

The regular meeting of the Norton City Council was held in the Council Chambers of the Municipal Building on Tuesday, September 7, 1993 at 7:30 p.m. with Mayor Raines presiding.

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

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

The invocation was given by Father Tom Collins and was followed by the Pledge of Allegiance which was led by Police Chief Sam Mongle.

Upon a motion by William Mays, seconded by Ron McCall, and passed by unanimous vote, Council moved to adopt the minutes of the August 17, 1993 meeting as presented.

15783

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

15784

A public hearing was held on An Ordinance Amending the Norton City Code Concerning the Sale of Beer, Wine, Other Alcoholic Beverages, Including Mixed Alcoholic Beverages, on Sunday; and Providing When the Amendment Shall Be Effective.

Mayor Raines advised this ordinance, if adopted, would extend the sale of beer, wine, other alcoholic beverages, including mixed alcoholic beverages from the hours of 12:00 midnight Saturday until 2:00 a.m. Sunday morning.

The City Manager advised this ordinance would affect on premises establishments.

There were no questions or comments by either the members of Council or the City Attorney prior to the public hearing.

Mayor Raines opened the public hearing.

15785

Those speaking in favor of the extension of hours were Mr. Phillip Prince and Angela Robinette of Mosby's Restaurant, and Mr. Phil Temp of Bristol, Virginia, who frequently deejays at Mosby's.

Those speaking against the extension of hours were Mr. Dan Fast, Vice Chairman of the Wise County Christian Coalition, Mr. George Statzer, 400 Beech Street, Norton, and Mr. Rudy Whitehorn, Kentucky Avenue, Norton.

Father Tom Collins of St. Anthony's Catholic Church advised that statistical background should be obtained before passage of this ordinance.

Mayor Raines thanked everyone for their comments and for sharing them with Council.

At this time, Mayor Raines closed the public hearing.

Following a brief discussion and upon a motion by William Mays, seconded by Ron McCall, and passed by the following vote: AYE - Roberts, Mays, and McCall - NAY - Wallace and Raines, Council moved to adopt An Ordinance Amending the Norton City Code Concerning the Sale of Beer, Wine, Other Alcoholic Beverages, Including Mixed Alcoholic Beverages, on Sunday; and Providing When the Amendment Shall Be Effective. (Insert)

Mr. Joe Stallard, City Treasurer presented Council with his annual report. He advised one land sale had been held and two more are being planned.

Mayor Raines advised Mr. Stallard that Council was very appreciative of the work of his office and that the figures were very impressive. Mr. Stallard also expressed his appreciation to Council.

15786

Council had been presented with a request from Robert and Kim Ward of the Bear Creek Section of Wise County requesting a water tap. Mr. Ward advised PSA water was available in the area and asked that Council favorably act on this request.

15787

Upon a motion by Jack Wallace, seconded by Ron McCall, and passed by the following roll call vote: Roberts - NO, Wallace, Mays, McCall, Raines, YES,

Council moved to approve one water tap in the Bear Creek Section of Wise County for Robert and Kim Ward.

Mr. Ward advised that, as discussed at the last meeting, the 1993 Acts of the General Assembly enacted Chapter 33.3 of the of the City Code which established a Tourism Development Authority to serve Lee, Scott, Wise, Tazewell, Russell, Dickenson, Buchanan Counties and the City of Norton and require each of these local jurisdictions to establish a local Tourism Board. This resolution establishes the local Tourism Board, sets forth the staggered terms for the Board, and gives the four purposes of the Board which Mr. Ward went over with Council. The City Manager asked for Council's favorable consideration in passing this resolution. 15788

Upon a motion by Roy Roberts, seconded by William Mays, and passed by unanimous vote, Council moved to adopt A Resolution Establishing a Local Tourism Development Board. (Insert)

The City Manager sought permission from Council to execute an Agreement with the Department of Transportation. The Department of Transportation is in the process of closing East Park Avenue from the Esserville Bridge to Route 23 at the four lane. This bridge is going to be rehabilitated and it is anticipated it will be closed for approximately three months. A City water line will have to be relocated and this Agreement covers the relocation of that line and also states the Department of Transportation will bear 100% of the cost of the relocation of that line. 15789

Upon a motion by Roy Roberts, seconded by William Mays, and passed by unanimous roll call vote, Council moved to authorize the City Manager to execute an agreement with the Department of Transportation.

The City Manager advised Council that in August 1992 they had authorized him to enter into an agreement with the Department of Transportation as part of the By-Pass Project for utility adjustment for water and sanitary sewer facilities between the City and the Department of Transportation. With the By-Pass Project underway, it was required that a lot of our water and sewer lines were going to have to be adjusted or moved. In doing this, we were able to get a large portion of our lines upgraded. This Agreement states that the Highway Department will pay 100% for all water adjustments for the By-Pass Project and will pay 88.3% of all sewer adjustments. Mr. Ward advised that this translates into about a million dollars worth of work. As of August 20, 1993, the Highway Department had completed \$496,531 worth of sewer adjustments. Our share of this is \$58,094.00. 15790

The City Manager advised to pay this approximate \$58,000 that we use the \$39,106.40 which we have in the City's I/I Allocation Fund with the C-N-W Authority and the remaining funds and any future funds will come from the Sewer Enterprise I & I Abatement Fund which has \$75,000 budgeted in it.

Upon a motion by Roy Roberts, seconded by Jack Wallace, and passed by unanimous roll call vote, Council authorized the City Manager to withdraw the funds in the amount of \$39,106.40 from the C-N-W Sewer Authority's I/I Allocation Fund and the remaining funds are to come from Sewer Enterprise I & I Abatement Fund to pay this \$58,094.00. Also, any additional charges for this work are to come from this account.

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 and pending litigation as per 2.1-344(A) (7) of the Code of Virginia, as amended. Mayor Raines declared the meeting in Executive Session. 15791

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

Mayor Raines declared the meeting in regular session. 15792

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 Jack Wallace, seconded by Ron McCall, and passed by unanimous vote, Council moved to adopt A Resolution of the Certification of Executive Meeting. (Insert)

15793

Mayor Raines opened the floor for nominations to the City of Norton Tourism Board.

William Mays nominated the following to this Board: Paul Kuczko and Joyce Payne for four year terms; Phillip Prince and Rhonda Robinson for three year terms; and Michele Knox for a two year term.

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

15794

Mayor Raines declared Paul Kuczko and Joyce Payne appointed to the City of Norton Tourism Board for four year terms, Phillip Prince and Rhonda Roberson appointed to the City of Norton Tourism Board for three year terms, and Michele Knox appointed for a two year term to the City of Norton Tourism Board.

In his comments, the City Manager advised that:

He had been presented with A Proclamation from the Daughters of the American Revolution declaring the week of September 17 thru 23 as Constitution Week. It was the consensus of Council for Mayor Raines to sign this proclamation.

Advised that due to the changes in the Cable TV Industry, our local cable company has changed some of its billing procedures and are now listing a franchise fee on the billing. Mr. Ward advised we have always collected this franchise fee from the cable company and it was collected from the customers but not listed as a line item. The City Offices have been receiving several calls since the cable bills were received and he wanted to inform Council of this.

Councilman Roberts expressed his concern with the possibility of the subscribers of Norton not getting the ABC and NBC stations as of October 1, 1993 due to the changes in the Cable TV Law that went into effect September 1, 1993. He asked that the City Manager get a copy of this new law for review. He further stated that, if his interpretation was correct, in all cable television companies where there is no competition that municipalities can regulate the rates.

15795

Mr. Ward advised that he had several meetings with Mr. Taylor, General Manager of Century Virginia Cable, and that he stated that Century is very confident that there will be no disruption in service. The City Manager will try to get more information for Council on this.

Mayor Raines welcomed Ms. Michelle Napier, the new reporter from the Coalfield Progress and also extended appreciation to Kevin Edwards, who served as an intern for the City for the summer. Mr. Edwards has prepared a report which will be forthcoming to Council shortly regarding zoning.


15796

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

CITY OF NORTON, VIRGINIA

  
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B. Robert Raines, Mayor

ATTEST:

  
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Clerk