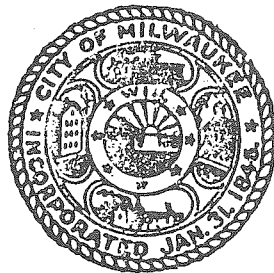


PROCEEDINGS  
OF THE  
COMMON COUNCIL  
OF THE  
CITY OF MILWAUKEE  
FOR THE  
YEAR ENDING  
April 20, 1981



PUBLISHED BY THE AUTHORITY OF THE  
COMMON COUNCIL  
ALLEN R. CALHOUN, JR., City Clerk

An ordinance (File Number 80-222-a) to repeal Section 106-24 and to create Section 109-15 of the Milwaukee Code of Ordinances relating to discrimination in employment.

by recommending that it be placed on file.

ALD. O'CONNOR moved for passage of the above substitute ordinance notwithstanding the recommendation of the Judiciary and Legislation Committee.

ALD. KALWITZ moved to amend the foregoing matter by adding the following Whereas clauses preceding the phrase "The Mayor and Common Council of the City of Milwaukee do ordain as follows:"

"Whereas, Section 109-15 of the Milwaukee Code of Ordinances currently prohibits discrimination relating to the city's employment practices on the basis of age, race, color, religion, sex, national origin, or ancestry; and

Whereas, The provisions of this section should be amended to deal with discrimination on the basis of sexual orientation; providing, however, with the understanding that this amendment and extension of these provisions does not in any way condone the practice of persons whose affectional or sexual preference is toward persons of the same gender, nor does it condone practices that are in violation of the rights of others or that are actions of violence, but rather it is intended as a statement of civil liberties inasmuch as all persons under the American system are entitled to full civil liberties and equal protection under the law; now, therefore"

ALD. KALWITZ'S motion prevailed by the following vote:

Ayes:—Ald. Cullen, Hoeh, Johnson, Kalwitz, Kondziella, Nabors, Soucie, Voss and Weber—9.

Noes:—Ald. Draeger, Frank, Gorak, O'Connor, Spaulding, Ziolkowski and the President—7.

ALD. O'CONNOR moved for passage of the following substitute ordinance, as amended:

#### FILE NUMBER 80-222-a

#### AN ORDINANCE

To amend Section 109-15 of the Milwaukee Code of Ordinances relating to discrimination in employment.

Whereas, Section 109-15 of the Milwaukee Code of Ordinances currently prohibits discrimination relating to the city's employment practices on the basis of

age, race, color, religion, sex, national origin, or ancestry; and

Whereas, The provisions of this section should be amended to deal with discrimination on the basis of sexual orientation; providing, however, with the understanding that this amendment and extension of these provisions does not in any way condone the practice of persons whose affectional or sexual preference is toward persons of the same gender, nor does it condone practices that are in violation of the rights of others or that are actions of violence, but rather it is intended as a statement of civil liberties in as much as all persons under the American system are entitled to full civil liberties and equal protection under the law; now, therefore,

*The Mayor and Common Council of the City of Milwaukee do ordain as follows:*

Part 1. Section 109-15 of the code is hereby amended to read:

Section 109-15. Discrimination in Employment.

#### (1) DISCRIMINATION PROHIBITED.

It shall be unlawful for any department of the City of Milwaukee or any city official, his agent, or employe, for or on behalf of the City of Milwaukee, or any private employer performing work within the City of Milwaukee involving any public works of the City of Milwaukee, or any supplier of goods or services to the City of Milwaukee: to willfully refuse to employ or to discharge any person otherwise qualified because of age, race, color, sex, sexual orientation, national origin, or ancestry; to discriminate for the same reason in regard to tenure, terms or conditions of employment; to deny promotion or increase in compensation solely for these reasons; to publish offer of employment based on such discrimination; to adopt or enforce any rule or employment policy which discriminates between employes on account of race, color, religion, sex, sexual orientation, national origin or ancestry; to seek such information as to any employe as a condition of employment; to penalize any employe or discriminate in the selection of personnel for training solely on the basis of age, race, color, religion, sex, sexual orientation, national origin or ancestry. For the purposes of this section, sexual orientation means having a preference for heterosexuality, homosexuality, bisexuality, or transsexuality; having a history of such a preference; or, being identified with such a preference.

#### (2) CONTRACT TO INCLUDE PROVISION.

All contracting agencies of the City of Milwaukee or any department thereof shall include in all con-

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tracts hereafter negotiated, or renegotiated by them, a provision obligating the contractor not to discriminate against any qualified employee or qualified applicant for employment because of age, race, creed, color, sex, sexual orientation, national origin or ancestry and shall require him to include a similar provision in all subcontracts.

(3) PROPERLY QUALIFIED PERSON TO WIN.

No person properly qualified shall be willfully discriminated against by reason of age, race, color, creed, sex, sexual orientation, national origin or ancestry in the hiring, receiving or application for employment or in tenure, terms of conditions of employment.

(4) EMPLOYMENT AGENCY NOT TO DISCRIMINATE.

It shall be unlawful for any employment agency operating in the City of Milwaukee to willfully refuse to refer any person properly qualified for employment because of his age, race, creed, color, sex, sexual orientation, national origin or ancestry.

(5) ENFORCEMENT.

(a) The Commission on Community Relations may initiate or receive and investigate complaints charging violations of Section 109-15. A complaint shall be a written statement of the essential facts constituting the discriminations charged, and shall be verified.

(b) In carrying out this section, the Commission on Community Relations may hold hearings, subpoena witnesses and take testimony.

(c) If the Commission on Community Relations finds probable cause to believe that any discrimination has been or is being committed in violation of this section, it shall immediately endeavor to eliminate such discrimination by conferences, conciliations and persuasion. If the commission determines that such conferences, conciliations and persuasion have not eliminated the alleged discrimination, the commission shall issue and serve a written notice of hearing, specifying the nature and acts of discrimination which appear to have been committed, and requiring the persons named thereafter called the "respondent" to answer the complaint at a hearing before the commission. The notice shall specify a time of hearing, not less than ten (10) days after service of the complaint, and a place of hearing within the city. The testimony at the hearing shall be recorded by the commission. In all hearings except those for determining probable cause before the commission, the burden of proof shall be on the party alleging dis-

crimination. If, after the hearing, the commission finds by a fair preponderance of the evidence that the respondent has engaged in discrimination in violation of this section, the commission shall make written findings and recommend such action by the respondent as will effectuate the purpose of this section and shall serve a certified copy of its findings and recommendations on the respondent and complainant, together with an order requiring the respondent to comply with the recommendations. The respondent shall be given a reasonable time to comply with such order. If the commission finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a certified copy of its findings on the complainant and the respondent, together with an order dismissing the complaint. Where the complaint is dismissed, the respondent may be reimbursed for his actual disbursements resulting from the hearing in an amount not to exceed two hundred dollars (\$200).

(6) PENALTY.

Any person, firm, or corporation who shall willfully violate or fail to comply with any of the provisions of this section, or who willfully violates any lawful order of the Commission on Community Relations issued pursuant to this section, shall be punished by a forfeiture not exceeding one hundred dollars (\$100) and in default of payment thereof by imprisonment in the house of correction for not exceeding 30 days; provided no action shall be commenced for violation of an order of the commission while the respondent has pending a petition for a writ of certiorari in the circuit court.

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. This ordinance shall take effect and be in force from and after its passage and publication.

*The motion prevailed and the foregoing substitute ordinance, as amended, was passed by the following vote:*

Ayes:—Ald. Cullen, Frank, Hoeh, Johnson, Kalwitz, Kondziella, Nabors, O'Connor, Soucie, Voss and Weber—11.

Noes:—Ald. Draeger, Gorak, Spaulding, Ziolkowski and the President—5.

ALD. FRANK moved to reconsider and have entered in the journal of proceedings the vote by which the foregoing ordinance was passed.

ALD. O'CONNOR questioned the propriety of the above motion.

*The Chair ruled the motion proper.*

ALD. O'CONNOR appealed from the decision of The Chair.

*The decision of The Chair was reversed by the following vote:*

Ayes:—Ald. Draeger, Frank, Gorak, Spaulding, Ziolkowski and the President—6.

Noes:—Ald. Cullen, Hoeh, Johnson, Kalwitz, Kondziella, Nabors, O'Connor, Soucie, Voss and Weber—10.

ALD. FRANK requested unanimous consent to change his vote to No.

*The motion prevailed.*

\* \* \*

**PUBLIC SAFETY**

**ALD. KONDZIELLA—**

From the Public Safety Committee reported upon the following matters:  
(Council action which concurred with the committee recommendation is indicated in italics immediately following each individual matter)

An ordinance (File Number 80-381) to amend the Milwaukee Code rel. to parking restrictions at specific locations in various aldermanic districts.

by recommending passage of the following substitute ordinance:

**FILE NUMBER 80-381**

**AN ORDINANCE**

To amend Sections 101-23 (3), 101-23 (4) (d) and 101-32 (3) (c) 1. of the Milwaukee Code, relating to No Parking of Vehicles, Two Hour Parking and One-Hour Meter Parking, respectively.

*The Mayor and Common Council of the City of Milwaukee do ordain as follows:*

Part 1. Section 101-23 (3) of the Milwaukee Code of Ordinances relating to No Parking of Vehicles, is hereby amended by striking out the following:

"S. 13th Street, west side, from a point 460-feet south of the south curb line of W. Waterford Avenue extended to a point 115-feet further south thereof at any time"

Part 2. Section 101-23 (3) of the Milwaukee Code of Ordinances relating to No Parking of Vehicles, is hereby amended by adding:

On S. 13th Street, west side, from the south curb line of W. Waterford Avenue extended to a point 570-feet south thereof at any time

On the north side of W. State Street from the west curb line of N. 50th Street to a point 60-feet west thereof at any time

On the east side of S. Superior Street from the south curb line extended of E. Oklahoma Avenue to a point 650-feet south thereof from 6:00 p.m. to 6:00 a.m.

Part 3. Section 101-23 (4) (d) of the Milwaukee Code of Ordinances relating to Two Hour Parking, is hereby amended by adding:

On W. North Avenue from N. 2nd Street to N. 4th Street from 7:00 a.m. to 7:00 p.m. Except Sunday

On W. Center Street from N. 2nd Street to N. 4th Street from 7:00 a.m. to 7:00 p.m. Except Sunday

On N. 3rd Street from W. North Avenue to W. Hadley Street from 7:00 a.m. to 7:00 p.m. Except Sunday

Part 4. Section 101-32 (3) (c) 1. of the Milwaukee Code of Ordinances relating to One-Hour Meter Parking, is hereby amended by striking out the following:

"On N. 3rd Street from W. Meinecke Avenue to W. Hadley Street from 8:00 a.m. to 6:00 p.m. Except Sunday"

"On N. 3rd Street, east side, from W. North Avenue to W. Meinecke Avenue from 8:00 a.m. to 6:00 p.m. Except Sunday"

"On W. Center Street, north side, from N. 3rd Street to N. 4th Street from 8:00 a.m. to 6:00 p.m. Except Sunday"

"On W. Center Street, south side, from N. 2nd Street to N. 4th Street from 8:00 a.m. to 6:00 p.m. Except Sunday"

"On W. North Avenue, south side, from N. 4th Street east to the north/south alley between N. 4th Street and N. 3rd Street (from 8:00 a.m. to 6:00 p.m. Except on Mondays and Fridays from 8:00 a.m. to 9:00 p.m.)"

"On W. North Avenue, south side, from N. 2nd Street to N. 3rd Street (from 8:00 a.m. to 6:00 p.m. Except on Mondays and Fridays from 8:00 a.m. to 9:00 p.m.)"

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# COMMON COUNCIL

## CITY OF MILWAUKEE JOURNAL OF PROCEEDINGS

Regular Meeting, Tuesday, July 29, 1980, 9:00 A.M.

### FILE NUMBER 80-692-a

Common Council Regular Meeting, Tuesday, July 29, 1980, (9:00 A.M.).

#### PRESIDENT ANDERSON IN THE CHAIR

Present:—Ald. Cullen, Draeger, Frank, Gorak, Hoeh, Johnson, Kalwitz, Nabors, O'Connor, Soucie, Spaulding, Voss, Weber, Ziolkowski and the President—15.

Excused:—Ald. Kondziella—1.

The meeting opened with one minute of silent meditation.

#### CORRECTIONS OF THE JOURNAL

### FILE NUMBER 80-518

ALD. NABORS moved to correct the Journal of Proceedings of the special meeting held June 27, 1980, on page 351, second column, on the 19th and 20th printed lines from the top of said column, by striking "Zoning and Development" and inserting in lieu thereof, "Utilities and Licenses".

*The motion prevailed.*

### FILE NUMBER 80-415

ALD. HOEH moved to correct the Journal of Pro-

ceedings of the regular meeting held July 8, 1980, on page 373, second column, on the 18th printed line from the bottom of said column, by striking "\$332" and inserting in lieu thereof, "\$657".

*The motion prevailed.*

### FILE NUMBER 79-2268-a

ALD. O'CONNOR moved to correct the Journal of Proceedings of the regular meeting held July 8, 1980, on page 389, first column, on the 19th printed line from the bottom of said column, by striking the amount "\$20.00" and inserting in lieu thereof the amount "\$50.00".

*The motion prevailed.*

### FILE NUMBER 80-222-a

ALD. O'CONNOR moved to correct the Journal of Proceedings of the regular meeting held July 8, 1980, on page 390, second column, on the 5th and 6th printed lines from the bottom of said column, by adding the word "or" after the word "homosexuality", and striking the words "or transsexuality".

*The motion prevailed.*

The Journal of Proceedings of the special meetings of June 27, 1980 and July 3, 1980 and the regular meeting of July 8, 1980, as corrected, were approved.

## REPORTS OF STANDING COMMITTEES

### FINANCE AND PERSONNEL

#### ALD. HOEH—

From the Finance and Personnel Committee reported upon the following matters:  
(Council action which concurred with the committee recommendation is indicated in italics immediately following each individual matter)

### By THE FINANCE AND PERSONNEL COMMITTEE—

#### FILE NUMBER 79-873-m

#### AN ORDINANCE

To further amend an ordinance entitled, "An ordinance determining the offices and positions in the City Service, under control of the Common Council", passed November 15, 1979.