

The regular meeting of the Norton City Council was held on Tuesday, July 21, 1998 at the Municipal Council Chambers with Mayor Robert Raines presiding.

Present: Joseph Hunnicutt, Jack Wallace, Robert Raines, William Mays, and Joseph Fawbush

Also Present: E. W. Ward, City Manager and Bill Bradshaw, City Attorney

The invocation was given by Dr. Miller Liston and was followed by the pledge of allegiance which was led by the Adjutant Commander of the VFW Post 4301, Mr. Henry Vanover.

Upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council moved to adopt the minutes of the July 7, 1998 meeting as presented. 19085

There was no response to the Mayor's call for visitors. 19086

Council held a public hearing on An Ordinance of the City Council of the City of Norton, Virginia Relating to All Ordinances and Resolutions of the Municipality.

Mayor Raines advised this ordinance had been duly advertised and this item was brought to Council's attention by the City Attorney.

Mr. Bradshaw advised this ordinance is designed to readopt all ordinances and resolutions of the City Council which have not been previously appealed or amended and to readopt those which have been previously amended in their presently existing form. The reason for this is due to action taken by the Virginia Supreme Court in which Council minutes did not reflect how each member of a Council had voted - whether for or against. This was in violation of the Constitution of the State of Virginia. Adoption of this ordinance will assist in the enforcement of the existing city ordinances and resolutions and remove an argument that might be raised in any case by defense counsel, especially ordinance violations with respect to the City's Criminal Code. 19087

There were no questions or comments from Council prior to the public hearing.

The Clerk was asked to read the entire ordinance at this time.

Mayor Raines opened the public hearing.

There being no public input, Mayor Raines closed the public hearing.

Upon a motion by Jack Wallace, seconded by Joseph Fawbush, and passed by the following unanimous roll call vote: Hunnicutt, Wallace, Mays, Fawbush, and Raines - YES, NO - None, Council moved to adopt An Ordinance of the City Council of the City of Norton, Virginia Relating to All Ordinances and Resolutions of the Municipality. (Insert)

Mr. Bob Mathieson, Spokesman for the VFW Post 4301, came forward to make a special presentation to the City. Several months ago, they found their original charter which was dated February 12, 1960. He spoke with the City Manager and asked if the City would have it framed and hung in the lobby of the Municipal Building. He would like to present this to the City with two conditions. One condition is that if the City decides it does not want it any more, they will return it to the Post. The second is that if the Post gets their own building and would like to have it back, the City will return it to them. Mayor Raines advised there were no problems with these two stipulations.

19088

On behalf of the City Council and citizens of Norton and Wise County, Mayor Raines accepted this Charter from VFW Post 4301 and thanked them for the sacrifice made by them throughout the years.

During his presentation, Mr. Mathieson recognized the Charter Members of his group and then recognized all the other members of the VFW Post 4301.

Mr. Ward advised that he was in receipt of a letter from Century Communications dated July 10, 1998 advising of a rate increase which will be effective August 1, 1998 for basic cable service as well as some increases in some installation and other fees they charge. Also present was Mr. Al Fulk, General Manager, to discuss this with Council and answer any questions.

The City will be getting six additional channels.

The City Council regulates cable TV within the City primarily because City Council opted to do so on 2/1/94 and also due to the fact that we do not have effective competition in the City. Our regulating authority is set forth by the FCC and is based on a benchmark system. We have some authority over basic cable services, but have little authority over some of the other type of programming that we are accustomed to. The FCC allows the local cable providers to offer a service by which it cannot exceed a maximum subscriber fee. This fee is derived from an FCC formula. After discussing this with the City Attorney, the City Administration feels the increase proposed by Century does not exceed the maximum subscriber fee.

19089

Mr. Bradshaw concurred with the City Manager on this rate increase and advised that it is substantially below the maximum allowable.

Mr. Fulk spoke briefly and then answered questions from council members.

Mr. Ward advised Council he wanted to make them aware this increase was forthcoming.

Mayor Raines thanked Mr. Fulk for being present tonight and also expressed appreciation to Century for the excellent services they provide to City residents.

Mr. Ward supplied Council with information and a model ordinance provided by the Virginia Municipal League wherein Senate Bill 577 and House Bill 957 establishes a provision for local governments to adopt a Public Right-of-Way Use Fee that can be implemented if localities so choose on telecommunications entities. The effective date of this legislation was July 1, 1998.

A fee that would equal not less than fifty cents would have to be assessed on each phone line per month against telecommunications companies for the right of them using public right-of-way in the City. This assessment would then, in all probability, be passed to the citizenry. This would be approximately \$20,000 of new revenue annually.

19090

Following a brief discussion, it was the consensus of Council to table this until the next budget cycle.

Council had in their packets A Resolution Designating Operating Community Services Board.

Mr. Ward advised this resolution serves to affirm the current practices taking place in the Community Services Board and designates that our Board (Planning District One Community Services Board) is an operating board. Adoption of this resolution will help us to stay in line with recent legislation passed.

19091

Upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by the following unanimous vote: Hunnicutt, Wallace, Mays, Fawbush, and Raines YES, NO - None, Council moved to adopt A Resolution Designating Operating Community Services Board. (Insert)

Council had A Resolution Approving the Planning District One Community Services Board Performance Contract in their packets.

This is required to approve our annual Performance Contract which sets forth the performance contract for the Community Service Board for the next twelve months.

Upon a motion by Joseph Fawbush, seconded by Jack Wallace, and passed by the following unanimous vote: Hunnicutt, Wallace, Mays, Fawbush, and Raines YES; NO - None, Council moved to adopt A Resolution Approving the Planning District One Community Services Board Performance Contract. (Insert)

19092

Upon a motion by Joseph Hunnicutt, seconded by Joseph Fawbush, and passed by unanimous roll call vote, Council moved to go into Executive Session to discuss personnel as per 2.1-344(A) (1) of the Code of Virginia, as amended.

19093

Mayor Raines declared the meeting in Executive Session.

Upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous vote, Council moved to go back into regular session.

19094

Mayor Raines declared the meeting back in regular session.

The Clerk then polled each member of Council as to the Certification of Executive Meeting with each answering yes. The Clerk then read the entire Resolution of the Certification of Executive Meeting.

19095

Upon a motion by Joseph Fawbush, seconded by Joseph Hunnicutt, and passed by the following unanimous vote: Councilmen Hunnicutt, Wallace, Mays, Fawbush and Raines - YES, NO - None, Council moved to adopt A Resolution of the Certification of Executive Meeting. (Insert)

Mayor Raines opened the floor for nominations to the City Planning Commission for a four year term which will expire on July 31, 2002.

Joseph Hunnicutt nominated Mr. Robert Isaac to be reappointed to the City Planning Commission.

19096

Upon a motion by Jack Wallace, seconded by William Mays, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Raines declared Mr. Robert Isaac reappointed to the City Planning Commission for a four year term which will expire July 31, 2002.

Mayor Raines opened the floor for nominations to the Lonesome Pine Regional Library Board for the unexpired term of Ms. Leola Yeary which will expire on June 30, 2001.

Joseph Fawbush nominated Mrs. Virginia Horne.

19097

Upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Raines declared Mrs. Virginia Horne appointed to the Lonesome Pine Regional Library Board with said term to expire June 30, 2001.

Mayor Raines opened the floor for nominations the C-N-W Regional Sewer Authority for the unexpired term of Mr. William Mays which will expire on May 15, 2001.

19098

Jack Wallace nominated Councilman Joseph Hunnicutt to be appointed.

Upon a motion by William Mays, seconded by Joseph Fawbush, and passed by the following vote: Wallace, Mays, Fawbush, Raines - YES; NO - None, Hunnicutt - ABSTAIN, Council moved that the nominations cease.

Mayor Raines declared Councilman Joseph Hunnicutt appointed to the C-N-W Regional Sewer Authority with said term to expire May 15, 2001.

Mayor Raines opened the floor for recommendations for nomination to the Southwest Virginia Community Corrections Board.

William Mays nominated Sheriff R. David Bradley of Smyth County.

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

19099

Mayor Raines declared Sheriff R. David Bradley nominated to the Southwest Virginia Community Corrections Board as the Sheriff Representative.

In his comments, the City Manager advised:

The City is in compliance with the year 2000 problem or Y2K and there should be no disruption of service.

The City has a contract with Adams Contractors for the restrooms at Burton High School.

19100

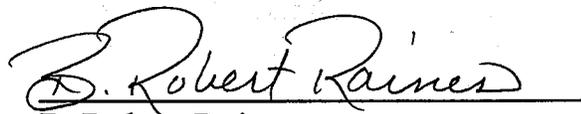
He has a clarification on School Construction Money that has been discussed previously. The School System is to receive this current year the amount of \$220,000 from the State and the match by the local government will be \$77,000 for a total of approximately \$300,000. None of this money is budgeted in either the School Board or City budgets; therefore the School Board will be coming to City Council with a recommendation as to how this money is to be expended.

Mayor Raines asked the City Administration to check if there are any tie-ins to our computer system in Public Safety that might cause a problem with our system in the year 2000.

19101

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

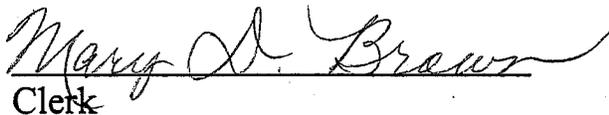
CITY OF NORTON, VIRGINIA



B. Robert Raines

Mayor

ATTEST:



Clerk