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the City of Norton, Virginia [Political Subdivision Name] shall be reduced by the amount of member contributions picked up by the City of Norton, Virginia [Political Subdivision Name] on behalf of such employee pursuant to the foregoing resolutions; and

BE IT FURTHER RESOLVED, that no salary increases provided solely to offset the cost of required member contributions to the Virginia Retirement System under § 51.1-144 of the Code of Virginia will be used to certify that any salary increases required by the Appropriation Act have been provided.

NOW, THEREFORE, the officers are hereby authorized and directed in the name of the City of Norton, Virginia [Political Subdivision Name] to carry out the provisions of this resolution, and said officers are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the City of Norton, Virginia [Political Subdivision Name] for this purpose.

_____
Governing Body Chairman

CERTIFICATE

I, _____, [Title, e.g. Clerk, Secretary] of the City of Norton, Virginia [Political Subdivision Name], certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the City of Norton, Virginia [Political Subdivision Name] held at _____, Virginia at _____ o'clock on _____ _____, 2014. Given under my hand and seal of the City of Norton , Virginia [Political Subdivision Name] this _____ day of _____, 2014.

_____
Clerk

This resolution must be passed prior to July 1, 2014 and received by VRS no later than July 10, 2014.

Virginia Retirement System

P.O. Box 2500, Richmond, Virginia 23218-2500
Toll free: 1-888-VARETIR (827-3847)
Web site: www.varetire.org
E-mail: vrs@varetire.org

April 8, 2014 Employer Code: 55235

Dear Employer,

You have elected to phase in the 5 percent member contribution for Plan 1 and Plan 2 employees hired before July 1, 2012 to comply with actions taken by the 2012 General Assembly.

For fiscal year 2014, your governing body elected a **2** percent member contribution for your Plan 1 and Plan 2 employees. Using the enclosed resolution, your local governing body must elect to increase the member contribution by at least 1 percent for fiscal year 2015, as required by the Virginia Code. Or, you may elect to increase it by more than 1 percent up to the full 5 percent. In addition, you must certify in the resolution that employees will receive an offsetting salary increase effective July 1, 2014.

Please send the formal signed resolution to VRS **no later than July 10, 2014** (Attn: ZaeAnne Sferra, P.O. Box 2500, Richmond, VA 23218-2500).

Virginia Code § 51.1-144(F) requires all Plan 1 and Plan 2 school division and political subdivision employees to begin paying the 5 percent member contribution effective July 1, 2012. The statute allows employers to phase in the member contribution for employees hired before July 1, 2012. The full 5 percent phase-in must be complete by July 1, 2016. Chapter 822 of the 2012 Acts of Assembly requires phase-in increases to be in whole percentages of at least 1 percent of creditable compensation per year, with required offsetting salary increases.

If you have any questions about the information in this packet, contact ZaeAnne Sferra, employer coverage coordinator, at zsferra@varetire.org or (804) 775-3514.

Sincerely,

Robert Schultze
VRS Director

(Enclosure)

Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2014 Appropriation Act Item 468(H))

7-D

Resolution

BE IT RESOLVED, that the City of Norton, Virginia (55235) does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2014, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the City of Norton, Virginia (55235) does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

(Check only one box)

☒ The Certified Rate of 10.7 % ☐ The Alternate Rate of _____%; and

BE IT ALSO RESOLVED, that the City of Norton, Virginia (55235) does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of City of Norton, Virginia (55235) are hereby authorized and directed in the name of the City of Norton, Virginia to carry out the provisions of this resolution, and said officers of the City of Norton, Virginia are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the City of Norton, Virginia for this purpose.

_____
Governing Body/School Division Chairman

CERTIFICATE

I, _____, Clerk of the City of Norton, Virginia certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the City of Norton, Virginia held at _____, Virginia at _____ o'clock on _____ _____, 2014. Given under my hand and seal of the City of Norton, Virginia this _____ day of _____, 2014.

_____
Clerk

This resolution must be passed prior to July 1, 2014 and received by VRS no later than July 10, 2014.

Virginia Retirement System

P.O. Box 2500, Richmond, Virginia 23218-2500
Toll free: 1-888-VARETIR (827-3847)
Web site: www.varetire.org
E-mail: vrs@varetire.org

May 2, 2014

CITY OF NORTON – 55235

Language in the 2013 Appropriations Act, Item 468(H), allowed localities to make an election regarding their employer contribution rate every biennium. You have the opportunity again this year to select which employer contribution rate your locality will pay, beginning July 1, 2014.

Included with this letter is the employer contribution resolution your local governing body will need to pass and then send in to communicate to VRS their election decision.

Employer Retirement Contribution Rate Election

By no later than July 1, 2014, your local governing body must approve one of the following employer contribution rate options for the defined benefit retirement plan in the biennium beginning July 1, 2014:

- 10.70% – the rate certified by the VRS Board of Trustees for the FY 2015-2016 biennium; or
- 8.71% – the alternate rate, which is the higher of the rate certified by the VRS Board for FY 2012 or 80 percent of the VRS Board-certified rate for FY 2015-2016.

Considerations in Electing Your Contribution Rate

The intent of the language in the 2013 Appropriation Act, Item 468(H) was to offer localities and schools some budget relief for the coming fiscal year with respect to the amount of their retirement contributions. However, this does not change the Board-certified rate or the recommended employer contribution rate. Therefore, if you are considering using the Alternate Rate, please be aware that doing so will:

- Reduce contributions to your employer account and the investment earnings they would have generated, which will mean there will be fewer assets available for benefits.

- Result in a lower funded ratio when the next Actuarial Valuation is performed and, thus, a higher calculated contribution rate at that time.

- Require that you include the Net Pension Obligation (NPO) under the Governmental Accounting Standards Board (GASB) Standards in your financial statements.

Deadline for Resolutions

VRS must receive your formal signed resolution for the employer retirement contribution rate election **by no later than July 10, 2014.** Please send all resolutions to Ms. ZaeAnne Sferra, Employer Coverage Coordinator at P.O. Box 2500, Richmond, VA 23218-2500.

If you have any questions about the information in this packet, please contact Ms. ZaeAnne Sferra, Employer Coverage Coordinator, at zsferra@varetire.org or (804) 775-3514.

Best regards.

Sincerely,

Robert P. Schultze
Director

7-E

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF NORTON ADOPTING A
FIVE YEAR CAPITAL IMPROVEMENTS
PROGRAM.

WHEREAS, a Capital Improvements Program (CIP) is a process of budgeting for items that are expected to last several years and generally have significant costs; and

WHEREAS, Capital Improvement Projects include the purchase or improvement of buildings or land, major equipment, vehicles and other commodities. Examples include water and sewer facilities, streets and bridges, police vehicles, garbage trucks, computers, parks and planning/engineering studies; and

WHEREAS, the capital improvement process involves identifying needed projects and ranking them by priority. Proposed projects are listed in the CIP along with the year projects will be started, the amount expected to be spent in each year, and the proposed method of financing; and

WHEREAS, the CIP is an important tool in the management of a community because the process fosters sound financial management of community resources. The CIP provides an opportunity to project major expenditures for public improvements and to establish a deliberate and reasonable schedule for constructing and financing those projects over several years.

NOW, THEREFORE, BE IT RESOLVED that the Norton City Council adopts the proposed Five Year Capital Improvements Program and will attempt to fund certain projects in the next fiscal budget.

ADOPTED this 24th day of June, 2014.

CITY OF NORTON, VIRGINIA

_____
William J. Mays, Mayor

ATTEST:

_____
Clerk

2014 Adopted Five-Year Capital Plan
General Fund

Description	#	2013-14	2014-15	2015-16	2016-17	2017-18
Community Center Refurbishment	1					$400,000
Swimming Pool Projects	2					
Swimming Pool Replacement	2A					$1,357,960
Swimming Pool Demolition	2B					
Paving of Flag Rock Overlook Trail	3			$3,000		
Place Cabins at Flag Rock Park	4			$50,000	$50,000	$50,000
Flag Rock Lighting Project	5					$15,000
Overlook Deck at Picnic Area	6		$4,000			
Lost Creek Trail Enhancements	7			$20,000		
Roof Replacement at Flag Rock Sheds	8		$15,000			
Repaving of Flag Rock RD/Lower Campground	9					$90,000
Replacement of Dumpsters in Flag Rock Park	10		$5,000			
Complete Makeover of 11th Street Park	11					$300,000
Tennis Court Resurfacing	11A					$60,000
Restrooms for 11th Street Park	11B					$25,000
Legion Park Improvements	12				$18,000	
Pave Legion Park Entrance & Parking Area	13				$8,000	
Walking Trail at Clear Creek Park	14			$7,500		
Fishing Pier at Upper Reservoir	15			$10,000		
New Riding Mower for Park Maintenance	16		$12,000			
Norton Riverwalk Project	17					$564,600
Lost Creek Property	18					
Picnic Tables for Parks	19		$4,000			
Compressed Air Foam System (CAFS)	20		$90,000			
Purchase New Fleet of Trucks	21					$1,000,000
New Fire Hall/Public Safety Building	22					$3,500,000
Emergency Shelter Supplies	23		$25,000			
Purchase ATV	24			$20,000		
Response Trailer	25				$6,000	
Storage Container	26				$3,000	
Emergency Advisory Radio System	27					$30,000
New Police Vehicles	28		$95,000			
Digital In-Car Video Systems	29		$45,000			
Speed Indicator Sign	30					$14,000
Purchase Patrol Rifles	31			$8,000		
Page 1 Totals		**$0**	**$295,000**	**$118,500**	**$85,000**	**$7,406,560**

2014 Adopted Five-Year Capital Plan
General Fund

Description	#	2013-14	2014-15	2015-16	2016-17	2017-18
Purchase Laptop Computers	32		$25,000			
Purchase AEDS	33					$15,000
New or Renovated Police Facility	34					
Tasers and Equipment	35					$26,000
Purchase 1-Ton Dump Truck	36			$40,000		
Purchase Used Dump Trucks	37					$60,000
Purchase 2 Ton Dump Trucks	38				$196,000	
Used Van or Mini Bus for Inmate Labor	39					
Purchase of Used Public Works Equipment	40		$20,000	$20,000	$20,000	$20,000
Salt Spreaders for Dump Trucks	41					$15,000
Snow Plows for Dump Trucks	42					$20,000
Small Snowplow for Pickup Trucks	43					$15,000
2.5 Cubic Yard Salt Spreader	44					$8,000
Purchase of Mowing Tractor	45					$65,000
Purchase New Motor Grader	46					$100,000
10 Ton Trailer	47			$8,000		
Purchase Riding Mower	48					$12,000
Purchase Portable Generator	49					$4,000
Storm Drainage Replacement	50					$4,850,000
Annual Paving	51	$200,000	$200,000	$200,000	$200,000	$200,000
Street Milling	51A					
Milling and Paving of Park Avenue	51B					
Construction of New City Shop	52					$2,500,000
Purchase Tire Changer	52A					$10,000
Purchase Tire Balancer	52B					$9,000
Purchase Free Standing Tool Box	52C					$8,000
Salt Shed Improvements	52D					$100,000
Installation of Wash Bay Heating System	52E					$10,000
Replace Radios to Meet FCC Requirements	53					$7,500
Downtown Revitalization	54					
Sidewalk Replacement	54A		$50,000	$50,000	$50,000	$50,000
Streetscape Improvements	54B		$10,000			
Façade Program	54C		$7,500	$7,500	$7,500	$7,500
Residential Sidewalk Replacement Program	55		$50,000	$50,000	$50,000	$50,000
Vacant Home Demolition Program	56		$5,000			
Page 2 Totals		**$200,000**	**$367,500**	**$375,500**	**$523,500**	**$8,162,000**

2014 Adopted Five-Year Capital Plan
General Fund

Description	#	2013-14	2014-15	2015-16	2016-17	2017-18
GIS Upgrades:	57					
GIS Layer Projects	57A		$5,000			
Photography & Ground Control Survey	57B		$15,000			
Annual Vehicle Replacement	58		$100,000	$100,000	$100,000	$100,000
ADA Enhancement	59		$5,000	$5,000	$5,000	$5,000
Office Equipment	60		$7,500	$7,500	$7,500	$7,500
Renovate City Hall - Interior	61			$75,000		
Stone Wall Repair	62		$15,000	$15,000	$15,000	$15,000
Safe Routes to School	63					
Equipment Leases	64	$56,174	$100,000	$100,000	$100,000	$100,000
New Year's Eve Family Event	65		$7,500			
CO-OP Events at the VA KY Opry	66		$10,000			
Branch Library	67					
Housing Initiatives	68					
City-Wide Neighborhood Needs Assessment	68A		$15,000			
Dilapidated Structure Demolition	68B		$10,000			
Whitaker Farm Road	68C					$425,000
Implementation of Hawthorne Traffic Study	69					
Guide Signs	69A		$1,500			
Christmas Decorations	70		$5,000	$5,000	$5,000	$5,000
Downtown Wi-Fi	71					
Tourism Projects	72					
Foot Bridge at Clear Creek Park	73					$75,000
Replace Pedestrian Crossings	74					$6,400
Replace Roof of City House	75					$9,000
Replace Computer Server at City Hall	76		$25,000			
Bridge Repairs	77					
Downtown Traffic Signal Markings	78					
Page 3 Totals		**$56,174**	**$321,500**	**$307,500**	**$232,500**	**$747,900**
Page 2 Totals		$200,000	$367,500	$375,500	$523,500	$8,162,000
Page 1 Totals		$0	$295,000	$118,500	$85,000	$7,406,560
Total		**$256,174**	**$984,000**	**$801,500**	**$841,000**	**$16,316,460**

2014 Adopted Five-Year Capital Plan
Enterprise Fund

Description	#	2013-14	2014-15	2015-16	2016-17	2017-18
Minor Line Replacement	1		$50,000	$50,000	$50,000	$50,000
Water Line Replacement	2					
Sewer Improvements	3		$75,000	$75,000	$75,000	$75,000
Sewer Line Replacement	4					$15,833,508
Water Tank Rehab Program	5	$38,000	$38,000	$38,000	$38,000	$38,000
Master Meter Replacement Program	6		$60,000			
Leak Detection and Repair Program	7		$50,000			
Improvements to Water Intake Structures	8		$130,000			
Lower Dam Improvements	9					$371,800
Improvements to Upper Water Plant	10			$25,000		
Treatment Filter Rework	11		$34,000			
SCADA / Hardware and Software	12		$50,000			
Purchase Variable Frequency Drives	13		$15,000			
Water Tank Installation	14					
Disaster Storage of Spare Parts/Items	15		$30,000			
Replace Laboratory Analysis Equipment	16		$6,000			
Maint. on Flocculators and Sedimentation Basins	17		$95,000			
Installation of Security Fence	18		$8,000			
Leak Detection Equipment	19		$4,000			
Water Plant Lighting	20		$3,200			
Testing Accuracy of Master Meters	21		$10,000			
PER for Hawthorne Rt 58 Intersection	22		$10,000			
Static Mixer	23		$25,000			
IDA Tank Telemetry	24		$20,000			
Pump and Motor Replacement	25		$35,000			
Line Replacement at Water Plant	26		$100,000			
Pressure Reducing Station at Esserville	27		$10,000			
Pressure Reducing Station at Dorchester	28		$10,000			
Josephine Pump Station Clean Up	29					
Waterline Replacement for Hilltop	30		$100,000			
Fencing at Josephine Pump Station	31		$35,000			
Total		**$38,000**	**$1,003,200**	**$188,000**	**$163,000**	**$16,368,308**

7-F

City of Norton

Inter-Office Memo

To: Mayor and City Council

From: Fred L. Ramey, Jr., City Manager FR

CC:

Date: June 19, 2014

Re: Fishing License Fee

Councilman Caruso requested an agenda item to discuss the amendment of City Code Section 20-52 related to the fee for a license required for fishing in the upper reservoir. Specifically, Councilman Caruso would like to discuss an amendment to that code section to include a three day license fees in addition to those fees currently offered. A copy of the current code section has been included for your review.

Thank You.

DIVISION 2. - LICENSE

Sec. 20-51. - Required.
Sec. 20-52. - Fee.
Sec. 20-53. - Issuance.
Sec. 20-54. - Restrictions.
Sec. 20-55. - Term.
Sec. 20-56. - Not transferrable.
Secs. 20-57—20-59. - Reserved.

Sec. 20-51. - Required.

It shall be unlawful for any person to fish on the upper reservoir unless he has a current license so to do issued pursuant to this division.

(Ord. of 6-3-80, §§ 1, 3)

Sec. 20-52. - Fee.

(a) The fee for a license required by this division shall be as follows:

(1) *City residents over the age of twelve (12) years,* ten dollars ($10.00).

(2) *Nonresidents over the age of twelve (12) years,* fifteen dollars ($15.00).

(3) *Children twelve (12) years of age and under, both resident and nonresident,* no charge. Children under this division are allowed to fish only while accompanied by a licensed resident or nonresident over the age of twelve (12) years.

(4) *Members of the Old Dominion Sportsman's Association,* five dollars ($5.00).

(b) Notwithstanding the provisions of subsection (a) above, city residents sixty-five (65) years of age or older or any veteran who has a permanent and total service connected disability as certified by the Veterans Administration may obtain a lifetime fishing license at no charge and such license shall not be subject to the provisions of section 20-55

(Ord. of 6-3-80, § 2; Ord. of 5-21-91; Ord. of 11-16-10)

Sec. 20-53. - Issuance.

The license required by this division shall be issued by the city treasurer or such agents as are designated by the council upon the filing of a proper application therefor and payment of the prescribed fee.

Cross reference— *Identification of persons applying for city license, § 2-3.*

Sec. 20-54. - Restrictions.

Licenses issued under this division shall be subject to restrictions approved by the council and printed on the back of the license.

Sec. 20-55. - Term.

A license issued under this division shall be valid for the calendar year in which issued.

Sec. 20-56. - Not transferrable.

A license issued under this division shall not be transferrable.

(Code 1975, § 16A-7)

Secs. 20-57—20-59. - Reserved.

7-G

City of Norton

Inter-Office Memo

To: Mayor and City Council

From: Fred L. Ramey, Jr., City Manager FR

CC:

Date: June 20, 2014

Re: July Meeting

Due to additional meeting in June and that the first meeting in July usually falling near the July 4th holiday, City Council typically modifies the July meeting dates. The purpose of this agenda item is to allow City Council to discuss the meeting schedule for July and to consider when Council would like to further discuss the proposed zoning amendment related to fences and hedges. At the May 6th meeting, City Council tabled this item until after the budget process and asked Winfred Collins to survey various comparable entities as to their regulations on this topic.

Thank You.

7-H

133039

INV. DATE	INVOICE#	G/L ACCT. #	GROSS AMOUNT	DISC. AMOUNT	NET AMOUN
5/19/2014	SHARE 05/	40-010-53010-5604	150,044.80	.00	150,044.80
6/01/2014	21621	133039	150,044.80	.00	150,044.80

133039

CITY OF NORTON
[illegible] FUND
NORTON, VA 24273

THE FIRST BANK & TRUST
NORTON, VA

62-46514
133039

150 THOUSAND 044 DOLLARS 80 CENTS

PAY TO THE ORDER OF:

DATE	AMOUNT
6/01/2014	$*150044.80

CITY OF NORTON DEPARTMENT
OF SOCIAL SERVICES
PARK AVENUE CENTER
NORTON VA
24273

NOT-NEGOTIABLE

AUTHORIZED SIGNATURE

⑈133039⑈ ⑆051404464⑆ 10000234⑈

133288

06-20-2014

Thomas Construction Company, Inc.
SRTS Sidewalk/AML Highwall Project
Construction Pay Application No. 4
DMME Funded Portion

4-001-096000-0113

$278,123.17

V-8717

CITY OF NORTON
GENERAL OPERATING FUND
NORTON, VA 24273

133288

THE FIRST BANK & TRUST
NORTON, VA

68-446/514
10

**********Two Hundred Seventy-Eight Thousand One Hundred Twenty-Three Dollars and Seventeen Cents***

PAY TO THE ORDER OF:

DATE	AMOUNT
06-20-2014	$278,123.17

Thomas Construction Company, Inc.
P O Box 4806 CRS
Johnson City, TN. 37602-4806

Kristy Wells
AUTHORIZED SIGNATURE

MP

Details on Back.

Security Features Included

⑈133288⑈ ⑆051404464⑆ 100002346⑈