

City Council Meeting Packet



March 3, 2020

AGENDA

Norton City Council

March 3, 2020

6:00 P.M.

1. Roll Call
2. Invocation – Rev. Roger Sloce
3. Pledge of Allegiance
4. Approval of Minutes
 1. Meeting of February 4, 2020
5. Audience for Visitors
6. Public Hearing
 - A. Public Hearing Concerning the Intention of the City of Norton, Virginia to Propose for Passage a Resolution Authorizing the Issuance of a General Obligation Taxable Line of Credit Note in a Principal Amount Not To Exceed \$3,000,000.
 1. Public Hearing
 2. Comments by City Council
 3. Consideration by City Council
7. New Business
 - A. Update from the Heart of Appalachia Tourism Authority.
 - B. Authorization to Execute a Memorandum of Agreement Between the Norton Police Department and the Southwest Virginia Children’s Advocacy Center of Mountain Empire Older Citizens.

- C. Proclamation Proclaiming the Month of April as Fair Housing and Endorsing Fair Housing in the City of Norton.
 - D. Confirmation of a Check/Transfer in Excess of \$100,000.
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- 8. Comments by the City Manager, City Attorney, and City Council.
 - 9. Adjournment.

The regularly scheduled meeting of the Norton City Council was held Tuesday, February 18, 2020, at 6:00 p.m., in the Municipal Council Chambers with Mayor Joseph Fawbush presiding.

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

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

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 seconded by Councilwoman Belcher, and passed by the following vote: YES – Mays, Fultz, Fawbush, Caruso, Belcher, NO – None, ABSENT – None, council moved to adopt the minutes of the February 18, 2020, meeting as corrected. In Councilman Caruso's comments the word and number "over 10,000" should have read "tens of thousands."

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

City Council was presented with a request to allow the placement of an MIA/POW Memorial in Veterans Park.

Mr. Ramey presented a PowerPoint presentation showing the proposed location and design of an MIA/POW Memorial. Mr. Ramey said he spoke with Ben A. Foy, Jr., about the project a couple months ago and that Mr. Foy was in attendance to discuss the project with council members.

Mr. Foy said when he visited Norton two years ago he went by Veterans Park and decided this would be a good location for an MIA/POW Memorial. He told council that Rolling Thunder, Inc., Chapter 4 of Tennessee (Rolling Thunder, Inc., TN4), of which he is a board member, has placed 25 MIA/POW memorials throughout the region. Mr. Foy said except for a 4-foot concrete slab, all other materials for the memorial would be provided by Rolling Thunder, Inc., TN4. He told council that he proposes that the MIA/POW Memorial be placed in the front section of Veterans Park to the left of the Veterans Memorial facing Park Avenue. Mr. Foy informed council that once installation is complete the city will be responsible for maintenance. He said he would like to have the project finished and unveiled on Memorial Day. Mr. Foy said the memorial would be a great addition to the city park and that Rolling Thunder, Inc., TN4, would provide an MIA/POW flag to be flown

After a brief discussion and upon a motion by Councilman Mays, seconded by Councilwoman Belcher, and passed by unanimous vote, council moved to approve the request to place an MIA/POW Memorial in Veterans Park with Rolling Thunder, Inc., Chapter 4 of Tennessee, providing all materials for the memorial with the exception of a 4-foot concrete slab which shall be provided by the city.

At this time, Councilman Caruso suggested that the city execute a resolution or proclamation in support of the MIA/POW Memorial for the unveiling.

On behalf of council, Mayor Fawbush thanked Mr. Foy for his hard work on this project and for his dedication to the MIA/POW program.

The next agenda item was an overview of the 2019 Parks and Recreation events and activities which was presented by Norton Parks and Recreation Director Michele Knox.

Via a PowerPoint presentation, Ms. Knox provided council members with a synopsis of the events and activities provided by the department in 2019. She shared with council the various classes held at the Community Center, special activities, summer camps, environmental classes, recycling efforts, and park and shelter information. Ms. Knox said the department collected \$3,695 for Community Center rental fees, \$9,310 in Flag Rock Recreation Area rental fees, and \$920 in Park Shelter rental fees. She noted that the fireworks display for last year's Independence Day celebration went well and many citizens commented on how good the display was for 2019. Ms. Knox said there were nine different camps held for kids in 2019 with a total of 255 campers. She told council Parks and Recreation received a litter prevention grant in the amount of \$4,883 from the Virginia Department of Environmental Quality, and that the department placed cigarette collection cans downtown, participated in The Great American Cleanup, held the annual Clean Poster Contest at Norton Elementary and Middle School, and collected 37,120 pounds or 18.56 tons of recyclables for the year. Ms. Knox told council the department had Senior Intern Ricara Moorman from Berea College in Berea, Kentucky, for seven weeks and noted that Ms. Moorman assisted with the Best Friend Festival and the farmers market, and conducted a theatre camp. Ms. Knox noted she is working on getting donations for upcoming 2020 programs and the department had received a large donation from Ballad Health.

Mr. Ramey commented that Norton is one of only two communities that provides a Parks and Recreation Department for its citizens. The city manager said Ms. Knox works really hard and he appreciates the work she does for Norton citizens and youth.

After a brief discussion, Mayor Fawbush thanked Ms. Knox for the report.

Mr. Ramey provided council with an update on the 2020 Norton Business Challenge Competition.

Mr. Ramey, via a PowerPoint presentation, gave council an overview of past business challenges beginning with the Southwest Virginia Opportunity Challenge in 2013. He told council that the city's first business challenge was held in 2016 and that the purpose of his presentation was to roll out Norton's upcoming business challenge. Mr. Ramey noted that the 2020 business challenge contains a stipulation that the winner of the challenge must locate their business in a storefront in the downtown business district. He informed council that the 2020 Norton Business Challenge is being funded by a \$45,000 Community Business Launch Grant from the Virginia Department of Housing and Community Development (DHCD) and the Norton Industrial Development Authority (NIDA). Mr. Ramey then explained the requirements of this year's challenge, and he said the first class begins on March 25th.

Council had been presented in their packets with a resolution recognizing February 15th – 22nd as National Entrepreneurship Week.

Mr. Ramey said this is the second year that council has recognized National Entrepreneurship Week and the resolution ties directly into the city's efforts to promote entrepreneurship within the city. He told council he felt with the city's business challenge ready to begin in March the timing is appropriate to bring this resolution before council for consideration.

Upon a motion by Councilman Fultz, seconded by Councilman Mays, and passed by unanimous vote, council moved to adopt the resolution recognizing February 15th – 22nd as National Entrepreneurship Week. (Insert)

Included in packets for council consideration was a transfer to Norton City Schools, dated January 21, 2020, in the amount of \$250,000.00 to cover January 24, 2020 payroll expenditures.

Upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by unanimous roll call vote, council moved to confirm the transfer to Norton City Schools, as stated above.

At this time, Mayor Fawbush recognized five University of Virginia's College at Wise (UVA-Wise) students who were in attendance at the meeting. He asked each of them to introduce themselves, state their hometown, and share their purpose for attending the meeting. The students came from throughout the state to attend college in Wise and they came to tonight's meeting because several of them are interested in government.

After a brief discussion, student Katie Akin, of Purcellville, Virginia, thanked the city for its recycling program and told council that Flag Rock Recreation Area and High Knob were great investments. Mr. Ramey then provided the students with trail maps, 2020 Event Calendars, and other information about Flag Rock Recreation Area and High Knob to share with other UVA-Wise students.

Mayor Fawbush thanked the students for attending the meeting and noted council likes to see people involved in local government.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by the following roll call vote: YES – Mays, Fultz, Fawbush, Caruso, and Belcher, NO – None, ABSENT – None, council moved to go into closed meeting for Personnel as per Section 2.2-3711 (A) (1) of the Code of Virginia, as amended.

Mayor Fawbush declared council in closed meeting.

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

Mayor Fawbush declared council back in open meeting.

The clerk polled each member of council as to the Certification of Closed Meeting with each answering yes. The clerk then read a Resolution of the Certification of Closed Meeting.

Upon a motion by Councilman Mays, seconded by Councilman Fultz, and passed by unanimous vote, council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

Mayor Fawbush opened the floor for nominations of a parent representative to the Norton Family Assessment and Planning Team (FAPT).

Councilman Caruso nominated Nikki McElroy to be appointed as the parent representative to the Norton Family Assessment and Planning Team (FAPT).

Upon a motion by Councilman Mays, seconded by Councilman Fultz, and passed by unanimous vote, council moved that the nominations cease.

Mayor Fawbush declared Nikki McElroy appointed as the parent representative to the Norton Family Assessment and Planning Team (FAPT).

Mayor Fawbush opened the floor for nominations to the Building Code Board of Appeals for a five-year term to expire February 18, 2025.

Councilwoman Belcher nominated Stephen McElroy to be reappointed to the Building Code Board of Appeals for a five-year term to expire February 18, 2025.

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

Mayor Fawbush declared Stephen McElroy to be reappointed to the Building Code Board of Appeals for a five-year term to expire February 18, 2025.

In comments from the city manager:

Mr. Ramey advised council there would be a public hearing on the March 3rd council agenda regarding opening a new line of credit.

Mr. Ramey told council city administration has been working on updating city trail maps. He distributed the new trail maps, which are printed on waterproof paper to council members.

Mr. Ramey reminded council that the Virginia Department of Transportation (VDOT) Pedestrian Safety Action Plan (PSAP) Grant is scheduled for bid opening Thursday, February 20th and the Project Intersection Highwall Removal Project is scheduled for bid opening Tuesday, March 10th.

Mr. Ramey told council he provided members with copies of the latest monthly financials and Retail Sales Tax Report.

Mr. Ramey invited council to attend and told members he will not be able to attend the ribbon cutting at noon on Wednesday, February 19th, for Luttrell Staffing Group that recently located in one of the offices behind Wolfe, Williams, Rutherford and Reynolds law office.

Mr. Ramey said weather permitting, a ribbon cutting event for the newly renovated tennis courts at the 11th Street Park is scheduled for Monday, February 24th.

The following comments were made by council members:

Councilman Fultz said he recently had two conversations with citizens who boasted about how impressive Flag Rock Recreation Area, the camp sites, and trails look. He said they told him they have not camped in Flag Rock, but they plan to do so this year.

Councilman Fultz stated he spoke with a person who is in a unique position in the community that enables him/her to recognize that downtown business traffic is heavier today than it has been in the past eight years he/she has been in their position. He said this person told him some unique stories and that people he knows are wanting to relocate to Norton. Councilman Fultz this individual told him the city should take out a billboard ad on Interstate 95 that reads, "Our Drive is Better than Yours," and include photos of open roads and less traffic.

Councilman Fultz shared that seven out of eight of the current year Sales Tax Reports show an increase over last year. He said it appears the city has the opportunity to surpass the most recent best fiscal year of 2015-2016, and the city could potentially get closer to the 2012-2013 fiscal year numbers, if the current trends continue. Councilman Fultz said the increased sales taxes collected in the city represents an increase in sales in the City of Norton of almost eight million dollars. He said this translates into approximately one million dollars per month into the city's businesses which is above last year. Councilman Fultz noted that this economic growth is significant.

Councilman Caruso stated he has been on council for almost 12 years and this is the first year the city has had more than three consecutive months of increased sales tax revenue. He said he is extremely pleased with the Sales Tax Reports.

Councilman Caruso said he would like to see the workshop schedule as soon as possible.

Mr. Ramey said they are working on the schedule and he anticipates to have dates for council at the March 3rd meeting.

Councilman Caruso also asked for just a project workshop for council to be placed on the schedule before the first official meeting.

Councilman Caruso stated a citizen approached him about the Ridge Avenue stacked stone wall and reminded him that the city has been working on this project for over three years, and he wanted to know if the city had received any updated measurements.

Mr. Ramey said the wall had been measured recently, but he did not have the measurement. He said he would get the measurement and provide council with a report on the wall.

Councilman Caruso said he noticed as he entered Council Chambers that the canon needs painted.

Mr. Ramey said the canon needs to be removed and restored and city administration has discussed this repair.

Councilman Caruso said if the canon is not restored, then it needs to be painted.

Councilman Caruso stated before the meeting members talked briefly about cabins on High Knob. He said he would like to talk in detail at one of council's workshops about appropriating additional funds for this project. Councilman Caruso said he has specific details about the project he would like to discuss with council members. He told council that Dan Swanson had approached him about assisting the city with this project and he wanted council to be aware that Mr. Swanson had talked with him about this subject.

Councilman Caruso told members at the same workshop council may want to discuss replacing the bridge that leads out onto Flag Rock. He said there are people who are willing to make significant contributions to replace the bridge.

Councilman Caruso said he would like for the city to move forward on obtaining information or acquiring the old St. Mary's property.

Councilman Caruso said the trash along Trent Street, especially in the curve at the Valero gas station needs to be addressed.

Police Chief James Lane said the judge now assigns fine workers. He said the police department currently has three individuals performing community service and he would have them remove litter in that area.

Councilman Caruso said the city needs to revisit getting the \$500 litter signs and installing them in key locations.

Mayor Fawbush said he, Mr. Ramey, and Councilman Fultz traveled to Richmond last week for the governor's Local Government Exchange Program. He said the city and Wise County were paired with the City of Alexandria. He said the purpose of the exchange program is for local government to experience cultural exchange.

Mr. Ramey then asked the students from UVA-Wise, who are from the area of Alexandria, to help Norton plan the tour of the city for the officials from the City of Alexandria. He asked the students to email their thoughts to him about what they are impressed with in Norton and what they think the city should showcase.

Mayor Fawbush said he thinks the exchange will be interesting.

Mayor Fawbush said the Legislative Reception in Richmond went well and it had record attendance from Southwest Virginia.

Mayor Fawbush said he is looking forward to working on the budget.

There being no further business to come before council, Mayor Fawbush declared the meeting adjourned.

CITY OF NORTON, VIRGINIA

Joseph Fawbush, Mayor

ATTEST:

Rebecca K. Coffey, Clerk of Council

**NOTICE OF PUBLIC HEARING CONCERNING THE INTENTION OF THE CITY OF
NORTON, VIRGINIA TO PROPOSE FOR PASSAGE A RESOLUTION AUTHORIZING
THE ISSUANCE OF A GENERAL OBLIGATION TAXABLE LINE OF CREDIT NOTE
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000**

Notice is hereby given to all interested persons of a public hearing of the City Council (**the “City Council”**) of the City of Norton, Virginia (**the “City”**), to be held on Tuesday, March 3, 2020 at 6:00 p.m. in Council Chambers, 618 Virginia Ave. NW, Norton, VA 24273, concerning the intention of the City Council to propose for passage a resolution entitled “A Resolution of the City of Norton, Virginia, Authorizing the Issuance and Sale of a Not to Exceed \$3,000,000 General Obligation Taxable Line of Credit Note, Series 2020, and Providing for the Form, Details and Payment Thereof,” authorizing the issuance of a taxable line of credit note of the City in the estimated maximum amount of \$3,000,000. The proposed use of the taxable line of credit note is to be used if and as needed to provide an easily accessed source of liquidity for general needs of the City. Persons may appear and present their views at the public hearing. A copy of the full text of the resolution is on file in the office of the City Manager of the City of Norton, at 618 Virginia Ave. NW, Norton, Virginia 24273 and is available for public inspection during normal business hours. Anyone needing assistance or accommodation under the provisions of the Americans with Disabilities Act should call the City Manager’s Office at (276) 679-1160 at least five (5) days in advance of the public hearing.

**CITY COUNCIL
CITY OF NORTON, VIRGINIA**

CITY OF NORTON, VIRGINIA

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO
\$3,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION NOTES OF THE
CITY OF NORTON, VIRGINIA AND PROVIDING FOR THE FORM, DETAILS AND
PAYMENT THEREOF**

Adopted on March 3, 2020

Be it Ordained and Enacted by the Council of the City of Norton, Virginia:

Section 1 Definitions

Unless the context shall clearly indicate some other meaning, the following words and terms shall for all purposes of the Ordinance and of any certificate, resolution or other instrument amendatory thereof or supplemental thereto for all purposes of any opinion or instrument or other documents therein or herein mentioned, have the following meanings:

“**Act**” shall mean the Public Finance Act, Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended.

“**Bond Counsel**” shall mean Sands Anderson PC or another attorney or firm of attorneys nationally recognized on the subject of municipal bonds selected by the City.

“**Business Day**” shall mean any Monday, Tuesday, Wednesday, Thursday or Friday on which commercial banks generally are open for business in the Commonwealth of Virginia.

“**City**” shall mean the City of Norton, Virginia.

“**City Charter**” shall mean the City Charter of the City of Norton, Virginia, Chapter 134 of the 1988 Acts of Assembly, as amended.

“**Clerk**” shall mean the City Clerk.

“**Closing Date**” shall mean the date on which the Notes are issued and delivered to the Noteholder.

“**Commonwealth**” shall mean the Commonwealth of Virginia.

“**Council**” shall mean the City Council of the City of Norton, Virginia.

“**Interest Payment Date**” shall mean the first day of each month, beginning the month following the first advance under the Series 2020 Taxable Line of Credit Note.

“**Lender**” shall mean Powell Valley National Bank.

“**Mayor**” shall mean the Mayor or Vice Mayor of the City.

“**Notes**” shall mean the Series 2020 Taxable Line of Credit Note and any extensions, amendments or supplements thereto, as authorized to be issued hereunder.

“Noteholder” or **“Holder”** shall mean the registered owner of the Notes.

“Outstanding” shall mean, as of a particular date, the Notes authenticated and delivered under this Ordinance except:

- (i) if one or more Notes are cancelled by the City at or before such date;
- (ii) if cash equal to the principal amount of the Notes, with interest to the date of maturity, shall have been deposited with the Paying Agent prior to maturity;
- (iii) the Notes for the redemption or purchase of which cash or noncallable direct obligations of the United States of America, equal to the redemption or purchase price thereof to the redemption or purchase date, shall have been deposited with the Paying Agent, for which notice of redemption or purchase shall have been given in accordance with the Ordinance;
- (iv) the Note in lieu of, or in substitution for which, another Note shall have been authenticated and delivered pursuant to this Ordinance; and
- (v) if such Note is deemed paid under the provisions of Section 8, except that such Note shall be considered Outstanding until the maturity or redemption date thereof only for the purposes of actually being paid.

“Paying Agent” shall mean the City Treasurer acting as Paying Agent hereunder as designated and authorized under Section 3 or the successors or assigns serving as such hereunder.

“Projects” shall mean general cash flow needs of the City, including, but not limited to, grant reimbursement, capital projects, repairs and maintenance for City facilities and funding for economic development purposes.

“Registrar” shall mean the Paying Agent, or the successors or assigns serving as such hereunder.

“Series 2020 Note Maturity Date” shall mean fiveyears following the Closing Date, not later than May 31, 2025.

“Series 2020 Taxable Line of Credit Note” shall mean the City’s not to exceed \$3,000,000 Taxable Revolving Line of Credit Promissory Note, Series 2020 authorized to be issued hereunder.

Section 2 Findings and Determinations

The Council hereby finds and determines that (a) the City has a need for a potential source of liquidity for general cash flow purposes of the City, including, but not limited to, grant reimbursement, capital projects, repairs and maintenance for City facilities and funding for economic development purposes (**together, the “Projects”**) through the issuance of a taxable revolving line of credit note (**the “Series 2020 Taxable Line of Credit Note,” or the “Notes”**), and for costs of issuance of the Series 2020 Taxable Line of Credit Note, (b) the obtaining of additional funds for the Projects through the issuance of the Series 2020 Taxable Line of Credit Note, will be for municipal purposes of the City, will benefit the health, safety and welfare of the citizens of the City, all for purposes which will serve the City, (c) the most effective, efficient and expedient manner in which to provide such funds is by the issuance of a taxable revolving line of credit note in the maximum principal amount not to exceed \$3,000,000 issued by the City as further described herein to be sold to the Lender as Noteholder, which has offered to purchase the same, the issuance of such Notes being within the power of the City to contract debts, borrow money and make and issue evidence of indebtedness, and (d) the issuance of the Notes is in the best interests of the City and its citizens.

Section 3 Authorization, Form and Details of the Notes

There is hereby authorized to be issued a taxable revolving line of credit note for purposes of providing funds for the Projects, to pay certain costs of issuance of the Series 2020 Taxable Line of Credit Note and for payment of interest on the Series 2020 Taxable Line of Credit Note, all as described in Section 2 above. The Series 2020 Taxable Line of Credit Note authorized herein shall be designated “Taxable Revolving Line of Credit Promissory Note, Series 2020”, shall bear interest payable monthly in arrears on the first day of each month commencing the first month following an advance thereunder with principal payable on the Series 2020 Note Maturity Date (not later than May 31, 2025), at a rate per annum not to exceed 3.95% in accordance with the Lender’s written proposal to purchase the Series 2020 Taxable Line of Credit Note, and shall mature on the Series 2020 Note Maturity Date, in accordance with the provisions herein and with the ability of the City to draw down as needed. The Series 2020 Taxable Line of Credit Note is subject to redemption prior to maturity at the option of the City in whole or in part, at any time without penalty.

The Notes are hereby authorized to be issued under the City Charter and the Act. The Notes shall bear interest from the date on which the Notes are authenticated. Interest on the Notes shall be computed on the basis of 30-day months and a 360-day year.

Principal of, and interest on, the Notes shall be payable in lawful money of the United States of America. Principal of and interest on the Notes shall be payable by wire transfer to the registered holder on the payment dates of the Notes.

The Notes shall be printed, lithographed or typewritten and shall be substantially in the form herein below set forth, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance, including such variations, insertions and omissions as shall be necessary to issue the Notes under a system of book-entry for recording the ownership and transfer of ownership of rights and to receive payments of principal of and interest on the Notes and may have endorsed thereon such legends or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

If any principal of, or interest on, the Notes is not paid when due (whether at maturity, by acceleration or call for redemption, or otherwise), then, to the extent permitted by law, the overdue installments of principal shall bear interest until paid at the same rate as set forth in the Notes.

The Notes shall be signed by the facsimile or manual signature of the Mayor. The facsimile of the City's seal shall be printed thereon or manually impressed thereon and attested by the facsimile or manual signature of the Clerk. In case any officer whose signature or facsimile of whose signature shall appear on the Notes shall cease to be such officer before delivery of the Notes, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he remained in office until such delivery. The Notes may bear the facsimile signature of or may be signed by such persons as at the actual time of the execution thereof shall be the proper officers to sign the Notes although on the date of delivery of the Notes such persons may not have been such officers.

The Notes shall bear a certificate of authentication, in the forms set forth below, duly executed by the Registrar. The Registrar shall authenticate the Notes with the signature of an authorized officer of the Registrar. Only the authenticated Notes shall be entitled to any right or benefit under this Ordinance, and such certificate on the Notes issued hereunder shall be conclusive evidence that such Notes have been duly issued and are secured by the provisions hereof.

The Paying Agent shall act as Registrar and shall maintain Registration Books for the registration and the registration of transfer of the Notes. The City Treasurer is hereby designated and authorized to act as Paying Agent and Registrar hereunder. The transfer of the Notes may be registered only on the books kept for the registration and registration of transfer of the Notes upon surrender thereof to the Registrar together with an assignment duly executed by the registered holder in person or by his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar. Upon any such transfer, the City shall execute and the Registrar shall authenticate and deliver, in exchange of the respective Note, a new registered Note registered in the name of the transferee of the same series, maturity and interest rate as the Note so exchanged in any denomination or denominations authorized by this Ordinance.

The Registrar shall not be required to make any such registration or registration of transfer during the fifteen (15) days immediately preceding an Interest Payment Date, the Maturity Date or a redemption date.

Prior to due presentment for registration of transfer for the Notes, the Registrar shall treat the registered holder as the person exclusively entitled to payment of principal of, premium, if any, and interest on, the respective Note and the exercise of all other rights and powers of the Holder.

If any Note has been mutilated, lost or destroyed, the City shall execute and the Registrar shall authenticate and deliver a new Note of like date and tenor in exchange or substitution for, and upon cancellation of, such mutilated Note or in lieu of and in substitution for such lost or destroyed Note; provided, however, that the City and the Registrar shall execute, authenticate and deliver such Note only if the Holder has paid the reasonable expenses and charges of the City and the Registrar in connection therewith and, in the case of a lost or destroyed Note, has furnished to the City and the Registrar (a) evidence satisfactory to them that such Note was lost or destroyed and the Holder was the Owner thereof and (b) indemnity satisfactory to them. If the Note has matured, instead of issuing a new Note, the Registrar may pay the same without surrender thereof upon receipt of the aforesaid evidence and indemnity.

If any Note has been paid (whether at maturity, by acceleration or otherwise) or delivered to the Paying Agent for cancellation, such Note shall not be reissued and the Registrar shall, unless otherwise directed by the City, cremate, shred or otherwise dispose of such Note. The Registrar shall deliver to the City a certificate of any such cremation, shredding or other disposition of such Note.

The Series 2020 Taxable Line of Credit Note and the Certificate of Authentication shall be substantially in the following form, to-wit:

“FORM OF SERIES 2020 TAXABLE LINE OF CREDIT NOTE”

No. N-1

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA, CITY OF NORTON
TAXABLE REVOLVING LINE OF CREDIT
GENERAL OBLIGATION PROMISSORY NOTE,
SERIES 2020**

Registered Holder: _____ **Dated:** _____, 2020
Maturity Date: April __, 2025

Principal Sum: _____ **Interest Rate: Not to exceed 3.95% on
advances hereunder**

KNOW ALL MEN BY THESE PRESENTS, that the City of Norton, Virginia (hereinafter sometimes referred to as the “City”), a municipal corporation and city of the Commonwealth of Virginia, for value received hereby promises to pay to the registered holder (named above), or assigns, on the Maturity Date (specified above), subject to prepayment or prior redemption as hereinafter provided, the Principal Sum (specified above) or such lesser sum as may be advanced and outstanding hereunder from time to time, by wire transfer to the registered holder on the payment dates set forth below by the Norton City Treasurer, Norton, Virginia, (the “Paying Agent”), and to pay interest on said Principal Sum, from the date of authentication hereof until the payment of said Principal Sum by wire transfer to the registered holder on the payment dates set forth below, at the Interest Rate (specified above) payable in arrears on the first day of each month (each an “Interest Payment Date”). The final payment due hereunder in the amount of the principal advances outstanding on this Note and interest thereon at the rate above is due and payable in full on _____, 2025.

[Advances hereunder shall be in a minimum of \$_____ increments.]

This Note shall be subject to redemption, at the option of the City, at any time in whole or in part, without penalty, at any time. The City may draw funds, repay and draw additional funds, and the Holder may advance and readvance under this Note respectively from time to time, as marked on the attached Schedule I, until the maturity hereof (each an "Advance" and together the "Advances"), so long as the total indebtedness outstanding at any one time does not exceed the principal amount stated on the face of this Note.

Both principal of and interest on this Note are payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts.

It is hereby certified, recited and declared that all acts, conditions and things required to have happened, to exist and to have been performed precedent to and in the issuance of this Note do exist, have happened and have been performed in regular and due time, form and manner as required by law; that this Note does not exceed any constitutional, statutory or charter limitation of indebtedness; and that provision has been made for the payment of the principal of, and interest on, this Note as provided in the Ordinance.

No registration, transfer or exchange of this Note shall be permitted within fifteen (15) days of a payment date, the Maturity Date or the date of prepayment or redemption of this Note.

This Note is authorized and issued under and pursuant to and in compliance with the Constitution and laws of the Commonwealth of Virginia, including the City Charter of the City of Norton, Virginia (Chapter 134 of the 1988 Acts of Assembly, as amended) and Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended, the same being the Public Finance Act, and the Ordinance duly adopted under said Chapter by the City Council on March 3, 2020 (**the "Ordinance"**).

This Note shall bear interest from the date on which this Note is authenticated but only on the amounts advanced hereunder and outstanding from time to time. Interest on this Note shall be computed on the basis of 30-day months and 360-day year.

This Note is transferable only upon the registration books kept at the office of the Registrar by the registered holder hereof, or by his duly authorized attorney, upon surrender of this Note (together with a written instrument of transfer, satisfactory in form to the Registrar, duly executed by the registered holder or his duly authorized attorney, which may be the form endorsed hereon) and subject to the limitations and upon payment of the charges, if any, as provided in the Ordinance, and thereupon as provided in the Ordinance a new Note, in the aggregate principal amount and of the same series, interest rate and maturity as the Note surrendered, shall be issued in exchange therefor. The City and the Registrar shall deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon and for all other purposes whatsoever.

THIS NOTE IS A GENERAL OBLIGATION OF THE CITY FOR THE PAYMENT OF WHICH THE CITY'S FULL FAITH AND CREDIT ARE IRREVOCABLY PLEDGED. THE CITY COUNCIL IS AUTHORIZED AND REQUIRED TO LEVY AND COLLECT ANNUALLY AT THE SAME TIME AND IN THE SAME MANNER AS OTHER TAXES OF THE CITY ARE ASSESSED, LEVIED AND COLLECTED, A TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY,

OVER AND ABOVE ALL OTHER TAXES AUTHORIZED OR LIMITED BY LAW AND WITHOUT LIMITATION AS TO RATE OR AMOUNT, SUFFICIENT TO PAY WHEN DUE THE PRINCIPAL OF AND PREMIUM, IF ANY, AND INTEREST ON THE NOTE, TO THE EXTENT OTHER FUNDS OF THE CITY ARE NOT LAWFULLY AVAILABLE AND APPROPRIATED FOR SUCH PURPOSE.

Reference is hereby made to the Ordinance and to all of the provisions thereof to which any holder of this Note by his acceptance hereof hereby assents, for definitions of terms; the description of and nature and extent of the security for this Note; the conditions upon which the Ordinance may be amended or supplemented without the consent of the holder of this Note and upon which it may be amended only with the consent of the holder of this Note affected thereby; the rights and remedies of the holder hereof with respect hereto; the rights, duties and obligations of the City; the provisions discharging the Ordinance as to this Note and for the other terms and provisions of the Ordinance.

This Note shall not be valid or obligatory for any purpose unless the certificate of authentication hereon has been duly executed by the Registrar and the date of authentication inserted hereon.

IN WITNESS WHEREOF, the City of Norton, Virginia, by its City Council has caused this Note to be signed by the Mayor and attested by the City Clerk, by their manual or facsimile signatures, and its seal to be impressed or imprinted hereon, and this Note to be dated as set forth above.

(SEAL)

City Clerk

Mayor

CERTIFICATE OF AUTHENTICATION

This Note is the Series 2020 Taxable Line of Credit Note described in the within-mentioned Ordinance.

**REGISTRAR - CITY OF NORTON, VIRGINIA
TREASURER**

By: _____
Norton City Treasurer

DATE OF AUTHENTICATION:

_____, 2020

Section 4 Proceeds of the Notes

Proceeds of the Series 2020 Taxable Line of Credit Note shall be disbursed directly to the City as such amounts are drawn thereon for use on the Projects and shall not be held in or deposited to any fund or account.

Section 5 Payments of the Notes

There shall be no separate bond fund or account established for the Series 2020 Taxable Line of Credit Note. Payments of interest and principal thereunder shall be made directly to the Noteholder in accordance with the terms of the Series 2020 Taxable Line of Credit Note.

Section 6 Accounts Within Funds

Any fund or account created by this Ordinance may contain such accounts or subaccounts as may be necessary for the orderly administration thereof.

Section 7 Investment of Funds

The City shall separately invest and reinvest any monies held in the funds established by this Ordinance in investments which would mature in amounts and at times so that the principal of, premium, if any, and interest on, the Notes can be paid when due at maturity thereof.

Permissible investments include investments in securities that are legal investments under Chapter 45 of Title 2.2 of the Code of Virginia of 1950, as amended (Section 2.2-4500 *et seq.*) and which are otherwise in compliance with Section 15.2-2619 of the Act.

Section 8 Defeasance

The obligations of the City under this Ordinance and covenants of the City provided for herein shall be fully discharged and satisfied as to the Notes shall no longer be deemed to be Outstanding thereunder when the Notes shall have been purchased by the City and cancelled or destroyed, when the payment of principal of the Notes, plus interest on the principal to the due date thereof either (a) shall have been made or (b) shall have been provided for by irrevocably depositing with the Paying Agent for the Notes, money sufficient to make such payment, or direct and general obligations of, or obligations the principal of, and interest on, which are guaranteed by, the United States of America, maturing in such amounts and at such times as will insure the availability of sufficient monies to make such payment.

Section 9 General Obligation

The Council, in accordance with Section 15.2-2624 of the Act, is hereafter authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of

the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any and interest on the Notes, to the extent other funds of the City are not lawfully available and appropriated for such purpose.

Section 10 Event of Default

Each of the following shall constitute an event of default hereunder:

- a. Failure to pay the principal of the Notes when due;
- b. Failure to pay interest on the Notes when due;
- c. Failure of the City to perform any other covenant or agreement contained in this Ordinance, which failure shall have continued for 60 days after the notice thereof from the Holders of not less than twenty percent (20%) of the Notes Outstanding; provided, however, that if any such failure shall be such that it cannot be cured or corrected within a 60-day period but is, in fact, susceptible of cure or correction, it shall not constitute an Event of Default if curative or corrective action is instituted within said period and diligently pursued until the failure of performance is cured or corrected;
- d. The instituting of any proceeding with the consent of the City for the purpose of effecting composition between the City and its creditors or for the purpose of adjusting the claims of creditors pursuant to any federal or state statute; or
- e. If the City for any reason shall be rendered incapable of fulfilling its obligations under this Ordinance.

Upon the occurrence of an Event of Default, the Holders of not less than twenty-five percent (25%) in principal amount of the Notes then Outstanding may declare the principal of all of the Outstanding Notes and all accrued and unpaid interest thereon to be due and payable immediately. This provision is subject to the condition that if, at any time after such declaration and before any such further action has been taken, all arrears of interest on, and principal of, the Notes shall have been paid and all other Events of Default, if any, which shall have occurred have been remedied, then the Holders of such majority in principal amount of the Outstanding Notes may waive such default and annul such declaration.

If an Event of Default shall have occurred and be continuing, then the Holders of not less than twenty-five percent (25%) in principal amount of the Notes then Outstanding may call a meeting of the Holders of the Notes for the purpose of selecting a Noteholders' committee (**the "Noteholders Committee"**). At such meeting the Holders of not less than a majority in principal amount of the Outstanding Notes must be present in person or by proxy in order to constitute a quorum for the transaction of business. A quorum being present at such meeting, the

Noteholders present may, by a majority of the votes cast, elect one or more persons who may or may not be Noteholders to the Noteholders' Committee. The Noteholders' Committee is empowered to exercise, as trustee for the Noteholders, all the rights and powers conferred on the Noteholders in the Ordinance.

In case an Event of Default shall occur, subject to the provisions referred to in the preceding paragraph, the Holders of the Outstanding Notes shall have the right to protect the rights vested in such Holder by the Ordinance by such appropriate judicial proceeding as such Holder shall determine either by suit in equity or by action at law.

Section 11 Enforcement by Noteholder

The Holder of the Notes may by mandamus or other appropriate proceeding at law or in equity in any court of competent jurisdiction, enforce and compel performance of this Ordinance and every provision and covenant thereof, including without limiting the generality of the foregoing, the enforcement of the performance of all obligations and duties and requirements to be done or performed by the City by the Ordinance or by the applicable laws of the Commonwealth.

Section 12 Modification of Ordinance

The City may without the consent of any Noteholder make any modification or amendment of this Ordinance required to cure any ambiguity or error herein contained or to make any amendments hereto or to grant to the Noteholders additional rights.

The Holders of not less than sixty-six and two-thirds percent (66-2/3%) in principal amount of the Outstanding Notes shall have the power to authorize any modifications to this Ordinance affecting the Outstanding Notes proposed by the City other than as permitted above; provided that without the consent of the Holder of the Notes affected thereby, no modifications shall be made which will (a) extend the time of payment of principal of, or interest on, the Notes or reduce the principal amount thereof or the rate of interest thereon or any alteration of prepayment provisions; (b) give to the Notes any preference over any other note or bond secured equally and ratably therewith; (c) deprive the Noteholders of the security afforded by this Ordinance, or (d) reduce the percentage in principal amount of the Notes required to authorize any modification to the Ordinance.

Section 13 Further Actions Authorized

The Mayor and City Clerk and the City Manager, City Finance Director, City Treasurer, and all other officers, employees and agents of the City are hereby authorized and directed to take any and all such further action and to modify such documents and terms relating to the issuance of the Notes, including but not limited to the terms of payment, amounts, dates, redemption dates and terms and entering into a Loan Agreement or other agreement in

connection with the Series 2020 Taxable Line of Credit, as shall be deemed necessary, appropriate or desirable in order to effectuate delivery of, and payment for, the Notes all in accordance with the Ordinance. The signature of such officers on such documents or certificates shall be conclusive evidence of such determination.

Furthermore, terms and provisions of the Notes may be subsequently modified by a resolution of the Council as may be deemed necessary, appropriate or desirable without modifying this Ordinance and without further public hearing.

Section 14 Invalidity of Sections

If any section, paragraph, clause or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining portions of this Ordinance.

Section 15 Headings of Sections, Table of Contents

The headings of the sections of this Ordinance and the Table of Contents appended hereto or to copies hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of such sections of this Ordinance.

Section 16 Effectiveness and Filing of Ordinance

The Council hereby declares in the public interest that an emergency exists and that this Ordinance shall become effective upon its passage as provided for in the Act and as an emergency measure pursuant to Section 4.6 of the City Charter and the requirement of two readings has been dispensed with by the affirmative vote of three of the members of Council. A certified copy of this Ordinance shall be filed by the Clerk with the Clerk of the Circuit Court of the County of Wise, Virginia. The filing of this Ordinance with the Clerk of the Circuit Court of the County of Wise, Virginia shall be deemed to be the filing of an initial resolution or ordinance with such Court for all purposes of the Act.

The Members of the Council voted as follows:

<u>Ayes</u>	<u>Nays</u>
<u>Absent</u>	<u>Abstentions</u>

Adopted this 3rd day of March, 2020.

The undersigned City Clerk of the City of Norton, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on March 3, 2020, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly called meeting and that, during the consideration of the foregoing ordinance, a quorum was present and action was taken in an open meeting.

Dated this ____ day of _____, 2020.

City Clerk
City of Norton, Virginia

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City of Norton

Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager 
CC:
Date: February 14, 2020
Re: Heart of Appalachia Tourism Authority

A representative of the Heart of Appalachia Tourism Authority will provide City Council with an update of their activities.

Thank You.

Memorandum of Understanding

The City of Norton acting through Norton City Police Department (NCPD) and Southwest Virginia Children’s Advocacy Center (CAC) of Mountain Empire Older Citizens, Inc., agree to the following measures that will enable all parties to provide family violence prevention, intervention, or treatment services in Wise, Lee, Scott, Dickenson Counties, and City of Norton, Virginia in accordance to the investigative protocol.

Norton City Police Department (NCPD) agrees to:

1. Provide services to victims of domestic violence, sexual violence, and child abuse.
2. Participate in the establishment or continuation of multidisciplinary team meetings involving child abuse victims/witnesses.
3. Will work closely with victims of domestic violence, sexual violence, and with child abuse victims in the preparation of trial strategies and will work to ensure that the victim understands and is comfortable with the process.
4. Participate in joint forensic interviews with child victims of abuse, at the CAC when possible
5. Participate in training that will further the purpose of providing services to victims of domestic violence, sexual violence and child abuse and with successful prosecution in these cases.
6. Refer victims to other participating community partners, with the permission of the victim.
7. Make referrals to the CAC in cases involving child victims of sexual abuse, severe physical abuse and/or witness to violence
8. Participate in the Healthy Families/Children’s Advocacy Center Advisory Board

Southwest Virginia CAC/MEOC agrees to:

- i. Provide trauma-focused mental health treatment to child victims of sexual abuse, severe physical abuse and/or witness to violence
- ii. Schedule forensic interviews at CAC for child victims of sexual abuse
- iii. Conduct support groups for non-offending caregivers
- iv. Facilitate the multidisciplinary team approach to child abuse investigation, prosecution and treatment
- v. Provide information to public on family violence issues, including child sexual abuse
- vi. Provide referrals for intervention and treatment to partner agencies
- vii. Conduct child abuse prevention activities in the community
- viii. Hold quarterly CAC Advisory Council meetings
- ix. Provide information and assistance in filing victim compensation claims

This agreement remains in effect for two (2) years from this date forward or until terminated with thirty (30) days prior written notice. This agreement may be amended as mutually agreed upon by both parties.

Name _____ Title _____ Date:

Name _____ Title _____ Date:

PROCLAMATION

BE IT known by all persons that the following Proclamation by the City of Norton, Virginia, endorsing the concept of Fair Housing, was duly adopted and approved on the 3rd day of March, 2020:

WHEREAS, discrimination in the sale, purchase, rental, or financing of housing against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability will be prohibited by the City Council of the City of Norton, and

WHEREAS, the City Council of the City of Norton does hereby designate the City Manager as the Fair Housing Administrator to investigate all complaints of fair housing discrimination;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norton, Virginia, hereby:

- endorses the concept of Fair Housing within the City of Norton
- adopts the month of April 2020 as Fair Housing Month.

ADOPTED this the 3rd day of March, 2020.

CITY OF NORTON, VIRGINIA

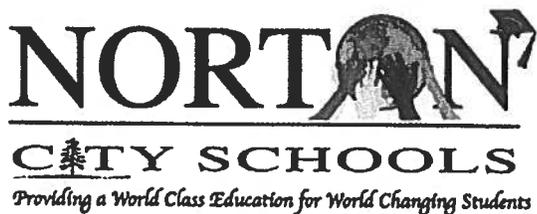
Joseph Fawbush, Mayor

ATTEST

Clerk of Council

SCHOOL BOARD

Cody McElroy, Chairperson
Dr. Wes Campbell, Vice-Chairperson
Sherry Adams
Carol Caruso
Mark Leonard



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

COPY

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

DATE: February 26, 2020

Norton City Schools requests a deposit of City Funds in the amount of \$150,000 to cover February payroll expenditures.

Thank you!