

In the Common Council Chambers of the Municipal Building held on July, 31, 1980, at 7:30 p.m. with Councilpresident Tomi Allison presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
JULY 31, 1980

Councilmembers present: Allison, Olcott, Morrison, Murphy, Hogan, Dilcher and Service.  
Councilmembers absent: Towell and Porter.

ROLL CALL

Councilpresident Allison read the agenda summation.

AGENDA SUMMATION

There were no Messages from Councilmembers.

COUNCIL MESSAGES

There was no Message from the Mayor.

MAYOR'S MESSAGE

There were no Petitions or Communications.

PETITIONS & COMM.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 80-15 by title only.

SECOND READINGS:  
RESOLUTION 80-15  
To Designate the  
Sarkes Tarzian  
Property as an  
Urban Devel. Area

Clerk Connors read Resolution 80-15 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 80-15.

Murphy read the legislative synopsis and gave the committee report with a Do Pass recommendation of 9-0.

Olcott asked what the timetable was for occupancy of the building and a representative from B.F. Goodrich replied that they will take over the building August 18 and plans are on schedule.

Resolution 80-15 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-67 by title only.

ORDINANCE 80-67  
Amend Zoning re:  
E. side of Wood-  
lawn, north of  
Hillside from RS  
to MG (Goodrich)  
(Suspend rules  
to give 2nd rdg.)

Clerk Connors read Ordinance 80-67 by title only.

Morrison seconded a motion to suspend the rules, as the petitioner requested, to give Ordinance 80-67 second reading. Motion carried by unanimous voice vote.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-67 by title only.

Clerk Connors read Ordinance 80-67 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-67.

Murphy read the legislative synopsis, noting that there was no committee report on this due to the request for suspension of rules.

Ordinance 80-67 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-58 by title only.

ORDINANCE 80-58  
Budget Transfers:  
Controller's  
Office and Rose-  
hill Cemetery  
Fund

Clerk Connors read Ordinance 80-58 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-58.

Murphy read the legislative synopsis and gave the committee report with a Do Pass recommendation of 9-0.

Ordinance 80-58 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-59 by title only.

Clerk Connors read Ordinance 80-59 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-59.

Murphy read the legislative synopsis and gave the committee report with a Do Pass recommendation of 9-0.

Ordinance 80-59 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-61 by title only.

Clerk Connors read Ordinance 80-61 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-61.

Murphy read the legislative synopsis and gave the committee report with a Do Pass recommendation of 9-0.

Ordinance 80-61 was then adopted by a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-60 by title only.

Clerk Connors read Ordinance 80-60 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-60.

Murphy read the legislative synopsis and gave the committee report with a Do Pass recommendation of 3-3-3.

Jane Cullen of the Legal Services Organization addressed the Council. She spoke in favor of passage of the ordinance since it would accomplish several beneficial things: (1) would reduce the size from 12 to 5 which would make operation of the HRC less cumbersome while still having enough members to be representative of the community, (2) it would transfer probable cause to the staff attorney. She contended that an attorney is in a better position to determine this and this would also keep the HRC impartial until the case would come before them. As long as the attorney is competent, they would be qualified to determine probable cause, and (3) it would be proper not to cover City employees since it may even be mandated under the attorney's code of ethics to serve as investigator and advocate for the City creates at least the appearance of impropriety.

Ed Howell, Human Rights Commission member, said that the community is finally aware of the HRC and its functions and he is concerned that they will be less capable of performing important functions such as probable cause.

Service said that she did not think any injustices would be done by passing the ordinance but she does object to reducing the roll of the HRC to the point of non-effectiveness by taking away probable cause determinations. She said she can go along with not covering the City but suggested that reducing the membership to five may be going a little bit too far.

ORDINANCE 80-59  
To Amend 1980  
Salary Ord. re:  
Two Omitted Parks &  
Rec. Positions

ORDINANCE 80-61  
Amend Zoning re:  
502 N. Rogers from  
MA to ML (Vinocur)

ORDINANCE 80-60  
To Amend Various  
Sections of the  
BMC re: Human  
Rights Commission  
Reorganization

Olcott said he would prefer to see the HRC abolished, but this is a step in the right direction. He noted that in 1979 the HRC had quorum problems and had a very high turnover rate with Commissioners. He contended that the Legal Department is in a better position to handle this.

Murphy moved and Service seconded a motion to amend Section 2.60.030(a)(2) to increase the membership from five to seven members with four appointments to be made by the Mayor and three by the Council. Murphy said he didn't think five members was enough and would not be representative of the community. Olcott added that he didn't think it was representative of the community as it is with twelve members. Service said it is true that probably all of the HRC members support the goals of the Commission, adding that it would be fruitless to appoint members that did not.

Hogan said perhaps the Council should consider abolishing the HRC since people are already covered by state and federal laws and the City is spending a lot of time and money on this. He noted that Student Legal Services and Legal Services Organization are also available to help those in need.

Motion failed by a vote of Ayes: 4, Nays: 3 (Morrison, Olcott and Hogan).

Murphy moved and Service seconded a motion to amend the ordinance concerning an appeal process to the chairman of the HRC. Murphy said this gives the complainant the opportunity to appeal to the chairperson within ten days for a final determination.

Olcott asked if people can now appeal to the state and Bill Finch replied that they can only appeal to the feds, noting that this amendment is similar to the present procedure.

Morrison said the only way to see if the ordinance will work is to give it a try.

Murphy said he would have a difficult time supporting the ordinance without these amendments.

Hogan said probable cause is very time consuming for the staff and the HRC would still have to consult with them if they retained even an appeal function.

Motion failed by a vote of Ayes: 4, Nays: 3 (Morrison, Olcott and Hogan).

Dilcher said that she is not happy with the ordinance but the alternative is rather bleak: a Commission with no staff or funds.

Ordinance 80-60 was then adopted by a roll call vote of Ayes: 6, Nays: 1 (Service).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 80-62 by title only.

Clerk Connors read Ordinance 80-62 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 80-62.

Murphy read the legislative synopsis and noted that the committee made no recommendation on this ordinance.

Olcott suggested that the synopsis be amended to remove references to "she" as the HRC Director.

Ordinance 80-62 was then adopted by a roll call vote of Ayes: 6, Nays: 1 (Service).

ORDINANCE 80-62  
To Amend Various  
Sections of BMC  
to Remove refer-  
ences to HRC under  
HRD