

City Council Meeting Packet



November 7, 2017

AGENDA

Norton City Council

November 7, 2017

6:00 P.M.

1. Roll Call
2. Invocation – Rev. Roger Sloce
3. Pledge of Allegiance
4. Approval of Minutes
 1. Meeting of October 17, 2017
5. Audience for Visitors
6. Public Hearing
 - A. A Public Hearing to Consider an Ordinance Creating a Regional Industrial Facilities Authority, Pursuant to Virginia Code Section §15.2-6400, et seq.
 1. Public Hearing
 2. Comments by City Council
 3. Consideration by Council
7. New Business
 - A. Appointment of Working Officers of the Norton Fire Department.
 - B. Request by MineShaft Harley-Davidson to Use the City of Norton’s “Woodbooger” Service Mark for the Purpose of Promoting A Motorcycle Ride and Placement of the Woodbooger Image on a Promotional T-Shirt.

- C. Resolution Authorizing Application for Environmental Protection Agency Brownfield Assessment Grant as a Co-Applicant.
- D. Request to Refund Erroneously Assessed Personal Property.
- E. Presentation of Plaques for the AmeriCorps/NCCC Team Delta 5 for Their Trail Development Efforts in Flag Rock Recreation Area.
- F. Confirmation of a Check/Transfer in Excess of \$100,000.
- 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 Industrial Development Authority; Currently William Sturgill Whose Term Expires 5/10/2020.

To 5/10/2020
 - 2. Appointment to the Cumberland Airport Commission for a Four (4) Year Term; Currently Chris Starnes Whose Term Expires 10/31/2017.

To 10/31/2021
- 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, October 17, 2017, at 6:00 p.m., in the Municipal Council Chambers with Mayor William Mays presiding.

Present: William Mays, Joseph Fawbush, and Delores Belcher

Absent: Mark Caruso and Robert Fultz, Jr.

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

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

Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, and passed by the following vote: YES – Fawbush, Belcher, Mays, NO – None, ABSENT – Caruso and Fultz, Council moved to adopt the minutes of the September 19, 2017, meeting as presented.

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

The City Manager said Rick Watts and Treavor Calhoun, event organizers of the Woodbooger Geo-Trail held on September 9, 2017 throughout Norton and Flag Rock Recreation Area, were present to provide an update on the event.

Mr. Rick Watts, co-organizer of the Woodbooger Geo-Trail, said 11 different states were represented and participants were very complimentary of the event. He provided statistics on meals, gas, and lodging purchased as a direct result of the geocache event. Mr. Watts stated a "meet and greet" was held at The Wood Booger Grill on Friday before the geocache and that the Woodbooger Geo-Trail was well attended. He said many of the participants said they would return next year, the event was well organized, and the caches were built solid. Mr. Watts said the caches will remain in place for one year for visitors to search for treasures which will result in additional dollars being spent in the area. Mr. Watts said the event would not have been a success without Co-Organizer Treavor Calhoun and the assistance of Peggy Calhoun.

Mr. Ramey then shared a painting of Flag Rock with Council that Mr. Watts donated to the City. Mr. Ramey told members that Mr. Watts's son painted the picture and also painted two additional pictures were given away to geocache participants.

Mayor Mays thanked Mr. Watts, Treavor Calhoun, and Peggy Calhoun for organizing the event and their work on the event.

Councilman Fawbush commended the organizers for raising money to hold the event and for attaining volunteers to assist with all the activities.

Mr. Ramey told Council the Cloudsplitter 100 Ultra Trail Race, the High Knob Hellbender 10K, and the Woodbooger Festival held on Saturday, October 7th were huge successes and organizers received positive comments about the events. He noted the culmination of these three events resulted in what is being called "Super Saturday" in the City of Norton.

Mr. Ramey stated the Cloudsplitter 100 Ultra Trail Race was a 40 hour event and had participants from 23 states, Washington, D.C., and Canada. He said over 140 runners participated in the event with 14 area runners participating in the trail running event. Mr. Ramey said the organizers received positive comments about the event and runners were very appreciative of the people and the beauty of the area.

Mr. Ramey said he invited Katie Dunn, the organizer for the High Knob Hellbender 10K, to provide an update on that race.

Ms. Dunn said she was extremely pleased with the outcome of the event and that the race had the strongest turnout since its inception in 2014. She also said a new course record was set and that the race served as a United States of America Track & Field (USATF) Virginia Mountain Running Championship event this year. Ms. Dunn said 81 runners participated in the event and she thanked city employees and emergency personnel for their assistance with the race.

Mayor Mays thanked Ms. Dunn for her update.

Mr. Ramey said the Woodbooger Festival kick off was on Friday at the Flag Rock Recreation Area and Vice Mayor Fawbush could provide an update on this year's festival.

Vice Mayor Fawbush said the Fourth Annual Woodbooger Festival began on Friday with the showing of *Harry and the Henderson's* at Flag Rock Recreation Area and ended on Saturday evening with several guided Woodbooger searches, marshmallow roasts, games, karaoke, and food. Approximately 500 people visited the park and everyone seemed to enjoy the festival. Numerous clubs and organizations volunteered to help with the event and he commended city employees who worked through the weekend to make all three events successful

Mayor Mays thanked city employees and agencies that collaborated to make the races and festival successful.

Included in Council packets was a proposed Ordinance to Create a Regional Industrial Facilities Authority. Mr. Ramey said Council has discussed working together with other counties on economic development in the area and previously adopted a resolution to support this effort. As a result of the resolution of support, administration from the counties of Lee, Scott, Wise, and Dickenson and the City of Norton came together and determined that a Regional Industrial Facilities Authority, which is authorized in the State Code, would need to be created to govern the collective work of the localities. Mr. Bradshaw has reviewed and approved the ordinance as written and Mr. Ramey requested authorization to advertise a public hearing on the proposed ordinance.

Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, and passed by unanimous vote, Council moved to authorize the City Manager to advertise a public hearing on the proposed Ordinance to Create a Regional Industrial Facilities Authority.

Council also received in their packets A Resolution Requesting that the General Assembly Restore Regional Jail Per Diems to 2009 Levels or Increase the Per Diems Paid to the Localities for Housed Inmates.

Mr. Ramey told Council that jail costs are one of the city's largest expenses that are typically out of the city's control. He said the Regional Jail Authority is asking the state to

stop making decisions that force jail expenses back on localities and to restore per diems to 2009 levels or increase the per diem paid to the localities for housed inmates.

Councilman Fawbush, who is also the city's representative on the Southwest Regional Jail Authority, added that the state is now waiting two years to pick up state-responsible inmates instead of the one year requirement as in previous years. The decision to wait two years to collect state-responsible inmates is an unfunded state mandate that localities are having to pick up the cost to house the state's inmates in the local jails.

Upon a motion by Councilwoman Belcher, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to adopt the Resolution Requesting that the General Assembly Restore Regional Jail Per Diems to 2009 Levels or Increase the Per Diems Paid to the Localities for Housed Inmates. (Insert)

Mr. Ramey advised due to the recent cases of variant rabies discovered in Wise County the City has received a request from the Wise County/City of Norton Health Department asking the City to sponsor a rabies vaccination clinic on November 11, 2017, at Powell Valley Animal Hospital in Big Stone Gap. He said state code requires a bi-annual rabies vaccination clinic and that the requested clinic will be managed by health department.

Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, and passed by the following unanimous vote: YES – Fawbush, Belcher, Mays, NO – None, ABSENT – Caruso and Fultz, Council moved to approve the request from the Wise County/City of Norton Health Department to sponsor a rabies vaccination clinic on November 11, 2017, at Powell Valley Animal Hospital in Big Stone Gap.

The next agenda item was the authorization to refund erroneously assessed 2017 Public Service Real Estate Taxes to New Cingular Wireless PCS, LLC, "doing business as" AT&T. Mr. Ramey said the Commissioner of the Revenue did not receive the 2017 State Corporation Commission's Statement of Assessment until September 15, 2017, so an accurate assessment could not be determined for the first half billing of public service real estate taxes.

Upon a motion by Councilwoman Belcher, seconded by Councilman Fawbush, and passed by unanimous roll call vote, Council moved to approve the refund in the amount of \$511.55 for erroneously assessed 2017 Public Service Real Estate Taxes to New Cingular Wireless PCS, LLC, "doing business as" AT&T, 1010 Pine Street, Room 9E-L01, St. Louis, Missouri.

Council had one check to confirm. This check was to U. S. Bank Operations Center, dated September 1, 2017, in the amount of \$103,363.76 for a loan payment for water debt retirement.

Upon a motion by Councilwoman Belcher, seconded by Councilman Fawbush, and passed by the following unanimous roll call vote: YES – Fawbush, Belcher, Mays, NO – None, ABSENT – Caruso and Fultz, Council moved to approve the check to U. S. Bank Operations Center as stated above.

Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, 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.

Mayor Mays declared Council in closed meeting.

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

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

He would like to schedule a workshop with Council in November to update members on grants and projects on which City Administration is currently working. He will contact Council to determine a date for the workshop.

Copies of the latest Retail Sales Tax Report, September traffic counts for Route 619 and Flag Rock, and a sample ballot were placed at each member's desk.

The Halloween Bash in the Park is scheduled Saturday, October 21st and Halloween will be observed Tuesday, October 31st from of 5:30 to 8:30 p.m.

In comments from Council:

Councilwoman Belcher commented sometimes you fail to notice the beauty of our area until you are away from home for a period of time.

She thanked city employees for their efforts to make sure that the citizens of Norton have the services that many enjoy and utilize. She noted many of the employees' jobs are dangerous and she is thankful for all they do.

Councilman Fawbush also expressed his appreciation to various departments in the city and to city administration that worked long, hard hours this weekend to ensure that the events were successful. He also thanked the inmates from the Duffield Regional Jail that worked the races and festival this weekend and said they were very courteous and helpful.

Mayor Mays stated when working in St. Paul he hears many positive comments about what Norton is doing. He said St. Paul is very active promoting their town and has a great deal happening in their locality too. It is nice to hear all the pleasant comments about the city from St. Paul residents which is a salute to city employees and the city's leader, Mr. Ramey.

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

CITY OF NORTON, VIRGINIA

William Mays, Mayor

ATTEST:

Clerk of Council



October 17, 2017

Notice of Public Hearing

The City Council of the City of Norton, Virginia will hold a Public Hearing on Tuesday, November 7, 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 concerning an Ordinance Creating a Regional Industrial Facilities Authority, pursuant to Virginia Code Section §15.2-6400, et seq. A copy of the proposed ordinance 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

This institution is an equal opportunity provider and employer.

To the Coalfield: Please advertise in the Coalfield Progress on Friday, October 20th 2017 and Friday, October 27, 2017.

AN ORDINANCE TO CREATE
A REGIONAL INDUSTRIAL FACILITIES AUTHORITY
PURSUANT TO SECTION 15.2-6400 ET SEQ. OF THE CODE OF VIRGINIA

WHEREAS, the City Council of the City of Norton (the “Council”) finds that economic growth and development of the City and the comfort, convenience, and welfare of its citizens require the development of facilities and that joint action through a regional industrial facility authority by the Counties of Lee, Scott, Wise and Dickenson County and the City of Norton will facilitate the development of the needed facilities;

WHEREAS, the Council recognizes that economic development of the City is dependent in a large measure on the economic development of the Region as a whole;

WHEREAS, to promote and encourage economic activity, including but not limited to investment and employment of City residents, Council desires to work in cooperation with neighboring Counties Scott, Lee, Wise and Dickenson, to facilitate the development of Industrial Facilities in the Region.

NOW THEREFORE, the Council for the City of Norton, Virginia does hereby ordain an establish a Regional Industrial Facilities Authority for Lee, Scott, Wise and Dickenson Counties and the City of Norton pursuant to the Virginia Regional Industrial Facilities Act, Chapter 64, Title 15.2 of the Code of Virginia (1950), as amended, the (“Act”) and further resolves as follows:

1. The name of the Authority shall be the “Lonesome Pine Regional Industrial Facility Authority (the “Authority”).
2. The member localities shall be the Counties of Lee, Scott, Wise and Dickenson and the City of Norton. Each locality’s participation shall become effective as of the date their respective governing body enacts an ordinance substantially similar to this ordinance authorizing creation of the Authority.

3. The Authority shall be governed by a board of ten (10) members with two members being selected from each Member Locality as provided by the Act.
4. The Authority may adopt such rules and by-laws as are consistent with the Code of Virginia and this ordinance and may exercise all powers granted to such authorities under Virginia Law.
5. The Council authorizes approval, by future resolution of this Council and execution by the Mayor or Vice Mayor of the Council, an agreement among the Member Localities establishing the respective rights and obligations of the Member Localities with respect to the Authority, consistent with the provisions of Chapter 64, Title 15.2 of the Code of Virginia (1950), as amended, and establishing the mutual terms for participation in projects to fund Authority Facilities. The Council's authorization includes, but is not limited to, authority for the Council to approve, by resolution, agreements with the Member Localities to fund Authority projects by committing future tax revenue derived from Authority Facilities to the Authority pursuant to Section 15.2-6406 of the Code of Virginia (1950), as amended.

It is so ORDAINED the 7th day of November, 2017.

City of Norton

William J. Mays, Mayor

ATTEST:

City Clerk



**OFFICE OF
FIRE CHIEF**

Norton Fire Department

Municipal Building
P.O. Box 141
Norton, Virginia 24273

September 27, 2017

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

Mr. Ramey:

Below is a list of appointed Norton Fire Department Officers for 2017/2018.

WORKING OFFICERS

Steve McElroy:	Assistant Chief (Operations)
Marty Hagy:	Assistant Chief (Safety)
Buddy Cash:	Captain (Administrative)
Billy Mays:	Captain (Special Operations)
Stephen McElroy:	Captain (Grants / Training)
Skipper Dorton:	Lieutenant (Equipment / Training)
Tim Couch:	Lieutenant (Apparatus / Training)
Greg Mays:	Lieutenant (LE Liaison / Training)
Cody McElroy:	Lieutenant (Public Safety Education)

Please accept this list on behalf of the Norton Fire Department.
If you should have any questions, feel free to contact me.

Sincerely,

Todd Lagow
Fire Chief

Sec. 8-38. - Working officers generally.

The working officers of the department shall be the chief, assistant chief, captain, two lieutenants, and such additional officers as shall be deemed necessary. With the exception of the chief, the working officers shall be appointed by the city council following the annual September meeting of the department and shall hold office one (1) year from the time of appointment. In the event of any vacancy, the city manager shall fill the same by appointment.

(Code 1975, § 6-26; Ord. of 11-13-90)



Date: 10/26/17

Memo: This letter will be requesting the usage of the term and images of The WoodBooger in MineShaft Harley-Davidson's marketing efforts in Southwest Virginia and Eastern Kentucky.

To: Fred Ramey on behalf of the Norton City Council

From: Clint Meade General Manager MineShaft Harley-Davidson

Fred,

First off I appreciate the time you took today to discuss the potential of MineShaft Harley-Davidson utilizing the coined name and marketing figure, The WoodBooger, as a tool for us to drive motorcyclist to Southwest Virginia and Eastern Kentucky. MineShaft Harley-Davidson is a new dealership located at 114 Harley Drive, Pikeville, Ky. 41501. This dealership was formerly known as Harley-Davidson of Pikeville. As part of our organic growth strategy we have begun building specific riding destinations for Harley-Davidson and other motorcycle enthusiasts throughout the U.S.

The reason I have contacted you regarding the usage of The WoodBooger is that one of the rides that we are going to incorporate into our marketing efforts for our dealer territory includes the Flag Rock, High Knob area, including the infamous WoodBooger. Harley-Davidson assigns specific geographic territories to each of its dealership franchises. Wise, Dickenson, and Buchanan Counties are all included in MineShaft Harley-Davidson's territory. In other riding destination areas of the US Harley Davidson dealerships have created specific rides with unique T-Shirt backs to be sold at the dealership which includes the map information (Norton, VA)

To utilize the WoodBooger as a T-Shirt back would allow us to drive motorcyclist from the North through KY/VA area into Norton where they would be spending money on lodging, food, gas etc. Working together to form an alliance throughout Southwest Va and Eastern Kentucky will benefit us all and help our economically stricken area to find other means of revenue besides coal and gas. Maps of our entire dealer territory will be distributed on line and in print to every customer we have including the VA area as well. We believe this will be a great opportunity to the City of Norton and hope that you grant our request. Thank you for your time,

Regards,

Clint Meade
General Manager – MineShaft Harley-Davidson

**Resolution Authorizing Application for a Environmental Protection
Agency Brownfield Assessment Grant as Co-Applicant**

WHEREAS, The City of Norton wishes to identify, assess and prepare for redevelopment sites that may have incurred possible environmental contamination; and

WHEREAS, The US Environmental Protection Agency is accepting applications for the Brownfield Area Wide Planning Grant Program; and

WHEREAS, The Guest River Group, of which The City of Norton is a member, has actively worked with other area partners to prepare for an application for this particular funding opportunity; and

WHEREAS, The Wise County government has agreed to act as the lead applicant in a coalition grant, as approved by the Board of Supervisors on September 14, 2017; and

WHEREAS, The town councils of Coeburn and Wise have also indicated their support for a joint application; and

WHEREAS, The City of Norton wishes to partner with the County of Wise, the Towns of Coeburn and Wise in a coalition application; and

WHEREAS, Other organizations in the Guest River Group have committed support.

NOW, THEREFORE, LET IT BE RESOLVED that City Council authorizes the preparation of an EPA Brownfield Area Wide Planning Grant application in an amount not to exceed \$600,000.

ADOPTED this 7th day of November, 2017.

CITY OF NORTON, VIRGINIA

William J. Mays, Mayor

ATTEST:

Clerk



Judy K. Miller
 Commissioner Of The Revenue
 City of Norton

P.O. Box 347
Norton, Virginia 24273-0347

Phone (276) 679-0031
Fax (276) 679-3510

Date: October 18, 2017

To: Barbara Muir
 Treasurer, City of Norton

From: Judy Miller *J.M.*
 Commissioner of the Revenue
 City of Norton

Subject: 2017 Personal Property
 Erroneous Assessment/Refund

<u>Name</u>	<u>Year</u>	<u>Reasoning</u>	<u>Amount</u>
HVT INC. AS TRUSTEE FOR HLT	2017	Vehicle Garaged In Tennessee	\$164.64

If you need any additional information, please let me know.

Thanks.

Cc: Fred Ramey
 City Manager



**COMMUNITY SERVICE RECOGNITION
PRESENTED TO
AMERICORPS NCCC:
SOUTHERN REGION DELTA 5 TEAM**

**IN APPRECIATION OF YOUR
HARD WORK AND DEDICATION TO THE
DEVELOPMENT OF NEW
TRAILS IN THE FLAG ROCK RECREATION AREA.**

**PRESENTED BY
NORTON CITY COUNCIL
TUESDAY, NOVEMBER 7, 2017**



Jon Belka

With Sincere Appreciation for Your
Contribution as Part of the AmeriCorps
NCCC: Southern Region Delta 5 Team
Assigned to Develop Trails in the
Flag Rock Recreation Area.

August 22 – September 18, 2017

Presented By
Norton City Council
November 7, 2017



Michael Andress

With Sincere Appreciation for Your
Contribution as Part of the AmeriCorps
NCCC: Southern Region Delta 5 Team
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August 22 – September 18, 2017

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Cody Carver

With Sincere Appreciation for Your
Contribution as Part of the AmeriCorps
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Renjia Huang

With Sincere Appreciation for Your
Contribution as Part of the AmeriCorps
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Ashley Kallhoff

With Sincere Appreciation for Your
Contribution as Part of the AmeriCorps
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Sylvester Mabry

With Sincere Appreciation for Your
Contribution as Part of the AmeriCorps
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leisha Malone

With Sincere Appreciation for Your
Contribution as Part of the AmeriCorps
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Jacqueline Mills

With Sincere Appreciation for Your
Contribution as Part of the AmeriCorps
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Robert Penick

With Sincere Appreciation for Your
Contribution as Part of the AmeriCorps
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Kaseim Taylor

With Sincere Appreciation for Your
Contribution as Part of the AmeriCorps
NCCC: Southern Region Delta 5 Team
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August 22 – September 18, 2017

Presented By

Norton City Council

November 7, 2017

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



DIVISION SUPERINTENDENT
Gina J. Wohlford
gwohlford@nortoncityschools.org
Phone 276.679.2330
Fax 276.679.4315

TO: Jeff Shupe
FROM: Jacqueline Brooke
SUBJECT: Request for Funds

DATE: September 28, 2017

Norton City Schools requests a deposit of City Funds in the amount of \$175,000 to cover September 2017 payroll expenditures.

Thank you!