

# AGENDA

Norton City Council

August 18, 2015

6:00 P.M.

1. Reception for Retiring Clerk of Council – Mary Brown
2. Roll Call
3. Invocation – Rev. Freddie Powers
4. Pledge of Allegiance
5. Approval of Minutes
  1. Meeting of July 21, 2015
  2. Meeting of August 4, 2015
6. Audience for Visitors
7. New Business
  - A. Resolution Requesting that the Virginia Department of Game and Inland Fisheries (VDGIF) Add the City's Reservoir to its Fish Management and Stocking Program.
  - B. Update on the NEMS Use of the Former Swimming Pool Property.
  - C. Confirmation of a Check(s)/Transfer(s) in Excess of \$100,000.
  - D. Closed Meeting to Discuss Personnel as Per Section 2.2-3711 (A) (1) of the Code of Virginia, as amended, and as Per Section 2.2-3711 (A) (3) of the Code of Virginia, as Amended, Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, or of the Disposition of Publically Held Real Property,

Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body.

1. Appointment to the Wise County/City of Norton Youth Services Board for a Four (4) Year Term; Currently Madison Fultz Who Has Graduated.

To 5/2/2016

2. Appointment to the Wise County/City of Norton Youth Services Board for a Four (4) Year Term; Currently Megan Steffey Who Has Graduated.

To 7/1/2018

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, July 21, 2015 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Robert Fultz, Jr., William Mays, Joseph Fawbush, and Delores Belcher

Absent: Mark Caruso

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

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

Upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by unanimous vote, Council moved to adopt the minutes of the June 16, 2015 meeting as presented. 25569

During the audience for visitors, Adam Wells spoke briefly and thanked Council for the consideration of the Resolution of A Support of the Federal Power Plan. 25570

Also speaking in support of this plan was Ben Hooper of Chestnut Street and Jane Branham.

Council was in receipt of a request for funds from the High Knob Enhancement Corporation from Lu Ellsworth, Chairman of this organization. 25571

At this time, Councilman Caruso took his seat on Council. 25572

Mr. Ellsworth gave a brief history of the Corporation, which is non-profit and governed by a Board of Trustees. The City's representative on this Board is Michele Knox and Shayne Fields along with representatives from Wise and Scott Counties. With the upcoming 75<sup>th</sup> anniversary of the High Knob area as a tourist attraction, he is requesting a \$500 grant from the City to go toward operating expenses for this celebration which is to be held on July 25<sup>th</sup>. 25573

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to contribute \$500 to the High Knob enhancement Corporation for the 75<sup>th</sup> anniversary celebration of the High Knob recreation Area with said funds to come from Contingency.

Aaron Sargent of the Norton Rescue Squad, presented to Council an update on their activities.

Mr. Ramey presented, via a PowerPoint presentation, the financial situation of the Rescue Squad. The newly appointed Board of Directors has been meeting consistently since February and the situation is improving. For the first time in four years, the Squad ended the year with a small profit.

Councilman Caruso, who serves on this Board, stated the Board is very active and diligent and he does believe it can be a viable organization. He also stated they are on a good path as long as the recommendations of the Board are followed.

Gerald Lawson, a member of the Board, stated it is a viable organization and one that the City needs, and he thinks they should be funded as every other department of the City.

Councilman Caruso stated the City should budget them \$25,000 and add them to the list of discretionary agencies that Council funds annually. He stated the Board would like to work with them another six months and have the full Board and Chairman present.

At this time, Mayor Mays introduced Mike McCurdy and Ricky Cox, employees and an integral part of the Norton Rescue Squad and expressed thanks to the Board and asked them to proceed with the good work.

Included in Council's packets was a Law Enforcement Mutual Aid Agreement for their consideration.

Mr. Ramey stated that the Code of Virginia does allow localities and counties to have a reciprocal agreement and the City has used this type of an agreement in the past. This agreement gives law enforcement agencies legal ability to go outside their boundaries. The most recent agreement was adopted in 2006.

Police Chief James Lane stated the City has used this agreement and the one submitted to Council tonight includes the policing agency of the UVA-Wise campus. He agrees with the changes and providing of information to the college under Title IX. He further advised that Chief Short of the UVA-Wise Police Department was present to answer any questions.

The City Attorney advised he had one objection to this agreement and that was the agreement is not between entities but Police Departments – the agreement should be with the localities and not police departments. He advised that Council could authorize the City Manager to execute this agreement on behalf of the City once the agreement is in proper form and adopted by the governing body.

Following a discussion and upon a motion by Councilman Fultz, seconded by Councilman Fawbush, and passed by unanimous vote, Council pre-approved the authorization of the City Manager to sign the Memorandum of Understanding in the form of a Law Enforcement Mutual Aid Agreement subject to the changes discussed by the City Attorney. These changes will make the agreement between entities and not police departments.

Council had included in their packets A Resolution in Support for the Federal Power Plus Plan.

Mr. Ramey advised this is the resolution that was discussed by several individuals in the Audience for Visitors and that Adam Wells is present to answer any questions Council members may have. This plan supports funding, retraining programs, and to provide help to coal based declining economies.

Upon a motion by Councilwoman Belcher, seconded by Councilman Fawbush, and passed by the following unanimous vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to adopt a Resolution in Support for the Federal Power Plus Plan. (Insert)

A confirmation of a contribution to the Norton Little League for 9 – 10 year old Lady Raiders Softball Team’s trip to the state tournament was the next item on Council’s agenda. The City Manager advised that, at the time of this request, there was not a meeting and he consulted with each member of Council. It was the consensus of Council to expend \$1,000 to go toward the expenses of this trip to the state tournament

Upon a motion by Councilman Fultz, seconded by Councilwoman Belcher, and passed by unanimous roll call vote, Council moved to approve the expenditure of \$1,000 to the Norton Little League for expenses incurred during the trip to the state tournament. Council also expressed that the City wants to receive receipts and report of expenditures covering these funds. Congratulations were also extended to the players, their families, and coaches.

25577

Presented to Council was a Standard Project Administration Agreement from the Virginia Department of Transportation which is primarily a paving and milling program. Two areas in the City qualified. One was the Tipple Hill Area for which the City received a \$203,000 grant which will help in repaving this area.

25578

Following a brief discussion and upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by unanimous vote, Council authorized the City Manager to sign this Standard Project Administration Agreement from the Virginia Department of Transportation.

Council was presented with a request from the City Manager for authorization to sign documents related to a Rural Development Pre-Development Planning Grant. Mr. Ramey advised this grant would cover charges related to a preliminary engineering report on the utilities, which are 25’-30’ below the road at the Hawthorne Intersection on Route 58.

25579

Upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by unanimous roll call vote, Council moved to authorize the City Manager to sign documents related to a Rural Development Pre-Development Planning Grant.

In their packets, Council had copies of two transfers to the Norton City Schools in the amounts of \$239,629 and \$300,000 and two checks. The first check was made payable to Thomas Construction in the amount of \$418,102.27 and the second was to Boring Contractors in the amount of \$165,144.76.

25580

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

Upon a motion by Councilwoman Belcher, seconded by Councilman Fultz, 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 and per Section 2.2-3711(A) (3) of the Code of Virginia, as amended, discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publically held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body as per Section

25581

No. 2.2-3711 (A) (5) of the Code of Virginia, as amended, discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in location or expanding its facilities in the community.

Mayor Mays declared Council in closed meeting.

At this time, the City Attorney asked to be excused from the remainder of tonight's meeting as he has an early morning flight tomorrow. Council excused the City Attorney from the remainder of the meeting.

25582

Upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by unanimous vote, Council moved to go back into closed meeting.

25583

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 Fultz, seconded by Councilman Fawbush, and passed by the following unanimous vote, YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

25584

Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, and passed by the following unanimous roll call vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to adopt A Recreational Trails Program Authorizing Resolution. (Insert)

25585

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

The City had hosted a regional tourism activity to discuss branding our region and also provided a tour to the visitors. He extended thanks to everyone who participated in the meeting and tour, including City Council members. Lunch was provided by the City at Flag Rock, and it went great with the participants loving the tour.

He would like to extend thanks to all of the volunteers who made the 29<sup>th</sup> Annual Best Friend Festival a huge success.

The 2014 Water Quality Reports are completed and advertised as per State requirements in the newspaper and a copy is also available online.

The paving of the Dorchester Road should begin within the next two weeks.

25586

The fireworks were good this year; however dampness of the air affected the appearance. He explained why the fireworks are on an alternate date rather than the 4<sup>th</sup>. He explained that the City would need to increase its budget to \$15,000 if it wanted to hold our fireworks display on July 4<sup>th</sup>. He also discussed the benefits of entering into a contract at this time to set the date for our fireworks for next year, but Council took no action at this time.

July rainfall totals through July 20<sup>th</sup> amounted to 8.96”.

He handed out to Council the July Retail Sales Tax Report and a copy of the Energy Cost Savings Report from the Norton City Schools.

An update was given on the following projects:

**Safe Route to Schools Project:** People are walking there and it is 98%-99% complete. Only portion remaining to be completed is across 3<sup>rd</sup> Street and the rest is the milling, paving, curbing, and guttering.

**Phase III Water Project:** Excess funds left from this project are being applied to water projects – Chestnut to Monroe and to 9<sup>th</sup> Street. Also paving from 8<sup>th</sup> Street & Park to the top of the hill and then the Hill Top Park Project will be done with Lenowisco funds.

**Third Street Subsidence:** The contractor is to begin July 27<sup>th</sup>. A Pre-Construction Meeting was held today. It should be a two week project with an attempt to be made not to close the entire street.

In comments from Council:

Councilman Caruso stated that he had met with the Department of Game and Inland Fishery regarding making Norton one of their reservoirs. He then discussed briefly their requirements which included 8 stockings per year, cannot sell fishing licenses, money for new piers, and different types of fish. They will be at the at the August 4<sup>th</sup> meeting for a presentation.

25587

He will not be able to attend the 75<sup>th</sup> Anniversary of High Knob and will need to be replaced. Councilwoman Belcher will replace him at this activity.

Councilman Fultz stated that:

He stated we need signage stating mileage to Flag Rock and the Reservoir.

Mr. Ramey stated this could be done and we could turn this over to the Tourism Committee to handle.

Councilman Caruso stated there also needs to be some signage for the High Knob Tower. Mr. Ramey advised that the High Knob enhancement Corporation was working on doing that.

25588

He was glad the High Knob Enhancement Corporation was holding a 75<sup>th</sup> Anniversary Celebration. The Tourism Group held the previous day was a good meeting.

He thinks the City needs to develop a Sidewalk Policy and allow businesses the freedom to access the use of sections of sidewalks.

He has concerns with school beginning about the traffic flow due to the Third Street road work. Police Chief Lane has been working with the school on this.

Councilman Fawbush advised that:

He echoed Councilman Fultz's comments on the down town sidewalks. He thinks the Planning Commission should look at it. Mr. Ramey advised this could be done.

25589

The Tourism Group was very good. He felt those in attendance were quite impressed and he extended thanks to Michele Knox for the lunch.

Councilwoman Belcher stated that it was good to see those in attendance at the Tourism activity get a true picture of the City and that it is good to see people work toward a common goal.

25590

Mayor Mays thanked all those who were able to attend this activity.

25591

Councilman Fawbush inquired about the meeting on August 4<sup>th</sup>.

25592

At this time, Larry Carter, Kentucky Avenue resident, who apparently missed the Audience for Visitors, asked Council if he could speak to them. He stated he really appreciated the interest and enthusiasm in tourism and that the mountain is our future.

He would like for Council to adopt a resolution or ordinance allowing four wheelers on the road. He has a Utility Vehicle and would like to start a snow removal business; however he cannot legally travel the roadways. He asked that this be considered as a formal request.

25593

Following a brief discussion, Mr. Carter was advised there may be some provision in the law allowing this. Councilman Caruso stated this could be researched and an ordinance adopted. He was in favor of this. Mr. Carter stated Council has a tough job and he admires them.

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

CITY OF NORTON, VIRGINIA

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

ATTEST:

\_\_\_\_\_  
Clerk

The regularly scheduled meeting of the Norton City Council was held on Tuesday, August 4, 2015 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, William Mays, Joseph Fawbush, and Delores Belcher

Absent: Robert Fultz, Jr.

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

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

Due to the Clerk's being on vacation, the adoption of the minutes of the July 21, 2015 was tabled until the next meeting on August 18, 2015. 25594

There was no response to the Mayor's call for visitors. 25595

Councilman Caruso introduced Mr. Bill Kittrell, Regional Fisheries Manager of the Virginia Department of Game and Inland Fisheries.

Mr. Kittrell advised that he had met with Councilman Caruso and also a member of Trout Unlimited and had visited the reservoir. He expressed his Department's interest in managing and partnering with the City for stocking and handling the City's fishing area. The City would have to eliminate the sale of City fishing licenses.

The DGIF only requires state licenses. He proceeded to give Council several handouts for their information and stated he would be glad to work with the City to develop some regulations, install some signage, and provide some statewide and regional marketing. He then advised Council of the area lakes and reservoirs that they manage in our region. 25596

Should the City decide to enter into a Memorandum of Understanding or adopt an ordinance or resolution, stocking would not begin until spring of 2016. He further advised that, under their management, night fishing would be allowed which would require a trout license plus a state fishing license.

Following a lengthy discussion, it was the consensus of Council for the City Manager to prepare a resolution for their consideration and present it at the next meeting. After that, he will begin working with Mr. Kittrell.

Mayor Mays thanked Mr. Kittrell for his presentation and traveling to be at tonight's meeting.

Mr. Ramey advised that Winfred Collins, the City's Building Official, was present to give Council an update on the proposed Zoning Amendment.

Mr. Collins, via a PowerPoint presentation, gave a brief history on the amendment process and advised that the City Attorney determined that the current zoning ordinance was out of date and should be updated before proceeding with any other zoning text or map amendments. At the November 18, 2014 meeting, Council moved to refer the Zoning Ordinance to the Planning Commission for review and updates to bring it into compliance with State Code. On May 14, 2015, the Planning Commission finalized a

draft amendment and draft official map. The third draft of the proposed amendment was approved by the City Attorney and it was then forwarded to Council.

Mr. Collins then gave a brief summary of the changes that were made and advised that a fee schedule and a defined zoning map were included.

The next step is to refer the proposed zoning text amendment including the official zoning map back to the Planning Commission for review and report. At that time, they will have 100 days from the referral date to conduct the first required public hearing and report back to Council. If that deadline is not met, the amendment shall be considered approved by the Planning Commission. Whether there is a report from the Planning Commission or a non-response, the Council is then required to conduct the second required public hearing. Both public hearings can be conducted as a joint public hearing as allowed by Section No. 15.2-2204 in the Virginia Code.

25597

Mayor Mays advised that Mr. Collins, the City Attorney, and members of the Planning Commission are to be commended for the amount of work put in this document.

It was the consensus of Council to review this document further and for it to be brought back to them at the first meeting in September.

The City Manager advised should Council have any questions, they should contact the City Attorney.

Council had been presented in their packets A Resolution Recognizing the Week of August 2 – August 8, 2015 as Farmers Market Week in the City of Norton.

Mr. Ramey advised that Governor McAuliffe sponsored this resolution and the City is very fortunate to have such an active and successful Farmers Market.

Upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by the following unanimous vote: YES – Caruso, Fawbush, Belcher, Mays, NO – None, ABSENT – Fultz, Council moved to adopt A Resolution Recognizing the Week of August 2 – August 8, 2015 as Farmers Market Week in the City of Norton. (Insert)

25598

In their packets, Council was in receipt of A Resolution Celebrating the 80<sup>th</sup> Anniversary of the Social Security Act for consideration.

Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, and passed by the following unanimous vote: YES – Caruso, Fawbush, Belcher, Mays, NO – None, ABSENT – Fultz, Council moved to adopt A Resolution Celebrating the 80<sup>th</sup> Anniversary of the Social Security Act.

25599

Council had a copy of a check in the amount of \$112,736.87 payable to Thomas Construction Company.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to adopt a check payable to Thomas Construction Company in the amount of \$112,736.87.

25600

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous roll call vote, Council moved to go into closed meeting as per Section 2.2-3711(A) (2) of the Code of Virginia, as amended, and as per Section 2.2-3711 (A) (3) of the Code of Virginia, as amended, discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publically held

25601

real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public.

Mayor Mays declared Council in closed meeting.

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

25602

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

25603

Mayor Mays opened the floor for nominations to the City of Norton Planning Commission for four year terms which will expire on July 31, 2019.

Councilman Caruso nominated Tim Cassell and Virginia Stokes to be reappointed to this Commission.

Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, and passed by unanimous vote, Council moved that the nominations cease.

25604

Mayor Mays declared Tim Cassell and Virginia Stokes reappointed to the City of Norton Planning Commission for four year terms which will expire July 31, 2019.

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

Summer camps, which began after the closing of the swimming pool, were held with seven camps being held at a cost to the City of \$4,000. There was a total of 122 kids in attendance with children from both the City and the County. Also, the water slides were held throughout the summer at the various City parks with the last one being held at the City Park last Friday.

The paving of the Dorchester Road was completed last week; however, it still needs to be striped. The project was made possible through a partnership with Wise County who paid half of the cost. With the City paying their half of the costs, their paving funds for the year were expended.

The Regional Jail Authority Reconciliation Update was less than expected and the City will have a savings of about \$10,000.

25605

The City was notified today that we received an Americorp NCCC Grant for which we had applied. There will be in the City an Americorp team from October 14<sup>th</sup> until November 11<sup>th</sup>, who will be working primarily on the second phase of the Mountain Bike Trail System. A lot of details remain to be worked out.

The following project updates were given:

### Safe Routes to Schools

The contractor is finishing up the sidewalk and installing the remainder of lights. A portion of concrete has to be torn out in front of Bill Sturgill's office next week and patching work will be done to open the second lane coming into town. People are not being encouraged to walk there; however it is good to see them doing so. Mr. Ramey advised of other things he would like to do in this area, such as benches, trash containers, and banners.

### 3<sup>rd</sup> Street Subsidence

The drilling company hired to do the job didn't work out and the contractor is in negotiations with another one. They hope to begin by the end of this week or next.

There were no comments from the City Attorney.

25606

In comments from Council:

Councilwoman Belcher had no comments.

25607

Councilman Fawbush stated that he had been in attendance at the 75<sup>th</sup> anniversary of the High Knob Recreation Area and it was well attended.

25608

Councilman Caruso stated:

He inquired about the Memorandum of Understanding for the Pickem Trail. He was advised that the City Attorney had some suggestions on language changes and it will be brought back to Council.

He would like an update on the Climbers Coalition Memorandum of Understanding. He was advised by the City Manager that they have had several meetings and research is being done on liability issues for areas where they wish to climb.

He inquired about the Block Grant that the High Knob Enhancement Corporation had mentioned on the gateway sign. Mr. Ramey advised it is more related to the City working on its own grant. They may wish to partner with us.

Wanted a new sign installed at the entrance to the Norton Community Center as the one there is in bad shape.

There are 25 empty store fronts between the Dairy Queen and CVS.

25609

He wanted an update on the ATV Ordinance. He was advised by the City Manager that he had meetings with VDOT personnel on this and they are working on it.

He inquired as to the year to date number of tickets given by the Police Department. He was advised this is furnished to Council in the weekly newsletter sent by the City Manager.

He inquired into the zoning regulations on the dilapidated buildings in the down town area. The City Manager advised that Council can ask the Planning Commission and

some City staff to work on this. Mr. Ramey advised it may put a hold on the passage of the new Zoning Ordinance as discussed tonight.

He inquired about pending litigation and was advised by the City Attorney that this would be better discussed during closed meeting.

He advised that Wally Smith has GPS on all the trails and maps. Shayne Fields is also helping with this.

He inquired as to why the City is charging the Norton City Schools for services and advised they were not happy about this. A short discussion ensued on this topic.

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

CITY OF NORTON, VIRGINIA

---

William J. Mays, Mayor

ATTEST:

---

Clerk

**Resolution**

**WHEREAS**, the City of Norton wishes to increase recreational fishing opportunities for the residents of the City of Norton as well as the citizens within the County of Wise and Southwest Virginia; and

**WHEREAS**, the City of Norton wishes to promote the local economic activity that increased sport fishing may achieve, the City Council of the City of Norton hereby resolves:

1. To partner with the Virginia Department of Game and Inland Fisheries to manage the fish populations within Norton Reservoir in order to provide optimum fishing opportunities for the angling community.
2. To support the Department’s efforts to develop and promote stocked trout fishing within Norton Reservoir including supporting all policies and procedures enacted by the Department in implementing a stocked trout fishery.
3. To abide by all state regulations that have been enacted in regards to fishing in Virginia.

**NOW, THEREFORE, BE IT RESOLVED** that the Norton City Council does formally request that the Virginia Department of Game and Inland Fisheries (VDGIF) add the City’s reservoir to its Fish Management and Stocking Program.

ADOPTED this 18<sup>th</sup> day of August, 2015.

CITY OF NORTON, VIRGINIA

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

ATTEST:

\_\_\_\_\_  
Clerk

PLAYGROUND LEASE

This is a Playground Lease ("Lease") made and entered into effective \_\_\_\_\_, 2015, by and between the CITY OF NORTON, VIRGINIA, a political subdivision of the Commonwealth of Virginia, ("Lessor") whose address is P. O. Box 618, Norton, Virginia 24273 and \_\_\_\_\_, a \_\_\_\_\_, ("Lessee") whose address is \_\_\_\_\_.

In consideration of the mutual promises contained herein, the parties have agreed as follows:

1. Offer and Acceptance. Lessor leases to Lessee, and Lessee hires from Lessor, the right to occupy and use the premises described herein, subject to the terms and conditions contained in this Lease.

2. Leased Premises. The real property covered by this Lease is shown on Norton City Tax Map as PIN 436-242-BO, excepting therefrom the Community Center Building and appurtenances located thereon.

3. Term. The term of this Lease shall be for a period of forty (40) years from the effective date hereof, provided that either party may terminate this Lease on the next anniversary of the effective date by giving written notice to the other not less than ninety (90) days prior to the next anniversary of the effective date ("Termination Date").

4. Rental. As rent for the premises, Lessor shall pay Lessee the sum of One Dollar (\$1.00) per year payable in advance. The first payment shall be made upon execution of this Lease, the receipt of which is hereby acknowledged. Further payments shall be made on or before the then upcoming anniversary of the effective date.

5. Use of Property. The Leased Premises may be used by the Lessee for the purposes of constructing, maintaining and operating a playground for the Norton Elementary and Middle School Complex and such other incidental uses not inconsistent therewith.

6. Improvements. Lessee may construct such improvements on the Leased Premises as are normally associated with playground uses. At the expiration or earlier termination of this Lease, Lessee shall have the option to notify Lessee to either remove any improvements from the Leased Premises or transfer ownership of any or all the improvements as the Lessor may elect.

7. Compliance with Laws. The Lessee shall comply with all state, federal and local laws, rules and regulations in connection with its use of the Leased Premises, including but not limited to safety regulations promulgated by any governmental authority with jurisdiction and construction standards promulgated by any governmental body having jurisdiction.

8. Insurance. Lessee shall at all times maintain liability insurance in full force and effect with combined limits of not less than One Million Dollars (\$1,000,000.00) per occurrence and Five Million Dollars (\$5,000,000.00) per occurrence in the aggregate. Lessee shall cause certificates of coverage to be delivered to Lessor, and Lessor shall be named as an additional insured on all such policy certificates. The certificates shall provide that no reduction in policy limits shall be effective unless Lessor shall be have been notified not less than thirty (30) days prior to such change in coverage. In the event Lessee fails to comply with the requirements of this paragraph, Lessor may terminate this Lease on one (1) business day notice.

9. Notices. Any notice required by this Lease shall be effective when delivered by first-class mail, postage prepaid to the parties at the address set forth below:

If to Lessor:

If to Lessee:

City of Norton  
Atn: City Manager  
P. O. Box 618  
Norton, VA 24273

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. No Assignment. The Lease may not be assigned, set over or subleased by the Lessee to any other party or parties without the prior written consent of Lessor, which may be withheld for any reason.

11. Miscellaneous. This Lease will be governed by and construed in accordance with the laws of the Commonwealth of Virginia. No amendment to this Lease will be effective unless in writing signed by the parties. This Lease contains the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes any and all prior and contemporaneous discussions, negotiations or agreements between them.

IN WITNESS WHEREOF, the parties have caused this Lease to be executed by their duly-authorized representatives effective on the date first above written.

LESSOR:

CITY OF NORTON, VIRGINIA

By: \_\_\_\_\_

ATTEST:

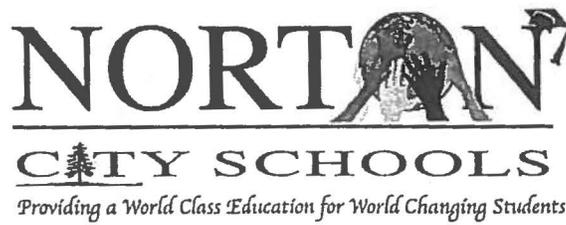
\_\_\_\_\_  
Clerk

LESSEE:

\_\_\_\_\_  
By: \_\_\_\_\_

**SCHOOL BOARD**

Sherry Adams, Chairperson  
Mark Leonard, Vice-Chairperson  
Carol Caruso  
April Fletcher  
Joseph Stallard



**DIVISION SUPERINTENDENT**

Keith Perrigan, Ed.D.  
kperrigan@nortoncityschools.org  
Phone 276.679.2330  
Fax 276.679.4315

7-C

TO: Jeff Shupe

FROM: Tamrya Spradlin, Supervisor of Finance 

SUBJECT: Request For Funds

DATE: July 29, 2015

The Norton City Schools request a deposit of City Funds in the amount of \$150,000.00 to cover payroll expenditures.