

The regular meeting of the Norton City Council was held in the Municipal Council Chambers on Tuesday, August 1, 1989, at 7:30 P.M. with Mayor Daniels presiding.

Present: Roy Roberts, Jack Wallace, Cliff Daniels, and William Mays

Absent: Robert Raines

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

The invocation was given by City Manager E.W. Ward which was followed by the Pledge of Allegiance led by Police Chief Sam Mongle.

Mayor Daniels announced that there would be a modification in the agenda under the heading of New Business between items D and E. Council will be adding the Consideration of the User Agreement with the C-N-W Sewer Authority and the resolutions adopting same.

14624

Upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous vote, Council moved that the minutes of the July 18, 1989 meeting be approved as presented.

14625

During the Mayor's call for visitors, Mr. Billy Joe Sturgill, an attorney in Norton, came forward and advised Council that due to the lengthy agenda, he would abstain from speaking at this time.

14626

Ms. Donna Layne, P. O. Box 2247, Wise, Virginia, an employee of Ace Advertising and representing same, came forward requesting permission for Ace Advertising to be permitted a canopy at a height of 7'7". Mr. Ward advised that Ace Advertising had come to Council previously requesting a canopy and at that time, Council had given them permission for the encroachment of City right-of-way if they could meet the requirements of the Sign Ordinance.

14627

After a brief discussion, Council advised Ms. Layne that permission was still given for the encroachment; however Ace Advertising would have to go before the Board of Zoning Appeals for a variance for this canopy and to advise the Board that Council has approved the encroachment.

A public hearing was held on An Amended Ordinance Designating Certain Streets As Prohibited for Motor Trucks, Prescribing the Hours Therefore, Exemptions, and Prescribing Penalties for Violations.

Mayor Daniels advised that at the last meeting, Council addressed the issue of the rerouting of truck traffic thru Norton and as a result of that meeting, Council tonight had an amended ordinance which would allow two way traffic on Rt. 74 at the Druthers intersection.

14628

During comments from the audience, Mr. Jim Robinson, representing Robinette Steel and Scrap Metal Company of Big Stone Gap, spoke. Mr. Robinson's main concern was safety and encouraged Council to permit two way traffic on Rt. 74.

Mr. Ben Allen, President of Appalachian Oil Company of Big Stone Gap, spoke to Council on behalf of thirteen trucking organizations in order that they may come into the City to purchase fuel.

Mr. Fred Adkins, an attorney of Norton, representing Barnette Contractors and Rim Rock Quarries, spoke to Council again and advised that any relief from the original ordinance would help his clients. He urged Council to amend this ordinance and give the truckers some relief.

During much discussion both Mayor Daniels and Councilman Roberts urged all those present on this issue to please attend the annual highway hearings to

try to get the Norton By-Pass in the Six Year Plan.

Upon a motion by Roy Roberts, seconded by Jack Wallace, and passed by unanimous roll call vote, Council adopted An Amended 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)

Upon recommendation from the City Attorney and upon a motion by Roy Roberts, seconded by William Mays, and passed by unanimous roll call vote, Council moved to add a paragraph under Section 2 of the Amended Ordinance of the City Council of the City of Norton, Virginia Designating Certain Streets as Prohibited for Receiving and Making Deliveries on Said Designated Streets and Prescribing Penalties for Violations to include an exemption for school buses.

Mayor Daniels further advised that Council had a consensus of three in favor of a trial period allowing truck traffic to come into the City for local consumption ie. gas, parts, gasoline, and food. This will be enacted by an Administrative Executive Order and will be in effect until it is modified or revoked. (Insert)

A public hearing was held on An Ordinance Reordaining the Downtown Store Front Improvement Program as Amended.

There were no public comments.

The City Manager advised that Council had held a work session with the Downtown Store Front Improvement Committee to consider some possible changes to the Downtown Store Front Program. The Administration feels that this program has been very successful; however, the City did encounter some problems that needed to be addressed in a new ordinance. These changes are:

1. Extension of project boundary from the alley behind Sovran Bank at 11th Street to Virginia Avenue at 11th Street to 9th Street.
2. Businesses who do not own their building will be allowed to participate in the Facade Program if:
  - A. They can provide written confirmation of approval from the owner of the building.
  - B. They are willing to pay 50% of the total cost of the total cost of the project. Upon approval of the application and construction, the City will match the 50% with a maximum grant not exceeding \$5,000.
3. All applicants applying for an empty building will no longer be required to have a current tenant. However, the building must be occupied for one full year of the two year contract period.
4. All contracts will need to be signed within two weeks after approval of an application.

After a brief discussion and upon a motion by William Mays, seconded by Roy Roberts, and passed by unanimous roll call vote, Council moved to adopt An Ordinance of the City of Norton, Virginia Amending and Reordaining the Downtown Store Front Improvement Program and Providing for the Administration of the Same, and Authorizing the City Manager to Execute Contracts with Reference to the Said Program. (Insert)

At this time, Mr. Billy Joe Sturgill, an attorney of Norton, spoke to Council regarding property he owns at 5th Street and Virginia Avenue, N. W. Mr. Sturgill had recently received a letter from the Wise County Health Department as to high weeds and broken windows on this property. Mr. Sturgill's complaint was that other property owners in that area have the same violations as does his property and that nothing has been said to them.

Mr. Ward advised that the follow up by the City Building Inspector and the

Health Department came after the City had received a specific complaint on Mr. Sturgill's property and that none had been received on the others.

Council advised that all property owners in that area would be notified of their violations.

Mr. Sturgill further advised Council of his disappointment that this property had not been rezoned for business and was advised by Mayor Daniels that this may be covered in the update on the Comprehensive Plan to be presented tonight.

Mr. Jon Rockett, Chairman of the Planning Commission, presented Council with an update on the Comprehensive Plan. He advised that Balzer and Associates felt that the City had a good plan, but that it needed some updating. One area that needs attention is that area bordered by Rts. 58 and 23.

One of the recommendations made is that of conditional zoning and the Planning Commission would like to have a work session with Council and the Board of Zoning Appeals to discuss this in detail.

14631

Mayor Daniels advised that the City has advertised a public hearing to be held at the next meeting to adopt the Comprehensive Plan Update. Mr. Rockett advised that the Planning Commission recommended that Council approve the updated plan with the understanding that further evaluation would be done.

After much discussion, Council tentatively scheduled a work session to be held at the Planning Commission's regular meeting to be held September 14th with the Board of Zoning Appeals and representatives of Balzer and Associates.

The City Manager advised that the public hearing had been and would be advertised for the August 15th council meeting to take public comment and to table passage until after the work session.

Council had been presented with a Resolution of the City Council of the City of Norton, Virginia Authorizing Application to the Virginia Public School Authority for Participation in the Fall 1989 Bond Issue.

Mr. Ward advised that by the passage of this resolution Council would be authorizing the City Manager and the Superintendent of Schools to make application to the Virginia Public School Authority to handle the City's long term financing of the \$1,000,000 capital projects.

14632

Upon a motion by Roy Roberts, seconded by Jack Wallace, and passed by unanimous roll call vote, Council moved to adopt A Resolution of the City Council of the City of Norton, Virginia Authorizing Application to the Virginia Public School Authority for Participation in the Fall 1989 Bond Issue. (Insert)

Mrs. W. M. Dean of the Esserville area was present and applying for a sewer connection for her home.

Mr. Ward advised sewer is available and that the Planning Commission last month approved this request.

14633

Upon a motion by Roy Roberts, seconded by Jack Wallace, and passed by unanimous vote, Council approved a sewer tap in the Esserville area for Mrs. W. M. Dean.

The City Manager had presented Council with A Resolution of the City Council of the City of Norton, Virginia Authorizing the City Manager to Purchase Used Vehicles from the Commonwealth of Virginia.

14634

Mr. Ward advised that the City has approximately \$25,000 budgeted each year for vehicle replacement. This year the City was due to buy two new vehicles and both Mr. Ward and Police Chief Mongle agreed that used State Police vehicles would be the best available option. In order to do this, a resolution needs to be adopted. Mr. Ward pointed out that he was requesting permission to purchase up to four used vehicles.

After a brief discussion and upon a motion by Roy Roberts, seconded by Jack Wallace, and passed by unanimous roll call vote, Council moved to adopt A Resolution of the City Council of the City of Norton, Virginia Authorizing the City Manager to Purchase Used Vehicles from the Commonwealth of Virginia.  
(Insert)

Mayor Daniels advised Council of the joint meetings and the meeting in Richmond with the State Water Control Board he had attended regarding the C-N-W Regional Sewer Authority. In Richmond, they received information that will allow the C-N-W to apply for the total monies they had been looking at as an Authority, award some of the work to get started, hold on to Coeburn's grant, and also have time to review and/or modify and/or whatever any other area of the project that may need some revision until we are satisfied within the time restraints. Mayor Daniels' recommendation is that Council consider favorably adopting the User Agreement which Council reviewed in joint session as well as individual session which will allow the Authority to request the additional appropriation from the State Water Control Board through the VRA and allow the funding to continue.

Council had been presented with A Resolution Approving An Agreement Among Coeburn-Norton-Wise Regional Wastewater Treatment Authority, Its Member Localities and Wise County Concerning Financing, Construction and Operation of a Regional Wastewater Treatment Plant and Associated Facilities. Following a brief discussion and upon a motion by William Mays, seconded by Roy Roberts, and passed by unanimous roll call vote, Council moved to adopt A Resolution Approving an Agreement Among Coeburn-Norton-Wise Regional Wastewater Treatment Authority, Its Member Localities and Wise County Concerning Financing, Construction, and Operation of a Regional Wastewater Treatment Plant and Associated Facilities. (Insert) This resolution authorizes the Mayor and Vice Mayor to execute the Agreement. 14635

In the description of this User Agreement, it states that we are authorizing the Authority, as a municipality, to go forward with the 0% interest loan in the amount of \$14,979,080. The State Water Control Board, through its revolving fund, has deemed that those funds will be available at the asking of the Authority. What they are very much concerned with is if, for any event, whether it be negotiation, redesign, rebuild, or whatever if we go over the \$14,979,080 that we would be obligated to come up with that money locally and not come back to the VRA for more 0% money and the State Water Control Board is asking each municipality to adopt this ordinance and to come to an agreement with the Authority to that fact. The Agreement is basically between the Authority, the City of Norton, and the Town of Wise because the budgeted funds for the plant are already included in the \$14,979,080. Mayor Daniels asked for favorable consideration of this resolution and the agreement as presented. 14636

Upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous roll call vote, Council moved to adopt A Resolution to the Coeburn-Norton-Wise Regional Wastewater Treatment Authority by the Town of Wise, Virginia and the City of Norton, Virginia Concerning Construction of the Regional Wastewater Treatment Plant and Associated Facilities and Committing the City of Norton and the Town of Wise to the Payment of an Excess Over the Current Bid Price in the Event of Negotiations, Rebidding or Acceptance on Contracts II and III on Plans of Dewberry and Davis and also authorize the Mayor to sign the Agreement. (Insert) 14637

Upon a motion by Roy Roberts, seconded by Jack Wallace, and passed by unanimous vote, Council moved to go into Executive Session to discuss Acquisition and/or Use of Real Property as per 2.1-344 (A) (3) of the Code of Virginia, As Amended, and to discuss Personnel as per 2.1-344 (A) (1) of the Code of Virginia, As Amended specifically to discuss appointments to the Norton Redevelopment and Housing Authority, Community Services Board, and a nomination to the Board of 14

Zoning Appeals.

Mayor Daniels declared the meeting in Executive Session.

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

14639

Mayor Daniels declared the meeting back in regular session.

The City Clerk then polled each member of Council as to the Certification of the Executive Session with each member answering aye. The Clerk read the entire resolution entitled Certification of Executive Session.

14640

Upon a motion by Roy Roberts, seconded by Jack Wallace, and passed by unanimous vote, Council moved to adopt A Resolution of Certification of Executive Meeting held during this meeting. (Insert)

Mayor Daniels opened the floor for nominations to the Norton Redevelopment and Housing Authority for an unexpired term which will expire January 28, 1991.

Mr. William Mays nominated Mr. Rudy Whitehorn.

14641

Upon a motion by Jack Wallace, seconded by Roy Roberts, and passed by unanimous vote, Council moved that the nominations cease. Mayor Daniels declared Mr. Rudy Whitehorn appointed to the Norton Redevelopment and Housing Authority for an unexpired term which will expire January 28, 1991.

The Mayor opened the floor for nominations to the Community Service Board for an unexpired term which will expire May 1, 1990.

Mr. Jack Wallace nominated Mr. Mark Redman.

14642

Upon a motion by William Mays, seconded by Roy Roberts, and passed by unanimous vote, Council moved that the nominations cease. Mayor Daniels declared Mr. Mark Redman appointed to the Community Services Board to fill an unexpired term which will expire May 1, 1990.

Mayor Daniels announced no action would be taken on the nomination to the Board of Zoning Appeals and this would be tabled until the next meeting.

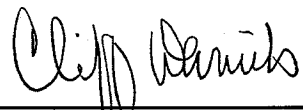
14643

As to the acquisition and/or use of real property, the Mayor announced the floor was open for motions.

Upon a motion by Roy Roberts, seconded by Jack Wallace, and passed by unanimous vote, Council moved that the City Manager be directed to obtain an option on the property being necessary for City purposes and report back to Council for an authorization or direction with reference to the same.

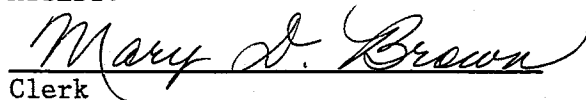
14644

There being no comments from either the City Manager, the City Attorney, or Council, the meeting was adjourned.



Cliff Daniels, Mayor

ATTEST:



Clerk