

June 3, 1958

The regular meeting of the City Council was held in the Municipal Court Room on June 3, 1958, at 7:30 P. M. with Mayor B. E. Ball presiding.

Present: B.E. Ball, Fred H. King, Sol Cury, W.R. Hamner and A. O. Umstead

Minutes of the last meetings were read and approved.

Mr. Hamner brought to Council's attention Mrs. Crawford's request #1292 to have the City's water pump house in front of her apartment removed. Referred to City Manager.

Mrs. Bruce Fraley and Mr. Bill Witt appeared before council in regard #1293 to water overflowing their property on Chestnut Street. After a brief discussion the city manager was instructed to go ahead with the discussed plans to alleviate this situation.

The City Manager gave a report on the progress of the Highway Project. He also presented a recommendation of the Norton Planning Commission that a study be made of change in Route 58 between Norton Hardware and Kentucky Avenue. #1294

Mr. Norton advised council that the contractors for the additional work on the new dam would be here this weekend ready to begin the work Monday, June 9th. He also advised that Mr. Fithian of the Chester Engineers would be here to see the project and keep a close check on it. #1295

Mr. Norton as Chairman of the Surplus Food Committee gave a report #1296 on the work of the committee in which he advised council that the brass tag system would be used and that the shed was to be extended with a fence around the area, the cost of the same to be approximately \$130.00

On motion by A. O. Umstead, seconded by W. R. Hamner and carried #1297 by unanimous roll call vote, the budget for City of Norton for fiscal year beginning July 1, 1958, and ending June 30, 1959, was adopted on second and final reading.

Mr. Norton advised council of the State Planning Commission meeting #1298 to be held in Harrisonburg, Va., on June 19-20-21st. On motion by Sol Cury, seconded by A. O. Umstead and carried by unanimous vote, council moved that C. W. Cooper, Chairman of the Norton Planning Commission with Mr. Norton as alternate, be delegated to attend this meeting.

On motion by Fred H. King, seconded by W. R. Hamner and carried #1299 by unanimous vote, the City Manager was authorized to negotiate with the C. & P. Telephone Company with regard to their lot on the corner of 7th Street and Virginia Avenue for a public parking lot.

Taxicab operator application was presented to council for Ralph Hicks. Application denied. #1300

On motion by Sol Cury, seconded by Fred H. King, the following ordinance regarding the imposing of a recordation tax was passed on first reading with the following votes: B. E. Ball, Fred H. King, Sol Cury, A. O. Umstead, AYE; W. R. Hamner not voting. #1301

AN ORDINANCE IMPOSING A RECORDATION TAX ON INSTRUMENTS CONVEYING OR RELATING TO REAL ESTATE IN THE CITY OF NORTON

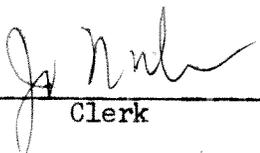
BE IT ORDAINED by the Council of the City of Norton, Virginia, that there is hereby imposed a city recordation tax of (5¢) Five Cents for each \$100.00 of the consideration on each taxable instrument conveying, covering or relating to real property in the City of Norton, and such recordation tax shall be collected as provided by Chapter 590 of the Acts of the General Assembly of Virginia of 1958. This ordinance shall be effective on July 1, 1958.

Mr. V. H. Statzer of the Bristol Radio Supply Corporation and Mr. Chester Tremmel of the Paintsville Appliance Company appeared before council regarding proposals for television cable systems in the City of Norton. #1302

On motion by Sol Cury, seconded by Fred H. King and carried by unanimous vote, Section 2 of the Ordinance regarding franchise for television cable service, passed at May 20, 1958, meeting was amended to read as follows: #1303

Section II. Said Grantee, its successors and assigns, shall set a maximum connection fee and a maximum monthly maintenance fee, which shall be expressed in a proposal and submitted to the City Council for approval. Should said maximum connection fee and/or maximum monthly maintenance fee necessitate being increased, said increase shall be subject to the approval of the City Council.

There being no further business before the council same adjourned.


Clerk


Mayor

It was duly moved and seconded that the following ordinance be passed:



SECTION I

BE IT ORDAINED THAT there is hereby granted to _____
 T/A _____ for a period of ten (10) years
 from the acceptance of this ordinance, as hereafter provided, the
 right and authority to use the streets and alleys of the city for
 the purpose of constructing, maintaining and repairing television
 conduits and wires, for the purpose of conducting and distributing
 the necessary wires and cables, and to make house and building
 connections, upon, along, in and under the streets, alleys and
 public places in said city, and also to repair, replace, enlarge
 and extend the same, and to carry on the business of conducting
 television reception within said city, subject to the ordinances,
 rules and regulations of the said city, and subject to the conditions
 and provisions of this ordinance.

1303 1/2

PROVIDED, that nothing contained in this ordinance shall authorize
 the construction, maintenance or operation of a conduit, wire and
 cable system for any other purpose than to maintain therein the
 television wires, to be constructed and operated thereunder.

There is also authorized, when necessary, the erection, construction,
 maintenance and repair, within said city, of poles, with the necessary
 fixtures, and to stretch and maintain thereon wires and cables to
 be used in connection with said television reception transmission.
 Said poles shall be placed in the alleys or rear of buildings as
 far as possible. The privilege of placing said wires and poles,
 however, shall be subject to the conditions and provisions of
 the other utility companies using said streets and alleys and
 such other ordinances, rules and regulations as now may be enacted
 or in the future may be enacted by the City of Norton or by the
 Government of the United States or Commonwealth of Virginia. The
 said Grantee, its successors and assigns shall replace all streets,
 alleys and public grounds on and in which any work may be done
 under the provisions of this ordinance in as good order and condi-
 tion as the same was before the doing of such work, and all such
 work shall be done subject to the approval of the City Manager.
 Likewise the placement of said poles and the distance between
 poles and the type and appearance of said poles shall be subject
 to the reasonable supervision of the City Manager.

Rec
 1286
 1303

SECTION II

Said Grantee, its successors and assigns, shall set a maximum
 connection fee and a maximum monthly maintenance fee, which shall
 be expressed in a proposal and submitted to the City Council for
 approval. Should said maximum connection fee and/or maximum
 monthly maintenance fee necessitate being increased, said increase
 shall be subject to the approval of the City Council.

SECTION III

The rights and privileges granted by this ordinance are upon the
 condition that the said Grantee, its successors and assigns, shall
 pay as compensation and as consideration for the use of streets,

alleys, and public grounds of said city for the purpose herein designated, the full sum or amount of one-fourth of one percent of its gross earnings from transmitting television reception in the City of Norton, Virginia, which said sum shall be paid annually into said treasury of said city; said payment to be made on or before the first day of February of each year from and after the granting of this ordinance. And for the purpose of ascertaining the gross earnings upon which such payments shall be made, as aforesaid, an accurate account of such earnings shall be kept by the said Grantee, and an abstract and account thereof furnished by it to the City Treasurer at the time of such payments above provided, and the truth of such abstract shall be verified by the affidavit of a proper official of said Grantee.

For the purpose of verifying such statements, the books of the Grantee shall be, at all reasonable times, open for inspection by such officer, person or persons as may be appointed for that purpose by the city council. And for the purpose of securing to the City of Norton the payment of the aforesaid percentum, the city shall have a lien for the payment of said percentum, and the same shall be a charge upon all the property, real, personal or mixed of the grantee and may be enforced by such means provided by law for the collection of taxes.

SECTION IV

Said Grantee shall at all times protect and save harmless the City of Norton from all damage and loss from or arising out of or by reason of construction or operation of said television conduit system. Said Grantee shall at all times carry and deposit with some responsible insurance company in at least the sum of Three Hundred Thousand (\$300,000.00) Dollars insuring the City of Norton and any persons, firms and corporations from any damages by virtue of any negligence in the construction and operation of such television transmission system.

SECTION V

Said Grantee shall file his written acceptance of the provisions of this ordinance with the Clerk of Norton on or before ten (10) days from the passage of this ordinance and shall within thirty days file with said Clerk a bond, with sufficient surety, to be approved by the City Manager in the sum of Five Thousand (\$5,000) Dollars conditioned that said Grantee shall substantially complete installation of said television conduit system within two years of the date of filing on such acceptance. Any period of time of interruption of installation caused by war, strikes or acts of God shall not be computed as a part of said two year period.

SECTION VI

In the installation and maintenance of the facilities and system herein contemplated, the Grantee shall comply with all applicable ordinances, rules, and regulations of the City of Norton, and with all applicable statutes and regulations of the Commonwealth of Virginia and the political subdivisions thereof, and with any applicable laws or regulations of the Government of the United States.

SECTION VII

Commensurate with the population of the City of Norton and the customer potential available therein, the Grantee shall install the most modern and efficient appliances and equipment practical for such system, and shall make such reasonable improvements in such appliances and equipment as might become available from time to time to render efficient service, and shall further provide reception for color television when if the same shall become practical. Said Grantee shall transmit upon its lines the broadcasting of at least three (3) transmission stations, if available, and the rates of the Grantee shall be increased for such additional broadcasting stations as can be properly received by the said Grantee and transmitted to its customers and subscribers in the City of Norton.

SECTION VIII

Insofar as local conditions will permit, the Grantee shall at all times give efficient, high quality, and equal service to all of the citizens of Norton who desire to subscribe thereto; provided, however, that the Grantee shall not be required to render service to isolated citizens or isolated areas where the cost of installation would be so disproportionate to return as to make it impossible for the Grantee to realize a reasonable return upon its investment.

SECTION IX

The City Manager shall have all of the Grantee's poles, wires, cables and devices inspected at least once a year and shall pass on the public safety of the same, and the City Manager is hereby authorized to order any wire, cable, device or pole removed, or put in proper condition at any time when the same becomes a danger to public safety or fails to meet the requirements of the National Board of Fire Underwriters.

If the Grantee discontinues business, its poles, wires, cables and devices shall be removed at its expense within ninety (90) days after the discontinuance of business.

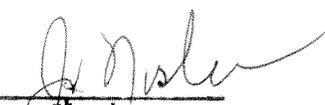
SECTION X

The granting of any rights under this ordinance shall be without the right of any recourse against the City.

SECTION XI

Should the Grantee fail in any material particular to comply with the provisions of this ordinance and the obligations and duties assumed by it hereunder, then the City shall give the Grantee written notice of such failure, and if the Grantee thereafter does not remedy such dereliction within ninety (90) days from the receipt of such notice, then the City may declare all rights hereunder to be forfeited and terminated, and may require the Grantee to remove its equipment within the time above provided.

ATTEST:


Clerk