

May 6, 1958

The regular meeting of the City Council was held in the Municipal Court Room on May 6th at 7:30 P. M. with Mayor B. E. Ball presiding.

Present: B. E. Ball, Fred H. King, Sol Gury, W. R. Hamner, A. O. Umstead.

Minutes of the last meeting were read and approved.

Mr. Ferguson of the M. & F. Market appeared before council regarding #1274 parking space behind his apartment on Alexandria Street. He was advised that the No Parking Signs would be removed.

On motion by A. O. Umstead, seconded by Fred H. King and carried #1275 by unanimous roll call vote, the following resolution to the Highway Department regarding the designation of certain streets in the City of Norton as primary routes when the proposed new construction of U. S. Highway No. 23 has been let to contract, was passed:

WHEREAS, the City of Norton has a verbal understanding with Mr. W. F. Smith, Urban Engineer, Department of Highways that the following streets in the City of Norton will be designated as primary routes, in addition to those now so designated immediately when the proposed new construction of U. S. Highway No. 23 in the west of the City has been let to contract; to-wit:

FIRST: That Alternate Route No. 58 be rerouted to Kentucky Avenue from its intersection with the Coeburn Road to its intersection with Eleventh Street and from said intersection to the intersection of Eleventh Street with the West Norton road at the center of the viaduct.

SECOND: That present Alternate Route No. 58 from Kentucky Avenue to U. S. Highway No. 23 (Park Avenue) be retained and/or placed in the primary system from this entire length and be re-designated as a primary route other than Alternate Route No. 58.

THIRD: That upon the letting of the contract for the construction of that section of U. S. Highway No. 23 between Eleventh Street in the City of Norton and Josephine, that portion of the said U. S. Highway 23 to be so constructed which lies between Eleventh Street and the old western corporate limits of the City of Norton shall be immediately designated as a part of the primary system in the City of Norton.

NOW, THEREFORE, BE IT RESOLVED that the City of Norton agrees to proceed with the public hearing and construction of U. S. Highway No. 23 and to furnish the City's part of the funds for the new construction when required as per previous arrangement, subject to the above conditions.



Mayor

ATTEST:



Clerk of Council

On motion by Sol Cury, seconded by Fred H. King and carried by unanimous roll call vote, the following ordinance regarding television franchise was passed: #1276

SECTION I.

BE IT ORDAINED THAT there is hereby granted to _____ for a period of ten (10) 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 construction, maintaining and repairing television conduits and wire, 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 the 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 fixture, 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 condition and provisions of the other utility companies using said streets and alleys and such other ordinances, rules and regulations 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 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. 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.

SECTION II.

The right is expressly reserved by the City of Norton to regulate any charges for installation and service made by the grantee and to further regulate the service being rendered to the citizens of the City by the grantee.

SECTION III.

The right 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, the full sum or amount of \$25 plus $\frac{1}{2}$ of 1% a year of its gross revenue from transmitting television reception in the City of Norton, Virginia, which said sum shall be paid annually into said treasury of said city for the benefit of said city; said payment to be paid on or before the first day of February of each year from and after the granting of this ordinance, and for the purpose of ascertaining the gross earnings upon which such payments shall be made, as aforesaid, an accurate account of such earnings shall be kept by the said Grantee, and an abstract and account thereof furnished by it to the city treasurer at the time of such payments above provided, and the truth of such abstract shall be verified by the affidavit of a proper official of said Grantee.

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 and may be enforced by such means provided by law for the collection of taxes.

SECTION IV.

Said Grantee shall at all times protect and save harmless the City of Norton 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 an insurance policy in force with some responsible insurance company in at least the sum of Three Hundred Thousand (\$300,000) Dollars insuring the City of Norton and any persons, firms and corporations from any damages by virtue of any negligence in the construction and operation of such television transmission system.

SECTION V.

Said Grantee shall file his written acceptance of the provisions of this ordinance with the Clerk of Norton 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 the City Manager in the sum of Five Thousand (\$5,000) Dollars conditioned that said Grantee shall commence its work of construction of said television conduit system on or before thirty (30) days of the date of filing on such acceptance, and that it will thereafter prosecute its work of construction with all reasonable diligence; that it will 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; 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.

Said Grantee 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 to render efficient service, and further provide reception for color television when and if the same shall become practical. Said Grantee shall transmit upon said lines the broadcasting of at least three transmission stations, if available, and the rates of the said Grantee shall be increased for such additional broadcasting stations as can be properly received by the said Grantee and transmitted over the streets of said city.

SECTION VI.

The City Manager shall 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 at their expense.

If the owner of any poles, cable or device discontinues business, such poles, wires, cables or devices shall be taken down at the expense of the owner within ninety days after such discontinuance of business.

The granting of any rights 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 days' notice in the event the Grantee shall not comply with the terms of this ordinance to cancel any rights and privileges give to the Grantee under this ordinance.

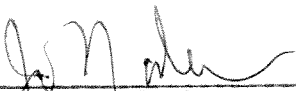
"Red" Trinkle, Fire Chief demonstrated plectron radio alarms which they would like to have installed in each fireman's home. Council advised Mr. Trinkle certain funds had been set up in the budget for fire equipment and that the budget would be reviewed at a later date by the council. #1277


Charles Litton reported on meeting of the recreational committee giving estimate of funds needed for the recreational program. #1278

On motion by Sol Cury, seconded by A. O. Umstead public hearing on the budget would be duly advertised for hearing on May 27th. On roll call vote all voted AYE. #1279

Mr. Norton reported on status of new water dam. #1280

There being no further business before the council same adjourned.


Clerk


Mayor