

City Council Meeting Packet



September 5, 2017

AGENDA

Norton City Council

September 5, 2017

6:00 P.M.

1. Roll Call
2. Invocation – Rev. Jim Wells
3. Pledge of Allegiance
4. Approval of Minutes
 1. Meeting of August 15, 2017
5. Audience for Visitors
6. Public Hearings:
 - A. A Public Hearing to Receive Public Comments Regarding the Purchase of Two Emergency Vehicles Using a Loan/Grant Package from Rural Development.
 1. Public Hearing
 2. Comments by City Council
 3. Consideration by Council
 - B. A Public Hearing to Receive Public Comments on a Resolution Amending Chapter 14, Section 14-144 of the Norton City Code So As To Remove Language That Currently Permits the Discharge of a Firearm for Legal Hunting Purposes in the Area South of Chapman Street and Laurel Avenue.
 1. Public Hearing
 2. Comments by City Council
 3. Consideration by Council

7. New Business

- A. Introduction of the AmeriCorps.National Civilian Conservation Corps Team that will be Working on Trail Development at the Flag Rock Recreation Area.
- B. Mountain Empire Community College Update by MECC President Dr. Kristen Westover.
- C. Update on a Grant to Place Bear Resistant Trash Containers in the Flag Rock Recreation Area.
- D. Resolution to Approve a Proposed Name Change for the Planning District One Community Services Board.
- E. Consideration of a Code of Conduct Related to a Grant from USDA Rural Development for Purchase of Emergency Vehicles.
- F. Request by the Woodbooger Grill to Use the City of Norton’s “Woodbooger” Service Mark for the Name of its Business and Menu Items.
- G. Closed Meeting for Personnel as Per Section 2.2-3711 (A) (1) and 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 Norton Planning Commission for a Four (4) Year Term; Currently Danny Holt Whose Term Expires 7/31/2017.

To 7/31/2021
 - 2. Appointment to the Mountain Empire Older Citizens Advisory Board for a Two (2) Year Term; Currently Michele Knox Whose Term Expires 9/15/2017.

To 9/15/2019

3. Appointment to the Norton Tourism Committee for a Four (4) Year Term; Currently Jane Sandt Whose Term Expires 9/30/2017.

To 9/30/2021

4. Appointment to the Norton Tourism Committee for a Four (4) Year Term; Currently William "Buzz" Witt Whose Term Expires 9/30/2017.

To 9/30/2021

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, August 15, 2017, at 6:00 p.m., in the Municipal Council Chambers with Mayor William Mays presiding.

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

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

The invocation was given by Pastor Gary Hill and was followed by the Pledge of Allegiance led by Police Chief James Lane.

Upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by unanimous vote, Council moved to adopt the minutes of the July 25, 2017, rescheduled meeting and the August 1, 2017 regularly scheduled meeting as presented.

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

Included in Council's packets was a copy of a draft resolution regarding hunting in the Flag Rock Recreation Area. Mr. Ramey said at the last meeting it was brought to Council's attention that leaving Flag Rock open throughout the year was a conflict with City Code Section 14.144, which regulates hunting in the Conservation Zone. After discussion of the potential conflict, Council asked the City Attorney to draft a resolution amending Chapter 14, Section 14-144 to prohibit hunting in the Conservation Zone.

Mr. Bradshaw said the draft resolution eliminates the current provision of the City Code that allows the discharge of a firearm in the Conservation Zone for legal hunting purposes. He said the exception to City Code Section 14-144 prohibiting the discharge of a firearm within city limits would be for law enforcement purposes or self-defense.

The City Manager said if the draft resolution is agreed upon by Council the next action is to advertise a public hearing on the proposed resolution to receive public input.

There were no comments from Council after Mr. Ramey's and Mr. Bradshaw's remarks, and it was the consensus of members to authorize the City Manager to advertise a public hearing for the September 5th meeting, on amending Chapter 14, Section 14-144 of the Norton City Code to prohibit hunting in the Conservation Zone within the corporate limits of the City of Norton.

In their packets, Council had a request from the City Manager to advertise a public hearing regarding the use of the United States Department of Agriculture Rural Development (USDARD) funding for the purchase of two new vehicles for the police department.

After a brief discussion, Council was of the consensus to authorize the City Manager to advertise a public hearing related to the use of USDARD funds to purchase two new law enforcement vehicles for the Police Department.

Mr. Ramey advised that last year the City of Norton, along with Wise County and Scott County, were able to be included in the Friends of Southwest Virginia's (FSWVA) grant

application to the Appalachian Regional Commission's (ARC) Partnerships for Opportunity and Workforce and Economic Revitalization (POWER) Program (ARC/POWER). He said Friends of Southwest Virginia received a \$3,000,000 grant last fall to create economic opportunities related to outdoor recreation in Giles County, Town of Haysi, Town of Damascus, and the City of Norton. Since the award, FSWVA has been working with City Administration on projects that involve Norton. Several High Knob areas, including High Knob Recreation Lake, are the focus of the economic investments. There are four items the City will be involved in under the grant program: the creation of High Knob Master Plan, improvements to High Knob Recreation Lake, construction of a parking lot at Devil's Bathtub, and construction of a destination center in the City of Norton at the entrance to High Knob. The destination center will be constructed on property owned by the Norton Industrial Development Authority (NIDA), so NIDA will enter into contracts with the grantee, Friends of Southwest Virginia, to expense the grant funds. Two of the projects, the Devil's Bathtub parking lot and improvements to High Knob Recreation Lake, will also be managed by NIDA, on behalf of the United States Forest Service. Mr. Ramey said City Administration is requesting Council's authorization for the ARC/POWER grant funds to flow through NIDA for these projects with city staff updating Council throughout the process.

After a brief discussion and upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by unanimous roll call vote, Council authorized oversight and project management of the Appalachian Regional Commission's Partnerships for Opportunity and Workforce and Economic Revitalization grant funds to the Norton Industrial Development Authority.

Mr. Ramey informed Council that he had asked Police Chief James Lane to update Council on the Norton Police Department's Auxiliary Officer Program.

Via a PowerPoint presentation, Police Chief James Lane gave an update on the Norton Police Auxiliary Department. Chief Lane said the Auxiliary Officer Program was established in 1980 by City Council for the purpose of assisting the police department with patrol, event security, transports and other department tasks. He said, at that time, to become an auxiliary officer no testing was required, background checks were limited, and firearm use was the only required training. However, in 2011, the Department of Criminal Justice (DCJS) mandated auxiliary police officers were required to meet the same training as sworn law enforcement officers. Chief Lane said this requirement meant volunteers would need 18 weeks of training at the Police Academy and 120 hours of field training. Chief Lane said the new training requirement caused many volunteers to quit the program because they were not able to leave work for that length of time to receive training. It also caused others to lose interest in the program, so the police department suspended the Auxiliary Officer Program in 2012 as a result of DCJS's training requirements. Chief Lane said in 2014, the police department reinstated the Police Auxiliary Program because former Norton Police Officer Nick Ratliff met the DCJS auxiliary officer requirements and Mr. Ratliff wanted to continue to volunteer with Norton Police Department in this capacity. Chief Lane noted Mr. Ratliff is the department's only auxiliary officer and he is certified to train other volunteers to become auxiliary officers. Chief Lane went on to explain the benefits of having auxiliary officers and that it was his goal to recruit, train, and

maintain 10 auxiliary officers to assist the department with the many duties of law enforcement.

After fielding a few questions from Council, Mayor Mays thanked Chief Lane for his presentation.

Council had one transfer to confirm. The transfer was to Norton City Schools, dated July 28, 2017, in the amount of \$200,000 to cover payroll expenditures.

Upon a motion by Councilwoman Belcher, seconded by Councilman Fawbush, and passed by the following unanimous roll call vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to confirm the transfer to Norton City Schools as stated above.

Upon a motion by Councilman Fawbush, 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) of the Code of Virginia, as amended, and 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 2.2-3711 (A) (3) of the Code of Virginia, as amended.

Mayor Mays declared Council in closed meeting.

The City Attorney left at this time.

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

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

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

All seven counties have adopted a resolution supporting the concept of revenue and cost sharing among each of the governing entities that results from a hydroelectric power plant being constructed within the region.

Blue Ridge Outdoors magazine has nominated the City of Norton as one of the 2017 Top Adventure Towns. The competition is separated into three categories based upon the size of the community. City Administration is encouraging everyone to vote for the City through the online voting link on the Blue Ridge Outdoors website.

The first Cloudsplitter100 Trail Race planning meeting was held on Friday, August 11. Currently there are 100 people registered representing 24 states and two individuals from Canada. The City is encouraging volunteers to help with the event.

At the next Council meeting the new president of Mountain Empire Community College, Dr. Kristen Westover, will be in attendance to provide an update on the college. Also, City Administration would like to introduce the AmeriCorps/National Civilian Conservation Corps Team Delta 5 (AmeriCorps/NCCC Team Delta 5) that will be assisting with projects within the city over the next eight weeks.

He placed at each member's desk the latest Reservoir and Retail Sales Tax reports.

He also reminded Council that, there are several events scheduled in September and October: Dock Boggs Festival and Geocache Event are scheduled for Saturday, October 9th; High Knob Hellbender, Cloudsplitter100 Trail Race, and Woodbooger Festival are scheduled for Saturday, October 7th.

In comments from Council:

Councilwoman Belcher said there will be a special Chief Local Elected Officials (CLEO) meeting Monday, August 21st, at the Convocation Center on the campus of the University of Virginia's College at Wise, and Mr. Ramey will be attending the meeting with her.

She thanked city residents for volunteering to assist the city, and city employees for their work they do each day. She said she is also looking forward to the City's future.

Councilman Fultz said the school will be watching the eclipse on Monday between 2:00 and 3:00 p.m. Special glasses to watch the eclipse were provided for students through a grant that a John I. Burton teacher wrote and received.

Councilman Caruso said he had some notes from a previous meeting regarding requests made from Mr. Chris Jones. He said that Mr. Jones requested a meeting between Council, Norton Industrial Development Authority (NIDA), and the Tourism Committee.

It was the consensus of Council that they would meet with NIDA and the Tourism Committee and Mayor Mays asked Mr. Ramey to coordinate the scheduling of the meeting.

Councilman Caruso also said Mr. Jones had requested a donation from the city for High Knob Recreation Lake improvements and he would like the request to be considered at the next council meeting.

Mayor Mays asked Mr. Ramey who accounted for the money the volunteer group was raising to improve High Knob Recreation Lake.

Mr. Ramey advised the High Knob Enhancement Corporation is the fiscal agent for the volunteer group that Mr. Jones is heading to upgrade High Knob Recreation Lake.

Councilman Caruso asked Mr. Ramey if he received the photo of the notice "do not place tents on grass area" and asked Mr. Ramey if that notice could be removed.

Mr. Ramey said he did receive the photo and the notice could be removed if Council advised City Administration to do so. Mr. Ramey said the notice was placed because campers would camp in the grass for a week and kill the grass.

After a brief discussion, Council was in consensus to remove the notice on a trial basis to see if camping on the grass remains an issue.

Councilman Caruso asked Mr. Ramey if the posts for micro-camping discussed at the last council meeting has been reviewed.

Mr. Ramey advised that the topic has not been reviewed, and the City will have to be cautious about placing poles in the area because recreational campers require a large amount of space to park in the campground.

Councilman Caruso wanted to know if the Highway Safety Committee had discussed the school crossing beside the high school at the corner of Kentucky Avenue and 11th Street, N.W.

Mr. Ramey said the Highway Safety Committee will discuss the request at their meeting scheduled at the end of the month.

Councilman Caruso wanted to know if City Administration had any information on Mr. Andy Belcher's request.

Mr. Ramey said prior to the last council meeting, a work order had been placed and the City's Public Works Department had been working on the issue. He advised a curb had been installed to assist with water drainage but there is no space to install a guardrail that meets the Virginia Department of Transportation (VDOT) standards. If the City places a guardrail that does not meet VDOT standards then the City takes on more liability.

Councilman Caruso said Council did not have an agenda for the upcoming workshop on Saturday, August 19th. He asked if members wanted an agenda for the workshop.

Mayor Mays suggested Council not have an agenda and leave the workshop open for discussion.

Councilman Caruso asked Mr. Ramey if he had reviewed the National Rifle Association (NRA) Grant.

Mr. Ramey said he has reviewed the NRA grant and is going to have the city attorney review the document. Mr. Ramey asked Councilman Caruso to forward the completed grant application to him so that he and Mr. Bradshaw can begin reviewing it.

Councilman Caruso said the NRA Grant process does not allow applicants to print out the grant application. The application must be completed online and it can be saved on their website for reviewing. Councilman Caruso said that once Mr. Bradshaw has reviewed the grant information and approves of the language, then he and Mr. Ramey would need to complete the NRA Grant online together.

Mr. Ramey said once he and Councilman Caruso have completed the NRA Grant, then the grant must be presented to Council and Council must authorize City Administration to apply for the grant.

Councilman Fawbush advised Council he would be out of town this Saturday and would not be in attendance at the workshop.

At this time, Councilman Fultz noted that traffic seems to have increased at the Farmers' Market and he commended city employees for their efforts on the market.

Mayor Mays had no comments.

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

CITY OF NORTON, VIRGINIA

William Mays, Mayor

ATTEST:

Clerk of Council



August 15, 2017

Notice of Public Hearing

The City of Norton hereby provides notice that an application for funding has been filed with USDA, Rural Development for funding of a proposed loan/grant to purchase two emergency vehicles for the Police Department. A public hearing on the proposed project will be held on September 5, 2017 at 6:00 pm. Anyone requesting information on this project or to offer comments should attend this meeting, which will be held in the City Council Chambers located at 618 Virginia Avenue NW, Norton, VA 24273.

Fred L. Ramey, Jr.
City Manager

This institution is an equal opportunity provider and employer.

To the Coalfield: Please advertise in the Coalfield Progress on Friday, August 18th 2017.

**RESOLUTION OF GOVERNING BODY
OF THE CITY OF NORTON, VIRGINIA**

The governing body of the City of Norton, Virginia consisting of five members, in a duly called meeting held on the 5th day of September, 2017, at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) to provide funding for police vehicles and equipment, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that Mayor William Mays or City Manager Fred Ramey be authorized to execute on behalf of the City of Norton, the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the required documents, is hereby entered into the permanent minutes of the meeting of the Governing Body of the City of Norton, Virginia.

Adopted this 5th Day of September 2017.

City of Norton

William J. Mays, Mayor

ATTEST:

City Clerk

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Governing Body of the City of Norton at a duly assembled meeting on the 5th day of September, 2017.

City Clerk



August 15, 2017

Notice of Public Hearing

The City Council of the City of Norton, Virginia will hold a Public Hearing on Tuesday, September 5, 2017 at 6:00 PM in the Municipal Council Chambers located at 618 Virginia Avenue, N.W., Norton, Virginia. The purpose of the hearing is to receive public comments on a Resolution Amending Chapter 14, Section 14-144 of the Norton City Code so as to remove language that currently permits the discharge of a firearm for legal hunting purposes in the area south of Chapman Street and Laurel Avenue. A copy of the proposed resolution will be available for inspection Monday through Friday between 8:30 A.M. and 5:00 P.M. in the City Manager's Office or available at www.nortonva.gov. All attendance and comments at the meeting are encouraged and welcome.

Fred L. Ramey, Jr.
City Manager

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To the Coalfield: Please advertise in the Coalfield Progress on Friday, August 18th 2017.

RESOLUTION

**BEING A RESOLUTION AMENDING CHAPTER 14, SECTION 14-144
OF THE NORTON CITY CODE**

WHEREAS, Chapter 14, Section 14-144 generally prohibits discharge of a firearm within the corporate limits of the City of Norton, and

WHEREAS, the City Code does not presently apply for legal hunting purposes in the conservation zone south of Chapman Street and Laurel Avenue, and

WHEREAS, the land uses of the area south of Chapman Street and Laurel Avenue have expanded over time to include hiking trails, biking trails and other year-round activities incompatible with hunting,

NOW, THEREFORE, BE IT RESOLVED:-

1. That Chapter 14, Section 14-144 of the Code of the City of Norton be, and it is hereby, amended by deleting therefrom current subsection 14-144(b)(3) and renumbering the current subsection 14-144(b)(4) as subsection 14-144(b)(3).
2. This ordinance shall become effective thirty (30) days after adoption by City Council.

ADOPTED: September 5, 2017

MAYOR

ATTEST:

CLERK OF COUNCIL

COUNCIL MEMBER

FOR

AGAINST

Mark Caruso, Member

Robbie Fultz, Jr., Member

William Mays, Mayor

Joseph Fawbush, Vice Mayor

Delores Belcher, Member

- (a) It shall be unlawful to discharge a firearm within the corporate limits of the City of Norton, except as provided herein.
- (b) Exceptions:
 - (1) The provisions of this section shall not apply to firing ranges or shooting matches maintained and supervised or approved, by law enforcement officers and military personnel in the performance of their duties.
 - (2) The provisions of this section shall not apply to law enforcement officers in the lawful performance of their duties.
 - (3) The provisions of this section shall not apply in the conservation zone as identified on the future land use map south of Chapman Street and Laurel Avenues for legal hunting purposes. For the purposes of this section, legal hunting purposes are identified as the lawful hunting methods as defined by the Virginia Department of Game and Inland Fisheries (VDGIF) including the rules and regulations as set forth by VDGIF.
 - (4) The provisions of this section shall not apply to any person engaged in excusable or justifiable self-defense.
- (c) Any person in violation of this section shall be guilty of a Class 1 misdemeanor.

(Ord. of 6-17-03)



Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: September 1, 2017
Re: AmeriCorps/NCCC

Earlier this year, we were notified that our application for another AmeriCorps/NCCC team had been approved and that Team Delta 5 had been assigned to the City of Norton.

Tonight, I would like to formally introduce the team and briefly discuss their mission during their assignment.

Thank You.



Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: September 1, 2017
Re: Update on Mountain Empire Community College

Earlier this year, Dr. Kris Westover was named as President of the Mountain Empire Community College and she would like to introduce herself to City Council and provide an update on College activities.

Thank You.



NEWS RELEASE

FOR IMMEDIATE RELEASE

May 15, 2017

MEDIA CONTACT:

Jeffrey Kraus

Asst. Vice Chancellor for Strategic Communications

(804) 592-6767

jkraus@vccs.edu

Dr. Kris Westover Hired to Become President of Mountain Empire Community College

RICHMOND – Dr. Kris Westover will become the next president of Mountain Empire Community College on July 1, 2017. That announcement was made today by Dr. Glenn DuBois, the chancellor of Virginia's Community Colleges. Westover becomes the seventh person, and second woman, to serve as the college's permanent president. Her hiring ends a process that began with a national search, which attracted more than 80 candidates, and finished earlier this month with open-to-the-community visits of three finalists to the college.

"I've known Kris for nearly a decade. She's a rising star among our nation's higher education executives," said DuBois. "I'm delighted to announce her as the next president of Mountain Empire Community College, and I'm looking forward to what she has to offer the college and the community."

Westover has more than 25 years of experience in higher education. She currently serves as the vice president for academic and student services at Patrick Henry Community College in Martinsville, a position she has held since 2011. Previously, she served as higher education program coordinator at the University of Texas in Austin, from 2009-2011. From 2008-2009, she served as director of technical programs for the Kansas Board of Regents. In 2016, the Aspen Institute selected Westover for inclusion in the inaugural class of its national Aspen Presidential Fellows program.

She holds a doctorate from Nova Southeastern University in Florida, and both a master's degree in instructional technology, and a bachelor's degree from Fort Hays State University in Kansas.

"We appreciate the opportunity for our board, MECC faculty and staff, students, and the community to be involved in the selection and interview of candidates," said David Graham, chair of the Mountain Empire Community College local advisory board. "While all of our candidates possessed strong qualifications, Dr. Westover was the resounding choice to lead the college forward. Her commitment to student success is evident in her past leadership

experiences within the VCCS and at other colleges nationwide. Dr. Westover's strong knowledge of academic program development, workforce credentials, business and community engagement, as well as her innovative vision demonstrated that she was the right fit for MECC. We welcome her to the college and are committed to her successful transition."

Westover will succeed Dr. Scott Hamilton, who will retire at the end of June, having served in that role since 2010.

Mountain Empire Community College, founded in 1972 and located in Big Stone Gap, VA, is a comprehensive two-year college serving approximately 3,800 credit students and more than 1,000 non-credit students annually from the counties of Lee, Scott, Wise, and Dickenson, and the city of Norton.

About Virginia's Community Colleges: Since 1966, Virginia's Community Colleges have given everyone the opportunity to learn and develop the right skills so lives and communities are strengthened. By making higher education and workforce training available in every part of Virginia, we elevate all of Virginia. Together, Virginia's Community Colleges serve more than 252,000 students each year. For more information, please visit www.vccs.edu.

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Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager **FR**
CC:
Date: September 1, 2017
Re: Update on Grant to Purchase Bear Resistant Containers

Earlier this year, received a grant from the Virginia Department of Game and Inland Fisheries (VDGIF) to purchase additional bear-resistant containers for the Flag Rock Recreation Area. I plan to provide an overview of the grant and location of the new containers.

In addition, I will introduce Mr. Seth Thompson, VDGIF District Wildlife Biologist who will also provide an update on bear complaints and offer further suggestions for our City and citizens.

Thank You.

RESOLUTION

WHEREAS, the City of Norton has received a request to change the name of the *Planning District One Community Services Board* to the *Planning District One Behavioral Health Services*; and

WHEREAS, pursuant to Chapter 10 of Title 37.1 of the Code of Virginia of 1950, as amended, subsequently repealed and replaced by Chapter 5 of Title 37.2-500 of the Code of Virginia of 1950, as amended, **Lee County, Scott County, Wise County and the City of Norton** funded a community services board to provide mental health, mental retardation and substance abuse services within the aforesaid Counties and City; and

WHEREAS, the Planning District One Community Services Board of Directors previously voted to adopt the name of Planning District One Behavioral Health Services; and

WHEREAS, the community services board must have approval of the governing bodies of the community services board to change the name has requested approval from the Norton City Council for the name of the community services board to be changed to **Planning District One Behavioral Health Services**.

NOW, THEREFORE, BE IT RESOLVED that upon passing of a resolution of the Board of Supervisors of Lee, Scott and Wise Counties and the Council of the City of Norton approving such name change, the name of such community services board shall be changed from **Planning District One Community Services Board** to **Planning District One Behavioral Health Services**.

BE IT FURTHER RESOLVED that the **Norton City Council** hereby approves the change of the name of the community services board to **Planning District One Behavioral Health Services**.

Adopted this 5th Day of September 2017.

City of Norton

William J. Mays, Mayor

ATTEST:

City Clerk



1941 PARK AVENUE S.W. • P.O. BOX 1130 • NORTON, VA 24273 • (276) 679-5751 • FAX (276) 679-5754

MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES FOR LEE, SCOTT AND WISE COUNTIES AND THE CITY OF NORTON

8/16/2017

Sandy O'Dell
 Planning District One Behavioral Health Services
 PO Box 1190
 Norton, VA 24273

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

Dear Mr. ~~Ramey~~: *Fred*

In 2001, the board of directors for Planning District One Community Services Board voted to change the name to Planning District One Behavioral Health Services. IRS documents were not changed to reflect this name change until 2012. I have included copies of the relevant minutes from the board of director's meetings and the IRS documents.

I was recently notified by the Department of Behavioral Health and Developmental Services (DBHDS) that all Community Services Boards that are operating with a name that does not include "Community Services Board" in the name must have approval for their name change from the local governing bodies that created the Community Services Board. The explanation from DBHDS is as follows:

In 1996, CSBs were governed by Chapter 10 of Title 37.1, which referred to community services boards. Most of the provisions dealing with establishment of CSBs and appointments to them are consistent with the same provisions in the current statutes (§ 37.2-500 and § 37.2-501). The applicable sections of Chapter 5 of Title 37.2 do not address whether CSBs can change their names. Virginia adheres to a statutory interpretation doctrine called the Dillon Rule, adopted by the Supreme Court of Virginia in 1896. The Dillon Rule is a legal principle that local governments have limited authority and can pass ordinances only in areas where the General Assembly has granted clear authority to them. This rule basically says if a local government or other local entity created under the Code of Virginia is not authorized by the Code to take an action, it cannot do so.

When local governing bodies (boards of supervisors or city councils) originally enacted resolutions or ordinances establishing a CSB pursuant to § 37.1-194 of the Code of Virginia or the current § 37.2-500, they named the CSB in the resolutions or ordinances along with establishing the composition of the CSB's board of directors, their terms of office, and other organizational details. The intent of the Performance



Contract requirement is to ensure that a CSB's appointing authorities are aware of the CSB's current name and have approved the name change in some way.

As we discussed on the phone today, a resolution from each of the local governing bodies approving the name of the community services board as Planning District One Behavioral Health Services will resolve the issue with the Department. I have enclosed a resolution for the change for the consideration of the Norton City Council. Donna Stanley will attend your September 5 council meeting in the event you should have any questions.

I appreciate your assistance with this and your support of the services for the City of Norton. Please call me if you have any questions.

Sincerely



Sandy O'Dell
Executive Director
Planning District One Behavioral Health Services

RESOLUTION

REQUEST TO CHANGE THE NAME OF Planning District One Community Services Board TO Planning District One Behavioral Health Services.

WHEREAS, pursuant to Chapter 10 of Title 37.1 of the Code of Virginia of 1950, as amended, subsequently repealed and replaced by Chapter 5 of Title 37.2-500 of the Code of Virginia of 1950, as amended, **Lee County, Scott County, Wise County and the City of Norton** funded a community services board to provide mental health, mental retardation and substance abuse services within the aforesaid Counties and City.

WHEREAS, the Planning District One Community Services Board of Directors previously voted to adopt the name of Planning District One Behavioral Health Services and

WHEREAS, the community services board must have approval of the governing bodies of the community services board to change the name has requested approval from the Norton City Council for the name of the community services board to be changed to **Planning District One Behavioral Health Services.**

NOW, THEREFORE, BE IT RESOLVED that upon passing of a resolution of the Board of Supervisors of Lee, Scott and Wise Counties and the Council of the City of Norton approving such name change, the name of such community services board shall be changed from **Planning District One Community Services Board** to **Planning District One Behavioral Health Services.**

BE IT FURTHER RESOLVED that the **Norton City Council** hereby approves the change of the name of the community services board to **Planning District One Behavioral Health Services** as of **September 5, 2017.**

Name	Chair	Date

Planning District One
Community Services Board Meeting

June 27, 2001
5:00 p.m.

Stringer's Restaurant
Big Stone Gap, Virginia

The meeting was called to order by the Chair, Mr. Jim Craft.

Board members present: Barbara Caruso, Frank Minor, Anita Steiner, Nancy Reece, Virginia Meador, Michael O'Donnell, and Jim Craft.

Board member absent: Gary Parsons.

Staff members present: Sam Dillon, Jewel Carter, and Linda Miller.

Others present: Sandy O'Dell.

A quorum was present.

There was no public comment.

Mr. Michael O'Donnell made a motion to approve the April 25, 2001, minutes as presented, Mrs. Virginia Meador seconded the motion, and it passed with all ayes.

Mrs. Anita Steiner made a motion to approve the March, April, and May claim sheets submitted, Mrs. Virginia Meador seconded the motion, and it passed with all ayes.

Jewel presented the May financial report; there were no questions.

Mr. Jim Craft, as chair of the Finance Committee, recommended the approval of the Fiscal Year 2002 Performance Contract, Ms. Nancy Reece seconded the motion, and it passed with all ayes.

Mrs. Virginia Meador made a motion to approve the Fiscal Year 2002 Executive Director contract, Mr. Michael O'Donnell seconded the motion, and it passed with all ayes.

Mental Health/Substance Abuse/Mental Retardation Programs Report (Sandy O'Dell):

- Reviewed the May statistical report for mental health and substance abuse.
- Reviewed the May statistical report for mental retardation.
- Reported that the mental health day programs are struggling with what's happening with transportation services.
- Reported an increase in caseload size, and that will continue to grow.
- Reported the addition of two new MR group homes for persons who cannot live with others.
- Reported on the progress of the new building construction and renovation.
- Reported that the other group homes are doing well.

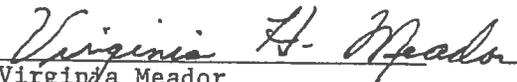
Administration Program Report (Sam Dillon):

- Reported that the oxycontin proposal is being reviewed by the Department; we will receive some money, but we don't yet know how much or when.
- Reported that we should be able to move to Norton in from 90 to 120 days. In the meantime, we have a lot to do.
- Reported that we have been looking at a name change, possibly Planning District One Behavioral Health Services. Mr. Craft appointed himself, Virginia Meador, and Michael O'Donnell to a "Name Change Committee" to gather information regarding this.
- Reported that we will continue to meet in Big Stone after the move to Norton.
- Reported that we have a new Board member from Lee County to replace Gary Parsons.

There being no further business, Mr. Frank Minor made a motion to adjourn, Mr. Michael O'Donnell seconded the motion, and it passed with all ayes.

The next meeting will be August 22, 2001, at Stringer's Restaurant in Big Stone Gap, at 5:00 p.m.

Respectfully submitted,


Virginia Meador
Secretary

Planning District One
Community Services Board Meeting

August 22, 2001
5:00 p.m.

Stringer's Restaurant
Big Stone Gap, Virginia

The meeting was called to order by the Chair, Mr. Jim Craft.

Mr. Robert E. Widener, Special Education Director for Lee County Schools, and new Board member, was introduced.

Board members present: Michael O'Donnell, Rob Widener, Virginia Meador, Nancy Reece, Barbara Caruso, Jim Craft, and Frank Minor.

Board member absent: Anita Steiner.

Staff members present: Sam Dillon, Jewel Carter, and Linda Miller.

Others present: Sandy O'Dell, Regina Lawson, and Doug Varney.

A quorum was present.

Mr. Michael O'Donnell made a motion to approve the June 27, 2001, minutes as presented, Mrs. Barbara Caruso seconded the motion, and it passed with all ayes.

Mr. Frank Minor made a motion to approve the June and July claim sheets as submitted, Ms. Nancy Reece seconded the motion, and it passed with all ayes.

Jewel presented the June and July financial reports; there were no questions.

Mrs. Virginia Meador reported that the Name Change Committee had met and recommended our name be changed to "Planning District One Behavioral Health Services", Mr. Michael O'Donnell seconded the motion, and it passed with all ayes.

Mental Health/Substance Abuse Programs Report (Doug Varney):

- Presented updates on all audits being performed by Dent K. Burk Associates.
- Presented an update on the building renovation and relocation.
- Reviewed the July statistical report.
- Reported that Frontier Health has hired a new child psychiatrist to help with expansion of the Appalink Program.

Mental Retardation Programs Report (Sandy O'Dell and Regina Lawson):

Sandy:

- Reviewed the July statistical report.
- Reported that Frontier Health has hired an MR Behavior Specialist and added an additional prevention specialist.
- Expressed concern that two psychiatrists are leaving the area and we expect a lot of calls from clients for services.

Regina:

- Reported on the Big Blow Out scheduled for September.
- Reported that emergency cases are the only things being approved for the Medicaid Waiver slots.
- Reported that there has been a slight increase in non-medicaid waiver services.

Administrative Program Report (San Dillon):

- Reported that our part of the substance abuse census reduction has been funded.
- Reported that the Commissioner has announced that the Oxycontin Abuse Proposal has been approved.
- Reported that our moving schedule will be the same as Frontier Health's.

The public comment section of the meeting consisted of comments from Paul Kuczko, Sister Beth, Sister Margaret, Sue Cantrell, Anne Jacobe, and Kay Leffler regarding the pursuit of monies to fill their perceived unmet mental health and substance abuse needs of this area.

There being no further business, Mrs. Barbara Caruso made a motion to adjourn, Mr. Michael O'Donnell seconded the motion, and it passed with all ayes.

The next meeting will be September 26, 2001, at Stringer's Restaurant in Big Stone Gap, at 5:00 p.m.

Respectfully submitted,


Virginia Meador
Secretary

REAFFIRMATION OF PLANNING DISTRICT ONE BEHAVIORAL HEALTH SERVICES' NAME CHANGE
RESOLUTION

CAME the Planning District One Behavioral Health Services Board at its regularly scheduled meeting held on the 24th day of October, 2012, and

WHEREAS, on August 22, 2001, the Planning District One Mental Health and Mental Retardation Board of Directors did approve changing the agency name to Planning District One Behavioral Health Services. However, certain legal documents still maintain the original name of the agency.

THEREFORE BE IT RESOVED that the Planning District One Behavioral Health Services Board reaffirms the agency name change to Planning District One Behavioral Health Services and affirms that all legal documents be changed to this name.

Randy Gilmer 10/24/12
Randy Gilmer, Chair Date

Sandra Craft 10/24/12
Sandra Craft, Secretary Date

Stamp on Y - drive

OGDEN UT 84201-0038

In reply refer to: 0458659839
Dec. 14, 2012 LTR 147C 0
54-1050357 000000 00

00003465
BODC: TE

PLANNING DISTRICT ONE BEHAVIORAL
HEALTH SERVICES
PO BOX 1130
NORTON VA 24273-0904



6433

Employer Identification Number: 54-1050357

Dear Taxpayer:

We received your request dated Dec. 05, 2012, asking us to verify your Employer Identification Number (EIN) and name.

Your Employer Identification Number (EIN) is 54-1050357. Please keep this letter in your permanent records. Enter your name and EIN on all federal business tax returns and on related correspondence.

If you need forms, schedules, or publications, you can obtain them by visiting the IRS web site at www.irs.gov or by calling toll free at 1-800-TAX-FORM (1-800-829-3676).

Please call our toll-free telephone number at 1-800-829-0115 with any questions you may have.

You also can write to us at the address shown at the top of this letter's first page.

When you write to us, please attach this letter and, in the spaces below, give us your telephone number with the hours we can reach you in case we need more information. You also may want to keep a copy of this letter for your records.

Telephone Number () _____ Hours _____

We apologize for any inconvenience we may have caused you, and thank you for your cooperation.

Dec. 14, 2012 LTR 0458659839
54-1050357 000000 00 147C 0
00003466

PLANNING DISTRICT ONE BEHAVIORAL
HEALTH SERVICES
PO BOX 1130
NORTON VA 24273-0904

Sincerely yours,



Dwayne Wilson
Department Manager, Accounts Mngmt.

Enclosure(s):
Copy of this letter



1941 PARK AVENUE S.W. • P.O. BOX 1130 • NORTON, VA 24273 • (276) 679-5751 • FAX (276) 679-5751
MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES FOR LEE, SCOTT AND WISE COUNTIES AND THE CITY OF NORTON

October 29, 2012

Internal Revenue Service /center
ATTN: BMS Entity Unit
Cincinnati, OH 45999

Re: Federal ID No. 54-1050357

To Whom it May Concern:

The agency name associated with the above-referenced federal/employer Identification number has been changed to **Planning District One Behavioral Health Services**. We are requesting that the IRS make this change to our federal/employer identification number.

Enclosed is a Resolution from our Board of Directors signed by the Chair and Secretary authorizing the name change.

If you have any questions, please contact me at 276.679.5751. Thank you for your assistance.

Sincerely,

Donna Stanley
Financial Officer

CODE OF CONDUCT

No employee, officer or agent of the owner shall participate in the selection, award, or administration of a contract supported by Rural Housing Service funds if a conflict of interest, real or apparent, would be involved.

The above Code of Conduct was approved at a meeting held on _____, 2017, and _____ members of the Governing Body were present which represents a quorum. A vote was held on this resolution and the resolution was adopted by a vote of _____ yeas and _____ nays with _____ abstaining.

City of Norton

Date

(Signature)

(Name, Title)

THE WOOD BOOGER GRILL

921 Park Ave NW

Norton, VA 24273

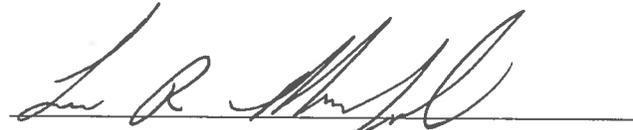
August 23, 2017

To whom it may concern,

It has come to our attention the City of Norton owns the Service Mark of the name "Woodbooger."

The Wood Booger Grill would like to have permission to use Wood Booger in the name of the restaurant and certain menu items.

Thank You,



Jose R. Madrigal Murillo

ROSTER OF CITY OF NORTON COUNCIL, BOARDS, AND COMMISSIONS

MEMBER	TERM	COUNCIL OR BOARD
William Mays	12/31/18	City Council
Joseph Fawbush	12/31/18	City Council
Delores Belcher	12/31/18	City Council
Mark Caruso	12/31/20	City Council
Robbie Fultz, Jr.	12/31/20	City Council
Tim Cassell	07/31/19	Planning Commission (4 Year Term)
Robert Isaac	07/31/18	Planning Commission (4 Year Term)
Virginia Stokes	07/31/19	Planning Commission (4 Year Term)
Danny Holt	07/31/17	Planning Commission (4 Year Term)
Randy Stidham	06/30/20	Planning Commission (4 Year Term)
Winfred Collins	Appointed	
William Hutchinson	06/02/20	Board of Zoning Appeals (5 Year Term)
Gordon Sandt	06/02/21	Board of Zoning Appeals (5 Year Term)
Virginia Stokes	06/02/19	Board of Zoning Appeals (5 Year Term)
Gerald Lawson	06/02/19	Board of Zoning Appeals (5 Year Term)
Joe Buchanan	06/02/18	Board of Zoning Appeals (5 Year Term)
Winfred Collins	Appointed	
Sherry Adams	12/31/20	School Board (4 Year Term)
Mark Leonard	12/31/20	School Board (4 Year Term)
Carol Caruso	12/31/18	School Board (4 Year Term)
Joseph Stallard	12/31/18	School Board (4 Year Term)
April Fletcher	12/31/18	School Board (4 Year Term)
Roger Sloce	01/28/18	Norton Redevelopment & Housing Authority (4 Year Term)
Lynn Livingston	01/28/20	Norton Redevelopment & Housing Authority (4 Year Term)
Renee Robinson	01/28/19	Norton Redevelopment & Housing Authority (4 Year Term)
T. J. Flanary	01/28/19	Norton Redevelopment & Housing Authority (4 Year Term)
Margaret McAfee	01/28/21	Norton Redevelopment & Housing Authority (4 Year Term)
Tim Ray Adams	11/15/18	Department of Social Services Board (4 Year Term)
Dorie Stidham	08/05/20	Department of Social Services Board (4 Year Term)
Ann Holbrook	05/22/19	Department of Social Services Board (4 Year Term)
Lann Malesky	05/22/19	Department of Social Services Board (4 Year Term)
Frank Gravely	01/28/18	Department of Social Services Board (4 Year Term)

MEMBER	TERM	COUNCIL OR BOARD
Barbara Caruso	05/10/19	Norton Industrial Development Authority (4 Year Term)
Ethel Daniels	05/10/18	Norton Industrial Development Authority (4 Year Term)
Charles Graham	05/10/21	Norton Industrial Development Authority (4 Year Term)
Glenn Teasley	05/10/21	Norton Industrial Development Authority (4 Year Term)
Byron Cantrell	05/10/20	Norton Industrial Development Authority (4 Year Term)
William J. Sturgill	05/10/20	Norton Industrial Development Authority (4 Year Term)
Robert Leonard	05/10/19	Norton Industrial Development Authority (4 Year Term)
Steven McElroy	02/18/20	Building Code Board of Appeals (5 Year Term)
Andy Belcher	02/18/21	Building Code Board of Appeals (5 Year Term)
Mike Ball	01/17/22	Building Code Board of Appeals (5 Year Term)
T. J. Flanary	01/17/18	Building Code Board of Appeals (5 Year Term)
Joe Buchanan	01/17/19	Building Code Board of Appeals (5 Year Term)
Tim Cassell	06/30/20	Mountain Empire College Board (4 Year Term)
Fred McConnell	01/31/19	Norton Highway Safety Commission (2 Year Term)
Joshua Ball	01/31/19	Norton Highway Safety Commission (2 Year Term)
Gary Call	01/31/19	Norton Highway Safety Commission (2 Year Term)
Cody McElroy	01/31/19	Norton Highway Safety Commission (2 Year Term)
James Lane	01/31/18	Norton Highway Safety Commission (2 Year Term)
Frank Gravely	01/31/18	Norton Highway Safety Commission (2 Year Term)
David Daniels	01/31/18	Norton Highway Safety Commission (2 Year Term)
Bobby Cassell	01/31/18	Norton Highway Safety Commission (2 Year Term)
Lann Malesky	06/30/21	Wise County Library Board (4 Year Term)
Dee Belcher	12/31/17	Community Services Board (2 Year Term)
Christopher Starnes	10/31/17	Cumberlands Airport Commission (4 Year Term)
Joseph Fawbush	06/30/19	LENOWISCO Board (3 Year Term)
Mary Hagy	05/31/18	Kids Central (Head Start) (3 Year Term)
Todd Lagow	01/31/19	Southwest Virginia Emergency Medical Service Council (3 Year Term)
Michele Knox	09/15/17	Mountain Empire Older Citizens Advisory Board (2 Year Term)
James Lane	06/30/19	Community Corrections Resources Board (2 Year Term)
Joseph Fawbush	05/15/20	C-N-W Regional Wastewater Treatment Authority (4 Year Term)
Robert Fultz, Jr.	05/15/21	C-N-W Regional Wastewater Treatment Authority (4 Year Term)

MEMBER	TERM	COUNCIL OR BOARD
Stan Wilson	05/02/21	Wise County/City of Norton Youth Services Board (4 Year Term)
Robert Fultz, Jr.	05/02/20	Wise County/City of Norton Youth Services Board (4 Year Term)
Eric Fletcher	05/02/20	Wise County/City of Norton Youth Services Board (4 Year Term)
Makayla Martinez	07/01/18	Wise County/City of Norton Youth Services Board (4 Year Term)
Fred Ramey	N/A	ADA Advisory Committee
Winfred Collins	N/A	ADA Advisory Committee
Michele Knox	N/A	ADA Advisory Committee
William Mays	N/A	Downtown Storefront Committee
Margaret Bolling	N/A	Downtown Storefront Committee
Winfred Collins	N/A	Downtown Storefront Committee
Jane Sandt	09/30/17	Tourism Board (4 Year Term)
Chris Jones	09/30/20	Tourism Board (4 Year Term)
W. C. "Buzz" Witt	09/30/17	Tourism Board (4 Year Term)
Carol Caruso	09/30/19	Tourism Board (4 Year Term)
Mike Craft	09/30/20	Tourism Board (4 Year Term)
Michele Knox, City Liaison	N/A	Tourism Board (4 Year Term)
Adam Wells	7/1/2018	Black Diamond Rural Conversation Development Council (2 Year Term)
Carol Caruso	01/31/18	Ninth District Development Financing, Inc. (2 Year Term)
Tyler Giles	06/30/21	Mountain Empire Regional Business Incubator, Inc.
James C. Lane	11/30/17	Appalachian Juvenile Commission (2 Year Term)
Marty Hagy	N/A	Christmas Parade Committee
Shelly Knox	N/A	Christmas Parade Committee
June Jones	N/A	Christmas Parade Committee
Fred L. Ramey, Jr.,	04/03/21	Southwest Virginia Regional Jail Authority (4 Year Term)
Joseph Fawbush	12/31/20	Southwest Virginia Regional Jail Authority (4 Year Term)
Carlos Noaks	12/31/17	Southwest Virginia Regional Jail Authority
Bobby Cassell	N/A	RADA Board
Roger Ramey	N/A	RADA Board
Ethel Daniels	N/A	RADA Board
Kimberly Scalf	N/A	RADA Board

MEMBER	TERM	COUNCIL OR BOARD
Linda Hamilton	11/30/19	Virginia's Heritage Music Trail: The Crooked Road (3 Year Term)
Robert Fultz, Jr. (Interim)	06/30/20	Southwest Regional Recreation Authority (3 Year Term)
Debbie Ward	12/31/17	Southwest Virginia Health Authority
James Lane	12/01/18	Southwest VASAP Board (3 Year Term)
Delores Belcher	11/15/18	Norton Community Policy and Management Board (4 Year Term)
Donna Owens, Parent Representative	07/01/20	Norton Community Policy and Management Board (4 Year Term)
Mark Caruso	2/1/2018	Norton Rescue Squad Board of Directors (1 Year Term)
William Mays	2/1/2018	Norton Rescue Squad Board of Directors (1 Year Term)

rkc-170620