

The regularly scheduled meeting of the Norton City Council was held Tuesday, July 20, 2021, at 6:00 p.m., in the Municipal Council Chambers with Mayor Joseph Fawbush presiding.

Present: Mark Caruso, Sarah Davis, Robert Fultz, Jr., Joseph Fawbush, and William Mays

Also Present: City Engineer Stephen McElroy and City Finance Director Jeffery Shupe

Absent: Fred L. Ramey, Jr., City Manager and Interim City Clerk

The invocation was given by Councilman Robert Fultz, and the Pledge of Allegiance was led by Norton City Police Department First Sergeant Greg Mays.

Upon a motion by Councilwoman Davis, seconded by Councilman Mays, and passed by the following vote: YES – Fultz, Mays, Davis, Caruso, Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council moved to adopt the minutes of the June 15, 2021, meeting as presented.

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

The first new business item before council was a brief update on the city's recent application to the Virginia Department of Environmental Quality's (DEQ) Southwest Virginia Pilot Program for a Sanitary Sewer Evaluation Study. City Engineer Stephen McElroy said the application is for funding for a sewer system evaluation in advance of potential construction funding opportunities. Via a PowerPoint presentation, he explained that the program provides up to 75 percent principal forgiveness with the applicant providing a 25 percent match and that the city qualifies for \$100,000 based on system size. The study will include system smoke testing, wastewater flow monitoring, manhole inspections, wet weather inspections, internal video inspections, quantification of infiltration and inflow, cost-effective analysis, a rehabilitation plan, priority phasing, and a priority list of repairs.

He said once the study is completed the city will qualify for up to 50 percent principal forgiveness to address the highest priority repairs as determined by the study and Virginia DEQ. If selected, the city should receive notification within 90 days. Mr. McElroy noted that the study can help rank the city's critical wastewater needs prior to potential American Rescue Plan and infrastructure funding opportunities. He said this would put the city in a positive position in advance of those funding possibilities and aid in prolonging the life of the city's assets.

The city engineer also updated council on Fiscal Year 2022 paving projects with a visual presentation. Mr. McElroy said the city applied for a Virginia Department of Transportation (VDOT) State of Good Repair grant for several qualifying roads and was awarded \$267,964 for milling, paving and striping nearly one mile (3-lane miles) of East Park Avenue.

He reported that city administration opened FY2022 paving bids with a competitive bid environment with four companies supplying bids and that Bizzack Construction, LLC, of Lebanon, Virginia, was determined to be the low bidder. He said paving prices were so good and streets were in such dire need of repair that city administration thought it was time to address those problem areas rather than wait until spring when prices could increase. Completed paving projects included: 8th Street (Park Avenue to Terrace Street); 9th Street (Park Avenue to Virginia Avenue); Virginia Avenue (8th Street to 11th Street); Market Street (Route 74 to 8th Street); and milling and patching the trench line on Murphy Street. These projects covered more than 4,300

linear feet of paving at a cost of \$208,130, and the painting/stripping cost estimate is \$22,000. He said additional paving may be recommended in the spring if the city has a mild winter and a positive FY2022 budget.

Norton City Schools paving totaled \$129,261 for 10,800 square yards of pavement for the upper and lower parking lots at Norton Elementary and Middle School. Mr. McElroy explained that the city procured this paving project while the school system paid for the paving and striping.

He noted that in the last two months with the city, Norton City Schools and VDOT paving projects combined the city witnessed a little over \$600,000 in paving.

He also said the city has applied for funding for three State of Good Repair paving projects – (1) western corporate limits to 12th Street NW, (2) 12th Street NW to Route 74, and (3) the rest of East Park Avenue. He said the city should find out by the end of this year if those projects will take place. The city engineer noted that Park Avenue may not get funded this year, but is on the State of Good Repair list for paving.

The next agenda item was an update on the City Hall Cannon Restoration Project provided by the city engineer via a PowerPoint presentation. Mr. McElroy said he had contacted the USS Constitution Museum for assistance with the cannon restoration and the museum provided construction drawings with specifications and paint colors. He explained that white oak wood, which was difficult to find, was ordered for both axles and yellow pine will be used for the carriage sidewalls. He said kiln-dried white oak could not be found, so that wood is currently drying in an indoor area with continual air flow. The white oak should be ready for construction in approximately 45 to 60 days. Once the cannon restoration project is finished, hopefully the city will put the cannon history and restoration on the city website.

City Finance Director Jeffery Shupe updated council on funding from 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act, Municipal Utility Relief Program, and the 2021 American Rescue Plan Act Coronavirus State and Local Fiscal Recovery (CSLFRF).

He reminded council that the city received \$694,654 in 2020 CARES Act funding and noted that as of March 31, 2021, those funds were fully expended. He explained that expenditure categories included: administrative expenses (\$350); food programs (\$24,000); housing support (\$24,000); improvement of telework capabilities of public employees (\$9,824.27); personal protective equipment (\$27,334.51); public health expenses (\$121,462); small business assistance (\$251,784.15); and other (\$235,899.07). He said the “other” category was a “catchall” category and included the work that was done at the community center in preparation for expanded classrooms for the schools and funding to Family Crisis Support Services (FCSS) for utility assistance. He said the city manager thought it was important to note that a total of \$540,962 or 78 percent of these funds went to outside groups or agencies such as the Wise County Food Bank, FCSS, and the Norton Industrial Development Authority (NIDA). The NIDA allocation was for small business assistance.

Mr. Shupe said that the June 22 Virginia Office of Comptroller monitoring review of \$694,654 in 2020 CARES Act funding took place, additional follow up is ongoing, and the exchange of communication has gone well with category reporting recommendations possible.

The finance director reported that the city was awarded \$49,292.62 in Municipal Utility Relief Program funding and that funds are still available, but must be awarded by December 31, 2021. He explained that this funding was to assist customers who were experiencing economic hardship due to COVID-19 and was for past due water and sewer billings, not garbage. This has caused some communication issues with customers because garbage fees are not included in this

assistance. He said two rounds of funding totaling roughly \$34,000 have been expended, there are remaining funds, and there are some ongoing applications.

Mr. Shupe said the moratorium on utility disconnections due to nonpayment ended June 30, 2021, with the lifting of the State of Emergency in the Commonwealth of Virginia. He said this means the city can begin disconnections for nonpayment on August 29 or 30; however, there are certain stipulations that must be followed. He said city administration is taking some steps prior to disconnecting these accounts and the city plans to begin service disconnections for nonpayment of utility accounts in September.

Customers with past due balances will be required to contact city hall prior to August 31 regarding their accounts so city staff can explain customer assistance options. Mr. Shupe noted that there is funding still available through the Municipal Utility Relief Program, upon customer qualification.

He explained that if the program funds are depleted or the customer does not qualify, the city plans to offer customers a relief pre-payment plan, which other neighboring localities are planning on providing, as well. The city relief pre-payment plan will be on a case-by-case basis, accommodate the economic situation of each customer, and will not extend beyond 24 months. Customers must keep their bill current and make their city relief plan payment each month.

Customers must apply for these two options prior to August 31. He said the city plans on mailing disconnection notices this week to any customer 30 days or more in arrears and the city will begin service disconnections for nonpayment of utility accounts in September. Several notice mailings will take place and the notice information will be placed on the city website and social media accounts.

The city finance director then updated council on the 2021 American Rescue Plan Act Coronavirus State and Local Fiscal Recovery (CSLFRF) funding. He said the city received \$386,631.50 in 2021 American Rescue Plan Act CSLFRF "county" funding on June 8th and should receive an equal amount in a year.

Mr. Shupe said the city received the first of two \$2,065,177 transfers in Coronavirus State and Local Fiscal Recovery Funds to Non-Entitlement Units of Government on June 29, 2021, with both transfers totaling \$4,130,354. The second transfer is expected within a year of that date.

Summarizing, Mr. Shupe noted that the city has been allocated American Rescue Plan CSLFRF funds from two categories: \$773,263 (county) and \$4,130,354 (non-entitlement), for a total of \$4,903,617, with \$2,451,808.50 of that total having been received.

He said there are five categories where this 2021 American Rescue Plan Act CSLFRF funding can be spent – support public health expenditures, address negative economic impacts caused by the public health emergency, replace lost public sector revenue, provide premium pay for essential workers, and invest in water, sewer and broadband infrastructure. The finance director explained that these funds must be "obligated" as a qualifying expenditure by December 31, 2024, and the expenditures must be incurred between March 3, 2021, and December 31, 2024. He said the funds must be completely expended by December 31, 2026.

Mr. Shupe said a council workshop will be scheduled sometime in August to discuss how this funding can be spent effectively. He also said the city has received two outside agency requests for funding from the city's allocation of American Recovery Plan Act CSLFRF funding.

Mayor Fawbush said he thought it might be beneficial to spend some of this funding on a major regional project.

Included in packets for consideration by council was a check to Hill Construction, Inc., dated June 11, 2021, in the amount of \$140,955.03 for the Clear Creek Waterline Replacement Project Phase 3.

Mr. McElroy confirmed that waterline replacement has been completed from the 12th Street SE bridge to the Fox Run gate and is the last phase.

Upon a motion by Councilman Fultz, seconded by Councilman Mays, and passed by unanimous roll call vote, council moved to confirm the check to Hill Construction, Inc., as stated above.

Upon a motion by Councilman Caruso, seconded by Councilwoman Davis, and passed by the following roll call vote: YES – Fultz, Davis, Mays, Caruso, and Fawbush, 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 city engineer polled each member of council as to the Certification of Closed Meeting with each answering yes. Mr. McElroy 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)

The mayor opened the floor for nominations to the Lonesome Pine Regional Library Board to replace Virginia Stokes, whose term expired June 30, 2021, for a four-year term to expire June 30, 2025.

Councilman Caruso nominated Ethel Daniels to be appointed to a four-year term to expire June 30, 2025.

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

The mayor declared Ethel Daniels appointed to the Lonesome Pine Regional Library Board for a four-year term to expire June 30, 2025.

The mayor opened the floor for nominations of a Youth Representative to the Wise County/City of Norton Youth Services Board to fill the unexpired term of Morgan Fawbush whose term expires July 1, 2022.

Councilwoman Davis nominated Carter Addison to be appointed as a Youth Representative to the Wise County/City of Norton Youth Services Board to a term expiring July 1, 2022.

Upon a motion by Councilman Caruso, seconded by Councilman Mays, and passed by the following vote: YES – Caruso, Davis, Mays and Fawbush, NO – None, ABSTAIN - Fultz, council moved that the nominations cease.

The mayor declared Carter Addison appointed as a Youth Representative to the Wise County/City of Norton Youth Services Board to fill the unexpired term of Morgan Fawbush whose term expires July 1, 2022.

Mr. Shupe and Mr. McElroy performed the duties of comments by the city manager.

Mr. Shupe said Mr. Ramey wanted to thank everyone involved with the 2021 Independence Day Celebration, noting this year's celebration was a great event. Mr. Shupe said locating the

event in the center of town near the Expo Center worked well and enabled the city to utilize power and have public access to the bathrooms at the Expo Center. He said this location may help the city expand the event and add live music next year.

The city finance director reported that the Norton Small Business Challenge award winners were announced July 23 with over \$60,000 in awards presented. He thanked the mayor and Councilwoman Davis for attending the award presentation.

At this time, the city engineer asked for council consideration of possible restoration, ownership and relocation of some playground equipment that is currently owned by Norton City Schools and is located at Norton Elementary and Middle School. He said if the city doesn't want the playground equipment, it will be thrown away. Via a PowerPoint presentation, he discussed several restoration options with associated costs and explained that the city plans to install the refurbished equipment at Clear Creek Park if council makes the decision to restore the equipment. He reported that the new playground equipment for NEMS is shipping Friday and a decision on what council wants to do needs to be made as soon as possible. The city engineer said the playground equipment was purchased in 2003, so it is about 18-years-old, and if purchased today would cost about \$85,000.

Councilman Mays said he thought the city needed to keep the youth going in the right direction and supported the decision to restore the playground equipment.

Mayor Fawbush also pointed out that the new playground equipment to be installed at NEMS has a price of around \$360,000.

Following a discussion on the project and the cost, Mr. Shupe asked for council consideration of up to \$37,000 in unappropriated reserves for the restoration, ownership and relocation of Norton Elementary and Middle School playground equipment to Clear Creek Park.

The finance director said the city will try to absorb as much of the expense as possible with the remaining portion coming from unappropriated reserves.

Upon a motion by Councilman Mays, seconded by Councilwoman Davis, and passed by the following roll call vote: YES – Fultz, Mays, Davis, Caruso, Fawbush, NO – None, ABSENT – None, ABSTAIN – None, council approved the allocation of up to \$37,000 in unappropriated reserves for the restoration, ownership, and relocation of the playground equipment, as stated above.

Councilman Mays and Mr. McElroy updated council on the 50th Reunion of the John I. Burton Class of 1971 held Saturday, July 17, 2021, at the Expo Center. Mr. Mays said everyone had a good time and he appreciated the city's cooperation in making the event possible.

Mr. McElroy said he spoke with organizer Mark Wooten and Mr. Wooten expressed his appreciation to the city and city workers who assisted with the event. Mr. McElroy said that Mr. Wooten reported that 32 out of 85 classmates attended the reunion and that Mr. Wooten wanted to have the street dance, but was hesitant due to the inclement weather forecast.

Mr. Shupe informed council that the annual Virginia Municipal League Conference will be held October 3-5, 2021, in Leesburg, Virginia, and asked council members to contact city administration if they plan on attending the conference so arrangements can be made. The city finance director said depending on how many council members attend the conference, the October 5th council meeting may need to be rescheduled.

He also reported that the Rev. John Thomas Ellington, Jr., former pastor of First Baptist Church in Norton and former chaplain of the Norton Police Department, passed away July 6, 2021.

The finance director said the city manager plans on presenting Dilapidated Housing Program draft documents for council consideration at the next council meeting and members of the

Electoral Board will be in attendance to address council concerning the replacement of Registrar Marie Muir who is retiring in a few months. He said the Electoral Board may also ask council to take action on some election guidelines.

Mr. Shupe gave council copies of the latest Retail Sales Tax Report and the latest High Knob traffic counts.

The following comments were made by council members:

Councilman Caruso said he can't say enough about the first responders, particularly the Rescue Squad, because they are responding to calls continuously. He said he thinks the city needs to provide those individuals with city retirement and other benefits, because they are doing such a great job.


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

CITY OF NORTON, VIRGINIA



Joseph Fawbush, Mayor

ATTEST:



Fred Ramey, Jr., Interim Clerk of Council