

October 18, 1966

The regular meeting of the City Council was held in the Municipal Court Room on October 18, 1966 at 7:30 P.M. with Mayor Flanary presiding.

Present: V.O. Flanary, G.E. Hunnicutt, C.W. Bryant, R.L. Collins, S.H. Neeley

Also Present: David Norman, City Manager & Leslie Mullins, Attorney.

Minutes of the previous meeting were read and approved.

Public Hearing on proposed dog ordinances was held. W.H. Dawson, P.F. Stevenson and Dr. J.T. Phillips expressed their opinions of the two proposed ordinances. #3813

Dr. Phillips, at the request of the City Attorney, spoke briefly on the handling of rabid dogs.

Attorney Stump read two proposed dog ordinances.

On motion by C.W. Bryant, seconded by V.O. Flanary and carried by the following votes, the Dog Ordinance designated as #1 was passed: V.O. Flanary, C.W. Bryant, R.L. Collins - Yeah; G.E. Hunnicutt & S.H. Neeley - Nay. Due to a misunderstanding of the ordinance, Councilman Collins asked the chair to withdraw his vote of Yeah. Thus said motion did not carry.

On motion by S.H. Neeley, seconded by G.E. Hunnicutt and carried by unanimous vote, Council moved that the existing dog ordinances in the Code of the City of Norton be enforced and that the following sections be made a part of said dog ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTON that:

Sec. 3-5(a) DESTRUCTIVE ANIMALS.

No person shall suffer or permit any animal belonging to him or under his control to go upon the land of any other person and damage or destroy any garden, shrub, grass, or other property thereon. Any violation of this section shall be punishable by a fine of not less than three dollars nor more than twenty-five dollars for each separate offense.

Any person owning property which is damaged or destroyed by any violation described in the foregoing paragraph may enter his complaint by a warrant issued against the owner or custodian of the animal involved and the complaint shall be heard by the judge of the municipal court as all other complaints under criminal warrants are heard, and upon conviction, such owner or custodian shall be fined in accordance with the provisions of this section. Upon a second conviction within the period of one year of any offense under this section involving the same animal, the judge of the municipal court shall order the owner or custodian of such animal to take it into custody and to confine it in such a way that it will not be permitted to run at large at any time. Upon the failure of such owner or custodian to comply with this order, such animal shall be seized by the chief of police or his duly authorized representative and destroyed.

Sec. 3-5(b) CONFINEMENT OF DOG THAT HAS BITTEN PERSON

Upon information to the police department or the game warden that a dog has bitten a person, it shall be the duty of the chief of police, the game warden or the official representative of either, upon ascertaining the identity of such dog, to direct that it be confined for a period of not less than ten days and not more than forty-five days, such confinement to be either in the city pound or with a veterinarian approved by the health officer; as the person who owns or controls such dog shall select; provided, that the person who owns or controls such dog shall bear the cost of any such confinement with a veterinarian. It shall further be the duty of the chief of police, the game warden or the official representative of either, immediately after directing that such dog be so confined, to notify the health officer and he or his designated representative shall then assume the

responsibility of supervising such confinement and ordering the dog to be released when he deems that it is safe for the dog to run at large.

Should the person who either owns or controls such dog fail or refuse to confine it as hereinabove provided, the chief of police, the game warden or the official representative of either shall immediately take such dog into custody and confine it in the city pound and the person owning or controlling such dog shall forthwith be summoned by the chief of police, the game warden or the official representative of either to appear in the municipal court, where the matter shall be heard as all other matters are heard on criminal warrants. Upon finding that such person either owns or controls a dog that has bitten a person, the judge of the municipal court shall order the dog confined in the city pound or with a veterinarian approved by the health officer for a period of not less than ten days and not more than forty-five days, at the cost of the person who owns or controls such dog. Such confinement shall be under the supervision of the health officer or his designated representative, either of whom shall later inform the court when, in his opinion, such dog may with safety be released.

Any person owning or controlling a dog ordered confined under the provisions of this section by the judge of the municipal court, who shall fail to comply with such order, shall be fined not less than twenty dollars nor more than fifty dollars and each day's violation of such order shall constitute a separate offense.

On motion made and duly seconded, Council moved that the City Manager be directed to study these ordinances and make provision for enforcement of them.

On motion by G.E. Hunnicutt, seconded by R.L. Collins and carried by unanimous vote, the following taxicab ordinance was passed:  
 BE IT ORDAINED by the Council of the City of Norton that Sections 16-1, 16-2, 16-3, and 16-4 of Chapter 16, entitled "Taxicabs", of the Code of the City of Norton, Virginia, be amended as follows:

Section 16-1. ANNUAL PERMIT.

It shall be unlawful for any person to operate a taxicab on other motor vehicle performing a taxicab service in this City without first obtaining from the City Manager an annual permit on an annual basis. Any person desiring a permit under this Section, shall file with the City Manager an application in the form prescribed by the City Manager.

Section 16-2. PERMITTING THE OPERATION OF TAXICABS.

It shall be unlawful for any person, firm or corporation to permit any taxicab or other motor vehicle performing a taxicab service, owned or controlled by such person, firm or corporation, to be operated in this City by any person who has not obtained a permit from the City Manager.

Section 16-3. ASSIGNMENT OF PERMIT.

No permit issued by the City Manager under this Ordinance shall be assigned or otherwise transferred without the approval of said City Manager.

Section 16-4. OPERATING LOCATIONS.

The permit issued by the City Manager shall designate the location or locations from which each such taxicab shall operate and the locations of the operating office of each such taxicab. It shall be unlawful for any owner or operator to change such operating location or office without the written consent of the City Manager.

An emergency existing, the above ordinance shall be in effect from date of its passage.

On motion by G.E. Hunnicutt, seconded by S.H. Neeley and carried by unanimous vote, the following resolution regarding Norton Industrial Development Authority was passed: #3815

BE IT ORDAINED by the City Council of the City of Norton, Virginia, that there is hereby created by the City Council of the City of Norton, Virginia, an Industrial Development Authority, under and pursuant to the provisions of Chapter 33 of Title 15 of the Code of Virginia, of 1950, as amended, which Industrial Development Authority shall be Industrial Development of Norton, Virginia.

Said Industrial Development Authority of Norton, Virginia, is created for the purposes set forth in said Chapter, and shall have all of the powers and authority set forth in said Chapter 33, of Title 15 of the Code of Virginia of 1950, as amended, as if fully and completely set out herein and by reference thereto is hereby made a part of this Ordinance.

Mr. Norman presented Treasurer's Report for Month of September, 1966. #3816

On motion by G.E. Hunnicutt, seconded by C.W. Bryant and carried by the following votes, the following resolution was passed: R.L. Collins, C.W. Bryant, V.O. Flanary, G.E. Hunnicutt \* Yeah; S.H. Neeley, Nay. #3817

BE IT RESOLVED BY THE City Council that the Mayor and the City Manager be and hereby are authorized to negotiate with the Wise County National Bank of Norton, Virginia, for the loan of not more than \$20,000, to be drawn as required to properly maintain the financial integrity of the City and to be repaid as soon as possible but in no event later than December 15, 1966.

Councilman Hunnicutt presented to Council request that the City Council pass a resolution requesting the Highway Department to state the relocation of Route #23 north of Norton. #3818

On motion by G.E. Hunnicutt, seconded by S.H. Neeley and carried by unanimous vote, the following resolution was passed:

BE IT RESOLVED by the City Council of the City of Norton, Virginia, that it is to the interest, welfare and public necessity of the City of Norton, Virginia, that a public hearing be held by the State Highway Department of the Commonwealth of Virginia as soon as practicable and convenient for the purpose of deciding the location of U.S. 23 through the City of Norton, Virginia, as proposed to be relocated. It is essential to the orderly planning of the City for such determination to be made so the City can make its plans as to the following:

- (a) The early location of a new grade school;
- (b) The location of new sewage mains;
- (c) The location of new water lines;
- (d) The rebuilding and reconstruction of Kentucky Avenue in the City of Norton
- (e) Plans for the future expansion and growth of the City.

BE IT FURTHER RESOLVED that public interest of the citizens of the City of Norton would be promoted by a early hearing, if such hearing is necessary, as to the location of U.S. 23 through the City of Norton. That industry, business and commercial interst need to know the location of said highway so as to make plans for the continued or future use of the land involved and the future relocations, if necessary, of their businesses in the event such businesses need to be commenced or expanded.

BE IT FURTHER RESOLVED that a copy of this resolution be forthwith sent to The Honorable Douglas Fugate, Commissioner of Highways of the Commonwealth of Virginia, The Honorable H.M. Morecock, Jr., District Engineer, Bristol District, Department of Highways, Bristol, Virginia, and a copy to The Honorable Joseph Rhodes, Resident Engineer Wise, Virginia, and The Honorable Lonnie Bolton, Urban Engineer, Department of Highways Commonwealth of Virginia.

The City Manager was instructed to write a letter to the Highway Department stating every reason possible as to the City's need for knowing of the relocation of Rt. #23 north of Norton.

Mr. Norman stated that in accordance with the Code of the City of Norton, he had appointed the following officers of the Fire Department: Chief, Earle Brown; Asst. Chief, "Red" Trinkle; Captain, Bill Quarterman; Lt., Kenneth Kibler; Lt., Vic Jones; Drivers - Bill Necessary, Red Owens, John Hincer, Danny Still.

On motion by C.W. Bryant, seconded by R.L. Collins and carried by unanimous vote, the above named officers were approved.

Mr. Norman advised Council of the Highway Conference to be held in Lexington on October 27th and 28th and expressed his desire to attend. Council granted permission for Mr. Norman to attend.

Mr. Norman discussed with Council the condensation problem at his residence. On motion by C.W. Bryant, seconded by R.L. Collins and carried by unanimous vote, Council instructed the City Manager to have this matter taken care of.

Mr. Norman discussed with Council the beautification of the City Hall grounds. Council approved this program.

Mr. Norman advised Council that the Planning Meeting had been set up for Monday, October 24th at 7:00 P.M.

Mayor Flanary inquired as to the status of green arrows at the traffic lights on Park Avenue.

Mr. Norman advised Council of purchase of motor grader in Roanoke last week.

Mr. Alvero Gilliam appeared before Council requesting date of repairs to road in Riddle Addition, and also water situation. Matter referred to City Manager.

Mr. Hoge Horne appeared before Council regarding John Street. Matter referred to next Council meeting.

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

Norman O. Flanary  
Mayor

[Signature]  
Clerk