

City Council Meeting Packet



August 4, 2020

AGENDA

Norton City Council

August 4, 2020

6:00 P.M.

1. Roll Call
2. Invocation
3. Pledge of Allegiance
4. Approval of Minutes
 1. Meeting of July 21, 2020
5. Audience for Visitors
6. New Business
 - A. Request for Special Use Permit from Lincoln Road Coffee House.
 - B. Update from the Norton Rescue Squad.
 - C. Consideration of a Memorandum of Understanding Between the City of Norton and the City of Bristol, VA on Behalf of the Division 4 Technical Rescue Team.
 - D. CARES Act Funding Update.
 - E. Downtown Revitalization Project Update.
 - F. Confirmation of a Check/Transfer in Excess of \$100,000.
 - G. Closed Meeting for Personnel as Per Section 2.2-3711 (A) (1) of the Code of Virginia as Amended.

1. Appointment to the Black Diamond Rural Conservation Development Council for a Two-Year Term, Currently Adam Wells Whose Term Expires 07/1/20.

To 07/1/22

2. Appointment to the Department of Social Services Board for a Four-Year Term, Currently Vicki Stidham Whose Term Expires 08/5/20.

To 08/5/24

7. Comments by the City Manager, City Attorney, and City Council.
8. Adjournment.

The regularly scheduled meeting of the Norton City Council was held Tuesday, July 21, 2020, at 6:00 p.m., in the Municipal Council Chambers with Mayor Joseph Fawbush presiding.

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

Also Present: Fred L. Ramey, Jr., City Manager, and Jeffery L. Shupe, Finance Director

Absent: Councilman Mark Caruso

The invocation was given by Councilman Robert Fultz and was followed by the Pledge of Allegiance led by Mr. Ben A. Foy, Jr., board member of Rolling Thunder, Inc., Chapter 4 of Tennessee (Rolling Thunder, Inc., TN4).

Upon a motion by Councilman Mays, seconded by Councilman Fultz, and passed by the following unanimous vote: YES – Mays, Fultz, Belcher, Fawbush NO – None, ABSENT – Caruso, council moved to adopt the minutes of the June 30, 2020, meeting as presented.

During the Mayor's Call for Visitors, Mr. Ron Norris, owner of NorrisBuilt Fabrication, 520 Kentucky Avenue S.W., spoke briefly to council regarding Governor Ralph Northram's recent announcement to step up enforcement of the state's mask mandate by giving local health departments the authority to revoke a company's business license if the business does not enforce the governor's mask mandate due to COVID-19. Mr. Norris explained the work his company performs and said that for safety reasons and health restrictions some of his employees cannot wear a mask. He wanted to know council's position on revoking his company's city business license due to the inability of some of his employees not being able to wear a mask.

After a brief discussion, Mayor Fawbush informed Mr. Norris that his question was a legal matter and council would need to consult with the city attorney and get back with him on the issue.

A public hearing was held to solicit comments on a proposed Ordinance Adding Article XI to the City Code to Implement a Local Hospital Provider Assessment in the City.

Mr. Ramey told council that Norton Community Hospital Chief Executive Officer and Vice President Mark Leonard approached council on June 2nd regarding a local hospital assessment fee that would allow Norton Community Hospital to be compensated for unreimbursed costs of treating Medicaid patients by the city assessing a local hospital fee for the next seven years. Mr. Ramey said City Attorney William Bradshaw prepared an ordinance that addresses the statutory regulations of the Code of Virginia and meets the financial concerns city administration had regarding the city's financial position when applying for grants or other funding. Mr. Ramey said the percentage rate is six percent but the assessment fee is not known at this time; however, the ordinance is ready for council's consideration.

After Mr. Leonard answered a few questions from council, Mayor Fawbush opened the public hearing.

There being no public comment, Mayor Fawbush closed the public hearing.

Upon a motion by Councilman Mays, seconded by Councilwoman Belcher, and passed by unanimous roll call vote, council moved to adopt an Ordinance Adding Article XI to the City Code to Implement a Local Hospital Provider Assessment in the City. (Insert)

A public hearing was held to receive comments on a Proposed Community Development Block Grant (CDBG) Proposal to be Submitted to the Virginia Department of Housing and Community Development (DHCD) for the Norton City – Small Business Recovery Assistance Project.

Mr. Ramey said this is the second public hearing for a potential application for grant funding to assist local businesses in recovery due to COVID-19. He said the original intent of the public hearing was for each locality to apply for funding separately and work individually with LENOWISCO Planning District which would manage funding for each locality. Mr. Ramey said it has since been determined that one applicant for the region, the City of Norton, will apply for funding on behalf of the region and manage the program.

LENOWISCO Planning District senior planner Frank Kibler, was present to inform council about the process. He said that DHCD suggested that all four counties and the city submit one block grant application for the region. Mr. Kibler said the city will be the grant applicant for a total request of \$1,600,000, which will be distributed as follows: Scott and Lee Counties - \$500,000 each; and Wise County and the City of Norton - \$300,000 each. He said LENOWISCO will assist the city with the guidelines for how the funding may be spent and there will be an oversight committee handling the business applications which will make it easier on all localities.

After a brief discussion, Mayor Fawbush opened the second public hearing.

There being no public comment, Mayor Fawbush closed the second public hearing.

Upon a motion by Councilman Fultz, seconded by Councilman Mays, and passed by the following unanimous roll call vote: YES – Fultz, Mays, Belcher, Fawbush, NO – None, ABSENT – Caruso, council moved to authorize city administration to submit a regional application on behalf of Scott, Lee, and Wise Counties and the City of Norton for a Community Development Block Grant (CDBG) Proposal to the Virginia Department of Housing and Community Development (DHCD) for the Small Business Recovery Assistance Project and for the City of Norton to act as the fiscal agent for the grant. (Insert)

In council's packets was a Resolution of Compliance that included the following required documents related to a Community Development Block Grant: Resolution to Appropriate Funds; Local Business and Employment Plan; Non-Discrimination Policy; Anti-Displacement Plan; and Fair Housing Certification.

Mr. Ramey advised that as part of any CDBG application, the city is required to provide resolutions, certifications, plans, and policies as part of the application, review, and approval process.

Upon a motion by Councilwoman Belcher, seconded by Councilman Mays, and passed by unanimous vote, council moved to adopt a Resolution of Compliance related to a Community Development Block Grant. (Insert)

The next item was an update on the MIA/POW Memorial in Veterans Park.

The city manager, via a PowerPoint Presentation, presented members with an update on the project and told council the city installed a 4-foot concrete pad for the project and members of the Rolling Thunder, Inc., Chapter 4 of Tennessee (Rolling Thunder, Inc., TN4) installed the memorial. Mr. Ramey then introduced Mr. Foy to discuss the memorial dedication.

Mr. Foy thanked the city and city employees for assisting in the installation of the MIA/POW Memorial and noted that city workers helped a great deal with installation of the memorial. He said dedication will be at noon on Saturday, August 8th. Mr. Foy noted that in case of inclement weather, Park Avenue Theatre has offered the use of their facility for the

dedication. He said flowers were placed at the memorial and he thanked Rolling Thunder, Inc., Chapter 4 of Tennessee for endorsing the installation of the memorial in Norton's Veterans Park.

Mayor Fawbush thanked Mr. Foy for his effort and vision in making this project a reality and noted that the MIA/POW Memorial is very fitting in Veterans Park.

Council had been presented with a Resolution in Support of the City's Transportation Goals and Objectives from Strategically Targeted and Affordable Roadway Solutions (STARS) Report, Rural Long-Range Plan for 2035, the Virginia Department of Transportation's (VDOT) Six-Year Plan, and the city's Capital Plan.

Mr. Ramey told council that VDOT currently requires a resolution indicating council's support for any application submission. He said that council had actually authorized the application previously when council authorized city administration to submit two SmartScale pre-applications. Mr. Ramey said he was recently notified that the final applications are due in early August and that VDOT requested that communities review all transportation goals. Mr. Ramey told council that he created a list of the city's main transportation goals using the recently completed STARS study, regional Rural Long-Range Plan for 2035, and the city's Capital Improvement Plan to prioritize the projects into short-term, mid-term, and long-term goals to attach to the VDOT resolution. He noted that the city's transportation goals will become part of the city's Capital Improvement Program (CIP) each year and that the city's objectives will move throughout the various goals as projects are addressed.

Upon a motion by Councilwoman Belcher, seconded by Councilman Mays, and passed by unanimous vote, council moved to adopt a Resolution in Support of the City's Transportation Goals and Objectives from Strategically Targeted and Affordable Roadway Solutions (STARS) Report, Rural Long-Range Plan for 2035, the Virginia Department of Transportation's (VDOT) Six-Year Plan, and the city's Capital Plan. (Insert)

Also included in packets for council consideration was a transfer to Norton City Schools, dated June 3, 2020, in the amount of \$156,000 for the school board building purchase appropriated at the June 2, 2020, council meeting.

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

Upon a motion by Councilwoman Belcher, seconded by Councilman Fultz, and passed by the following roll call vote: YES – Fultz, Mays, Belcher, Fawbush, NO – None, ABSENT – Caruso, 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 Councilwoman Belcher, seconded by Councilman Mays, 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 to the Heart of Appalachia Tourism Authority for a two-year term to expire July 1, 2022.

Councilwoman Belcher nominated Beth Walker to be reappointed to the Heart of Appalachia Tourism Authority for a two-year term to expire July 1, 2022.

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

Mayor Fawbush declared Beth Walker reappointed to the Heart of Appalachia Tourism Authority, as stated above.

Mayor Fawbush opened the floor for nomination to the Appalachian Community Action and Development Agency, Inc., for a five-year term to expire July 21, 2025.

Councilman Fultz nominated Cecil Abe Rutherford III to be appointed to the Appalachian Community Action and Development Agency, Inc., for a five-year term to expire July 21, 2025.

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

Mayor Fawbush declared Cecil Abe Rutherford to be appointed to the Appalachian Community Action and Development Agency, Inc., as stated above.

In comments from the city manager:

Mr. Ramey informed council that the Virginia Department of Labor and Industry (DOLI) has developed emergency temporary standards for preventing the spread of COVID-19 and to protect Virginia's workers. He said there is a quick deadline requiring the city to meet these standards and he is asking council's authorization in the form of a motion for city administration to work directly with the city attorney and the city's insurer to set forth basic policies and procedures for meeting these statutory requirements.

Upon a motion by Councilwoman Belcher, seconded by Councilman Fultz, and passed by unanimous vote, council moved to authorize city administration to work directly with the city attorney and the city's insurer to set forth basic policies and procedures for meeting these statutory requirements.

Mr. Ramey told council the Pedestrian Safety Action Plan (PSAP) project is progressing nicely.

Mr. Ramey said the Water Treatment Plant received a 2019 Excellence in Waterworks Operation and a copy of the award is provided at each member's desk.

Mr. Ramey provided council with copies of the latest financials and the High Knob and Flag Rock Recreation Area traffic counts.

Mr. Ramey also distributed the latest Retail Sales Tax Report.

The following comments were made by council members:

Councilman Fultz said downtown is looking good and noted that he observed the PSAP contractor working on Sunday.

Councilman Fultz commented that a few years ago over 25 downtown storefronts were vacant, but that situation has significantly improved.

Councilman Fultz stated the sales tax report is positive and he remains cautiously optimistic, but he is still concerned about specific businesses that have not had an opportunity to do as well during the pandemic. He is hopeful the city can do something with the CDBG grant for these businesses.

Councilman Fultz stated that he would not be in favor of revoking a company's business license for not enforcing the governor's mask mandate. He said he wants to be careful but threatening businesses is troubling to him.

Councilman Fultz said school starts back in two weeks with classes being held at school Monday through Thursday and virtually on Fridays.

Councilwoman Belcher noted that downtown is looking impressive and that she is glad to see one business moving back to the business district.

Councilwoman Belcher commented that she saw work being done on the Coke sign.

Councilwoman Belcher said common sense goes a long way when dealing with COVID-19 and everyone knows what needs to be done to stop the spread of the disease.

Councilwoman Belcher stated she is pleased to see the Sales Tax Report improving.

Councilwoman Belcher told Police Chief James Lane if the police department ever needed any help to contact her.

Councilwoman Belcher thanked city staff for their efforts in keeping the city running.

Mayor Fawbush said he participated in on a conference call with the city manager and noted that city had invested approximately \$60,000 in downtown and that business owners had invested over half a million dollars.

Mayor Fawbush said he is impressed with the new downtown crosswalks. He noted that the crosswalks and ramps are a nice improvement to downtown.

Mayor Fawbush told Police Chief James Lane his department will probably receive numerous calls regarding individuals not wearing the mandated face masks but to continue keeping the peace.

Mayor Fawbush stated he agreed with Councilwoman Belcher in practicing common sense and utilizing protocols currently in place to stop the spread of COVID-19.

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



Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: July 31, 2020
Re: Special Use Permit

A representative of Lincoln Road Coffee House, a new business opening soon in Downtown Norton, would like to request Council's consideration of a Special Use Permit to use City property.

Thank You.

Inter-Office Memo



To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: July 31, 2020
Re: Norton Rescue Squad

The City's Emergency Services Coordinator, Todd Lagow, will provide City Council with an update of the Norton Rescue Squad activities and a financial overview using statistics from their 2019 Tax Return.

Thank You.

**THE CITY OF BRISTOL, ON BEHALF OF
THE DIVISION 4 TECHNICAL RESCUE TEAM
AND
THE CITY OF NORTON ACTING THROUGH ITS FIRE DEPARTMENT**

MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT is made by and between the City of Norton, a political subdivision of the Commonwealth of Virginia and the City of Bristol, a political subdivision within the Commonwealth of Virginia.

WHERE AS, The City of Bristol is the host jurisdiction of the Division 4 Technical Rescue Team; and

WHERE AS, The City of Bristol and the City of Norton desire to enhance the Division 4 Technical Rescue Team's capabilities to protect the environment and the health, safety, and welfare of the citizens of the Commonwealth of Virginia from the dangers and potential dangers of accidents and incidents during natural and man-made emergencies in the Commonwealth of Virginia or to fulfill a request for assistance under the Emergency Management Assistance Compact (EMAC), Va. Code Ann. § 44-146.28:1.

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows:

DEFINITIONS

The terms set forth below shall have the following meanings unless the context clearly requires otherwise:

1. **Technical Rescue Defined:** Technical rescue is the removal or extraction of injured or uninjured victims from environments from which they cannot remove themselves. Technical rescue disciplines include vehicle rescue, swift water or water rescue, high angle or rope rescue, confined space rescue, trench rescue and building collapse or USAR. NFPA 1670 is the fire service standard on technical rescue.
2. **National Fire Protection Association Standard 1006 (NFPA 1006) 1.1 Scope.** This standard established the minimum job performance requirements (JPRs) necessary for fire service and other emergency response personnel who perform technical rescue operations. A.1.1 The committee believes that this document specifies the minimum standards for technical rescuers. The committee recognizes that emergency services organizations might have to invest considerable resources to provide the equipment and training needed to perform technical rescues safely and efficiently. The committee does not mean to imply that organizations with limited resources cannot provide technical rescue services, only that the individuals charged with performing technical rescues be qualified at the operations or technician level according to this standard.

ROLES AND RESPONSABILITIES

- A. City of Bristol Virginia
 - 1. The host agency for the Division 4 Technical Rescue Team.
 - 2. Is responsible for managing grant funding.
 - 3. Is responsible for scheduling a yearly training plan.
 - 4. Is responsible for acquisition and maintenance of equipment.
 - 5. Is the responsible agency to apply for deployment reimbursement.

- B. City of Norton
 - 1. Is an affiliate agency of the Division 4 Technical Rescue Team.
 - 2. Is responsible for having reimbursement paperwork submitted to the host agency no later than 72 hours after returning from deployment.
 - 3. Is responsible for personnel to maintain minimum training standards set forth by the host agency and VDEM.

TERMINATION

This Agreement may be terminated by either party upon 60 days written notice thereof to the other party.

ENTIRE AGREEMENT

- A. This Agreement, including all Appendices, may be modified from time to time by written agreement of the parties hereto and which Appendices are hereby incorporated by reference as a part of this Agreement, represents the entire and integrated Agreement between the parties and supersedes any and all prior negotiations, representations, or agreements, either oral or written. This Agreement may be amended only by written instrument signed by all authorized representatives of all parties of said Agreement.

- B. This Agreement shall not preempt any existing mutual aid agreements (written or verbal) now in effect by the City of Bristol.

- C. This Agreement is not legally enforceable by any third party, does not create enforceable rights in any third party, nor shall any third party be considered a third-party beneficiary of this Agreement. As such it does not imply or assume any waiver of sovereign immunity by the City of Norton or the City of Bristol.

- D. This agreement supersedes and cancels any previous agreements signed between the City of Norton and the City of Bristol.

DURATION OF MEMORANDUM OF UNDERSTANDING

A. This MOU is effective upon the signature of the authorized representative of the City of Norton and shall expire on 12/31/2025.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by the following duly authorized persons:

City of Bristol Virginia

By: _____

Signature: _____ **Title:** _____

Date: _____

City of Norton

By: _____

Signature: _____ **Title:** _____

Date: _____

City of Norton

Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: July 31, 2020
Re: CARES Act Funding

Earlier this year, the Commonwealth of Virginia shared a portion of the \$3.1 billion funds that it received from the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 with counties and cities across the Commonwealth. At this meeting, I plan to share an overview of the funds and the City Administration's plans moving forward.

Thank You.

City of Norton

Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: July 31, 2020
Re: Downtown Revitalization Project Update

As we near the end of our formal Downtown Revitalization Project, there are a few ongoing projects/initiatives. At this meeting I plan to provide City Council with an overview of the ongoing projects.

Thank You.

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

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

DATE: June 26, 2020

Norton City Schools requests a deposit of City Funds in the amount of \$300,000 to cover June payroll expenditures.

Thank you!