

AGENDA

Norton City Council

February 4, 2014

6:00 P.M.

1. Roll Call
2. Invocation – Father Tim Drake
3. Pledge of Allegiance
4. Approval of Minutes
 1. Regular Meeting of January 21, 2014
5. Audience for Visitors
6. Special Presentations
7. Public Hearing
 - A. A Public Hearing to Consider Financial Encumbrances, for the General Operating Fund in the Amount of \$431,267, for the Year Ending June 30, 2013.
 1. Public Hearing
 2. Consideration by City Council
8. Old Business
 - A. Update on the Norton Electoral Board Request to Consider the Relocation of the Polling Location to the Norton Community Center.

9. New Business

- A. A Resolution of Support for the Virginia Plan to Increase Access for the Uninsured.
- B. Presentation by Representatives from the Pro-Art Board of Trustees about Pro-Art Activities.
- C. Consideration of a 2013-14 Local Government Challenge Grant Application in the Amount of \$5,000.
- D. Authorization to Enter Into A General Permit with the State Health Commissioner for Pump and Haul.
- E. Update on the Proposed Joint Work Session with the Norton City School Board.
- F. Confirmation of a Check(s)/Transfer(s) in Excess of \$100,000.
- G. Closed Meeting to Discuss Personnel as Per Section 2.2-3711 (A) (1) of the Code of Virginia, as Amended.

- 1. Evaluation of the City Manager.

10. Comments by the City Manager, City Attorney, and City Council.

11. Adjournment.

The regularly scheduled meeting of the Norton City Council was held on Tuesday, January 21, 2014 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, William Mays, Joseph Fawbush, and Terry Roop

Absent: Joseph Hunnicutt

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

The invocation was given by Fred Ramey and was followed by the pledge of allegiance led by Police Chief James Lane.

Mayor Mays amended the agenda to add an item to add 6.1 to consider a Resolution of Support for the Virginia Relay Center. 26023

Upon a motion by Councilman Roop, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to adopt the minutes of the January 7, 2014 meeting as presented. 26024

There was no response to the Mayor's call for visitors. 26025

Mr. Ramey advised City Council that he had received a call earlier today indicating that the Wise County Board of Supervisors was considering a Resolution of Support for the AT&T Virginia Relay Center. The resolution asks our state legislators to take the necessary action to ensure that the Virginia Relay Center remain in the City of Norton. Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous vote: YES – Caruso, Fawbush, Roop, Mays, NO – None, ABSENT – Hunnicutt, Council moved to adopt Resolution of Support for the Virginia Relay Center. (Insert) 26026

Upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by unanimous roll call vote, Council moved to go into closed meeting to discuss personnel as per Section 2.2-3711 (A) (1) of the Code of Virginia, as amended. 26027
Mayor Mays declared Council in closed meeting.

During this discussion, Councilman Hunnicutt joined Council in the Closed Session. 26028

Upon a motion by Councilman Hunnicutt, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to go back into open meeting. 26029
Mayor Mays declared Council back in open meeting.

The Clerk polled each member of Council as to the certification of closed meeting with each answering yes. The Clerk then read A Resolution of the Certification of Closed Meeting. Upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by the following unanimous vote: YES – Caruso, Hunnicutt, Fawbush, Roop, 26030

Mays, NO – None, ABSENT – None, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

Mayor Mays opened the floor for nominations to the Building Code Board of Appeals for a five year term which will expire on January 17, 2019.

Councilman Fawbush nominated James Boggs to be reappointed to this Board.

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

Mayor Mays declared James Boggs reappointed to the Building Code Board of Appeals for a five year term which will expire on January 17, 2019.

26031

Mayor Mays opened the floor for nominations to the Norton Redevelopment and Housing Authority for a four year term which will expire on January 28, 2018.

Councilman Roop nominated Roger Sloce to be reappointed to this Authority.

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

Mayor Mays declared Roger Sloce reappointed to the Norton Redevelopment and Housing Authority for a four year term which will expire on January 17, 2018.

26032

Mayor Mays opened the floor for nominations to the Department of Social Services Advisory Board for a four year term which will expire on January 28, 2018.

Councilman Caruso nominated Frank Gravely to be appointed to this Board.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared Frank Gravely appointed to the Department of Social Services Advisory Board for a four year term which will expire on January 28, 2018.

26033

Mayor Mays opened the floor for nominations to the Highway Safety Commission to fill four positions, for four two (2) year terms, which will expire on January 31, 2016.

Councilman Fawbush nominated James Lane, Frank Gravely, J. T. Caruso, and Bobby Cassell to be reappointed to this Board.

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

Mayor Mays declared James Lane, Frank Gravely, J. T. Caruso, and Bobby Cassell reappointed to the Highway Safety Commission for a four year term which will expire on January 31, 2018.

26034

Mayor Mays opened the floor for nominations to the Southwest Virginia Emergency Medical Service Council, for a one year term which will expire on January 31, 2015.

Councilman Caruso nominated Todd Lagow to be reappointed to this Council.

Upon a motion by Councilman Roop, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared Todd Lagow reappointed to the Southwest Virginia Emergency Medical Service Council for a one year term which will expire on January 31, 2015.

26035

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

He had been contacted by Dr. Comer earlier today who indicated that no school board members were going to be able to attend the joint work session that was planned for this evening. It was his understanding that their desire is to hopefully reschedule this meeting at a later date.

He had handed out the latest Retail Sales Report for Council's review.

As per the request of City Council, he added the Lonesome Pine Regional Library and Airport Commission to the list of funded agencies and forwarded a letter requesting information to be considered during the upcoming budget process.

The Norton Police Department had worked with the City's Emergency Services Director Todd Lagow and applied for and received a grant to install AEDs in some of our police vehicles.

Councilman Caruso and he had attended the Southwest Regional Legislative Reception which was held in Richmond last week. They attended multiple meetings and he indicated that the trip was worthwhile.

26036

He advised Council of a very bad traffic accident last week on Route 23 which resulted with a fatality and advised of the City personnel who assisted with this tragic event. He showed Council a photograph of the scene, in which a physician who was stopped in traffic by the accident came to the scene to give aid as did our Police Chief Lane, Vice Police Chief Baird, Investigator McConnell, a representative of the Norton Rescue Squad, and Tim Couch, a member of the City's T&D Department, who is also a volunteer firefighter. He expressed his appreciation to our public safety departments that are always serving our community and to these employees for their efforts in assisting with this accident located outside the corporate limits.

In comments from Council, Councilman Caruso stated that:

The trip to Richmond was very productive; however he had been in hopes of finding some assistance and there was none there. If there is to be an economic recovery, it will have to come from ourselves. There are some funds designated for the Coalfield Expressway and work will begin soon.

The cities will not have to pay for secondary road improvements and hopefully an Economic Summit will be conducted in our area to seek out the problems we are experiencing.

26037

He was impressed and heartened with the Tourism Department. With the filming of "Big Stone Gap" in the county, they were advised there are additional movies interested in being filmed here.

In essence, he stated he was not impressed with what will transpire in the next 12-24 months for the area with regard to assistance from the State government on our economic issues and there was no good information given on the coal industry.

Councilman Hunnicutt advised he was held up at the Court House which caused him to be late for tonight's meeting.

26038

Councilman Fawbush stated he had been looking forward to the meeting with the school Board tonight. As an elected public servant, Council members have a duty to fulfill obligations to the public and do the best job that they can. He expressed hopes that, in the near future, the School Board and Council can get together and discuss the issues that they will be facing.

26039 

Councilman Caruso stated he agreed and hopes that this meeting will be held in the very near future.

26040 

In comments from Councilman Roop, he stated:

He was deeply saddened and somewhat embarrassed that the School Board would send an e-mail stating they would not be in attendance without an explanation. He advised Mr. Ramey had spent a great deal of time working up a PowerPoint presentation to be shown tonight. School employees were not advised that the School Board would not be here and some employees are in attendance.

In his opinion, Councilman Roop advised if the School Board continued putting off the meeting with Council on their upcoming budget, he feels Council should only budget the required local effort until they agree to meet.

During some additional comments, Councilman Roop advised that the City has cut their budget in all areas and only given employees a raise two out of the past five years. The swimming pool has been closed and all kinds of programs and projects have been cut. Having been a very vocal proponent for the Norton City Schools, as well as an employee, Councilman Roop further stated that, in his opinion, there is a lot of waste and excess in the School Division and he is in hopes that they will admit this and meet the City half-way. Stating that this is not about any specific individual(s), it's more about the school system's approach to personnel expenditures.

26041 

Councilman Roop then stated he had been hopeful that the school system would change their priorities and tighten their belts. In his opinion, both the City and the school system must equally make sacrifices if each is to survive as an independent school division and City.

Mayor Mays advised he had been concerned about Shelly Fawbush's recent illness; however was glad to hear that the Vice Mayor's wife had received some good news this evening.

26042

Vice Mayor Fawbush thanked Mayor Mays.





Councilman Roop expressed his regrets to the employees of the Norton City Schools who were in attendance at tonight's meeting that they had not been advised that the School Board would not be participating in the joint work session.

26043

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

CITY OF NORTON, VIRGINIA

William J. Mays
Mayor

ATTEST:

_____, Acting Clerk

6

Employee Service Pins

February 4, 2014

10 Years

Ed Dauphine – Water Treatment Plant
Andrew Greear – Water Treatment Plant

15 Years

James “Doodle” Adams – Public Works
Ken Adams – Police Department
Tim Couch – Public Works Department
Sam Pugh – General Maintenance

20 Years

David “Moon” Mullins – Fire Department
Jonathan “Joe” Carter – Water Plant
James Freeman – Public Works

25 Years

Lonnie Williams – Public Works
Fred Ramey – Administration

35 Years

Mary Brown – Administration
Gary Call - Administration

7-A

January 10, 2014

PUBLIC NOTICE

The City Council of the City of Norton, Virginia will hold a public hearing on Tuesday, February 4, 2014 at 6:00 p.m. in the Municipal Council Chambers located at 618 Virginia Avenue, N.W., Norton, Virginia. The purpose of the hearing is to consider financial encumbrances for the year ended June 30, 2013 in the amount of \$431,267 for the General Operating Fund. A detailed listing of the encumbrances is available for inspection in the City Manager's office and may be viewed during normal office hours. All attendance and comments at the meeting are encouraged and welcome.

Fred L. Ramey, Jr.

City Manager

To the Coalfield: Please advertise in the Coalfield Progress on Tuesday, January 21, 2014 and again on Tuesday, January 28, 2014.

Encumbrances
30-Jun-13

Description (Vendor)	Amount	
Medical Dispatch Software (Priority Dispatch)	S 40,049	911 Dispatch Center
Fire Equipment (Emergency Apparatus Design)	S 2,055	Fire Department
Fire Equipment (Blue Ridge Rescue Suppliers)	S 16,525	Fire Department
Safe Routes	S 345,054	Street Department
12th Street Bridge Repair (Elk Knob, Inc.)	S 12,500	Street Department
City Hall Improvements (Ball Construction)	S 9,900	General Properties
Digital Tax Mapping Update (Workdview Solutions)	S 5,184	Planning and Development
Total	<u>S 431,267</u>	

WILLIAM E. BRADSHAW, P.C.

ATTORNEY AT LAW

302 SHAWNEE AVENUE

P. O. Box 267

BIG STONE GAP, VA 24219

TEL (276) 523-2428

FAX (276) 523-6675

WILLIAM E. BRADSHAW

E-MAIL web@bradshawlawoffice.us

8-A

January 23, 2014

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

RE: CITY ELECTORAL BOARD REQUEST

Dear Fred:

At the January 7, 2014 meeting of Council, representatives of the City of Norton Electoral Board requested that Council change the designation of the City's polling place from City Hall to the Community Center. At the time, I expressed some concern about whether it would be necessary to obtain preclearance from the Civil Rights Division of the U. S. Department of Justice before making such a change. We discussed the fact that the U. S. Supreme Court had issued a major decision last summer affecting the preclearance requirement so I wanted to research this decision in further detail to determine exactly how it affected the City's freedom of action in this matter. I have now done so. In sum, it is my opinion that the preclearance requirement is no longer effective with respect to the City and that Council can re-designate the polling place without preclearance from the Department of Justice if it so wishes.

Before the June 25, 2013 decision in *Shelby County v. Holder*, the federal Voting Rights Act, as most recently extended, required a number of jurisdictions to preclear any changes to do with voting with the Department of Justice before putting them into effect. The covered jurisdictions were defined over forty (40) years ago as being ones in which a history of voting violations had been established. Virginia and its localities were among those jurisdictions at that time. In the *Shelby County* case, the court considered the constitutionality of the reenacted Sections 4 and 5 of the Voting Rights Act. Section 4 set forth the formula by which it was determined which jurisdictions were subject to the preclearance requirement. Section 5, the preclearance requirement section, applied only to those jurisdictions identified applying the formula used in Section 4. The Court decided 5-4 that Section 4 was based on evidence so old that it was no longer relevant nor current, and was consequently unenforceable. Because Section 4 was struck down, there were no jurisdictions to which Section 5 could apply. The net result was that the preclearance requirement was ineffective in all jurisdictions and remains so unless and until Congress reconsiders the jurisdictions to which the preclearance should apply.

Consequently, the City is free to make a change in the designated polling place without first obtaining preclearance from the Department of Justice.

I also discussed this matter at some length with an attorney from the State Electoral Board, whose opinion is the same as mine. He was kind enough to provide me with the attached letter dated July 9, 2013 from the Chief, Voting Section of the Civil Rights Division. This letter concerned a preclearance which had been requested before the *Shelby County* decision was made. In this particular case, the Department of Justice, discussing *Shelby County*, announced the position of the Civil Rights Division that the coverage formula in Section 4 of the Voting Rights Act is unconstitutional and can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5. Accordingly, the Division was unable to make a determination as to whether the requested change was in accordance with established procedures or not. I believe this reinforces my conclusion that, if asked, the Civil Rights Division would return a request for preclearance on this same basis.

I hope this satisfactorily addresses the concerns which were expressed at Council on January 7th. I will be happy to address this matter in greater detail and depth if you wish. If you have any further questions or concerns please do not hesitate to contact me. Best regards.

Sincerely,

WILLIAM E. BRADSHAW, P.C.



William E. Bradshaw

WEB:sgc
Enclosure



U.S. Department of Justice
Civil Rights Division

TCH:RSB:LB:ILV:par
DJ 166-012-3
2013-1789

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

July 9, 2013

Charles L. Shumate, Esq.
County Attorney
P.O. Box 339
Stafford, Virginia 22555-0339

Dear Mr. Shumate:

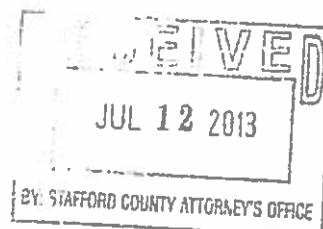
This refers to the polling place change for Stafford County, Virginia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on May 30, 2013.

On June 25, 2013, the United States Supreme Court held that the coverage formula in Section 4(b) of the Voting Rights Act, 42 U.S.C. 1973b(b), as reauthorized by the Voting Rights Act Reauthorization and Amendments Act of 2006, is unconstitutional and can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. *Shelby County v. Holder*, 570 U.S. ___, 2013 WL 3184629 (U.S. June 25, 2013) (No. 12-96). Accordingly, no determination will be made under Section 5 by the Attorney General on the specified change. *Procedures for the Administration of Section 5 of the Voting Rights Act*, 28 C.F.R. 51.35. We further note that this is not a determination on the merits and, therefore, should not be construed as a finding regarding whether the specified change complies with any federal voting rights law.

Sincerely,



T. Christian Herren, Jr.
Chief, Voting Section



Department of Justice

§ 51.37

may request that the submission be given expedited consideration. The submission should explain why such consideration is needed and provide the date by which a determination is required.

(b) Jurisdictions should endeavor to plan for changes in advance so that expedited consideration will not be required and should not routinely request such consideration. When a submitting authority demonstrates good cause for expedited consideration the Attorney General will attempt to make a decision by the date requested. However, the Attorney General cannot guarantee that such consideration can be given.

(c) Notice of the request for expedited consideration will be given to interested parties registered under § 51.32.

§ 51.35 Disposition of inappropriate submissions and resubmissions.

(a) When the Attorney General determines that a response on the merits of a submitted change is inappropriate, the Attorney General shall notify the submitting official in writing within the 60-day period that would have commenced for a determination on the merits and shall include an explanation of the reason why a response is not appropriate.

(b) Matters that are not appropriate for a merits response include:

(1) Changes that do not affect voting (*see* § 51.13);

(2) Standards, practices, or procedures that have not been changed (*see* §§ 51.4, 51.14);

(3) Changes that previously have received preclearance;

(4) Changes that affect voting but are not subject to the requirement of section 5 (*see* § 51.18);

(5) Changes that have been superseded or for which a determination is premature (*see* §§ 51.22, 51.61(b));

(6) Submissions by jurisdictions not subject to the preclearance requirement (*see* §§ 51.4, 51.5);

(7) Submissions by an inappropriate or unauthorized party or jurisdiction (*see* § 51.23); and

(8) Deficient submissions (*see* § 51.26(d)).

(c) Following such a notification by the Attorney General, a change shall

be deemed resubmitted for section 5 review upon the Attorney General's receipt of a submission or other written information that renders the change appropriate for review on the merits (such as a notification from the submitting authority that a change previously determined to be premature has been formally adopted). Notice of the resubmission of a change affecting voting will be given to interested parties registered under § 51.32.

[Order 3262-2011, 76 FR 21246, Apr. 15, 2011]

§ 51.36 Release of information concerning submissions.

The Attorney General shall have the discretion to call to the attention of the submitting authority or any interested individual or group information or comments related to a submission.

§ 51.37 Obtaining information from the submitting authority.

(a) *Oral requests for information.* (1) If a submission does not satisfy the requirements of § 51.27, the Attorney General may request orally any omitted information necessary for the evaluation of the submission. An oral request may be made at any time within the 60-day period, and the submitting authority should provide the requested information as promptly as possible. The oral request for information shall not suspend the running of the 60-day period, and the Attorney General will proceed to make a determination within the initial 60-day period. The Attorney General reserves the right as set forth in § 51.39, however, to commence a new 60-day period in which to make the requisite determination if the written information provided in response to such request materially supplements the submission.

(2) An oral request for information shall not limit the authority of the Attorney General to make a written request for information.

(3) The Attorney General will notify the submitting authority in writing when the 60-day period for a submission is recalculated from the Attorney General's receipt of written information provided in response to an oral request as described in § 51.37(a)(1), above.



[Handwritten signature]

RECEIVED
JUL 12 2013
BY: STAFFORD COUNTY ATTORNEY'S OFFICE

9-A

**Resolution of Support
For The Virginia Plan to Increase Access for Uninsured**

WHEREAS, a healthy workforce and community are critical to the economic vitality of the City of Norton; and

WHEREAS, over one million Virginians under the age of 64 are uninsured, many of whom are in families with at least one full- or part-time worker who aren't provided health insurance coverage through their employers, can't afford coverage on their own or don't make enough to qualify for insurance offered through the health care exchanges; and

WHEREAS, these uninsured Virginians receive care, which is subsidized by employed Virginians through higher insurance premiums, providers charging more to the insured for their own care and underwriting of uninsured care by providers; and

WHEREAS, this cost-shifting will continue to rise faster than inflation if the Commonwealth does not address ensuring more Virginians have access to affordable health care coverage; and

WHEREAS, the City of Norton is fortunate to have both the Mountain View Regional Medical Center (Wellmont Health System) and Norton Community Hospital (Mountain States Health Alliance) serving our community and region; and

WHEREAS, for the period between 2010-2016, the estimated financial impact to the MSHA is estimated to be \$25 million and for Wellmont it is estimated to be \$11 million; and

WHEREAS, through 2022, Virginians will send \$29.7 billion to Washington, D.C., through mandatory federal Affordable Care Act-related taxes, fees and provider payment cuts to pay for the uninsured in other states; and

WHEREAS, the Commonwealth has the ability to recoup these funds to help its own citizens by developing a Virginia plan to control growth and reform the current Medicaid program; reduce cost-shifting from the uninsured to Virginia businesses and their employees; force individuals to take responsibility for their own health; improve the quality of care delivered by paying providers to manage care rather than paying for volume of care; shift the risk of Affordable Care Act implementation off of Virginia taxpayers if the federal government reneges on its commitments and reduce waste, fraud and abuse of government programs more effectively; and

NOW, THEREFORE, BE IT RESOLVED by the Norton City Council that it hereby supports and urges the Virginia General Assembly to develop and implement in the Commonwealth of Virginia a plan to provide more Virginians with access to affordable health care coverage and services and to take advantage now of receiving federal funds for this implementation, which would provide a significant boost to Virginia's economy and provide local taxpayer relief.

ADOPTED this the 4th day of February 2014.

ATTEST:

NORTON CITY COUNCIL

Mary D. Brown

William Mays, Mayor

9-B



Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager **FR**
CC:
Date: January 30, 2014
Re: Pro-Art

Bonnie Elosser, Executive Director of Pro-Art, will provide City Council with a brief update regarding Pro-Art Activities.

Thank You.



9-C

an Affiliate of the
Virginia Museum of Fine Arts

P.O. Box 179, Wise, VA 24293
(276) 376-4520 • FAX (276) 328-0280
e-mail: pro-art@uvawise.edu
www.pro-art-va.org

Founder and Executive Director Emeritus
Daisy Portuondo

BOARD OF TRUSTEES
Executive Committee

Executive Director
Bonnie Elosser

President
Michael McNulty

President-Elect
Anne Sturgill

Vice-President
Merry Lu Prior

Secretary
Sue Ella Boatright-Wells

Treasurer
Lu Ellsworth

Past President
Robin Benke

Ex-Officio Members
Christopher Allgyer
Merry Lu Prior

Members-at-Large
Philip Shelton
Jan Zentmeyer

Board Members
Mike Abbott
Paston Allgyer
Faye Barker
Glenn Blackburn
Betty Bolling
Stan Botts, Jr.
Robert E. Cassell, Jr.
Amelia Harris
Phyllis Hatcher
Robert Isaac, Sr.
Kim Mays
Dan Minahan
Shelley Richards
Haydee Robinson
Jim Wardell

Trustees Emeriti
Rex Baird
Sally Baird
Gary Bumgarner
Judy Paranthaman
Donnie Ratliff
May Straughan
Joyce Winston
John Wright

Legal Counsel
Henry Keuling-Stout

Staff

Business Manager
Kelly Harechmak

Program Manager
Vashti Rajbansee-Barker

Technical Director
Phil Henry

**Resident Sound Designer/
Engineer**
Ben Mays

January 30, 2014

City of Norton Council
P.O. Box 618
Norton, VA 24273

Dear Council Members:

We respectfully ask that you consider this a request to support the Pro-Art Association in presenting performances in Norton for the 2014-15 season.

Under the Local Government Challenge Grant, the Virginia Commission for the Arts will match your contribution up to \$5,000. The deadline to apply is April 1. If Norton has not formally approved its budget by that date, you may apply conditionally and confirm the funding by July 1. We ask that you add this request to the agenda for the February 4 Council meeting. I plan to attend the meeting and would appreciate a few moments to speak before the Council.

We appreciate your support, which allows us to continue to bring the arts to Norton.

Sincerely,

Bonnie

Bonnie Elosser
Executive Director

"I will enjoy the pleasure of what I give by giving it alive and seeing another enjoy it..." Alexander Pope

1. 2014-2015 Local Government Challenge Grant

2. Applicant local government name, address, zip code

City of Norton
P.O. Box 618
Norton, VA 24273

3. Telephone, fax, email, URL

Phone: 276-679-1160
Fax: 276-679-3510
Email: fredr@nortonva.org
URL: <http://www.nortonva.org/>

4. Federal Employer ID Number

54 – 6001476

5. DUNS Number

6. Contact Person

Mr. Fred Ramey, City Manager

7. Amount of Virginia Commission for the Arts assistance requested for fiscal year 2014-2015

\$ 5,000.00

8. Proposed local government arts appropriation for fiscal year 2014-2015

Pro-Art Association \$ 5,000.00

9. Sub-grants (grants made by the local government of any Commission funds)

<u>Organization</u>	<u>Mailing Address/Contact Person</u>	<u>Proposed VCA Grant Share</u>
1. <u>Pro-Art Association</u>	<u>Bonnie Elosser</u> <u>P.O. Box 179</u> <u>Wise, VA 24293</u>	\$ 5,000.00

10. What is the process for awarding the above grants?

The City of Norton holds regular council meetings every month at which various organizations may present requests for contributions. After consideration the Board makes decisions on these requests.

11. Current board members

Mr. Fred Ramey, Jr., City Manager
P.O. Box 618
Norton, VA 24273
(W) 276-679-1160

Mr. William Mays, Mayor
P.O. Box 295
Norton, VA 24273
(H) 276-679-1320
(W) 276-679-7410

Mr. Joseph Fawbush, Vice Mayor
420 Oak St. N.W.
Norton, VA 24273
(W) 276-679-0192

Mr. Mark Caruso
P.O. Box 297
Norton, VA 24273
(H) 276-679-1617

Mr. Joseph Hunnicutt
P.O. Box 626
Norton, VA 24273
(W) 276-679-0696

Mr. Terry Roop
1120 Virginia Avenue
Norton, VA 24273
(H) 276-679-9891

12. Brief description of the arts organization

Pro-Art Association

Pro-Art's mission is to promote the arts for the general public of Wise, Dickenson, and Lee Counties, the City of Norton, and the surrounding area through the following:

The W. Campbell Edmonds Memorial Concert Series, the Dickenson County Cultural Arts Series, and the Lee County Cultural Arts Series offer major programs for the general public in various venues throughout the region. Past performers include Men of the Deeps and Preservation Hall Jazz Band.

The University of Virginia's College at Wise Cultural Arts Series includes evening lectures and performances for students and the general public.

The Mountain Empire Community College Cultural Arts Series includes afternoon lectures and performances for students and the general public.

The Creative Arts Programs in the Schools of Wise County, Dickenson County, and the City of Norton offer programs to over 12,000 students, free of charge, every year. Students have enjoyed performances by the Barter Players, Brass 5, and the Richmond Ballet.

9-ED

**PERMANENT PUMP AND HAUL
AGREEMENT AND GENERAL PERMIT**

This PERMIT is issued by the State Health Commissioner ("Commissioner") to the City Council of the City of ("City") Pursuant to Part IV, Article 4 § 12 VAC 5-610-598 et seq. of the State Board of Health Sewage Handling and Disposal Regulations (July 2000, the "Regulations")

The Commissioner and City believe that pumping and hauling pursuant to Part IV, Article 4 § 12 VAC 5-610-598 et seq. of the Regulations is the only practical method for disposal of sewage in certain cases. Accordingly, the City has adopted, or agrees to adopt, either by ordinance, resolutions, or other means, a framework for authorizing and appropriating funds, or otherwise ensuring for the provision of pump and haul services, either directly or through a private contractor, to the facilities from which sewage is pumped and hauled.

Pursuant to Part IV, Article 4 § 12 VAC 5-610-598 et seq., of the Regulations, the Commissioner and the City agrees as follows:

1. The City will notify the Commissioner, in writing, within one week to the expiration of, revocation of, or failure to renew the appropriation for the pump and haul services to a served structure.
2. The City will notify the Commissioner, in writing, of any material change in circumstances affecting the pump and haul operation that is the subject of this Agreement, including but not limited to the availability of sewer hookup to the structure (s) served and any significant change in the use of a served facility.
3. The Commissioner, or the Commissioner's designee, will notify the City in writing of any information he/she may receive that indicates or seems to indicate a violation of the permit.

This authorizes the City pursuant to Part IV, Article 4 § 12 VAC 5-610-598 et seq. of the Regulations to pump and haul sewage on a permanent basis from the facilities or structures listed below:

1.

The City is furthermore authorized, pursuant to Part IV, Article 4 § 12 VAC 5-610-598 et seq., its ordinances, resolutions, or other approval and this Permit, to add or remove individual facilities from this list (by withdrawing its supervision of the pump and haul...). This permit shall be subject to the following conditions:

1. City may require bonding or other assurances from the third party owner of any served structures or facility.

2. In order to add a structure or facility, the City shall apply to the local health department for a storage facility construction permit. The standard State fee for a sewage system application shall not apply; however, the City may require that the third party submit any local fees which may apply.

3. No sewage storage facility shall be placed into operation until the local health department has inspected and approved the system.

4. If the City ceases providing pump and haul services to any services to any individual facility, the City shall notify the Commissioner immediately. In such instances, the Commissioner, or the Commissioner's designee, shall notify the owner of the facility that pump and haul is no longer an approved method of sewage disposal and that a violation of the Regulations may be occurring. The Commissioner, or the Commissioner's designee, may initiate any lawful enforcement action necessary to enforce the Regulations.

5. If the General Permit is revoked, the City must cease pump and haul operations at all facilities immediately.

STATE HEALTH COMMISSIONER

By: _____

Date: _____

CITY COUNCIL OF THE CITY OF
NORTON, VIRGINIA

By: _____

Date: _____

A RESOLUTION OF THE CITY OF NORTON, VIRGINIA
AUTHORIZING PUMP AND HAUL
SEWAGE FACILITIES

WHEREAS the following is a Resolution to establish a Pump and Haul Sewer Program in the City of Norton, Virginia and to set criteria for issuance of permits:

IT IS HEREBY RESOLVED:

Section 1. Title.

This resolution shall be known as the "Pump and Haul Sewer Resolution."

Section 2. Approval According to Criteria.

Pump and haul sewer permits may be approved by the Council of the City of Norton pursuant to criteria set forth herein.

Section 3. Precondition to Permit Application.

A permit may be considered only if the applicant first produces evidence that the Wise County/City of Norton Health Department has rejected an application for a traditional subsurface septic tank and drainfield and/or all of the approved alternative on-site sewage handling systems, and that it is not economically feasible to connect with an approved central sewage disposal system. It shall be deemed economically infeasible for a building to be connected with an approved central sewage disposal system when the nearest public sewer line is more than 300 feet from the property line or when a railroad or river crossing would be required.

Section 4. Domestic Sewage Only to be Handled.

Only domestic strength sewage may be handled by the pump and haul system. No commercial, restaurant or industrial process wastes shall be permitted.

Section 5. Maximum Capacity.

The maximum capacity of the holding tank(s) shall be three thousand (3,000) gallons.

Section 6. Evidence of Agreement With Contract Hauler Required.

The applicant (property owner) shall provide copies of an agreement to pump and haul the sewage with a contract hauler holding a sewage handling permit and a letter of acceptance from the C-N-W Regional Waste Water Authority. The system shall be pumped a minimum of one time each year. The property owner shall maintain a log with information including the date the tank was pumped, the quantity pumped, who pumped the tank(s), and noting any alarm events. In addition, the property owner shall provide the City with a copy of the log along with a copy of the paid invoice(s) from the contract hauler so that the City is assured that the system is being pumped regularly. Failure to provide such an invoice, or a letter of explanation within any twelve (12) month period, shall be taken as evidence that the owner has ceased to continue the pump and haul operation and shall result in the revocation of the pump and haul permit.

Section 7. Bond

The permittee shall construct and operate the permanent pump and haul sewage system in conjunction with all State Health Department regulations and shall indemnify, defend and hold the City harmless from all actions, demands or claims connected with the construction and operation of the system. The permittee shall post a cash bond or bank letter of credit in the amount of \$5,000, for the purpose of insuring continuation of the pump and haul operation for a six month period and to assure the City of its proper removal in the event the storage facility is abandoned upon the termination of the City's permission for the facility or the pump and haul operation. Such bond shall be forfeited if the owner ceases to continue the pump and haul operation pursuant to Health Department regulations and/or said agreement. Forfeiture of the bond shall not relieve the owner of complying with all legal requirements set forth in state and City regulations.

Section 8. Insurance.

The hauler of the sewage shall carry a minimum of \$500,000 in commercial general liability insurance covering the services provided in the pumping, hauling, and delivery of the sewage, with the City as an additional named insured. The permittee (property owner) shall carry homeowner's insurance, hazard insurance, or commercial general liability in the minimum amount of \$50,000 or the owner's current level of coverage, whichever is greater, specifically covering the sewerage storage facility provided for herein including for leakage/spills therefrom, with the City as an additional insured.

Section 9. Alarm Service.

The pump and haul storage facility, in addition to being constructed pursuant to State Health Department regulations, shall be equipped with an audiovisual alarm that shall be activated when said storage facility is seventy-five percent (75%) full. Said alarm system shall be installed and operated so as to provide audiovisual notice at the storage facility and a location which is manned twenty-four (24) hours per day (alarm service). The alarm service must notify the property owner and City of any sounding of the alarm.

Section 10. Up to Two-Year Approval and Renewal.

An initial pump and haul permit application shall be brought before the City Council for consideration. The City Council may grant approval for a period of up to two (2) years, however, any permit issued under this resolution shall expire six months following the availability of an economically feasible connection to a public sewer line within 300 feet from the permit holder's property line.

Renewal of the permit for additional two-year periods may be approved by the City Manager, provided that the owner provides acceptable evidence that the pump and haul system has been properly operated and maintained over the preceding two (2) years.

Section 11. Transfer of Approved System to New Owner.

A. This permit is non-transferrable. However, if a property that contains an approved pump and haul system is to be sold, the City Manager and the Health Department may approve the transfer of such system to the new owner subject to the following requirements:

1. The property must continue to meet the eligibility criteria for pump and haul systems contained in Sections 2 through 6 of this ordinance.
2. The current owner must provide acceptable evidence that the pump and haul system has been properly operated and maintained over the preceding two years, or for such time as it has been owned if less than two years.
3. The Wise County/City of Norton Health Department shall inspect the Existing installed pump and haul system and certify that it is currently in proper working condition and that the alarm system is functioning properly.
4. The proposed new owner must complete and sign all agreements in the pump and haul application package, and such agreements must be approved prior to transfer of the property.
5. The proposed new owner shall post the bond required by Section 7 and produce the insurance coverage required by Section 8 of this resolution.

- B. The City Manager and the Mayor of the City Council are authorized to sign the agreements necessary to put the transfer of the system into effect once all of the above criteria are met.

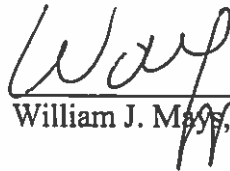
Section 12. Fees

A fee of \$500 shall be paid prior to the issuance of the initial two year Pump and Haul Permit and a fee of \$300 shall be paid prior to renewal of each successive two year permit. These fees may be changed by action of City Council.

THIS RESOLUTION SHALL TAKE EFFECT UPON THE REVIEW AND APPROVAL BY THE WISE COUNTY/CITY OF NORTON HEALTH DEPARTMENT.

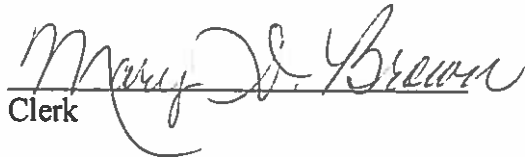
ADOPTED THIS 7th DAY OF JANUARY, 2014.

CITY OF NORTON, VIRGINIA



William J. Mays, Mayor

ATTEST:



Clerk



**CITY OF NORTON
PUMP AND HAUL PERMIT APPLICATION**

Applicant's Name _____

Applicant's Address _____

Applicant's Telephone Number _____

Location of Property to be Permitted _____

The applicant understands that the following conditions must be met with proper documentation within six (6) months of issuance of Pump and Haul Permit or the permit shall be void:

1. Written evidence that the Wise County/City of Norton Health Department has rejected an application for a traditional subsurface tank and drainfield and/or all of the approved on-site sewerage handling systems and that it is not economically feasible to connect with an approved central sewerage disposal system.

Copy of Rejection Letter is Attached

2. Applicant assures that the permit is sought for domestic strength type sewerage – no commercial, restaurant or industrial processes.
3. Documentation confirming that the maximum capacity of the pump and haul system is 3,000 gallons.
4. Applicant must enter into an agreement with a contract hauler who holds a sewerage handling permit and a letter of acceptance from the operator of a certified sewerage treatment plant. The following documents are required to be submitted to the City:

- Agreement between Permittee and contract hauler is attached.
- Contract hauler's sewerage hauling permit is current and attached.
- Contract hauler's letter of acceptance from a certified sewerage treatment plant is attached.

5. Applicant agrees to provide the City with a copy of a pumping log and the paid invoices from the contract hauler and failure to provide such an invoice or letter of explanation within two months of pumping will be taken as evidence that the owner has ceased operation and permit will be revoked. Applicant agrees to have the system pumped at a minimum of one time per year.

6. Applicant agrees to (1) To construct and operate the permanent pump and haul system pursuant to all State Health Department regulations and (2) Holds the City harmless for any and all actions relevant to the construction and operation of the pump and haul system.
7. Applicant is required to post a cash bond or bank letter of credit in the amount of \$5,000, with surety approved by the City to insure continuation of the pump and haul operation for a six-month period and to assure the county of its proper removal in the event the storage facility is abandoned upon the termination of the city's permission for the facility or the pump and haul operation. Such bond shall be forfeited if the owner ceases to continue the pump and haul operation pursuant to Health Department regulations and/or said agreement. Forfeiture of the bond shall not relieve the permittee of complying with all legal requirements set forth in State and City regulations.
8. Applicant is required to provide documentation that the sewerage hauler carries a minimum of \$500,000 in commercial general liability insurance covering the services provided in the pumping, hauling, and delivery of the sewerage, with the City named as an additional named insured.
9. Provide documentation that the permittee has homeowner's insurance, hazard insurance, or commercial general liability in the minimum amount of \$50,000 or the owner's current level of coverage, whichever is greater, specifically covering the sewerage storage facility provided for herein, including leakage/spills therefrom, with the City named as an additional insured.
10. Documentation that an alarm system is installed on the pump and haul storage facility that:
 1. Has an audiovisual alarm when the facility is 75 percent full.
 2. Is installed and operated so as to provide audiovisual notice at the storage facility.
 3. Is installed and operated so as to provide notice at a location that is manned 24 hours per day (alarm service).
 4. The alarm service will notify both the Permittee and City of any sounding of the alarm.
11. Applicant agrees that when an approved central sewerage disposal system with a public sewer line becomes available and it is economically feasible to do so (as defined in the City Pump and Haul Resolution), the Permit shall connect to the public sewer line rather than continue with the pump and haul system.
12. Applicant agrees that if the City Council grants permission to operate the pump and haul, the permit shall be granted for up to 2 years and that the permit expires 6 months following the availability of connecting to a public sewer line within 300 feet of the permit holder's property line.

13. The Applicant understands that at the end of the initial 2 years, the permit may be extended for an additional two year periods by the City Manager provided that the Permittee provides acceptable evidence that the pump and haul system has been properly operated and maintained over the preceding two years.
14. Should the property be sold, the Applicant understands that he/she must contact the City Manager for approval of transfer of such system to the new owner, subject to the following requirements:
 1. The property must continue to meet the eligibility criteria for pump and haul systems contained in Sections 2 through 6 of this ordinance.
 2. The current owner must provide acceptable evidence that the pump and haul system has been properly operated and maintained over the preceding two years, or for such time as it has been owned if less than two years.
 3. The Wise County/City of Norton Health Department shall inspect the Existing installed pump and haul system and certify that it is currently in proper working condition and that the alarm system is functioning properly.
 4. The proposed new owner must complete and sign all agreements in the pump and haul application package, and such agreements must be approved prior to transfer of the property.
 5. The proposed new owner shall post the bond required by Section 7 and produce the insurance coverage required by Section 8 of this resolution.
15. Applicant agrees to pay a fee in the amount of \$500.00 for the initial two year permit period and \$300.00 per each each two year renewal period thereafter if the extensions have been approved by the City Manager.

I have read and agree to the provisions of the City of Norton's Pump and Haul Regulations.

Applicant



Pump and Haul Permit City of Norton, Virginia

This is to certify that _____ (Permittee) of

_____ (Name or location of Property) has met all
of the City requirements to be awarded a Permit for a Pump and Haul Facility at said
property. The Two Year Permit will begin on _____ and expire on
_____.

Next steps of action:

- City will apply to the local Health Department for a Storage Facility Construction Permit and Property Owner is responsible for any Health Department permitting fees.
- The Property Owner will construct the facility to Health Department requirements.
- The Health Department approval with the inspection of the construction and any conditions placed on the operation by the Health Department should be forwarded to the City Manager prior to the pump and haul service commencing operation.

Agreed to by :

_____, City Manager _____ Date

_____, Permittee _____ Date

Witness:

9-E



Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager **FR**
CC:
Date: January 31, 2014
Re: Update on Joint Work Session with School Board

The purpose of this item on the agenda is to provide City Council with an update on the Proposed Work Session with the Norton City School Board.

Thank You.

1/13/14

INV. DATE	INVOICE#	G/L ACCT.#	GROSS AMOUNT	DISC. AMOUNT	NET AMOUNT
1/06/2014	STM 01/06	40-010-41020-8003	102,750.00	.00	102,750.00

9-F

1/13/2014	6925	131754	102,750.00	.00	102,750.00
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CITY OF NORTON
 CENTRAL GOVERNMENT BUILDING
 NORTON, VA 24273

THE FIRST BANK & TRUST
 NORTON, VA

131754

5040312
131754

102 THOUSAND 750 DOLLARS 00 CENTS

PAY TO THE ORDER OF:

DATE

AMOUNT

1/13/2014

5*102750.00

WELLS FARGO CORP TRUST
 ATTN: JEFFREY D. JOHNS
 9062 OLD ANNAPOLIS RD
 COLUMBIA

21045 MD

[Handwritten Signature]
 NOT-NEGOTIABLE
 AUTHORIZED SIGNATURE

⑈ 131754 ⑈ ⑈ 052401451 ⑈ 10000234 ⑈

01-21-2014

Consolidated Pipe & Supply Co., Inc.
Multiple Invoices - See Attached Listing
Account No. 240311

\$111,386.47

VDH Phase I Water System Improvements Project

4-002-040000-0043

CITY OF NORTON
GENERAL OPERATING FUND
NORTON, VA 24273

THE FIRST BANK & TRUST
NORTON, VA

131814

68-446/514
10

*****One Hundred Eleven Thousand Three Hundred Eighty-Six Dollars and Forty-Seven Cents*****

PAY TO THE ORDER OF:

DATE

AMOUNT

01-21-2014

\$111,386.47

Consolidated Pipe & Supply Co., Inc.
501 S Wilcox Dr Bldg 15
Kingsport, TN. 37664

AUTHORIZED SIGNATURE MP

⑈ 131814⑈ ⑆051404464⑆ 100002346⑈