

# AGENDA

Norton City Council

December 16, 2014

6:00 P.M.

1. Roll Call
2. Invocation – Rev. Ken Taylor
3. Pledge of Allegiance
4. Approval of Minutes
  1. Meeting of December 2, 2014
5. Special Presentations
6. Audience for Visitors
  - A. Public Hearing to Consider a Bond Issue for the Phase III Water Improvement Project.
    1. Public Hearing
    2. Comments/Action by City Council
7. New Business
  - A. Authorization to Refund Erroneously Paid Taxes to Bank of America.
  - B. Request for Additional Funding by the Norton Rescue Squad.
  - C. Acknowledgements of Appreciation to Exiting Board Members.
  - D. Establish Date and Time for Organizational Meeting of City Council.

- E. Confirmation of a Check(s)/Transfer(s) in Excess of \$100,000.
- F. Closed Meeting to Discuss Personnel as Per Section 2.2-3711 (A) (1) of the Code of Virginia, as Amended.
  - 1. Appointment of a Council Representative to the City of Norton Community Policy and Management Board; Currently Terry Roop.

To 11/15/2018
  - 2. Evaluation of the City Manager.
- 8. Comments by the City Manager, City Attorney, and City Council.
- 9. Adjournment.

The regularly scheduled City Council Meeting was held on Tuesday, December 2, 2014 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

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

Absent: Joseph Hunnicutt

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

The invocation was given by Rev. John Ellington and was followed by the pledge of allegiance led by Police Chief James C. Lane.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to adopt the minutes of the November 18, 2014 meeting as presented.

25321

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

25322

At this time, Mayor Mays turned the floor over to the City Manager who recognized Pastor John Ellington, a familiar face at City Council meetings and in the community. Pastor Ellington is retiring at the end of the year and relocating to Mineral, Virginia. He has served the City as pastor of the First Baptist Church since 2003 and has been a member of the Norton Lions Club, Chaplain at the Norton Community Hospital and the first Chaplain of the Norton Police Department, and active in the annual Thanksgiving event feeding those in need.

25323

Mayor Mays read the inscription on the plaque which he and the members of Council presented to Pastor Ellington. Pastor Ellington thanked Council for this recognition and shook hands with Council members following a photo session.

Dr. Scott Hamilton, President of Mountain Empire Community College, was present to give Council an update on the college. He presented them with handouts prior to the meeting.

He advised that the City had an enrollment of 182 out of 2,563 students in the fall enrollment, 70 Burton students participating in the Dual Enrollment Program, and 4 Burton students in the AIMS Higher Student Program.

25324

Enrollment is down nine percent from last year and there has been a drop in dual enrollment. There has been a staff reduction, via enhanced retirement, some forced retirements, and layoffs, due to funding cuts.

During Dr. Hamilton's presentation, Councilman Hunnicutt took his seat on Council.

25325

Mayor Mays commended Dr. Hamilton and his staff for the job being done at the college and thanked him for this update.

25326

The City Manager advised that the City Administration is seeking Council's recommendation on which option the City should choose in the required aid to the Commonwealth per House Bill 5010 dated November 10, 2014. He advised of the three options and stated the Administration would prefer to use the third, which is reimbursement by a check. The City's portion to be paid to the Commonwealth is \$15,119.00.

25327

At Council's previous meeting, they had asked that the City Manager prepare a resolution to the Commonwealth regarding this financial burden placed on localities; however, Mr. Ramey advised he had talked with the Virginia Municipal League and they foresee additional financial actions coming. He advised Council he would proceed with the resolution if they so choose or the City could deter until the additional cuts come and include everything in the resolution.

After a brief discussion and upon a motion by Councilman Hunnicutt, seconded by Councilman Roop, and passed by unanimous roll call, Council authorized the City Manager to forward a check in the amount of \$15,119.00 to the Commonwealth of Virginia to cover the City's portion for the required aid to the Commonwealth and to deter the resolution for now.

The next agenda item was an update on the Southwest Regional Jail Authority's consideration of recommending member jurisdictions consider joinder of the City of Bristol, Virginia to the Authority.

Mr. Ramey advised that this is now a moot issue as the City of Bristol, at their Tuesday night meeting, took no action on their resolution and decided not to participate in the Regional Jail System.

25328

Councilman Fawbush advised packets were done early due to the Thanksgiving holiday and that was the reason this item was on the agenda and in the packet.

There was a brief discussion covering this item.

Mr. Ramey proceeded to give Council an update on the Phase III Water Improvement Project. The project has been put to bid and a bid opening was held. Bids came in under budget. Included in Council's packets was a copy of the bid tally sheet. He further advised that the low bidder was a good contractor that the City has previously worked with. This was sent to the Virginia Department of Health for approval and the next step is to get the financing in place. A public hearing will be held for bond issuance at the December 16<sup>th</sup> meeting.

25329

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous vote, Council moved to authorize the City Manager to advertise a public hearing on the Phase III Water Improvement Project at the December 16<sup>th</sup> meeting.

Council had copies of two checks in their packets for approval. The first was to Thomas Construction in the amount of \$181,095.84 and the second was to the Norton Industrial Development Authority in the amount of \$122,004.25.

25330

Upon a motion by Councilman Hunnicutt, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to approve the two checks as stipulated above.

Upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to go into closed meeting to discuss personnel as per Section 2.2.-3711 (A) (1) and consultation with legal counsel as per Section No. 2.2-3711 (A) (3) of the Code of Virginia, as amended. 25331

Mayor Mays declared Council in closed meeting.

During the closed meeting, Councilman Hunnicutt left the meeting. 25332

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to go back into open meeting. 25333

Mayor Mays declared Council back in open meeting.

The Clerk then 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 Fawbush, and passed by the following unanimous vote: YES – Caruso, Fawbush, Roop, Mays, NO – None, Absent – Hunnicutt, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert) 25334

Mayor Mays opened the floor for an appointment to the Department of Social Services Advisory Board for a four year term which will expire on November 15, 2018.

Councilman Fawbush nominated Tim Ray Adams. 25335

Upon a motion by Councilman Caruso, seconded by Councilman Roop, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared Tim Ray Adams appointed to the Department of Social Services Advisory Board for a four year term which will expire on November 15, 2018.

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

He was asked to submit a letter to the Virginia Department of Transportation regarding concerns about the timing of the traffic signals located on US 23 at the Esserville Intersection. He has done so and a copy of that letter has been provided to each member of Council. 25336

The State of Economic Interests and Real Estate Holdings certifications are due back to Mrs. Brown by December 15<sup>th</sup>.

There will be a Santa Fun Run/Walk 5k on December 6<sup>th</sup> sponsored by the Family Preservation Services and the annual Christmas Parade will at 6:00 p.m. on December 7<sup>th</sup>.

He also presented each Councilmember and the City Attorney a wooden Woodbooger Ornament created by City employee, Rebecca Coffey.

Council asked that he give their thanks to Mrs. Coffey for the ornaments.

There were no comments from the City Attorney. 25337

In comments from Council, Councilman Fawbush thanked Mark Leonard of Trout Unlimited for the stocking of the Little Stoney Stream.  
Councilman Caruso agreed with this comment.

25338

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

CITY OF NORTON, VIRGINIA

\_\_\_\_\_  
William J. Mays, Mayor

ATTEST:

\_\_\_\_\_  
Clerk



**AWARD OF VALOR**  
**PRESENTED TO**  
**FIREMAN**  
**SHANE POTTER**

**IN RECOGNITION OF**  
**SERVICE ABOVE AND BEYOND**  
**THE CALL OF DUTY**

**PRESENTED BY**  
**NORTON CITY COUNCIL**  
**TUESDAY, DECEMBER 16, 2014**



# **AWARD OF VALOR**

**PRESENTED TO**

**CAPTAIN**

# **TODD LAGOW**

**IN RECOGNITION OF**

**SERVICE ABOVE AND BEYOND**

**THE CALL OF DUTY**

**PRESENTED BY**

**NORTON CITY COUNCIL**

**TUESDAY, DECEMBER 16, 2014**



Presented to  
David C. "Moon" Mullins

With Sincere Appreciation of his 21 years  
of Dedicated and Faithful Service  
to Our Citizens As the City of Norton Fire Chief.

Presented this the 16<sup>th</sup> day of December, 2014.

By the Norton City Council

William Mays, Mayor  
Joseph Fawbush, Vice Mayor  
Joseph "Huck" Hunnicutt  
Mark Caruso  
Terry Roop

6-A

**NOTICE OF PUBLIC HEARING  
OF PROPOSED BOND ISSUE  
BY THE CITY OF NORTON, VIRGINIA**

The Council of the City of Norton, Virginia (the "Council") will hold a public hearing on the proposed issuance of bonds by the City of Norton. The estimated maximum principal amount of the bonds is **\$483,695**. The only proposed uses for which the bonds are to be issued is to finance (a) the costs of improvements to the City's water system, for which use more than ten percent of the total bond proceeds is expected to be used, and (b) the costs of issuing the bond. The public hearing which may be continued or adjourned, and at which persons may appear and present their views on the proposed bond issue will be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on **December 16, 2014**, before the Council in the Municipal Council Chambers, 618 Virginia Avenue, N.W., Norton, Virginia.

**[Publish on November 25 and December 2, 2014]**

**[TO BE PUBLISHED ONCE A WEEK FOR TWO CONSECUTIVE  
WEEKS IN A NEWSPAPER PUBLISHED OR HAVING GENERAL  
CIRCULATION IN THE JURISDICTION. THE HEARING MUST BE  
HELD NOT LESS THAN SIX NOR MORE THAN 21 DAYS  
AFTER THE DATE THE SECOND NOTICE APPEARS IN THE  
NEWSPAPER.]**

#6735717

**Date:** December 10, 2014

**To:** Fred Ramey, City manager

**From:** Judy K. Miller, Commissioner of Revenue

**Subject:** Refund Bank Franchise Tax for years 2010, 2011, 2012

**Company:** Bank of America

**In 2010, 2011 and 2012, Bank of America filed an original Bank Franchise Tax return with the City of Norton which is required by the State code and the Department of Taxation.**

**In 2014, Bank of America filed amended returns for the above (3) calendar years in 72 localities in the Commonwealth of Virginia which included the City of Norton as well as the Commonwealth of Virginia itself.. After review by the Department of Taxation, it was determined that an erroneous assessment had been made based on the original tax returns and the amended returns reflect refunds due to Bank of America.**

**The following is the calculated amount for each year as a result of the amended returns.**

<b>Tax Year</b>	<b>Original Amt.</b>	<b>Amended Amt.</b>	<b>Amt. to be remitted to Bank of America</b>
2010	45,607	40,419	5,188
2011	50,531	43,832	6,700
2012	44,462	32,052	<u>12,410</u>
		<b>TOTAL</b>	<b>\$ 24,298</b>

**As far as the refund, this should be remitted to Bank of America not the Department of Taxation.**

**If you have any additional questions or concerns, please feel free to call me.**

# Inter-Office Memo



7-B

To: Mayor and City Council  
From: Fred L. Ramey, Jr., City Manager **FR**  
CC:  
Date: December 12, 2014  
Re: Request for Additional Funding

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As you are aware, we have \$25,000 of funding in our current budget for the Norton Rescue Squad. Those funds are only released on an as-needed basis. Through this date, of the \$25,000 appropriation only \$300 remains in available funding.

The Captain of the Rescue Squad, Aaron Sargent, plans to attend our meeting to requesting Council consideration for additional funding in our current budget.

Thank You.



7-c

JD Adams

With Sincere Appreciation for Your  
Dedicated Service as an Appointee to the  
City's Board of Zoning Appeals.

2013-2014

Presented By

Norton City Council

December 16, 2014

7-0-1



# Terry Roop

With Sincere Appreciation for Your  
Dedicated Service as a Council  
Representative to the City's Community  
Policy Management Board.

2009-2014

Presented By

Norton City Council

December 16, 2014

7-0-2



# Marty Adkins

With Sincere Appreciation for Your  
Dedicated Service as an Appointee to the  
City's Social Service Advisory Board.

2003-2014

Presented By

Norton City Council

December 16, 2014

# Inter-Office Memo



7-1

To: Mayor and City Council  
From: Fred L. Ramey, Jr., City Manager **FR**  
CC:  
Date: December 11, 2014  
Re: Organizational Meeting

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The purpose of this agenda item is to establish a date and time for an organizational meeting of City Council. The City Code indicates that "...following the regular municipal election, the council shall elect on a majority vote one of its members as mayor and another as vice-mayor." In addition to the election of Mayor and Vice-Mayor, Council shall also consider the appointment of the positions of City Manager, City Clerk, and City Attorney. Council also sets the dates and times for regular Council meetings and considers a resolution to dispense with the Second Readings of Ordinances.

Thank You.



NORTON CITY SCHOOLS SCHOOL BOARD

PO BOX 498  
22 TENTH STREET  
NORTON, VA 24273-0498

TIM CASSELL  
CHAIRPERSON  
STEVE CHILDERS  
VICE-CHAIRPERSON  
VALERIE BROWN  
MARK LEONARD  
SHERRY ADAMS

DIVISION SUPERINTENDENT  
KEITH PERRIGAN

7-E

TO: Jeff Shupe  
FROM: Yvonne Isom, Finance Manager  
SUBJECT: Request For Funds  
DATE: November 24, 2014

The Norton City Schools request a deposit of City Funds in the amount of \$275,000.00 to cover payroll fringes.

11-26-2014

Thomas Construction Company, Inc.  
SRTS/AML Highwall Project  
Construction Pay Application No. 9  
DMME Funded Portion

\$207,817.25

7-E-1

4-001-096000-0113

V-8717

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

THE FIRST BANK & TRUST  
NORTON, VA

134866

68-445-514  
10

\*\*\*\*\*Two Hundred Seven Thousand Eight Hundred Seventeen Dollars and Twenty-Five Cents\*\*\*\*\*

PAY TO THE ORDER OF:

DATE  
11-26-2014

AMOUNT  
\$207,817.25

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

*[Handwritten Signature]*  
Krusty Belle  
AUTHORIZED SIGNATURE

⑈ 134866 ⑈ ⑆ 051404464 ⑆ 100002346 ⑈