

City Council Meeting Packet



January 3, 2017

AGENDA

Norton City Council

January 3, 2017

6:00 P.M.

1. Roll Call
2. Invocation – Rev. Jim Collie
3. Pledge of Allegiance
4. Approval of Minutes
 1. Meeting of December 6, 2016
5. Audience for Visitors
6. Special Presentations
7. New Business
 - A. Presentation of the 2015-16 Fiscal Audit by Thrower, Blanton, and Associates.
 - B. Review Draft Ordinance Regulating Pawnbrokers.
 - C. Confirmation of a Check(s)/Transfer(s) in Excess of \$100,000.
 - D. Closed Meeting Discuss Personnel as Per Section 2.2-3711 (A) (1) of the City of Virginia, as Amended; Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, or of the Disposition of Publically Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body as Per Section 2.2-3711 (A) (3) of the City of Virginia, as Amended.

1. Appointment to the Southwest Virginia Regional Jail Authority for a Four (4) Year Term; Currently Joseph Fawbush Whose Term Expires 12/31/2016.

To 12/31/2020

2. Appointment to the Norton Redevelopment and Housing Authority for a Four (4) Year Term; Currently Margaret McAfee Whose Term Expires 1/28/2017.

To 1/28/2021

3. Appointment to the Building Code Board of Appeals for a Five (5) Year Term; Currently Mike Ball Whose Term Expires 1/17/2017.

To 1/17/2022

4. Appointment to the Norton Highway Safety Commission for a Two (2) Year Term; Currently Fred McConnell; Bruce Rose, Gary Call, and Danny Holt Whose Terms Expires 1/31/2017.

To 1/31/2019

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

The regularly scheduled meeting of the Norton City Council was held on Tuesday, December 6, 2016, at 6:00 p.m., in the Municipal Council Chambers with Mayor William Mays presiding.

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

Absent: Dee Belcher

Also Present: Fred L. Ramey, Jr., City Manager, and Bill Bradshaw, City Attorney

The invocation was given by Reverend Roger Sloce and was followed by the Pledge of Allegiance led by Police Chief James Lane.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by the following vote: YES – Caruso, Fultz, Fawbush, and Mays, NO – None, ABSENT – Belcher, Council moved to adopt the minutes of the November 15, 2016, meeting as presented.

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

Council had been presented with A Resolution Requesting Authorization for Norton City Schools to Establish a Separate Fund for Food Service. Mr. Ramey explained the Food Service Fund would exist under the school's General Operating Fund and would allow the school system to track expenses and revenues, provide better operational efficiency, increase budgetary reporting, and provide identification of revenues and expenditures for each school. Mr. Ramey presented to each Council member with copies of the 2010 Text Book and Health Insurance Retirement Incentive Fund Resolution and advised that the proposed Food Service Account is in the same format of that resolution. Mr. Ramey said Food Service Funds can be carried over from year to year and expended as the Norton City School Board chooses, as long as the funds are expended for Food Service. Any other expenditure besides Food Service would require approval of Norton City Council.

After a brief discussion, Mayor Mays requested a joint meeting with the School Board in January to discuss the budget.

Ms. Gina Wolford, Interim Norton City Schools Superintendent, stated she would inform School Board Members and advise Mr. Ramey of available dates.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Caruso, Fultz, Fawbush, Mays, NO – None, ABSENT – Belcher, Council moved to adopt A Resolution Authorizing Norton City Schools to Establish a Separate Food Service Fund. (Insert)

The City Manager explained that at the last meeting Council was asked by a downtown business to adopt ordinances regulating pawnbrokers within the City. In anticipation of the request, Mr. Bradshaw had prepared a draft ordinance for Council's review and City Administration was asked by Council to place the draft ordinance on the agenda for Council's consideration.

The City Attorney stated that the regulations for pawnbroking are outlined in the state code and that he had paralleled these requirements in the draft ordinance. He said the draft ordinance allows Council the opportunity to determine fees and the number of pawnbrokers allowed within the City.

After a lengthy discussion, Mayor Mays asked members to further review the draft ordinance and requested that the item be placed back on the agenda for the January 3 meeting for discussion and consideration.

Mr. Ramey, via a PowerPoint presentation, gave Council an update on the Declaration of Emergency Declaring a Ban on Open Fires within the City. Mr. Ramey said a total 29 counties and 6 towns/cities across the state had enacted burn bans. Since the November 15 council meeting, the City has received rain and City Administration's recommendation to Council is to consider lifting the burn ban.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by the following unanimous vote: YES – Caruso, Fultz, Fawbush, Mays, NO – None, ABSENT – Belcher, Council moved to lift the Declaration of Emergency Declaring a Ban on Open Fires within the City.

Council had one check to confirm. The check was to W-L Construction & Paving, Inc., dated November 10, 2016, in the amount of \$195,210 to cover paving throughout the City for fiscal year 2016.

Upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by the following unanimous roll call vote: YES – Caruso, Fultz, Fawbush, Mays, NO – None, ABSENT – Belcher, Council moved to confirm the check to W-L Construction & Paving, Inc., as stated above.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Caruso, Fultz, Fawbush, Mays, NO – None, ABSENT – Belcher, 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, and discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publically held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body as per Section 2.2-3711 (A) (3) of the Code of Virginia, as amended.

Mayor Mays 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 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 Fawbush, seconded by Councilman Fultz, and passed by the following unanimous vote: YES – Caruso, Fultz, Fawbush, Mays, NO – None,

ABSENT – Belcher, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

Mayor Mays opened the floor for nominations to the Virginia's Heritage Music Trail: The Crooked Road for a three-year term to expire on November 30, 2019.

Councilman Fawbush nominated Linda Hamilton to be appointed to the Virginia's Heritage Music Trail: The Crooked Road.

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

Mayor Mays declared Linda Hamilton appointed to the Virginia's Heritage Music Trail: The Crooked Road for a three-year term which will expire November 30, 2019.

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

Disclosure Statements were placed at each member's desk and are due January 15, 2017.

The City has 60 million gallons of water storage at the reservoir and has received two inches of rainfall to date for the month of December. City Administration expects the water storage to continue to rise with the anticipated precipitation and will keep Council informed until the reservoir is near capacity.

Mr. Ramey encouraged City Council and citizens to visit the Southwest Virginia Museum and tour the Festival of Trees and vote for the City's Woodbooger-themed Christmas tree as favorite tree.

Prior to the regular Council Meeting on January 3, 2017, there will be an organizational meeting. The regular meeting will begin at 6:00 p.m.

The Southwest Virginia Legislative Reception is scheduled for January 25-27 at the Omni Hotels and Resorts in Richmond. Please advise City Administration if you plan to attend so accommodations can be made on your behalf.

There were no comments from the City Attorney.

In comments from Council:

Councilman Fultz wished everyone a Merry Christmas.

Councilman Caruso advised that most of the organizational changes have been made within the Norton Rescue Squad and that he is optimistic for the squad's future.

The Memorandum of Understanding between the City of Norton and the Norton Rescue Squad (MOU) and the Bylaws are in place and being utilized by management to make changes. Norton Rescue Squad staff is pleased with the changes and the City's assistance with accounting and payroll will be needed for at least the next 12 months.

Councilman Caruso advised Mr. Ramey he plans on attending the Legislative Reception in January.

Councilman Fawbush asked that Mr. Ramey mark his attendance to the Legislative Reception in January as tentative at this time.

Councilman Fawbush advised that he appeared, as a parent, on November 21, 2016, at a Special Called Meeting of the Norton City School Board and expressed concern over the School Board appropriating money from academic accounts to support other programs within the school system. He is hopeful that the School Board will be attentive to his concerns and he noted that he told the board members he appreciates the work they do for Norton City Schools.

He stated the City lost a good former employee with the passing of Sheriff Bruce Rose. He stated it was good to see the many citizens, friends, co-workers, various city departments, and professionals that came out to honor Sheriff Rose.

Councilman Fawbush wished everyone a Merry Christmas.

Mayor Mays advised that the December 20 meeting would be cancelled if there were no objections from Council.

Council was in consensus to dispense of the December 20 meeting.

Mayor Mays said the City lost an icon in Sheriff Bruce Rose and that Councilman Fultz conducted an excellent service.

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

CITY OF NORTON, VIRGINIA

William Mays, Mayor

ATTEST:

Rebecca K. Coffey, Clerk of Council

Employee Service Pins
January 3, 2017

10 Years

Wes Ward – Water Treatment Plant
Rusty McReynolds – Police Department
Arthur Jenkins – NIDA
Raymond Scott Craft – Water Treatment Plant

20 Years

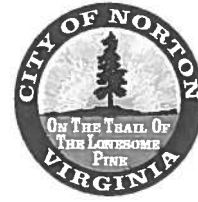
Jason Hill – Public Works Department
James Lane – Police Department
Shelby Short – Department of Social Services
Kelli Willis – Department of Social Services
Harold Huff – Department of Social Services

25 Years

Judy Miller – Commissioner of Revenue
Kim Taylor – Police Department
Tim Boardwine – Sheriff's Office

30 Years

Sherry Baker – Department of Social Services
Michele Knox – Parks & Recreation Department



Inter-Office Memo

To: Mayor and City Council
From: Fred L. Ramey, Jr., City Manager *FR*
CC:
Date: December 30, 2016
Re: 2015-16 Fiscal Audit

Tamara Greear of Thrower, Blanton, & Associates, P.C. will present the 2015-16 Fiscal Audit for the period ending June 30, 2016.

Thank You.

Retitle Chapter 17 as Pawnbrokers; Precious Metals and Guns
Article 1. Pawnbrokers

Sec. 17.1 – Authority; applicability.

This article is adopted pursuant to the authority of Chapter 40, Title 52.1 and section 15.2-1114 of the Code of Virginia, 1950, as amended.

Sec. 17.2 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

City Manager means the *City Manager* or his designee.

Pawnbroker means any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Sec. 17.3 – License.

- (a) *Required.* No person shall engage in the business of a pawnbroker without having a valid license issued by the City Manager.
- (b) *Application; issuance.* No such license shall be issued unless the applicant shall furnish to the City Manager an order of the circuit court issued pursuant to section 54.1-4001 of the Code of Virginia, 1950, as amended, authorizing the City to issue the license. In addition, the applicant shall complete an application on a form furnished by the City Manager which shall require the applicant to furnish his full name, aliases, address, date of birth, driver's license number, sex, fingerprints and photograph; the name, address and telephone number of the applicant's employer; the proposed location of the applicant's place of business; a statement of whether the applicant will purchase, sell or take possession of firearms; and certification from the zoning administrator or his designee that operation of the business of a pawnbroker at the proposed location is a permitted use of the premises. Upon furnishing the court order, filing the application and paying an application fee of \$_____, the applicant shall be issued a license by the City Manager, provided that the applicant has not been convicted of a felony or a crime of moral turpitude within ten (10) years prior to the date of application. The license may be denied if the applicant has been denied a license or has had a license revoked under any ordinance similar in substance in this article.

- (c) *Duration; renewal; transfer.* The license shall be valid for twelve (12) months from the date thereof, and may be renewed in the same manner as the initial license was obtained, with an annual license fee of \$_____. No license shall be transferable.
- (d) *Location of business.* The license shall designate the building in which the licensee shall carry on business. No person shall engage in the business of a pawnbroker in any location other than the one designated in his license, except with consent of the circuit court which authorized issuance of the license and upon written notification to the City Manager.
- (e) *Penalty.* Any person who violates the provisions of this section shall be guilty of a Class 1 misdemeanor. Each day's violation shall constitute a separate offense.

Sec. 17.4 – Limitation on number of pawnshops.

Not more than ____ places in the City shall be licensed where the business of a pawnbroker may be conducted.

Sec. 17.5 – Bond required; private action on bond.

- (a) No person shall be licensed by the City as a pawnbroker or engage in the business of a pawnbroker unless such person shall first provide proof of compliance with the requirements of section 54.1-4003 of the Code of Virginia, 1950, as amended, that there shall be in existence a bond with surety in the minimum amount of fifty thousand dollars (\$50,000.00) to secure the payment of any judgment recovered under the provisions of subsection (b) of this section.
- (b) As provided in section 54.1-4003 of the Code of Virginia, 1950, as amended, any person who recovers a judgment against a licensed pawnbroker for the pawnbroker's misconduct may maintain an action in his own name upon the bond of the pawnbroker if the execution issued upon such judgment is wholly or partially unsatisfied.

Sec. 17.6 – Memorandum to be given pledgor; fee; lost ticket charge.

Every pawnbroker shall at the time of each loan deliver to the person pawning or pledging anything, a memorandum or note, signed by him, containing the information required by Sec. 17.9. A lost-ticket fee of not more than five dollars (\$5.00) may be charged, provided that the pawner is notified of the fee on the ticket.

Sec. 17.7 – Sale of goods pawned.

No pawnbroker shall sell any pawn or pledge item until (i) it has been in his possession for the minimum term set forth in the memorandum, but not less than thirty (30) days, plus a grace period of fifteen (15) days and (ii) a statement of ownership is obtained from the pawner.

If a motor vehicle is pawned, the owner of the motor vehicle shall comply with the requirements of §46.2-637. In the event of default by the pawner, the pawnbroker shall comply with the requirements of §46.2-633. All sales of items pursuant to this section may be made by the pawnbroker in the ordinary course of his business.

Sec. 17.8 – Interest chargeable.

- (a) No pawnbroker shall ask, demand or receive a greater rate of interest than ten percent (10%) per month on a loan of twenty-five dollars (\$25.00) or less, or seven percent (7%) per month on a loan of more than twenty-five dollars (\$25.00) and less than one hundred dollars (\$100.00), or five percent (5%) per month on a loan of one hundred dollars (\$100.00) or more, secured by a pledge of tangible personal property. No loan shall be divided for the purpose of increasing the percentage to be paid the pawnbroker. Loans may be renewed based on the original loan amount. Loans may not be issued that compound the interest or storage fees from previous loans on the same item.
- (b) An annual percentage rate computed and disclosed under the provisions of the federal Truth-in-Lending Act shall not be deemed a violation of this section.

Sec. 17.9 – Records of transactions; credentials of persons pawning goods.

- (a) Every pawnbroker shall keep at his place of business an accurate and legible record of each loan or transaction occurring in the course of his business. The account shall be recorded at the time of the loan or transaction on a form approved by the sheriff or other law-enforcement officer designated by the attorney for the Commonwealth pursuant of Sec. 17.10 and shall include:
 - (1) A description, serial number, and a written statement of ownership signed by the pledgor of the goods, articles or things pawned or pledged or received on account of money loaned thereon;
 - (2) The time, date and place of the transaction;
 - (3) The amount of money loaned thereon at the time of the pledge;
 - (4) The rate of interest to be paid on such loan;
 - (5) The fees charged by the pawnbroker, itemizing each fee charged;
 - (6) The full name, residence address, workplace, home and work telephone numbers, and driver's license number or other form of identification of the person pawning or pledging the goods, articles or things, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, or such person;
 - (7) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;

- (8) A digital image of the form of identification used by the person involved in the transaction.
 - (9) The terms and conditions of the loan, including the period for which any such loan may be made; and
 - (10) All other facts and circumstances respecting such loan.
- (b) A pawnbroker may maintain at this place of business an electronic record of each transaction involving goods, articles, or things pawned or pledged or purchased. If maintained electronically, a pawnbroker shall retain the electronic records for at least one year after the date of the transaction and make such electronic records available to any duly authorized law-enforcement officer upon request.
 - (c) For each loan or transaction, a pawnbroker may charge a service fee for making the daily electronic reports to the appropriate law-enforcement officers required by §54.1-4010, creating and maintaining the electronic records required under this section, and investigating the legal title to the property being pawned or pledged or purchased. Such fee shall not exceed five percent of the amount loaned on such item or paid by the pawnbroker for such item or \$3.00, whichever is less. Any person, firm, or corporation violating any of the provisions of this section is guilty of a Class 4 misdemeanor.
 - (d) No goods, article, or thing shall be pawned or pledged or received on account of money loaned or purchased for resale if the original serial number affixed to the goods, article, or thing has been removed, defaced, or altered.
 - (e) The Superintendent of State Police shall promulgate regulations specifying the nature of the particular description for the purposed of subdivision A 6. The Superintendent of State Police shall promulgate regulations, specifying the nature of identifying credentials of the person pawning, pledging, or selling the goods, article, or thing. Such credentials shall be examined by the pawnbroker, and an appropriate record retained thereof.

Sec. 17.10 – Daily reports.

- (a) Every pawnbroker shall prepare a daily report of all goods, articles, or things pawned or pledged with him or sold to him that day and shall file such report by noon the following day with the chief of police or other law-enforcement officer of the county, city, or town where his business is conducted designated by the local attorney for the Commonwealth to receive it. The report shall include the pledgor's or seller's name, residence, and driver's license number or other form of identification; a photograph or digital image of the form of identification used by the pledgor or seller; and a description of the goods, articles, or other things pledged or sold and, unless maintained in electronic format, shall be in writing and clearly legible to any person inspecting it. A pawnbroker may compile and maintain the daily report in an electronic format and, if so maintained, shall file the required daily reports electronically with the appropriate law-enforcement

officer through the use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer. Any local governing body, may by ordinance, require a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer.

- (b) The Department of State Police shall adopt regulations for the uniform reporting of information required by this section.
- (c) Any person, firm, or corporation violating any of the provisions of this section is guilty of a Class 4 misdemeanor.

Sec. 17-11. – Examination of records and property; seizure of stolen goods.

Every pawnbroker and every employee of the pawnbroker shall admit to the pawnbroker's place of business, during regular business hours, any duly authorized law-enforcement officer of the City, or any law-enforcement official of the state or federal government. The pawnbroker or employee shall permit the officer to (i) examine all records required by this chapter and any article listed in a record which is believed by the officer to be missing or stolen and (ii) search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen. However, the officer shall not take possession of any article without providing to the pawnbroker a receipt.

Sec. 17-12. – Property owned not to be disfigured or changed.

No property received on deposit or pledge by any pawnbroker shall be disfigured or its identity destroyed or affected in any manner (i) so long as it continues in pawn or in the possession of the pawnbroker while in pawn, or (ii) in an effort to obtain a serial number or other information for identification purposes.

Sec. 17.13. – Care of tangible personal property; evaluation fee.

- (a) Pawnbrokers shall store, care for and protect all of the tangible personal property in the pawnbroker's possession and protect the property from damage or misuse. Nothing in this chapter shall be construed to mean that pawnbrokers are insurers of pawned property in their possession.
- (b) A pawnbroker may charge a monthly storage fee for any items requiring storage, which fee shall not exceed five percent (5%) of the amount loaned on such item.

Sec. 17.14 – Penalties.

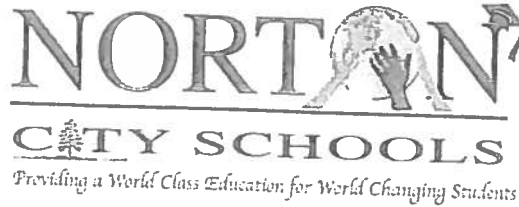
- (a) *Criminal penalty.* Except as otherwise provided in Sec. 17.3, any licensed pawnbroker who violates any of the provisions of this article shall be guilty of a Class 4 misdemeanor.

- (b) *Suspension or revocation of license.* In addition to the penalty provided in subsection (a) of this section, the Court may revoke or suspend the pawnbroker's license for second and subsequent offenses.
- (c) *Enforcement under Consumer Protection Act.* Additionally, any violation of the provisions of this article shall constitute a prohibited practice as provided in section 59.1-200 of the Code of Virginia, 1950, as amended, and shall be subject to any and all of the enforcement provisions of the Virginia Consumers Protection Act.

Sec. 17.15 - Sec. 17.30. RESERVED

SCHOOL BOARD

Sherry Adams, Chairperson
Mark Leonard, Vice-Chairperson
Carol Caruso
April Fletcher
Joseph Stallard

*DIVISION SUPERINTENDENT*

Keith Perrigan, Ed.D.
kperrigan@nortoncityschoools.org
Phone 276.679.2330
Fax 276.679.4315

TO: Jeff Shupe, Director of Finance
FROM: Tamrya Spradlin, Supervisor of Finance
SUBJECT: Request For Funds
DATE: November 28, 2016

Norton City Schools requests a deposit of City Funds in the amount of \$200,000 to cover November 2016 payroll expenditures.

Thank you!