

The regularly scheduled meeting of the Norton City Council was held Tuesday, November 17, 2020, at 6:00 p.m., in the Municipal Council Chambers with Mayor Joseph Fawbush presiding.

Present: Robert Fultz, Jr., Joseph Fawbush, and Mark Caruso

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

Absent: Councilman William Mays was absent due to attending his brother Paul Edward Mays' funeral. Councilwoman Delores Belcher was absent due to an illness in her family.

The invocation was given by Councilman Robert Fultz and was followed by the Pledge of Allegiance led by Police Chief James Lane.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by the following unanimous vote: YES – Fultz, Caruso, Fawbush NO – None, ABSENT – Mays and Belcher, council moved to adopt the minutes of the October 20, 2020, meeting as presented.

During the Mayor's Call for Visitors, Mr. Ron Norris, owner of NorrisBuilt Fabrication, 520 Kentucky Avenue S.W., said he approached council several months ago about Governor Ralph Northram's 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 said since his last council visit, he has been contacted by the health department regarding two complaints from customers stating some of his employees are not wearing masks. 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. Mr. Norris said at his July visit council said his concern would have to be discussed with the city's attorney and that someone would contact him but he has not heard from anyone.

After a lengthy discussion, Councilman Caruso told Mr. Norris that the city would not be revoking his business license over the mask mandate, and that his recommendation is that Mr. Norris speak with the Wise County/City of Norton Commonwealth Attorney Charles Slemple regarding this issue.

A public hearing was held to receive input regarding the proposed United States Department of Agriculture, Rural Development application to purchase a fire truck using a loan/grant package from rural development.

Mr. Ramey said at the October 20<sup>th</sup> council meeting Fire Chief Todd Lagow gave a comprehensive overview of the department's current fleet and went through precise specifications on the purchase of a new fire truck. The city manager then shared a couple of slides from Chief Lagow's October 20<sup>th</sup> presentation and said the city's application to rural development was approved for \$650,000 as a loan/grant package. Mr. Ramey said rural development has offered a \$600,000 loan with an interest rate not to exceed 2.25 percent for 20 years with the remaining \$50,000 presented as grant funds. He said at the October 20<sup>th</sup> meeting it was the consensus of council to authorize a public hearing at tonight's meeting so city administration could move forward with financing.

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

Receiving no public comments, Mayor Fawbush closed the public hearing.

The city manager told council he invited City Registrar Marie Muir and Electoral Board Chairman Mike Brown to tonight's meeting to provide an overview of their efforts to oversee a smooth and safe election for Norton citizens during the COVID-19 pandemic.

Chairman Mike Brown spoke briefly to council summarizing this year's election activities and noted that voter turnout may have set a new record. He said for the 2020 election the city had 2,479 registered voters which represents an increase of 153 registered voters over the 2016 election. Mr. Brown stated that early voting was implemented this year and a total of 110 voters took advantage of the opportunity to vote early. He said CARES, Act funding enabled the electoral board to purchase a tent for curbside voting, PPE equipment for poll workers and employees, 6-foot social distance markers, stanchions to direct foot traffic, and a third electronic touch screen voting machine. Mr. Brown said all equipment, including pens, were cleaned after each voter, and he noted that significant improvements were made to the building with the installation of a handicap ramp and awning on the left side of the building and remodeled bathrooms. He said the electoral board is requesting the following raises for the upcoming budget: \$200 for the chairman and \$175 for each worker. He thanked council for buying lunch for the election workers and said there were no issues with this year's election.

Norton City Registrar Marie Muir told council that two employees were hired to assist her before the election and their help was instrumental in providing a smooth election for Norton citizens. Ms. Muir said the registrar's office was open two Saturdays before the election for early voting and two Sundays for volunteer training and pre-processing. She stated staff offices were used for early voting this year but this process did not provide voters with enough privacy, so early voting will be conducted across the hall for the next election. Ms. Muir said voters were excited about the availability of early voting and that it may become a normal practice for some voters. She also noted that there were no complaints about this year's voting process, and that many citizens complimented the building upgrades. Ms. Muir informed council that she expects 2021 to be another busy election year.

After a brief discussion, Mayor Fawbush thanked Mr. Brown and Ms. Muir for their hard work and dedication to ensure a safe and smooth election.

Included in council's packets was a Resolution of the Governing Body of the City of Norton committing to adopting and abiding by all covenants required by the USDA, Rural Development to purchase a fire truck using a loan/grant package.

Mr. Ramey said the Resolution of the Governing Body of the City of Norton is to authorize the city manager and the finance director to sign all documents relating to the loan/grant package to purchase a fire truck.

Mr. Ramey also stated that a Code of Conduct was included in council packets for member's consideration and it is another required document by rural development to utilize USDA, Rural Development funds.

Mayor Fawbush noted the council packet copy stating the purchase of two emergency vehicles and the handout at council members desks have been corrected to state the purchase of a fire truck.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by unanimous roll call vote, council moved to adopt the corrected Resolution of the Governing Body of the City of Norton authorizing the city manager and city finance director to execute all documents related to the loan/grant package to purchase a fire truck, and to adopt the Code of Conduct. (Inserts)

In their packets, council had been supplied with copies of a Memorandum of Understanding between Healthy Families for Southwest Virginia (HFSV), a program of Mountain Empire Older Citizens, and the City of Norton Department of Social Services.

Mr. Ramey said the HFSV program is based upon referrals for clients which are made for a variety of reasons. He said this agreement is up for review every four years and the agreement states that Norton Social Services automatically has an appointment on the HFSV board.

Following a brief discussion and upon a motion by Councilman Fultz, seconded by Councilman Caruso, and passed by unanimous vote, council moved to approve the Memorandum of Understanding between Healthy Families for Southwest Virginia (HFSV), a program of Mountain Empire Older Citizens, and the City of Norton Department of Social Services. (Insert)

The next agenda item was the authorization to refund two erroneously assessed 2020 Public Service Real Estate Taxes.

Mr. Ramey said the Commissioner of the Revenue did not receive the 2020 State Corporation Commission's Statement of Assessment until September 17, 2020, so an accurate assessment could not be determined for the first half billing of public service real estate taxes. The first refund is to CELLCO Partnership, "doing business as" Verizon Wireless, P. O. Box 635, Basking Ridge, NJ, 07920, in the amount of \$219.58. The second refund is to WINDSTREAM KDL - VA, Inc., P. O. Box 2629, Addison, TX, 75001, in the amount of \$78.09.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by unanimous roll call vote, council moved to approve the two refunds for erroneously assessed 2020 Public Service Real Estate Taxes, as stated above.

In council's packets for consideration was a sewer connections request from Serenity Real Estate, LLC., of 184 South Mark Road, Wise, VA. Mr. Ramey said the request is outside city limits and must be approved by city council. He said the city's Water and Transmission Department (T&D) has checked for the availability of sewer at this site and sewer is available at this location.

After a brief discussion and upon a motion by Councilman Fultz, seconded by Councilman Caruso, and passed by unanimous vote, council moved to confirm the installation of one sewer connection for Serenity Real Estate, L.L.C., of 184 South Mark Road, Wise, VA.

Mr. Ramey confirmed that the sewer connection is good for one year from the date of council approval.

Via a PowerPoint presentation, the city manager provided a funding update on the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and city administration's plans moving forward.

Mr. Ramey said the city had received a total of \$694,654, of CARES Act funding, expending approximately \$295,300, committing roughly \$253,000, and leaving around \$146,000, to be spent by the December 30, 2020, deadline. He said, as council is aware, the Wise County/City of Norton Circuit Court Clerk's Office Master Deputy Mary Hagy attended the October 20<sup>th</sup> council meeting and requested council consider a funding request to purchase custom software for the purpose of automating land records to reduce public traffic in the land records office. Mr. Ramey said he has discussed the request and process in more detail with the county and after further review, if it is the consensus of council, \$10,000 of CARES Act funding could be set aside for the project.

It was the consensus of council to commit \$10,000 of CARES Act funding for Norton's share of the software development to digitize land records in the Wise County/City of Norton Circuit Court Clerk's Land Records Department.

The next agenda item was the discussion of the 2020 Christmas parade.

Mr. Ramey told council since the October 20<sup>th</sup> meeting he had spoken with Marty Hagy, a parade committee member, and other town managers and none of the other localities are having a Christmas parade. Mr. Ramey said the parade committee wanted to focus on downtown by possibly having a reverse parade concept where vehicles would drive by a decorated stationary location thereby meeting the state mandated gathering guidelines. He said the committee is currently working with the state's newly released guidelines and the main focus includes several aspects to encourage people to visit downtown businesses. Mr. Ramey said one idea is to have a city holiday storefront decorating contest. He stated that the chamber of commerce is also having a similar contest where all the businesses in each town and the city will be part of a county-wide/city decorating competition, as well as a residential decorating contest. Mr. Ramey said the city will install a Christmas tree in a parking space on 7<sup>th</sup> Street adjacent to Vic's Decorating and have Santa and Mrs. Claus present and volunteers will give out stockings with candy. Citizens will be asked to drive by and we may want to do a virtual tree lighting with the mayor.

After a brief discussion, Mr. Ramey said it will be a learning experience and a future date will be set for the tree lighting.

Also included in packets for council consideration was a check to DCI/Shires, Inc., dated September 1, 2020, in the amount of \$203,002.20, for work performed on the downtown pedestrian crosswalks.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by unanimous roll call vote, council moved to confirm the check to DCI/Shires, Inc., as stated above.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by the following roll call vote: YES – Fultz, Caruso, and Fawbush, NO – None, ABSENT – Mays and Belcher, council moved to go into closed meeting for Personnel as per Section 2.2-3711 (A) (1) of the Code of Virginia, as amended, and Section 2.2-3711 (A) (3) of the Code of Virginia for Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body.

Mayor Fawbush declared council in closed meeting.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, 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 Caruso, 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 tourism industry representative to the Heart of Appalachia Tourism Authority (HOA) for an adjusted term to expire December 31, 2022, due to HOA changing the terms of its members.

Councilman Caruso nominated Beth Walker to be reappointed to the Heart of Appalachia Tourism Authority.

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

Mayor Fawbush declared Beth Walker reappointed to the Heart of Appalachia Tourism Authority for an adjusted term to expire December 31, 2022.

In comments from the city manager:

Mr. Ramey said the bid opening for the Clear Creek Phase III Waterline Replacement Project came in over budget, but with modifications and additional grant funds the project is ready to move forward and a public hearing has been scheduled for the December 1<sup>st</sup> meeting.

The city manager provided members with a copy of an article from Virginia Business magazine that featured the city's downtown project and the Sugar Hill Cidery Project.

Mr. Ramey said last year writer Larry Jorgensen from Louisiana contacted him regarding the restored Coca-Cola sign downtown and stated that he wanted to include information about our sign in his next book. He said he recently received Mr. Jorgensen's latest book and it includes a chapter dedicated to the downtown sign.

He provided council with the following handouts: COVID-19 pandemic metrics; the monthly Retail Sales Tax Report; and the High Knob and Flag Rock Recreation Area traffic counts.

Mr. Ramey told council that organizers of the upcoming Dairy Queen Turkey Trot 5K have cancelled the event.

The following comments were made by council members:

Councilman Fultz said he is pleased with the progress on the purchase of a new fire truck, adding that he appreciates of the city's first responders and the work they do in the community.

Councilman Fultz said he does not like the thought of not having a Christmas parade, and that he appreciates the ideas that were presented to have some type of event.

He asked the city manager if he had received any information regarding the Cloudsplitter Ultra 100 Trail race from race organizer Susan Howell.

The city manager said she received all positive comments and the runners were all pleased with the aid stations. He said Ms. Howell wants the city to look at making some improvements from an operational standpoint and she is looking at possibly making a course change.

Councilman Caruso stated that he saw an online article in The Coalfield Progress about a sustainable development meeting regarding inequitable land ownership in the area and he asked Mr. Ramey if he knew anything about the topic.

Mr. Ramey said he heard Appalachian Voices located downtown is very active in this project and it is targeting corporately owned mine lands these companies control that don't do much in the community and don't allow people to use their property. He said it is a community-based organization trying to build support to make the land more taxable to help the community.

Councilman Caruso said someone approached him on November 3<sup>rd</sup> about the city's dilapidated housing program.

Mr. Ramey said council took the program out of the budget but if council chooses the program could be reinstated at a future council meeting. He said the previous program would pay up to \$5,000 for property owners to demolish a dilapidated house but they must rebuild on the property within 12 months.

Councilman Caruso said he would like for council to discuss putting the program back in the budget at a future work session but not require property owners to build back but maintain the property. He said this program would take care of some of the dilapidated properties within the city.

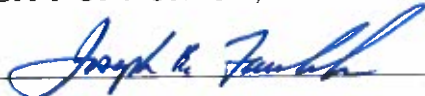
Councilman Caruso said he is bothered by the constitutionality of the governor's mask mandate that has been placed on Virginians and the continued emergency crisis situation the state is in due to the pandemic. He said people are telling him they are at the point where they are not going to follow the dictates because it is becoming an unconstitutional situation, but they are concerned about receiving a misdemeanor for not wearing a mask. Councilman Caruso said it is important that leadership does not participate or encourage the mandates. He said it is important to tell our citizens there are certain freedoms you have and you don't give them up.

Mayor Fawbush stated that he concurred with Councilman Caruso's remarks regarding the governor's mandates and said at his business clients have asked his staff, their family members, and everyone that visits to wear a mask. He said his staff have been asked to stand at the door and ask visitors to wear a mask or leave, and noted that people have to understand the clientele our business serves and empathize with their concerns.

Mayor Fawbush said America has not been this afraid since the nuclear crises of the 1960s. He stated that the country has made history the past six to eight months with the fear that the pandemic has created, and he feels for the students, parents, business owners, restaurant owners and servers that the pandemic is affecting. Mayor Fawbush said he understands everyone is frustrated but he encourages everyone to be patient, remain strong, and protect your family as you deem appropriate.


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