

The regularly scheduled meeting of the Norton City Council was held on Tuesday, December 7, 1999 at 7:30 p.m. in the Municipal Council Chambers with Mayor Robert Raines presiding.

Present: Joseph Hunnicutt, Jack Wallace, Robert Raines, and William Mays

Absent: Joseph Fawbush

Also Present: E. W. Ward, City Manager and Bill Bradshaw, City Attorney

The invocation was given by the City Manager and was followed by the pledge of allegiance which was led by Police Chief Sam Mongle.

Upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council moved to adopt the minutes of the November 16, 1999 meeting as presented.

19479

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

19480

A public hearing was held on an amendment to the Norton City Schools Budget in the amount of \$53,300 for a Technology Literacy Grant.

Present representing the Norton City Schools were Dr. John Sessoms, Superintendent and Mr. William Hutchinson, Director of Technology. Mr. Hutchinson advised Council that the school system had received this grant in the amount of \$53,300 with said funds to go toward training, software, and/or hardware.

There were no questions or comments from Council prior to the public hearing.

Mayor Raines opened the public hearing.

19481

There being no public comment, Mayor Raines closed the public hearing.

Upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous roll call vote, Council moved to amend the Norton City Schools budget in the amount of \$53,300 for a Technology Literacy Grant.

A public hearing was held on a request for a Public Dance Hall Permit to Players Club, Incorporated located at 532 East Park Avenue.

Mr. Ward advised that the City had received this request on November 17, 1999 from Mr. Chad Pennington. He further advised this public hearing had been duly advertised.

There were no questions or comments from Council prior to the public hearing.

Mayor Raines opened the public hearing.

Speaking against the issuance of this permit was Ms. Martha Gardner, representing the East Park Avenue Baptist Church and presenting Council with a petition against this establishment, Mr. Paul Smith, Director of His Ministries, and Mr. Larry Hamilton, a 23 year resident of East Park Avenue.

19482

Mr. Pennington spoke briefly to Council on this establishment and speaking in favor of this permit being issued was Mr. Don Jack Mullins.

There being no further public input, Mayor Raines closed the public hearing.

Mr. Bradshaw, City Attorney, advised Council that he had researched the City statute covering this and feels that the recent decision dealing with the Pound Dance Hall Ordinance, which is quite similar to our ordinance, by Judge Glen Williams of our Western District Federal Court sitting in Big Stone Gap, has an effect on our ordinance. His opinion delivered in late June of this year stated that the ordinance adopted by the Town of Pound was constitutionally invalid and, in essence, was a prior restraint of potentially protected First Amendment rights of free speech which encompasses some forms of dance. A second opinion was issued by Judge Williams in October of this year in which he stated recreational dancing is not a protected first amendment activity following the Fourth Circuit Court of Appeals' precedent on this issue and based on United States Supreme Court precedent.

It was Mr. Bradshaw's opinion that the ordinance that is currently in effect in the City is subject to attack on the same grounds that the Town of Pound ordinance was attacked and he advised Council that this ordinance, if challenged, would be held to be void, unenforceable, and enjoined by the Federal courts. His advice to Council would be, given Judge Williams' holding with respect to the Pound ordinance, that Council should neither grant nor deny a permit for a public dance hall at this particular location at this time.

Following a brief discussion, the City Manager and City Attorney were directed to prepare a draft ordinance for Council's review on the issuance of a Dance Hall Permit. Mr. Pennington was advised to talk with the City Attorney.

Mr. Ward advised that as of today we had a total reservoir capacity of 29,004,000 gallons of water. He further advised that we had over 3" of rain during Thanksgiving week-end and were able to cut back on the use of PSA water. Currently, we have a decent stream flowing into our reservoir and he advised that it was his recommendation that we do nothing at this time regarding our emergency declaration until we get more water in our reservoirs.

19483

Council had a request from Mrs. Thelma Adongay for a Special Use Permit to put in a driveway on the 10th Street side of her property.

Upon a motion by Joseph Hunnicutt, seconded by Jack Wallace, and passed by unanimous vote, Council moved to authorize the City Manager to issue a revocable permit to Mrs. Thelma Adongay.

14984

Council had a request in their packets for a water tap for Glenn and Minnie Wells, 7709 Wells-Boone Road.

Upon a motion by Jack Wallace, seconded by William Mays, and passed by unanimous vote, Council moved to approve a water tap for Glenn and Minnie Wells of 7709 Wells-Boone Road.

14985

Council had a copy of a check in the amount of \$175,000 made payable to the Norton City Schools.

Upon a motion by Joseph Hunnicutt, seconded by William Mays, and passed by unanimous roll call vote, Council moved to approve a check in the amount of \$175,000 made payable to the Norton City Schools.

14986

In his comments, the City Manager advised that:

Our next scheduled meeting is Tuesday, December 21st. With that being close to the holidays, he wanted Council's input on whether to meet.

Upon a motion by Joseph Hunnicutt, seconded by William Mays, and passed by unanimous vote, Council moved to cancel the December 21st meeting.

Mr. Ramey is present tonight with Celebrate 2000 shirts. Council was asked to see him after the meeting to get their correct size.

19487

The audit for the year ending 6/30/99 is completed and he presented each member of Council a copy for their review. Our auditors will present this to Council at our January 4th meeting.

He had completed his City Manager's report for December and presented it to Council for their review.

In comments from the City Attorney, Mr. Bradshaw advised of a lawsuit brought against the City by Coca-Cola Bottling Company of Roanoke regarding the correction of allegedly erroneous tax assessment for 1995. He will keep Council informed on this case.

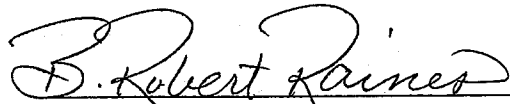
19488

Mayor Raines expressed Council's appreciation to all those who participated in the activities around the Christmas Parade last week-end and extended holiday greetings to all.

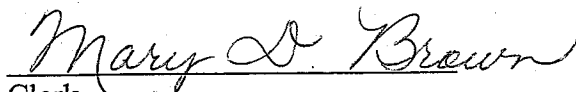
19489

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

CITY OF NORTON, VIRGINIA


B. Robert Raines, Mayor

ATTEST:


Clerk