

August 16, 1966

The regular meeting of the City Council was held in the Municipal Court Room on August 16, 1966 at 7:30 P.M. with Mayor Holcomb presiding.

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

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

Minutes of the previous meeting were read and approved.

The City Attorney presented proposed Dog Ordinance. #3739

On motion by R.L. Collins, seconded by V.O. Flanary and carried by unanimous vote, the proposed Dog Ordinance was tabled until next Council meeting.

Mr. Norman presented plans for Chestnut Street improvement from Kline Avenue #3740 intersection to Ridge Avenue. Council instructed the City Manager to proceed with plans as presented for Chestnut Street improvement from Kline to Ridge Avenue with a 4' sidewalk and a street 34' wide.

On motion by C.W. Bryant, seconded by R.L. Collins and carried by unanimous #3741 vote, Council adopted the Building Code, Electrical Code and Plumbing Code on second reading.

The City Attorney presented drunken driving ordinance and Presumptions from #3742 Alcoholic content of blood.

On motion by V.O. Flanary, seconded by C.W. Bryant and carried by unanimous vote, the following Drunken Driving Ordinance and Presumptions from Alcoholic Content of Blood Ordinance were passed:

10-88.1 - Driving automobile, engine, etc., while ability to drive is impaired by alcohol.

BE IT ORDAINED by the Council of the City of Norton, Virginia, that it shall be unlawful for any person to drive or operate any automobile or other motor vehicle, car, truck, engine or train while such person's ability to drive or operate such vehicle is impaired by the presence of alcohol in his blood. A person's ability to drive or operate such a vehicle shall be deemed to be impaired by the presence of alcohol in his blood within the meaning of this section when such person has so indulged in alcohol intoxicants as to lack the clearness of intellect and control of himself which he would otherwise possess.

In every prosecution under Section 10-88 of the ordinance of the City of Norton, Virginia, the offense with which the accused is charged shall be deemed to include the offense punishable under this section; and whenever in any such prosecution it appears that the amount of alcohol in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of the accused's blood in accordance with the provisions of Section 10-89 (use of chemical analysis to determine alcohol in blood, procedure, cause, evidence) is as much as 0.10 but less than 0.15 percent by weight, it shall be presumed that the ability of the accused was impaired within the meaning of this section. No person shall be arrested, prosecuted or convicted for violation of this section except as a lesser included offense of a prosecution for violation of Section 10-88 of the ordinances of this City.

Every person violating the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than \$100.00 nor more than \$200.00, provided, that in addition to such punishment, upon every such first conviction the Judge shall suspend the right of the accused to operate any motor vehicle upon the streets or highways of this City for a period of six months, and upon any second or subsequent such conviction, within a period of five years, such suspension shall be for a period of twelve months.

All previous ordinances inconsistent herewith are repealed.

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

10-89 (II) Presumptions from alcoholic content of blood.

BE IT ORDAINED by the Council of the City of Norton, Virginia, that in any prosecution for a violation of Section 10-88 of the Ordinance of this City, the amount of alcohol in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of the accused's blood in accordance with the provisions of Section 10-89 shall give rise to the following presumptions:

(1) If there was at that time 0.05 per cent or less by weight of alcohol in the accused's blood, it shall be presumed that the accused was not under the influence of alcoholic intoxicants;

(2) If there was at that time in excess of 0.05 per cent but less than 0.15 per cent by weight of alcohol in the accused's blood, such facts shall not give rise to any presumption that the accused was or was not under the influence of alcoholic intoxicants, but such facts may be considered with other competent evidence in determining the guilt or innocence of the accused; provided, however, such facts shall not preclude prosecution and conviction under Section 10-88.1;

(3) If there was at that time 0.15 per cent or more by weight of alcohol in the accused's blood, it shall be presumed that the accused was under the influence of alcoholic intoxicants.

All previous ordinances inconsistent herewith are repealed.

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

The City Manager reported on meter patrol. He stated that according to recent reports the new police vehicle for meter patrol will be of great value to the City. #3743

Mr. Norman advised Council of the status of the upper end of Chestnut Street. He also advised them of the grading problems. Council instructed the City Manager to report to Council estimated cost of this grading. #3744

Mr. Norman advised Council that mining engineer from Norton Coal Company will be investigating the mine on Chestnut Street. They will advise the City of their recommendations. #3745

Mr. Norman presented request of taxi cab permit for Robert Robinette. #3746

On motion by C.W. Bryant, seconded by R.L. Collins and carried by unanimous vote, Council granted permission for the issuance of taxi cab permit to Robert Robinette.

Mr. Kent Riggs, representing the Wise County Chamber of Commerce, appeared before Council and presented resolutions regarding Community College in this area. #3747

After a brief discussion and upon motion by J.C. Holcomb, seconded by V.O. Flanary and carried by unanimous vote, the following resolution was passed:

WHEREAS, the area comprised of the western half of Dickenson County, Lee, Scott and Wise Counties and the City of Norton has previously been designated as a region to be served by a community college under the Community College System; and

WHEREAS, the need for such an institution in this particular area of our state is grave and immediate by reason of inadequate facilities and opportunities for the training and education of our youth and because the educational achievement of our adult population is far below State and National norms; and

WHEREAS, we must train a disproportionate number of unskilled workers in order to fit them for employment by current standards and in order to develop a sound and well balanced economic base through the development of our industrial potential and the attraction of new industry; and

WHEREAS, this particular area is one which qualifies for funds under the Appalachian Bill which fact further compliments our urgent need for a community college; and

WHEREAS, additional community colleges are to be located in the immediate future,

NOW, THEREFORE, BE IT RESOLVED that we respectfully and urgently request that a community college be located within the boundaries of the area consisting of the western half of Dickenson County, Lee, Scott and Wise Counties and the City of Norton, which area has previously been determined by the Community College Board as being eligible for a Community College, and that it be established as soon as possible.

BE IT FURTHER RESOLVED that in order to expedite the location of a community college in this area, and as evidence of our belief in the urgency of the need and further, as evidence of our cooperative spirit in attempting to fulfill the need by complying with the requirements of the area in which a Community College is so located, the counties of Lee, Scott and Wise (to include the City of Norton for this purpose) do hereby mutually agree and commit ourselves to participate in the purchase and preparation of a suitable site or location for a community college in the area we comprise, and to be chosen by the Community College Board, in the following proportions:

80% to be borne by the County in which the Community College is located.	80%
10% to be borne by each of the two counties in which it is not located but who will be greatly benefited by its establishment.	<u>20%</u>
Total	100%

IT IS FURTHER RESOLVED that that portion of the above described cost participation which is attributed to Wise County shall be shared by Wise County and the City of Norton on the basis of population.

RESOLVED on this the 11th day of August, 1966.

NORTON CITY COUNCIL

BY: s/ J.C. Holcomb  
MAYOR

s/ Jo Nosler  
SECRETARY

Mr. Kenneth Kibler appeared before Council requesting that some relief be given to the alley street between Ridge Avenue and Spruce Street. Referred to City Manager.

#3748

Mr. R. H. Stallard, Postmaster, appeared before Council requesting that something be done to Spring Avenue and roads in Ramsey mail delivery area. Council asked him to present names of particular streets in Ramsey to the City Manager.

#3749

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

*J. H. Hall*  
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Mayor

*J. H. Hall*  
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Clerk