

The regular meeting of the City Council was held in the Municipal Court Room on May 17, 1966 at 7:30 P.M. with Mayor Holcomb presiding.

Present: J.C. Holcomb, Archie Woods, C.W. Bryant, V.O. Flanary, R.L. Collins

Also Present: David Norman, City Manager & Leslie Mullins, Attorney

Minutes of the previous meeting were read and approved.

Doug Boggs, Frank Fischer and W.D. Meade appeared before council requesting that something be done regarding dogs running at large. They strongly urged council to reinvestigate this matter further. They stated that Norton was in a Clean-up and beautification Program and they felt that the matter of dogs running at large was a part of the program. Mr. Meade stated he would like to see an ordinance to keep dogs from running at large but not to kill dogs, in order to keep our city clean and healthy. Council assured these gentlemen that these matters would be given consideration. 363

Mr. Russell of the P.G.R. Corp., appeared before council and presented TV Franchise proposal. Action deferred until later in the meeting. 3633

Mr. W.P. Kanto, representing the City of Norton School Board appeared before council concerning lack of cooperation with the school officials and the truancy officer. He stated that both school and city were loosing money from pupils not being kept in school. He strongly urged that plans be made for more cooperation in this matter before the new school term begins. Matter referred to City Manager for action. 3634

Mr. Joe Rhodes, Resident Engineer of the State Highway Dept. presented plans for paving of East Park Avenue. He discussed in length the construction program of this project. 3635

Mr. Lee Burnham, Supt. of City of Norton Public Welfare advised council of the status of ~~the~~ Preacher Crosby with regard to entering nursing home. He stated, that at this time, there were no vacancies in this section but had been advised that he would be notified if and when there was an opening. Council expressed their appreciation of this report. 3636

On motion by V.O. Flanary, seconded by C.W. Bryant and carried by unanimous roll call vote the following sales tax ordinance was passed: on first reading:

BE IT ORDAINED BY THE Council of the City of Norton, Virginia, that:

Section 1. There is hereby levied and imposed in addition to all other taxes and fees of every kind now imposed, a general retail sales tax at the rate of one per cent to provide revenue for the general fund. The rate of the tax shall be added to the rate of the State retail sales tax imposed by Chapter 8.1 of the Code of Virginia (Virginia Retail Sales and Use Tax Act) and shall be subject to all the provisions of said chapter, and all amendments thereof, and the rules and regulations published with respect thereto, except that the applicable brackets of prices shall be as prescribed in Sections 58-441.50 and 58-441.51 of the Code of Virginia for the combined tax, and except that no discount under Section 58-441.25 of the Code of Virginia shall be allowed on the tax levied by this section. 3637

Section 2. It is the purpose of the Council in adopting this ordinance to levy the general retail sales tax authorized to be levied by Section 58-441.49 of the Code of Virginia.

Section 3. This ordinance shall be in force and effect on and after the first day of September, 1966.

On motion by C.W. Bryant, seconded by R.L. Collins and carried by unanimous roll call vote the following ordinance regarding repeal of personal property tax was passed:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTON, VIRGINIA, that there is hereby repealed the tangible personal property tax on refrigerators, deep freeze units, air conditioners, and automatic refrigerating machinery, vacuum cleaners, sewing machines, washing machines, dryers and all other household machinery, pianos and organs, television sets, 3638

radios, phonographs and records and all other musical instruments, watches and clocks and gold and silver plates and plated ware, oil paintings, pictures, statuary, and other works of art, books, diamonds, cameos and other precious stones and precious metals used as ornaments or jewelry, sporting and photographic equipment, firearms and weapons of all kinds, bicycles and lawnmowers, hand or power, household and kitchen furniture.

An emergency existing this ordinance shall be in effect from the date of passage.

On motion by Archie Woods, seconded by V.O. Flanary and carried by unanimous vote taxicab driver's permit was granted to Joseph Lee Mullins. 3639

Mayor Holcomb advised council there was a vacancy on Board of Zoning Appeals which must be filled at Next council meeting. 3640

Mr. Norman presented Treasurer's report for month of April, 1966. 3641

Mr. Norman presented Treasurer's report for month of April, 1966. 3642

Mr. Norman advised council that the Housing Authority was sending him to a meeting at Natural Bridge, Thursday and Friday of this week. 3643

Mr. Norman gave report of paving program of the city which is now in progress. 3644

Mr. Norman advised council that the budget would be advertised for public hearing on June 7th at 7:30 P.M. Said advertisements to be on May 26th and June 2nd. The second reading of the budget will be June 21st. 3645

Mayor Holcomb announced that bid proposals for TV Franchise having been duly advertised, council would now take action on any bid proposal submitted. 3646

On motion by Archie Woods, seconded by V.O. Flanary and carried by unanimous roll call vote the following ordinance granting TV Franchise to P.G.R. Corporation for a term of ten years was passed, said term to be from January 1, 1966 to December 31, 1975.

(See Page 201)

Nancy Peery inquired of council whose responsibility it was of the vacant lot adjoining her property on Wayne Avenue. Council advised her to check with the City of Norton School Board on this matter. 3647

There being no further business to come before the council same adjourned.

The following resolution was duly proposed and seconded:

BE IT RESOLVED BY THE CITY COUNCIL of the City of Norton, Virginia, that the Judge

Mayor



Clerk

of the Circuit Court of Wise County, Virginia, is respectfully requested to order a referendum of the voters of the City of Norton, Virginia, on the 14th day of June, 1966, at the time of the regular election of Councilmen for the City of Norton, to ascertain the sense of the qualified voters of the City of Norton as to whether dogs should be prohibited from running at large.

The resolution was submitted to a vote of the Council and all members of the Council unanimously voted for the resolution. The Mayor declared the resolution passed.

Take notice that on the 17th day of May, 1966, at 7:30 P.M., at the City Hall, in the City of Norton, Virginia, the City Council for the City of Norton, Virginia, shall publicly receive sealed proposals and bids from persons, firms, and corporations for the right and privilege of constructing, maintaining, and operating a television transmission line or cable in, under, over and along the streets in the City of Norton under and pursuant to the terms and conditions of a proposed Ordinance which is attached hereto and intended to be published herewith. In addition, any person, firm or corporation submitting proposals and bids, shall submit evidence of their financial responsibility, their ability to render adequate service, and their proposed charges for connection and servicing said television transmission service over the streets and alleys of the City. The proposals and bids must be in writing and delivered to the City Manager of the City of Norton, Virginia, at the date, hour and place aforesaid. The right is reserved by the City Council of the City of Norton, Virginia, to investigate any and all persons, firms and corporations submitting proposals and bids and to reject any and all proposals and bids.

CITY OF NORTON, VIRGINIA
 BY: J.C. HOLCOMB, MAYOR

BE IT ORDAINED by the City Council of the City of Norton, Virginia, as follows:

SECTION I.

That a franchise is hereby created and granted and ordered to be sold for a period of ten years commencing on January 1, 1966, to construct, establish, acquire, maintain and operate a television cable and/or transmission line for the transmission of television sound and other types of waves, distribution to customers receiving equipment in the City of Norton, Virginia, for public and private purposes, with rights of way and privileges of use of streets and alleys for the above purposes in accordance with the conditions, terms and limitations of this Ordinance. No rights granted under this Ordinance shall in any way be construed to grant powers that conflict with pre-existing franchises or Ordinances. All poles, wires and other equipment used in connection with this franchise shall be subject to the supervision of the City of Norton, Virginia.

SECTION II.

BE IT ORDAINED that there is hereby granted to P.G.R. Corporation for a period of ten 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 operating 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 said City, and subject to the conditions and provisions of this Ordinance.

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, regulations, and rules 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 the 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 condition 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 of the City of Norton. Likewise, the placement of said poles and the distance between poles and the type and appearance of said poles shall be under the supervision of the City Manager of the City of Norton, Virginia

SECTION III.

Said Grantee, its successors and assigns, shall set a maximum connection fee and maximum monthly service fee to be charged by the said Grantee, which said fee shall be expressed in a proposal and submitted to the City Council for approval. The said maximum fees shall not be raised by the Grantee, its successors and assigns, unless submitted to the City Council and approved and passed by the City Council for the City of Norton, Virginia.

SECTION IV.

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 THREE percentum of its gross sales from connecting, servicing and transmitting television reception in the City of Norton, Virginia, which said sum shall be paid quarterly into said treasury of said City, said payments to be made within thirty days from the end of each quarter and for the purpose of ascertaining the gross sales upon which such payment shall be made, as aforesaid, an accurate account of such sales shall be kept by the said Grantee, its successors and assigns, and an abstract and account thereof furnished by it to the City Treasurer at the time of such payment above provided, and the truth of such abstract shall be verified by the Affidavit of a proper official of said Grantee, its successor or assign.

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, its successor assign, and may be enforced by such means provided by law for the collection of taxes.

SECTION V.

Said Grantee, its successor or assign, shall at all times protect and save harmless the City of Norton, Virginia, 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 the City Manager of the City of Norton an insurance policy in force with some responsible insurance company in at least the sum of \$100,000.00 per person for bodily injury, \$300,000.00 per accident for bodily injury and \$50,000.00 per accident for property damage, insuring the City of Norton, Virginia, and any person, firms and corporations from any damage or injury by virtue of any negligence in the construction and operation of such television transmission system.

SECTION VI.

Said Grantee shall file a written acceptance of the provisions of this Ordinance with the Clerk of the City of Norton, Virginia, on or before ten (10) days from the passage of this Ordinance and shall, at the same time, file with said Clerk a bond, with sufficient sureties, to be approved by the Manager of the City of Norton in the sum of \$5,000.00, conditioned that said Grantee shall commence its work of construction of said television conduit system on or before sixty (60) days of the date of filing of such acceptance, and that it will thereafter prosecute its work of construction with all reasonable diligence as to complete a television transmission and distribution system to serve the City of Norton within one (1) year from the date of the acceptance of this Ordinance. Provided, however, that if the said television transmission and distribution system is not completed to the satisfaction of the City Council within the period of one (1) year, the the franchise heretofore granted shall be null and void and of no effect.

It is further provided and understood that in determining whether the said television transmission and distribution system has been completed to provide service to the major portion of the City of Norton, it is understood that the Grantee shall not be forced to render service to any portion of the City where a sufficient group of inhabitants have failed to subscribe to the services set forth herein, or to isolated areas, so as to make the installation of poles, wires and other services economically unfeasible for the Grantee. In such event, with the written permission of the Council for the City of Norton, the Grantee shall be excused from servicing ~~XXXX~~ said portion of the City.

SECTION VII.

Said Grantee shall comply with all the Ordinances, rules and regulations of the City of Norton and all statutes and regulations of the Commonwealth of Virginia, or any political subdivision or any department thereof, ^{and} any regulations of the Government of the United States or any political subdivision thereof; that it will protect and save harmless the City of Norton from all damages and loss from, or arising out of, or by reason of the construction and operation of said television conduit system; and that it will comply with the terms and conditions of this Ordinance.

SECTION VIII.

Said Grantee, its successors or assigns, shall at all times give efficient service to the Citizens of the said City and subscribers to said service, and will install the latest and most advanced appliances and equipment as might become available from time to time which may be necessary to render efficient service and shall make further improvements to provide reception for today's colored television and shall transmit upon its lines and cables, reception from at least three (3) television transmitting networks, if available, within an economical distance.

SECTION IX.

The Grantee shall at all times give efficient, high-quality and equal service to the citizens of the City of Norton, Virginia, who desire to subscribe thereto as provided for in this Ordinance.

SECTION X.

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

If the said Grantee should discontinue the business at any time, such poles, wires, cables and/or devices shall be taken down at the expense of the Grantee within ninety (90) days after such discontinuance of business.

SECTION XI.

The rights and privileges herein granted shall not be assigned or transferred, except with the written permission of the City Council of the City of Norton, Virginia.

SECTION XII.

The granting of any rights and privileges under this Ordinance shall be without the right of any recourse against the City. The City of Norton shall have the right at any time, upon giving thirty (30) days written notice, in the event the Grantee shall not comply with the terms of this Ordinance, to cancel any rights and privileges given under this Ordinance and the rights and privileges granted thereunder may be declared forfeited and terminated, and the said Grantee be required to remove its equipment within ninety (90) days from the date of receipt of said written notice.

An emergency existing this ordinance shall be in force from date of its passage.