

The regular meeting of the Norton City Council was held in the Council Chambers of the Municipal Building on Tuesday, September 6, 1994 at 7:30 p.m. with Mayor Raines presiding.

Present: Roy Roberts, Jack Wallace, William Mays, Ron McCall, and Robert Raines

Also Present: E. W. Ward, City Manager and Joe Pippin, City Attorney

The invocation was given by E. W. Ward, City Manager, which was followed by the pledge led by Police Chief Sam Mongle.

Upon a motion by Ron McCall, seconded by William Mays, and passed by unanimous vote, Council moved to adopt the minutes of the August 16, 1994 meeting as presented.

17011

During the Audience for Visitors, Mrs. Robbie Tate, Chairman of the City of Norton Centennial Steering Committee, spoke to Council regarding Governor's Day to be held on Saturday, September 10, 1994. She invited Council to meet at the Holiday Inn at 10:00 a.m. Following that will be a parade, lunch, and activities in the park. A show of hands indicated all members of Council would be present.

17012

A public hearing was held on An Ordinance of the City Council of the City of Norton, Virginia Regulating Dangerous Dogs and Vicious Dogs and Providing Penalties for Violations of the Same.

Mr. Ward advised this ordinance had been duly advertised in the Coalfield Progress after he was advised to schedule a public hearing at the August 2, 1994 Council Meeting. He further advised that this complies with what the State allows and that the City Administration feels this will be an enhancement to our regulations on dangerous and vicious dogs.

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Mayor Raines opened the public hearing.

There were no comments from the audience and Mayor Raines closed the public hearing.

Following a discussion by Council and upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous vote, Council moved to adopt An Ordinance of the City Council of the City of Norton, Virginia Regulating Dangerous Dogs and Vicious Dogs and Providing Penalties for Violations of the Same with the following phrase to be added at the end of 6 (c), "while engaged in the performance of its duties as such." (Insert)

Mayor Raines advised this ordinance would take effect in 30 days.

Council had received a request from Mr. Danny Browning, 1222 Virginia Avenue, Norton, to utilize City right-of-way. Mr. Browning wants to install a water furnace geothermal heating, cooling, hot water system in his home and he will need to install pipe over an existing sewer and storm drain line that is on his property. He further asked that, if granted, should the City need to cut through his pipes to get to the sewer and storm drain lines, he would be responsible for replacing his pipe. However, he asked that the City uncover enough of his geothermal pipe so that a splice could be made with ease.

Mr. Ward advised that the City Administration recommends allowing Mr. Browning to utilize City right-of-way by means of a revocable permit and also advised that Mr. and Mrs. Browning were present to answer any questions of Council.

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Following a brief discussion and upon a motion by Roy Roberts, seconded by Ron McCall, and passed by unanimous vote, Council authorized a Revocable Permit to Mr. Danny Browning for utilizing City right-of-way for the installation of a water furnace. Also a copy of Mr. Browning's letter is to be attached to this revocable permit.

Mrs. Barbara Caruso made a presentation to Council on behalf of the Veterans Memorial Steering Committee and advised that the Committee had decided on what type of memorial they wanted and it is to be erected in the front of the breezeway on Park Avenue. She described in detail this monument and furnished Council with a sketch of same.

In order to get this done by Veterans Day, the plaques must be ordered no later than September 13th. Mrs. Caruso stated that the Desert Storm Bank Account contained \$1472.06 and that the Centennial Committee had voted to give the Veterans Memorial Committee \$2,000 and that the estimated cost of this memorial was approximately \$2696. She needs Council's permission to have this memorial built and also to order the plaques. The Committee also requested to have this breezeway named "Veterans Park".

Upon a motion by Roy Roberts, seconded by William Mays, and passed by unanimous vote, Council moved to grant the request of the Veterans Memorial Steering Committee and also give them the use of City staff and crews if needed.

It was determined that the Desert Storm Funds should be transferred to the Centennial Committee and that funds expended on this project would come from their account.

Mrs. Caruso thanked Council for their assistance and advised she would be back as they had more things they wished to do.

Mayor Raines thanked this Committee for their efforts.

The City had received a request for one water and one sewer tap by Mr. William B. Shepherd of the Esserville Community and the Director of Public Works has advised that both are available.

Upon a motion by Jack Wallace, seconded by Roy Roberts, and passed by unanimous vote, Council moved to authorize a sewer tap outside the City limits for Mr. William B. Shepherd.

Upon a motion by Ron McCall, seconded by William Mays, and passed by the following vote: YES - Wallace, Mays, McCall, Raines, NO - Roberts, Council moved to authorize a water tap outside the City for Mr. William B. Shepherd.

Mr. Ward is to inform Mr. Shepherd.

A request was given to Council by B & M Sales, Incorporated for a variance on pavement width standards on property they own east of the Holiday Inn. They are wanting to develop this property and put in utilities and the road. They have been to the Planning Commission twice and the utilities have been approved, but they need approval for the road before proceeding with the utilities.

Mr. Ward advised he had written to the Virginia Department of Transportation and they have turned down this road at less than the standard pavement width of 30'.

Mr. Dave Mullins of B & M Sales was present to answer any questions from Council as was Mr. Bill Skeens of Maxim Engineering. Mr. Jon Rockett, Chairman of the Planning Commission was also present.

Following a lengthy discussion and upon a motion by Roy Roberts, seconded by Ron McCall, and passed by unanimous vote, Council authorized the City Manager and City Attorney to work with the developer for a Variance Appeal with the Virginia Department of Transportation as per a new law, 33.1-41.1, which was effective July 1, 1994 and permits the municipality to petition the State Highway Commissioner for a variance. In this case the variance would be the pavement width to be less than 30'.

A request by the Virginia Department of Transportation was received by Council to utilize City property as a fill area.

Mr. Ward advised the areas in question were in the Clear Creek Park area and also an area near Lost Creek and the relocated 4th Street. The City Manager advised the City would like to have fill in the Clear Creek Park area.

Representing the Virginia Department of Transportation was Mr. Lewis Ferguson.

Following a brief discussion and upon a motion by Roy Roberts, seconded by

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Jack Wallace, and passed by unanimous vote, Council authorized the Virginia Department of Transportation to utilize City property as a fill area in the Clear Creek Park area and the area near Lost Creek and relocated 4th Street as is shown on the maps furnished with this request. Mr. Ferguson stated any utility lines in these areas would not be filled on as this had been a concern of the City Manager.

Mr. Ward is to advise VDOT of Council's action.

A copy of a check in the amount of \$265,000 and made payable to the Norton City Schools had been presented to Council for approval.

Upon a motion by William Mays, seconded by Ron McCall, and passed by unanimous roll call vote, Council approved a check in the amount of \$265,000 made payable to the Norton City Schools. 17019

Upon a motion by Ron McCall, seconded by William Mays, 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. 17020

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. 17021

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 aye. The Clerk then read the entire Resolution of the Certification of Executive Meeting. Upon a motion by Roy Roberts, seconded by William Mays, and passed by unanimous vote, Council moved to adopt a Resolution of the Certification of Executive Meeting. (Insert) 17022

As to personnel and the appointment to the Norton Industrial Development Authority for Mr. Cantrell's seat, Mayor Raines advised that Council had held this position open for Wise County's appointment to our Authority since there was an agreement that we have a member on their Authority and they have one on ours. The Mayor advised he was in receipt of a letter dated August 18, 1994 addressed to the City Manager wherein the Board of Supervisors at their regular meeting recommended Mr. Jack Kiser to serve as their representative to our Authority. 17023

Upon a motion by Ron McCall, seconded by Jack Wallace, and passed by unanimous vote, Council, based on the City Attorney's interpretation of the Virginia Constitution, moved that they not accept Wise County's recommendation to the Norton Industrial Development Authority.

Mr. Ward is to inform the County and ask if they wish to submit another nomination.

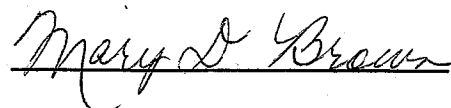
There were no comments from the City Manager or Council.

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

CITY OF NORTON, VIRGINIA


B. Robert Raines, Mayor

ATTEST:

 Clerk