

Special Meeting
 April 23, 1971
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A Special Meeting of the City Council of the City of Charlotte, North Carolina, was held on Friday, April 23, 1971, in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Milton Short, John H. Thrower, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilman Sandy R. Jordan.

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INVOCATION.

The invocation was given by Councilman Milton Short.

PURPOSE OF MEETING.

Mayor Belk stated the Special Meeting of the City Council has been called pursuant to Section 3.22 of the Charter of the City of Charlotte to consider the adoption of an ordinance, or ordinances, dealing with the question of obscenity.

STATEMENT BY MAYOR PRO TEM WHITTINGTON.

Mayor pro tem Whittington read the following statement:

"The Mayor and members of this City Council, the City Attorney, the City Manager and other staff members, with members of the news media, journeyed to Raleigh on March 24th to meet with our local delegation concerning our legislative needs for Charlotte. The first request we made was their support of legislation pending on the subject of obscenity. We pointed out in that meeting we were concerned and needed help. We also stressed that we had received more telephone calls, telegrams and letters on this subject than anything since the Blue Law several years ago.

The next action on the subject was the recent report of the Obscenity Committee of the Chamber of Commerce, which was followed by many personal contacts with Council, by persons expressing concern on this matter; and then further demonstrated concern by the Citizens for Decency Rally at the Charlotte Coliseum last Tuesday evening - have convinced this Council that it must immediately take such action as lies within its power to prohibit those sex-oriented activities in our City which are tending to undermine the moral quality of this City and its national reputation.

Three weeks ago, I believe it was, Councilman Jerry Tuttle, in Council Session, asked the City Attorney if there were any means that he could muster to fight obscenity in our City.

The Council, through all of this, has been aware that the federal courts have struck down, as being unconstitutional, one by one, most of the State Statutes controlling obscenity, and this has left our law enforcement agencies virtually powerless to exercise any control in many areas of concern. We had hoped that the State Legislature would have enacted into law tough new Statutes on the subject of obscenity by this time. But the needed legislation is still pending.

In view of recent events, as your elected representatives, this Council feels a responsibility to immediately enact ordinances in an effort to help to eradicate the problem and to prevent any further erosion which could conceivably produce a sufficiently fertile market to entice organized crime into our City.

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We are, therefore, hopefully today, enacting into law, criminal ordinances prohibiting indecent exposure and dissemination of obscenity. Additionally, we are enacting ordinances requiring persons who perform topless and bottomless acts, as well as those who pose as nude models to purchase an annual privilege license at a cost of \$500.00. Upon enactment of these ordinances, we are instructing the Chief of the Charlotte Police Department to enforce these ordinances immediately, fully and continuously, with the full knowledge that there may be those in this community who will desire to challenge it in the Courts. To those people, I say, the City is ready to make the test."

EXPLANATION OF PROPOSED ORDINANCES BY CITY ATTORNEY AND COMMENTS FROM COUNCIL MEMBERS AND AUDIENCE.

Mr. Henry Underhill, City Attorney, stated there are three ordinances before Council.

The first is a proposed ordinance which would prohibit indecent exposure. This ordinance would amend the offenses and miscellaneous section of the City Code by adding a new section which is Section 13-21, in repealing the existing Section 13-21, and substituting in lieu thereof the following language:

"Sec. 13-21. Indecent Exposure. Any person who shall willfully expose the natural, or simulated pubic hair in the hypogastric region or who exposes the genitals or buttocks of his or her person in any business or public place and in the presence of any other person or persons, or who aids or abets in any such act, or who procures another to perform such act; or any person, who knowingly as owner, manager, lessee, director, promoter or agent, or in any other capacity, hires, leases or permits the land, building, or premises of which he is owner, lessee or tenant, or over which he has control, to be used for purposes of any such act, shall be guilty of a misdemeanor."

The second is the licensing ordinance. This would amend the license section of the City Code, Chapter 11, by adding two new classifications, as follows:

"Topless or Nude Waitress, Entertainer, Dancer or Employee.

Any female person who partially or completely exposes the whole breast or breasts, or who exposes natural or simulated pubic hair in the hypogastric region or who exposes the genitals or buttocks, while acting as a waitress, entertainer, dancer or employee in any business or public place shall pay an annual license tax of....."

"Topless or Nude Models.

Any female person who partially or completely exposes the whole breast or breasts, or who exposes natural or simulated pubic hair in the hypogastric region or who exposes the genitals or buttocks, while acting as a model or employee in any business or public place, shall pay an annual license tax of....."

Mr. Underhill stated Council is considering charging an annual license tax of \$500.00 and that amount would be filled in the blank spots.

Councilman Tuttle asked when the ordinance refers to an employee of any business or public place, if this means a legitimate art school or class of art at the University of North Carolina or the Mint Museum? Mr. Underhill replied it is not intended to cover that type of activity.

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Mr. Underhill stated the third section of the second ordinance is important; and Section 3 says it is not the intent of this ordinance to make legal any such display of the human anatomy as herein described, but only to provide for the taxation of such activity under the City's taxing authority, and the same is not to be deemed to conflict with any ordinance in exercise of the police power of the City or the State Statutes.

Mr. Underhill stated the third and final ordinance under consideration is an ordinance which would prohibit the dissemination of obscenity. It would amend Chapter 13 of the City Code. First, it makes it unlawful for any person, firm, or corporation to deliver or sell, or agree to sell any obscene writing or picture, record or any other representation; present or direct an obscene play, dance or other performance; publish, exhibit or otherwise make available anything obscene; it would prohibit the exhibition, broadcast, televising, or the selling or delivering of obscene, still or motion picture, film, filmstrip, projection slide, sound recording sound tape or sound tract.

He stated the second page of the ordinance contains the definition of the word "obscene" as used in the ordinance. This definition is taken from the most recent supreme court rulings on the subject; those supreme court rulings which have attempted to define what is obscene. That it is necessary to define the term.

He stated the third and fourth pages of the ordinance sets forth some technical provisions as to how obscenity will be judged; it sets forth a procedure known in the law as an "Adversary hearing prior to seizure". This is based on recent court rulings on the subject and the necessity of dealing with the question of obscenity. It sets out the necessary legal proceedings that must be undertaken in order to enforce the ordinance and in order to seize allegedly obscene material. The Adversary Hearing could be held before a Superior Court Judge, a District Court Judge, or any Magistrate within this judicial district.

Mr. Underhill states Pages five, six, seven and eight are all related to the Adversary Hearing procedure. Page nine contains a new Section 13-21.3 which makes it unlawful to exhibit obscene motion pictures, or drawings that are obscene in nature as defined by the definition of obscenity contained in the earlier part of the ordinance. Also, there is a new Section 13-21.4 which makes it a misdemeanor and unlawful to coerce the acceptance of obscene articles or publications as a condition to any other sale or delivery of any other types of papers, magazines, books and any other types of publication. On Page 10 is a section which makes it unlawful to prepare obscene photographs, slides or motion pictures; to pose, model or act in the preparation of any obscene photographs, film or motion pictures.

He stated Section 13-21.6 would make it unlawful to employ or permit any person under the age of 18 years to assist in doing any act which would constitute an offense under these sections. The final Section 13-21.7 makes it unlawful to disseminate to minors under the age of eighteen years any of the material which is obscene within the meaning of the definition contained in the ordinance.

Mr. Alan Wells stated Asheville has an ordinance which goes not quite in the same direction as the subject ordinances and takes a different attack but accomplishes the same end. One ordinance which is proposed says you can license a person to partially expose breast and natural or simulated pubic hair, and then there is another ordinance which says you cannot do this. He stated the ordinance in effect in Asheville has worked and it has some very good merits; but it also has some loopholes. He stated the proposed ordinance says anyone under 18 years old, and a minor is actually anyone under 21 years of age. That this is where we should be dealing, under 21. The law specifically states that no one under 21 can go into an establishment that has a brown bag permit, and yet they do it. This will give the police the authority to go in and clean up some of these areas, and remove minors. He stated it does not get on to obscenity because obscenity has really not been

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defined. If you go into obscenity and try to get into this area, he feels sure some of it will be thrown out in the first court case. The ordinances enacted by Asheville would define it a little better, and they could be incorporated into these proposed ordinances. That he would like to see Council not act hurriedly in passing an ordinance that might have some constitutional problems getting passed or enforced; that he would rather see Council take its time. That it is better to have a good law to start with than one that will not stand up in Court. Mr. Wells passed around copies of the two ordinances in force in Asheville.

Councilman Tuttle stated Mr. Wells has said the Courts would throw it out. That it looks like our Courts continue to look for a way to throw things out instead of looking for a way to convict somebody.

Councilman Withrow stated if Council is going to pass an ordinance to prohibit the people from doing this, he does not think Council should set a fine or give a license to operate. That we should abide by the law and instruct our Police Department this way; that he does not think there should be a leeway to buy a license. That this is his only question. If it is against the law, then we should stop it without giving them a license. That he does not think they should be allowed to do it in any shape, form or fashion. That he does not want to be a part of giving someone a license to break the law.

Mr. Underhill replied Section 3 of the Licensing Ordinance states that it is not the intent of the ordinance to make legal any display of the human anatomy as described in the ordinance, but is only to provide for the taxation of such activity. If the persons employed in this business or any profession presently do not pay any sort of privilege license tax for the privilege of carrying on this type of activity or business or trade in the city, this ordinance would tax them. The emphasis is on taxing them, not on making something illegal, or making legal this type of activity, but imposing a tax of this type of activity.

Councilman Short stated several times Council has said to Mr. Sykes that the City could only have such licensing fees the State allows it to have, and the Council has referred him back to the Legislature. He asked how Council can reconcile previous comments to Mr. Sykes from what is being enacted here? Mr. Underhill replied in those instances where Mr. Sykes has addressed the Council he has identified specifically the lack of any city license tax on certain types of occupations. That the majority of the occupations he identified are specifically exempted by the State Statutes from City Licensing Tax. He stated he can find no such exemption for this type of trade or profession in the State Law. Not finding any, it is assumed that the City, under its charter, has the right to establish a privilege license tax for this type of business or trade.

Councilman Short asked Mr. Underhill, from his familiarity with municipal and other laws in general, to what extent is the power to tax used to prohibit personal acts? Mr. Underhill replied the idea of establishing a privilege license tax on this type of occupation is not something new and novel to Charlotte; it is done in other areas of the country. The purpose of a privilege license tax is a means of a person paying for the privilege of doing business in a particular locality. Councilman Short asked if he is saying this is a method of revenue raising? Mr. Underhill replied that is exactly the intent of city licensing - to produce revenues from those businesses and trades who pay for the privilege of carrying on their business activity within the City. Councilman Short asked if he recommends that Council set a figure that is calculated to produce the greatest amount of revenue in this case? Mr. Underhill replied he did not make any recommendation to Council as to what the license fee should be; that is the reason in preparing the ordinance he left the license fee blank. That in all other cases where it is discretionary as to what is charged, that matter of discretion rests with Council as to what it thinks should be the fair charge for the type of activity contemplated to be licensed.

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Councilman Alexander asked if there is any limitation as to what tax Council can place on this activity? Mr. Underhill replied not that he is aware of. Councilman Alexander asked if there would be any type of legal binding Council would get into in an interpretation if, for instance, Council placed the license fee at \$1,000.00; that would say the license fee was being used to prohibit it? Mr. Underhill replied that argument could be advanced and has been advanced against this type of license. The amount of what is charged for a license in relationship to other similar type of businesses could be used to make the argument that Council is using its taxing authority in setting the tax at such a high rate that it was attempting to discriminate.

Councilman Tuttle asked if there has not always been a high tax on pure luxury; that the federal government charges \$1,000 for a gambler's license, he believes; that there is a high tax on cigarettes. Is not this a case of pure luxury and traditionally, do we not place a stiff tax on pure luxuries? Mr. Underhill replied he thinks his statement is true.

Councilman Withrow asked if the City has any other ordinance similar to this where it is against the law but the City is still giving a license? Mr. Underhill replied it is not against the law to be a topless waitress, nor a topless entertainer as such unless the person who was a topless waitress or entertainer performed her duties in such a manner as to make it obscene in the definition. The North Carolina Supreme Court has said that appearing topless was not at that time under the existing state laws an obscene act. That these ordinances will not make it unlawful to have topless waitresses or entertainers or dancers. So you are not licensing an unlawful act. That Section 3 is included in the ordinance to provide that this is a taxation activity of the City rather than an intent to make any of this legal within the framework of what is described; that it also attempts to make it so that it would not conflict with any other ordinance.

Mr. Albert Pearson stated when Council asks the City Attorney in this short length of time to try to do what men in Raleigh and other places are trying to do at this particular stage of our city life which is two days before an election, whether it is being done for political purposes or not, that will be the interpretation taken by a great many people. He stated most of us are against obscenity. We are against lewdness. But when the City Attorney is asked by an individual Councilman to do this, he questions the legality of even the request. If this Council does something as a body and instructs the attorney to bring something back, it is different from every Tom, Dick and Harry on this Council asking him. That one has to stop and ask themselves the bigger question, what is behind the motive. He stated this subject has been discussed for a long time.

Councilman Withrow stated about two months ago, it came up in Council about the laws in the legislature being knocked down, and Mr. Underhill was asked at that time to do something about it. That he asked Mr. Underhill if he would draw up some ordinances or write a letter to the legislature backing them up. That this started the ordinances in preparation.

Mr. Pearson stated he is getting at the fact that Council has let one other Councilman suddenly put this thing through to try to get it done at this particular time. That he is saying Council is not building confidence in our government; it is being destroyed. Mr. Withrow's action sometime ago was very commendable and it is commendable today.

Mr. Pearson asked where the \$500.00 license fee came from? Did it come from the group, or from an individual? Mayor Belk stated the \$500.00 is from the Asheville ordinance. Councilman Whittington stated he had mentioned the \$500.00.

Mr. Pearson stated as a citizen of Charlotte, if this is wrong, then there should be no price; that if it is lawful and legal, that any tax on it should not be discriminatory. He stated it is not his personal feelings that is involved. That he would not want to go and sit in a restaurant and have a

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topless waitress come up and throw something in his face. He stated what has happened here today is what is causing Charlotte-Mecklenburg to have lack of confidence in its citizens. As a group, you will find them behind you. It should not take 4,000 or 5,000 people meeting in the Coliseum to spur any individual here.

Councilman Whittington stated he is surprised that Mr. Pearson is not behind Council this morning and is not supporting Council in these ordinances. Mr. Pearson replied he will not back something he has not had time to intelligently read and digest. As far as being behind this group in making Charlotte a better city and cutting out the lewdness that is permissible, by that he means permissible if it is legal to do these things, then we should not try to stop them. It is not enough to talk about the federal government doing something. It is only that we have to obey the Supreme Court whether we like it or not. That this is what we are trying to do to this. Set a law that will pass our State Supreme Court. He stated he is behind Council, not only behind them but they have been so far ahead of Council that they do not know where Council has been for two years. He stated this is 100% political and should be postponed until after the election so that each can go into it in detail.

Mr. Tom Sykes stated this Council has been sitting for two years. Some members have been on this Council for many years. Nothing motivates incumbent elected officials more than the pending election, particularly when those officials are up for re-election. That he would like to know where some of these Council Members have been for two, four, six, eight, ten, twelve, fourteen or sixteen years. This monster did not become a part of this community last week, week before last or two months ago; this monster has been with us, if it be a monster, as long as some of the members have been sitting on the Council. Why did this City Council wait until three days before election to take action? That he cannot comprehend the thinking here. This Council has been to Raleigh to seek legislation. They did not seek legislation that he requested for licensing of those trades and professions to reduce the tax burden for the people of this community. The property was revaluated, and the tax offices raised the evaluated properties of this city and the county, some as high as 700%. The added revenues that Council could have gotten out of Raleigh would have allowed us a tax reduction. He stated there are other important issues that could have gained public favor for this Council such as the change of the Civic Center or appointing a locally trained man for City Manager. Revaluation and the burden of revaluation on the people who can least afford to pay increased taxes should be a problem that Council should be considering here today, and not obscenity. Review of those things that would make the citizens a little happier in their effort to maintain their homes and their businesses and their activities in this community. Why has this Council not sought changes in state laws protecting those who should be paying a license? Why put the burden on the average citizen? The small income wage earner; the widows, the people who live off social security? Why not use the power of the office to effect those changes in our State Legislature that would directly assist those people who need it most? National Banks not paying a sales tax. These revenues would allow a reduction in the property tax for those citizens who need it. He stated these are some of the issues this community is upset about as well as obscenity. \$500.00 licensing of a striptease act is not going to be income enough to reduce the tax burden of those people who need it. The people who need relief are not the people who are offended by obscenity; the people who need relief are those whose tax burdens have become insurmountable. That Council's action today should be in the area of reducing taxes and not in reducing obscenity. Mr. Sykes stated he is surprised that some action on taxation is not the reason for this meeting this morning.

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Mr. Mike Plumides stated he would like to know what obscenity really is? For the past three years, the Police Department, though the vice squad, has come in and observed his show and they obviously did not see anything obscene, and they are the ones who will have to go out tomorrow and enforce these vague statutes. He stated right now 14-190, one of the statutes dealing with the private parts is enjoined in federal court. This is still a law in effect in Raleigh until it is stricken down on May 21 by the three judge court appointed in this case to determine whether or not the nude body is obscene. The Supreme Court of the United States says the nude body is not obscene. Is the dance obscene? That we see go-go every day on television. A tax is not going to prohibit anybody. That what is here is a prohibitive tax. That they are trying to tax what a three judge court in California just ruled as a stage performance protected by the First Amendment. He stated this is a civil right. Why is someone's civil rights being denied now. This is the First Amendment protective. What is going to happen? Twelve members of the vice squad are going to come in and arrest one girl, when they should be out looking after the real problem - drugs. They say that drugs is the biggest problem in Charlotte. That they brought an ex-gangster down here to try to fill the Coliseum; they said it was not 1/3 full. Mr. Plumides asked Council to not do anything hurriedly because cases are now pending in court telling you what you can do and cannot do. He stated everybody has the right to believe in what he thinks is right. Obscenity cannot be defined by this Council; it has been defined by the Supreme Court. He stated if you are going to put a \$500.00 tax on topless or bottomless then put it on every stage performance otherwise it will not last five minutes. If these ordinances are passed, he will be back in court, and he will have to go to a federal judge, file an amended complaint because everyone of these things Council is trying to pass is in court right now.

Mr. Plumides stated in matters of this importance, public hearings should be held so that he, as a lawyer, can bring in briefs; so that Council can study both sides of the question. He stated 14-190 is still in effect but it has been enjoined and its legality will be determined by a three judge court on May 21. He suggested that Council table this matter, not vote it down, postpone it for a short time, hold hearings.

Mr. Edgar Hair, representing the Charlotte and Mecklenburg Citizens for Decency, congratulated Council and asked them to go ahead with their conflation of this decay that seemingly is undermining all of our community's social and moral values. He stated as to the reference to the meeting on last Tuesday, there were approximately 6,000 people who turned out in like manner to express objections to the very issues that Council has come here to discuss this morning. He stated if we wait, as has been suggested here, we daily become more discouraged; we daily are throwing our hands up and saying what is the use. Mr. Hair stated this is exactly what perpetrates this sort of things in our community, and until we do take a stand and confront the issue, we can never hope for it to be any better. He stated the speaker Tuesday night was from the criminal element of New York and California. This man had not only experienced these things that are inevitable results of decay of the moral fiber of any community, but he came to tell us what the inevitable is for us, and to point the direction in which we are going, and hopefully to shock our sense of welfare and dignity to stop and react. He stated he is sorry that our legislature has not lead the way for Council to take more positive action without fear of being in contradiction of something that may come along later; but he suggests that they cannot wait another day. He asked Council to go ahead, and whatever they do will be far greater than what has been done to this point and time.

Motion was made by Councilman Whittington and seconded by Councilman Tuttle to adopt the ordinances.

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Mr. H. L. Ferguson stated he is a Minister of the Gospel and is very proud of this fact; but he comes today as a private citizen primarily. He stated he has never come to Council before with greater joy in his heart and satisfaction because Council is facing an issue that relates to Charlotte in its entirety, and it is far more important than any issues they have faced. He suggested that Council not hear the voice of those who would accuse Council of political motives; of those who would urge Council to delay action. He stated he commends Council for taking the risk of being accused of being politically motivated. Yet there is enough background to indicate to Council that the vast majority of our citizens do not want these destructive elements in our city.

Mr. Pat Hunter, Counsel for the Police Department, stated he commends Mr. Underhill. That he has done a very thorough job in drafting these ordinances; that the Department has looked at the ordinances pending or passed in other municipalities, and has seen the bills pending before the Legislature. That Mr. Underhill has done an excellent job and he has taken the best of all these ordinances and bills. That there has been nothing on the books before that had as many safeguards and as many definitions and as many requirements such as the adversary hearings which has been so necessary and has been why so many of these statutes and ordinances have been declared unconstitutional before. That he also suggests that we cannot be bound by what has happened in the past in terms of decisions in the Supreme Court; the complexity has changed and we have seen a new life in the type of decision that have come down. That we realize a standard and definition is coming forth, and Mr. Underhill has done a thorough and effective job. Mr. Hunter stated as Attorney for the Police Department, they are delighted to see these ordinances before Council and would appreciate this void being filled. That we are simply without any law in this area. That these ordinances would be an effective tool in law enforcement.

Also speaking was Mr. James Coffman who stated he is new in the community and came from the San Francisco Bay area. That we have seen and heard on television of the decay in Berkeley and the decay in San Francisco. That he was out there and he chose to leave that area to come to Charlotte because he believes Charlotte is a City of decent people; that he has found them friendly; that he loves the country and he came here to make a home. He stated he is dedicated to one cause and that is to have a decent city in which to raise his family. Mr. Coffman stated he has before him some literature from Citizens for Decency Literature by Charles H. Keating, the Founder and Chairman. That there are 100 men of the House of Representatives as honorary committee members; they have men in the Senate; they have lawyers. He stated since smut came readily available in America in the early 1960's, reported rapes are up 115%; the commercialized vice is up by 80%. The decent people of San Francisco are leaving because it is not a fit city to live in. He asked if this is what we want for Charlotte. That it is not what he wants for it. He referred to the letter from the Citizens for Decency and stated the main reason for these incredible books, speaking for pornography, movies and live sex acts, are being tolerated is because highly specialized defense attorneys for the pornographers - men who earn as much as \$500,000 in legal fees - are more highly skilled in this aspect of the law than public prosecutors who are not specialized in this tricky area of the law. Mr. Coffman stated he gives Council his full support.

Mr. Wells stated the issue is whether the ordinance is good or not and it is not. That it has the word "obscenity" in it and then you try to define obscenity. That there are lawyers in this town right now that can walk out the door, file an injunction, and this whole ordinance is no good. That is why Council should back up a little bit and take a look at the two Asheville ordinances. That these two ordinances do not define obscenity; they are for the protection of minors. That we are not trying to limit topless places. There is a precedent already set in this state by two legislative bodies that \$500.00 is a good reasonable fee. If Council should put \$1,000 entertainment

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license, then they could go back to court and say this is prohibitive. He stated on advice of lawyers you have to make the language clear. That Mr. Underhill is more knowledgeable in this area than he is, but he is not more knowledgeable than some of the advice of Counsel he has. That obscenity by the Supreme Court has not been defined, and yet in these proposed ordinances, Council is trying to define obscenity. He stated we should talk about the ordinance itself and see if it will work because he is sure there are lawyers who will tell you right now that this is not workable.

Councilman Whittington stated he appreciates Mr. Wells' remarks but he does not see how he can make a statement to see if it is going to work until you pass the ordinance. Mr. Wells stated that is why he is asking Council to incorporate Ordinance No. 693 and 692 that Asheville has into this and drop some of the other items. That it does work in Asheville and in Raleigh.

Councilman Alexander stated in case Council passes this ordinance right now and someone obtains an injunction, he asked if that injunction would stop Council from adopting another ordinance? Mr. Underhill replied probably not.

Councilman Tuttle stated he does not see the reason for all this argument. If it is bad as Mr. Wells says, it is all we have, and if anyone's going to file an injunction, let them; if they are going to take it to Supreme Court, let them take it to Supreme Court. Let's do what we can and get on with this. That Mr. Underhill has been working on this for weeks. Not just one night.

ORDINANCES PROHIBITING INDECENT EXPOSURE, PLACING ANNUAL LICENSE TAX ON TOPLESS OR NUDE WAITRESS, ENTERTAINER, DANCER OR EMPLOYEE AND TOPLESS OR NUDE MODELS, AND PROHIBITING THE DISSEMINATION OF OBSCENITY, ADOPTED.

Councilman Whittington stated he would like to restate his motion.

Motion was made by Councilman Whittington to adopt the following ordinances with the license tax set at \$500.00, which motion was seconded by Councilman Tuttle:

- (a) Ordinance No. 76 Amending Chapter 13, Section 21, of the City Code Prohibiting Indecent Exposure.
- (b) Ordinance No. 77 Amending Chapter 11, Section 11-18 of the City Code Adding new classifications (305.1) (a) and (b) setting license tax for topless or nude waitress, entertainer, dancer or employee and topless or nude models at \$500.00.
- (c) Ordinance No. 78 Amending Chapter 13 of the City Code to Prohibit the Dissemination of Obscenity.

The vote was taken on the motion and carried unanimously.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 143.

ADJOURNMENT.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried.


 Ruth Armstrong, City Clerk