

In the Common Council Chambers held on January 3, 1977 with Councilpresident Pro-tem Kinzer presiding (until Thomas Middleton was formally elected), in the Municipal Building at 7:30 p.m.

REGULAR SESSION
COMMON COUNCIL
January 3, 1977

PRESENT: Councilmembers Towell, Kinzer, Young, Olcott, Richardson, Middleton. ABSENT: Councilmembers Morrison, De St. Croix.

ROLL CALL

Councilpresident Pro-tem Kinzer began the meeting with the agenda summation. First the election of officers for 1977. Legislation for Discussion and Vote for Second Reading: Resolution 76-43, To Concur with Change Made in Interdepartmental Funding Agreement by Utilities Service Board; Resoulution 77-2, To Direct City Plan Commission to Prepare a Report Making Recommendations as to the locatio of Adult Bookstores, Massage Parlors and Similar Establishments. For First Reading, To Amend Zoning Maps re: 1817 Maxwell Street RS to RL; Ordinance 77-2, To Designate Second Baptist Church as Historic; Ordinance 77-3, Traffic Amendment re: No Parking Zones on Maxwell Street; Ordinance 77-4, To Establish User Charges for Ambulance Service; Appropriation Ordinance 77-1, To Appropriate Funds from General Fund to City Court Salaries; Appropriation Ordinance 77-2, To Appropriate Funds from Cumulative Capital Improvement Fund for Renovation of the Basement of the Municipal Building.

AGENDA SUMMATION

Councilmember Kinzer then entertained motions for the office of Councilpresident for 1977.

ELECTION OF OFFICERS

Councilmember Richardson moved and Councilmember Young seconded a motion to nominate Councilmember Middleton for Councilpresident. Councilmember Towell moved and Councilmember Olcott seconded a motion to vote by acclamation. Unanimous approval of the Council for Thomas Middleton's election to the Council Presidency.

Thomas Middleton to
Council President

Councilpresident Middleton then entertained nominations for Councilpresident Pro-Tem.

Jeff Richardson to
Councilpresident
Pro-Tem

Councilmember Towell moved and Councilmember Olcott seconded a motion to nominate Councilmember Richardson for Councilpresident Pro-Tem. Councilmember Kinzer moved and Councilmember Towell seconded a motion to vote by acclamation. Councilmember Richardson was then unanimously elected to Councilpresident Pro-Tem.

Councilmember Richardson moved and Councilmember Towell seconded a motion to nominate Councilmember Olcott as Parliamentarian. Councilmember Towell moved and Councilmember Kinzer seconded a motion to vote by acclamation. Councilmember Olcott was then elected as Parliamentarian.

Lloyd Olcott to
Parliamentarian

Mayor Frank McCloskey then gave his message. He congratulated the new officers and wished the Council well in 1977. He said he has very much enjoyed working with the Council in 1976 and expects to work more closely with them in 1977. He said he and Councilpresident Middleton have agreed to meet each Monday morning and extended the invitation to the rest of the Council. He then spoke to the ambulance service, noting that he had spoken to the County Commissioners during their regular meeting that morning, and suggested that they meet to work out specifics. He invited the Council to attend a meeting on January 7 with County Officials where the issue will be negotiated. He also noted the importance of working out a joint City/County planning staff, and said he also hoped to work that out.

MESSAGE FROM THE
MAYOR

Councilmember Towell then spoke in accomodation of David Dilcher, the Council's former appointment to the Utilities Service Board. He said that Mr. Dilcher made an abundance of infomation available to the community that enabled everyone to make a more intelligent decision. He noted that the report that Mr. Curry was unanimously appointed by the Council to the USB was false. He said that if people serve well they deserve support if they wish to serve again.

MESSAGES FROM
COUNCILMEMBERS

Councilmember Young suggested that in 1977 the Council work more closely with the Department Heads and the Mayor's Office.

Councilmember Olcott then commended the Street Department for their fine work in snow removal last night. He also said that he will be in attendance at the meeting of city and county officials, and he also urged cooperation with the Mayor in 1977.

Frank McCloskey remarked that John Irvine had the idea of forming a committee on city/county realtions, which has been done. The committee will consist of Don Wagner, John Irvine, Tom Middleton, and himself.

Councilmember Richardson said he spoke with County Commissioners Irvine and Henegar about city/county problems. He suggested that the committee deal with the problems from an overall perspective so that long-term situations can be solved. He said he was pleased to see an appropriation for the Pistol Range renovations. He said that Al Towell had expressed his opinions about the David Dilcher appointment. He said he served the USB and the Council very well. He said he was sorry that both Curry and Dilcher couldn't be appointed, and thanked Mr. Dilcher for the service he provided for the City.

Councilpresident Middleton then introduced him family, and entertained nominations for the Plan Commission appointment.

Councilmember Young moved and Councilmember Kinzer seconded a motion to appoint Al Towell as the Council's representative to the Plan Commission.

Councilmember
Towell appointed
to Plan Commission

Councilmember Kinzer moved and Councilmember Olcott seconded a motion to appoint Al Towell by acclamation. Unanimous approval of Council for Councilmember Towell's reappointment to the Plan Commission.

Councilmember Young moved and Councilmember Kinzer seconded a motion to accept the Council's appointment of Curtis Curry to the Utilities Service Board; George Heise to the Environmental Commission; Susan Takacs to the Women's Commission; and approval of the Mayor's appointment to the Affirmative Action Advisory Board.

Curtis Curry to USB
George Heise EQCC
Susan Takacs to
Women's Commission

Councilmember Towell moved and Councilmember Olcott seconded a motion to appoint by acclamation.

Unanimous approval of the Council for all of the appointments listed above.

Councilmember Kinzer moved and Councilmember Towell seconded a motion to introduce and read Resolution 76-43 in entirety.

RESOLUTION 76-43
To Concur with Change Made in Interdepartmental Funding Agreement by USB

Deputy Clerk Connors then read Resolution 76-43 in entirety.

Councilmember Kinzer moved and Councilmember Olcott seconded a motion to adopt Resolution 76-43. She noted that the amendment will cut the agreement from a three to a one year term.

Resolution 76-43, as amended, was adopted by a ROLL CALL VOTE of Ayes: 6, Nays: 0.

Councilmember Kinzer moved and Councilmember Towell seconded a motion to introduce and read Resolution 77-2 in entirety.

RESOLUTION 77-2
To Direct Plan Comm. to Prepare a Report Making Recommendation as to Location of Adult Bookstores, etc.

Deputy Clerk Connors then read Resolution 77-2 in entirety.

Councilmember Richardson moved and Councilmember Young seconded a motion to adopt Resolution 77-2.

Councilpresident Middleton then read the legislative synopsis.

Councilmember Richardson, sponsor of the ordinance, then spoke. He said the purpose of the resolution is not to deal with the contents of adult bookstores, but rather to consider the zoning perspective. He referred to the June 1976 Supreme Court Case, Young v. American Mini Theaters, a Detroit case. The case said if a locality follows zoning perspective guidelines, the City has the right to regulate in the area. The resolution is an attempt to gather information from other cities who have dealt with the issue, so that the City could prevent concentration of adult bookstores in one area.

Councilmember Towell pointed out that the location is not as important as the signs on location. He said that the situation could be dealt with through stricter enforcement of the Sign Ordinance. He continued that Mary Alice Gray, the President of the Plan Commission, and himself made a formal complaint to the Engineering Department about the signs. A notice to secure permit was delivered to the adult bookstores on College Avenue. He said the zoning ordinance is very difficult to enforce in such a situation. He noted that the Zoning Ordinance has a grandfather clause, so that there is nothing you can do about the location of the present establishments, and could only deal with the future problem. He said he would like to see the buildings conform to building, sign, fire, plumbing and electrical requirements as well.

Councilmember Richardson retorted that he had sent a memo on December 27 to the Plan Department instructing them to do inspections on the sign question. They were to check it out as soon as the resolution passed. He said he also asked them to look into the whole "entrance coordior question". He continued that the presence of the current establishments are what prompted him to take question, but he is more concerned with the future. He said he had heard that massage parlors may open up in the same areas, and if this happens, other businesses may not want to be located in the same area, nor will residents.

Councilmember Kinzer suggested that all of the aspects be investigated. She said there is much more at stake than the appearance of the establishments.

Councilmember Towell remarked in answer to Councilmember Richardson that the Plan Department is not the Department to go to for sign enforcement; you go to the Engineering Department. He reiterated that once they have been made to conform under all other regulations, then perhaps another avenue should be considered.

Resolution 77-2 was then adopted by a ROLL CALL VOTE of Ayes: 5, Nays: 1. Nay: Councilmember Towell. Comments made during vote: Councilmember Towell explained his vote by saying that he feels the resolution is probably the wrong approach, given that there are ordinances that can have an impact on the situation. Councilmember Kinzer remarked that she tends to agree with Councilmember Towell, but that she would like to have the subject investigated by the Plan Commission.

Councilpresident Middleton then called for Petitions & Communications. Being none, he called for First Readings.

PETITIONS & COMMUNICATIONS

Councilmember Kinzer moved and Councilmember Towell seconded a motion to introduce and read Ordinance 77-1 by title only.

ORDINANCE 77-1
Amend Zoning
1817 Maxwell RS to RL

Deputy Clerk Connors read Ordinance 77-1 by title only; Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Towell seconded a motion to introduce and read Ordinance 77-2 by title only.

ORDINANCE 77-2
2nd Baptist Church
Historic Designation

Deputy Clerk Connors read Ordinance 77-2 by title only.
Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Towell seconded a motion to introduce and read Ordinance 77-3 by title only.

ORDINANCE 77-3
Traffic Amendment
No Parking Zones

Deputy Clerk Connors read Ordinance 77-3 by title only;
Councilpresident Middleton read the synopsis.

Councilmember Kinzer moved and Councilmember Olcott seconded a motion to introduce and read Appropriation Ordinance 77-1 by title only.

APPROPRIATION
ORDINANCE 77-1 To
Appropriate Funds
from General Fund to
City Court Salaries

Deputy Clerk Connors read Appropriation Ordinance 77-1 by title only. Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Olcott seconded a motion to introduce and read Appropriation Ordinance 77-2 by title only.

APPROPRIATION
ORDINANCE 77-2 To
Appropriate Funds
from Cum. Cap. for
Renovation of Basement
of Municipal Bldg.

Deputy Clerk Connors read Appropriation Ordinance 77-2 by title only. Councilpresident Middleton read the legislative synopsis.

Councilmember Kinzer moved and Councilmember Olcott seconded a motion to adjourn. The meeting was adjourned at 8:30 p.m.

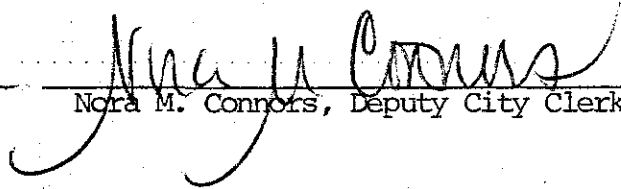
ADJOURNMENT

APPROVE:

ATTEST:



Thomas O Middleton, President



Nora M. Connors, Deputy City Clerk

MINUTES adopted this day of , 1977.