

The regular meeting of the Norton City Council was held in the Municipal Council Chambers on Tuesday, June 20, 1989, at 7:30 p.m. with Mayor Daniels presiding.

Present: Roy Roberts, Jack Wallace, Cliff Daniels, and Robert Raines

Absent: William Mays

Also Present: E. W. Ward, City Manager, and Kenneth P. Asbury, City Attorney

The invocation was given by Vice Mayor Robert Raines followed by the Pledge of Allegiance led by Mr. Harold Armsey.

Upon a motion by Robert Raines, seconded by Jack Wallace, and carried by unanimous vote, Council moved that the minutes of the June 6, 1989 meeting be approved as presented.

14586

Mayor Daniels recognized several people in the audience, namely Delegate Jack Kennedy, former Vice Mayor W. F. McElroy, and President Ruth Smith of Mountain Empire Community College.

14587

Mayor Daniels extended the City's congratulations to the Best Friend Committee for the Best Friend Festival held this week-end. Thanks were also extended to the other supporters of this Festival - the Norton merchants, press, City staff, and the workers.

14588

During the Audience for Visitors, Mr. Harold Armsey, the City's representative to the Mountain Empire Community College Advisory Board, introduced Dr. Ruth Smith, President of Mountain Empire Community College.

14589

Dr. Smith expressed thanks to Council for both their monetary and moral support of Mountain Empire Community College and gave a brief progress report on the college.

Mr. Larry Dingus of Wise spoke to Council regarding a private one lane wooden bridge which serviced three residences and was damaged on October 22, 1988 during a fire call on East Park Avenue. Advising that the material for this bridge will run approximately \$7,000 and that he and other relatives will provide the labor, Mr. Dingus wanted to know what the City could do to help replace this bridge.

The City Manager advised that the City had adhered to what the insurance company had written in response to the request and the claim that was filed. No negligence was found on behalf of the Norton Fire Department.

The City Attorney advised that the City had no avenue open legally and that the City can only pay claims for which they are liable.

14590

After a discussion, Mayor Daniels advised that the additional information furnished by Mr. Dingus would be sent to the City's insurance carrier and that Mr. Dingus would be advised of the findings.

Mr. Dencil Bohnert, Shawnee Avenue, discussed with Council the water problem at his home.

14591

After a brief discussion, Council advised the City Manager to furnish them with the options for correcting this water problem and to present same to them at the next meeting for their review.

A public hearing was held on An Ordinance Prohibiting Thru Motor Trucks on Park Avenue Between the Intersection of 11th Street and Park Avenue to the Intersection of Park Avenue and Route 74, and to Prohibit Thru Motor Trucks on Route 74 from the Intersection of Kentucky Avenue with Route 74 Traveling West Bound to Park Avenue Between the Hours of 6:00 a.m. and 6:00 p.m.

Mayor Daniels made a statement before opening the floor for discussion. He advised that Council had listened to the comments of the residents of both Kentucky Avenue and the merchants and residents of down town. Council also had to evaluate the condition of Park Avenue and the maintenance cost associated with rebuilding Park Avenue. In addition to a public hearing, Council held a work session with input from the Vir-

ginia Department of Transportation as to the conditions of Park Avenue and the options open for repair and maintenance of what options were available to the City for the re-routing of trucks. All of that information and all of those meetings have resulted in this ordinance presented tonight.

The ordinance basically says that trucks coming east from Appalachia will exit across the viaduct, go down Kentucky Avenue, and back on to Rts. 23-58 at the Bear Creek intersection. Trucks coming west from in front of the Holiday Inn towards the City will turn at Druthers, go to Kentucky Avenue at the intersection of Kentucky Avenue and Rt. 74, and traverse Kentucky Avenue to the viaduct and back to Park Avenue during the hours of 6:00 a.m. and 6:00 p.m.

The floor was opened for public comment by the Mayor.

Ms. Linda Sturgill, 1703 West Main Avenue, spoke to Council regarding this thru truck route. She expressed several concerns over moving thru truck traffic to Kentucky Avenue and feels that this is not the solution to the problem.

Mr. R. L. Whitehorn of Kentucky Avenue spoke to Council advising that his major concerns were the speed limit and the covering of these trucks. He inquired if the laws would be enforced. Mr. Whitehorn advised he would like to see the speed limit of 35 reduced.

14592

There were no other public comments.

The City Manager read the ordinance aloud.

Upon a motion by Roy Roberts, seconded by Robert Raines, and passed by unanimous vote, Council adopted An Ordinance of the City Council of the City of Norton, Virginia Designating Certain Streets as Prohibited for Motor Trucks, Prescribing the Hours Therefore, Exemptions for Receiving and Making Deliveries on Said Designated Streets and Prescribing Penalties for Violations. (Insert)

Both Councilman Roberts and Councilman Raines in making and seconding this motion spoke of each of their individual concerns on the passage of this ordinance as did Mayor Daniels on Council's behalf.

Mayor Daniels asked what had to be done to reduce the speed on Kentucky Avenue from 35 miles per hour to 25 miles per hour. Police Chief Mongle advised it would have to be taken before the Highway Safety Commission. Council instructed Chief Mongle to do this and advise the Safety Commission of Council's position and to call a special meeting of this Commission.

Mayor Daniels asked that during this trial situation that the residents of Kentucky Avenue be very cognizant of it and to make notes of their comments throughout so that when it is again discussed, Council can hear more of their first hand accounts. Council also asked that the City Administration, particularly the Police Department, for reports of traffic flows and problems that show up because of this trial period. The intent is to obtain more information and to do it at a time that we have less risk while school is out of session.

The City Manager advised he would start June 21st obtaining the signs needed for this truck route and Police Chief Sam Mongle advised he would convene the Highway Safety Commission for reduction of the speed limit on Kentucky Avenue.

A public hearing was held on An Ordinance Authorizing the Issuance of School Bonds of the City of Norton in the Maximum Amount of \$700,000.

Mayor Daniels advised these bonds are to finance construction at John I. Burton High School and Norton Elementary School as approved previously.

Mayor Daniels opened the floor for public comment.

There was no comment from the public.

14593

Mr. Ward read the ordinance and upon a motion by Jack Wallace, seconded by Roy Roberts, and passed by unanimous roll call vote, Council adopted An Ordinance Authorizing the Issuance of School Bonds of the City of Norton in the Maximum Amount of \$700,000. (Insert)

A public hearing was held on An Ordinance Adopting the Motor Vehicle Code of Virginia, As Amended, on Operating a Motor Vehicle While Under the Influence of Intoxicants or Under the Influence of Any Combination of Drugs, or Any Combination of Alcohol and Other Drugs, Providing Tests Therefore, and Prescribing Penalties Therefore.

The City Attorney advised this was just a housekeeping ordinance that is passed on a yearly basis. This ordinance will put the State law in effect July 1, 1989.

The Mayor opened the floor for public comment.

There was no comment from the public.

14594

Upon a motion by Roy Roberts, seconded by Robert Raines, and passed by unanimous vote, Council adopted An Ordinance Adopting the Motor Vehicle Code of Virginia, As Amended, on Operating a Motor Vehicle While Under the Influence of Intoxicants or Under the Influence of Any Combination of Drugs, or Any Combination of Alcohol and Other Drugs Providing Tests Therefore, and Prescribing Penalties Therefore. (Insert)

Council had been presented in their packets information regarding the selection of a financial institution for interim financing of School Board Capital Improvement Projects previously approved by Council.

Mr. Ward gave Council an update and advised that the ordinance is calling for interim financing of \$700,000 and the projects total \$1,000,000. The balance of approximately \$300,000 will be financed thru the Literary Loan Fund. He advised that in talking with our bond counsel, Hunton and Williams, and City Attorney Asbury, they feel that the City's best approach to financing this project is through the Virginia Public School Authority. There is one problem in that the Virginia Public School Authority has only two bond issues a year - in the spring and in the fall. In order to keep the projects on schedule and to participate in the fall bond issue, we need to seek interim financing. With the help of Hunton and Williams, the City Manager sent proposals to several financial institutions across the state and received four responses. A tabulation sheet was enclosed in Council's packet along with the recommendation of Dominion Bank for the reasons of interest payable at maturity and a fixed rate of interest of 6.875%. 14595

After a brief discussion and upon a motion by Jack Wallace, seconded by Robert Raines, and passed by unanimous roll call vote, Council moved to approve Dominion Bank as the financial institution to handle the interim financing of the School Board Capital Projects.

Mr. Ward advised that after this selection, the Bond Counsel will begin the process of closing the loan which will require a formal resolution to re-adopt the financial institution again.

Mr. Ward presented Council with information concerning the first revisions of the Freedom of Information Act since its inception in 1968. These changes were recently passed by the General Assembly and go into effect July 1, 1989 as per Section 2.1-341.1.

Mr. Ward updated Council on four issues which would be of interest to City Council. These issues are: 1. Executive Sessions. 2. Time Period for Release of Records. 3. Meeting Notices. 4. Increase in Civil Penalty. 14596

The City Attorney advised that both he and the City Manager were required by law to furnish these revisions to Council and that he had no further comments.

Council discussed these changes briefly with the City Attorney and the City Manager.

Mr. Ward presented Council with an Agreement with the Virginia Department of Transportation pertaining to the Route 23 connector road. This project covers Rt. 23 coming from Powell Valley that will be relocating the exit thru the State Police Building on Wayne Avenue and the signalization will be changed also. This being an Urban Project, the City will pay 5% of the estimated cost of \$1,000,000. Approximately \$5,000 has been paid and the balance of the funds are included in the next year's budget. 14597

Mr. Ward further advised Council that on future urban projects the locality's share will be 2% rather than the 5% that this project requires.

After much discussion and upon a motion by Jack Wallace, seconded by Robert Raines, and passed by unanimous roll call vote, Council authorized the City Manager to execute An Agreement with the Virginia Department of Transportation covering the Route 23 Connector Road.

The City Manager asked Council to discuss a date for the first meeting in July since our regular meeting date is July 4th.

Upon a motion by Roy Roberts, seconded by Robert Raines, and passed by unanimous vote, Council moved to cancel the meeting of July 4, 1989. Council advised Mr. Ward that if the bond closing for the School Board Projects needed to be held, then a special meeting could be called on July 11th. 14598

Upon a motion by Jack Wallace, seconded by Roy Roberts, and passed by unanimous vote, Council moved to amend the agenda and to go into Executive Session to discuss Personnel as per 2.1-344 (A) (1) of the Code of Virginia, As Amended, specifically appointments to the City of Norton School Board, Wise County Regional Library Board, and Community Corrections Resources Board, and Legal as per 2.1-344 (A) (7) of the Code of Virginia, As Amended, to discuss legal, specifically the bridge discussed earlier in the meeting by Mr. Larry Dingus. 14599

Mayor Daniels advised Council that he had received a letter of resignation from Norton Redevelopment and Housing Authority member, Mr. Jim Farmer, who is being transferred by his company. 14600

Mayor Daniels declared Council in Executive Session.

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

Mayor Daniels declared Council back in regular session. 14601

The Mayor advised that regarding legal, Council had sought legal opinion on the bridge on East Park Avenue and that there were no further comments. 14602

As to personnel, Mayor Daniels opened the floor for nominations to the City of Norton School Board for a three year term to expire June 30, 1992.

Roy Roberts nominated Mr. Marty Hagy.

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

Mayor Daniels declared Mr. Marty Hagy appointed to the City of Norton School Board for a three year term to expire June 30, 1992. 14603

Mayor Daniels opened the floor for nominations to the City of Norton School Board for an unexpired term to June 30, 1991.

Mr. Raines nominated Rev. Wayne Harrison.

Upon a motion by Roy Roberts, seconded by Jack Wallace, and passed by unanimous vote, Council moved that the nominations cease. 14604

Mayor Daniels declared Rev. Wayne Harrison appointed to the City of Norton School Board for an unexpired term to expire June 30, 1991.

The Mayor opened the floor for nominations to the Wise County Regional Library Board for a four year term to expire June 30, 1993.

Jack Wallace nominated Mrs. Mary Fraley. 14605

Upon a motion by Robert Raines, seconded by Roy Roberts, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Daniels declared Mrs. Mary Fraley reappointed to the Wise County Regional Library Board for a four year term to expire June 30, 1993.

The Mayor opened the floor for nominations to the Community Corrections Resources Board for a two year term to expire June 30, 1991.

Mr. Robert Raines nominated Mr. Sam Mongle. 14606

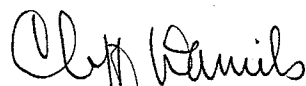
Upon a motion by Jack Wallace, seconded by Roy Roberts, and passed by unanimous vote, Council moved to reappoint Mr. Sam Mongle to the Community Corrections Resources Board for a two year term to expire June 30, 1991.

Mr. Ward advised Council of the Governor's Council on Education to be held in Richmond on July 26th and Dr. Armentrout extended an invitation to Council to attend. 14607

Mr. Ward further advised Council that the 4th of July Fireworks Display will be done electronically this year rather than by City personnel as has been done in the past.

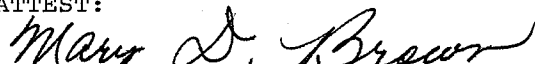
There were no comments from the City Attorney or members of Council.

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



Cliff Daniels, Mayor

ATTEST:



. Clerk