

No Standing News

Since we have no standing, we stand with those left standing

Volume I

March 1, 2003

Number 91

ROLLA CHURCHES JOIN PORNOGRAPHY PROTEST AT CITY COUNCIL MEETING MONDAY

School Board: "Sorry" But Can't Stop Land Sale to 'Family' Video.

Just days after NSN broke the news about the **Family Video** deception the protest started forming. **Karen and John Jordan of Jordan Motors**, located next to the school property on Main Street, started a legal petition signed by the surrounding landowners to protest the rezoning. At first, City Administrator **John Butz** told Jordan it was too late for the legal protest because the legal public hearing had been held at the council meeting on February 18th. He said affected property owners were sent a letter but the Jordans didn't receive the notice. Jordan pointed out to Butz that the law said a legal protest didn't have a time limit on it as long as it was presented before the council took the final vote on the rezoning. She was right; Butz was wrong. The final vote will take place on **Monday** night at **6:30 in the Rolla City Council** chamber on the second floor of city hall in front of what is expected to be a standing-room-only crowd of incensed citizens and the pastors of many churches in Rolla who are helping organize the protest.

At the Rolla School Board meeting Thursday night, Karen Jordan speaking for **Citizens for Decency**, said they wanted the school board to: **1.** Adopt a resolution opposing the rezoning request, **2.** Join the Citizens for Decency at the council meeting to protest and, **3.** Buy back the property. **Superintendent Terry Adams** explained to the protestors that he and the board had been "duped." He said he had asked Mike Woessner specifically about the nature of the business because they didn't want to sell the property to any objectionable business. The word "family" in *Family Video* threw them Adams said, and the brochure didn't indicate that they rented pornography. Adams said, "*it was not our intention to cause any problems with the city, but he personally (not speaking for the board) would join in their boycott of the business.*" He told Jordan's group that he had already asked Woessner if there was any way to buy the property back but Woessner said there was no chance. The seven board members made no comment and continued on with their business meeting.

Council member writes school board resolution. Later in their meeting **President Annie Bass** suddenly excused herself and went out to confer with **Rolla City Council member Charlotte Wiggins**. When they returned they had drafted a resolution. Bass explained that she had "*pulled Charlotte outside to make sure that anything they put in the resolution isn't offensive to what they [the council] want to*

do." During the next half hour of discussion on the wording, Adams and several of the board members appeared to be more concerned about not "offending" the City Council and finding the correct legal term for "pornography" than in making it crystal clear that they didn't support purveyors of pornography despite the fact it was the school board that had helped them get a foothold in town.

The Unacceptable Compromise. For a while it was touch and go as the board began to back off the firm statement the Citizens for Decency had requested. Bass offered a compromise, with Wiggins' endorsement, that the Council should grant the rezoning on the condition that it didn't have a porn room. Jordan again jumped up and insisted on something less wishy-washy. She pointed out that Family Video hadn't been honest about their business and they couldn't be trusted to keep any kind of compromise; they had, she pointed out, violated this kind of "deal" in other cities. She said **The Citizens for Decency** were absolutely opposed to helping them make profits here that would be used to expose children in other communities to their pornography. Board member **Keith Strassner** finally cut through the quibbling and said the resolution should make it very clear that the school board did not want the council to vote for the Family Video rezoning because the Rolla School Board did not approve of pornography. Board member **Ralph Wilkerson** agreed and the board finally settled on something like that but no one went so far as to say they would go to the council meeting.

Dazzled by the fat bankroll. What should have been the easiest task, getting the guilty parties – the Rolla School Board and Administration – to take a firm and active stand to reverse the damage they had done, was instead a close call. Now, **John Petersen**, City Developer, has forgotten his place and is lobbying for 'Family' Video. Petersen is busy convincing the city council that: **a.** They can't turn down the zoning from G-1 to C-2 because it is technically compatible with the surrounding properties, and **b.** To refuse the rezoning would be "inverse condemnation", get them sued, cause "serious problems," or they would "wind up having to buy it [the property]." John Petersen and **Assistant School Superintendent Aaron Zalis** were both quoted in the RDN Thursday (in the only coverage the newspaper has done on this issue) also advocating a compromise i.e. an agreement

that Family Video take out the porn room. Zalis said that was a “reasonable, doable compromise.” Zalis, this advocate of compromise, was the one who was put in charge of the sale of the school property and should have been the first one to do an independent check of **Roy Williams III**, a stranger who rolled into town waving \$285,000 in cash demanding a fast sale and faster rezoning. As NSN found out right after the February 18, council meeting it only takes about three minutes on the Internet (put in your search engine: (Family Video) pornography) to find out what Family Video really does. With that clue, further tracking turned up more articles with Roy Williams III (the real owner of Family Video is **C.R. Hoogland**) bragging about how their clever marketing exploitation of children brings big profits; free videos for the tots but high prices for the guys just a few feet away in the back room. Roy says they don’t advertise much because they don’t need to. We don’t doubt it.

Rolla’s Planning & Zoning board also couldn’t see past Roy’s bankroll. The enthusiastic A+ endorsement Petersen and his tame zoning board gave Family Video now isn’t worth the paper it’s written on because they didn’t (they now claim) know about Roy’s real business when they did his evaluation. The number of people who failed to check on this total stranger and what he really sells is big enough to overflow Roy’s back room. Butz and Petersen, as of this writing, continue in their tireless efforts to find a way to make Roy happy with a compromise – the kind Roy doesn’t keep. The council vote on Monday night will tell us whose side our elected officials are on but their feverish lobbying on behalf of Family Video makes it clear whose side Butz and Petersen are on. Why are they so anxious to make the Porn advocate happy? Whose payroll are they on?

These are the facts about the rezoning: The council can legally and safely deny the rezoning request simply because the law gives them the power to do so. If the law didn’t give them the privilege to choose - only “Yes” votes would be allowed and then all rezoning would be automatic. Their very good and legitimate reason for denial is based on the fact that Family Video fails to meet two of the eight criteria for rezoning. The two criteria that the zoning board should have flunked them on are: **1. Whether the proposed zoning district classification is consistent with the intent of the Rolla Comprehensive Plan** (is it the intent of the Comp Plan to attract and encourage red light district activities particularly so close to a church nursery school?), and **2. Whether there are any changed or changing conditions in the neighborhood affected that make the proposed rezoning necessary or desirable from an overall community development perspective;** (it will create changes in the affected neighborhood that are undesirable and unnecessary. The magnet effect of development around “adult” rated activities like Big Louie’s can be clearly seen in St. Robert, even from the highway.).

Petersen’s latest lie to influence the vote, the ‘inverse condemnation’ boogeyman, is just that, a tale invented to spook waffling council members. ‘Inverse condemnation’ does not have anything to do with this rezoning. “Rezoning is a legitimate exercise of the police

[zoning] power of a municipality “the power to regulate “noxious uses” and generally, to protect the public’s “health, welfare and morals” (e.g. zoning against adult entertainment businesses within x feet of elementary schools is an exercise of the police power)” - *Nichols, **The Law of Eminent Domain, Section 1.42 (3rd Ed. 1995)** If there isn’t one attorney in Rolla willing to do a public service by standing up Monday night to debunk Petersen’s flimsy ‘inverse condemnation’ excuse – the local Bar Association should be ashamed.

‘Big’ Roy could sue but he will lose. He will lose because cities have the right to deny zoning for uses that don’t meet community standards or serve the public interest. The state gives them that right, if they couldn’t exercise it they wouldn’t have been voting on rezoning at every meeting they have had since Petersen started redoing the whole town. **He will lose** because in court someone will ask why he and his company, Family Video Movie Club, Inc. (who brag they have bought and opened over 200 stores since they discovered the lucrative benefits of purveying porn) didn’t use the routine “on condition” clause in their sale contract, making the sale contingent upon getting the rezoning they needed. It’s a standard clause, used by everyone who buys commercial property, to protect his or her investment. Any realtor who has an unknown client willing to go bare and gamble \$285,000 on getting rezoning *after* the deal is locked in should have smelled a rat. **He will lose** because the courts don’t look favorably on self-proclaimed Midwest Porn Kings who manufacture a “self-created hardship” to force small-town councils to knuckle under to their demand with piteous cries about their loss of money. Caveat Emptor, Roy. **He will lose** because the council can show many precedents where they have turned down other rezoning requests (Nick Barrack just a few months ago) on similar grounds – *not compatible with neighborhood uses and not necessary or desirable from an overall community development perspective.* **He will lose**, but only if the council decides that the welfare of children and the moral character of the community are more important than money.

If they don’t make the right choice on Monday, **we will lose** and Roy will get richer by luring children and teens in with free movies so they can get a peek at the lewd and salacious delights that will be theirs as soon as they are 18, or as soon as they can get a fake ID that says they are. As soon as Family Video breaks the zoning ice a Big Louie’s is next, after that come the sex paraphernalia boutiques. We won’t be the Gateway to the Ozarks; we’ll be the Gateway to St. Roberts.

Rolla’s development future is on the line. Most people go about their daily business and let a small, group of people decide things like; TIF, cabooses, prettifying downtown, plastic mules and other economic development issues. Their development priority has unfortunately been on getting money, money and more money. But this economic development issue is too important to leave to so called “community leaders” who are focused on the money and not

on the quality of our lives in the community. Once done, it's irreversible and this particular slippery slope is greased with big money like the bankroll Roy flashed to mesmerize the school board and zoning board so effectively.

What's next? Mayor Pro Tem, **Jimmy Dale Williams** will be taking Morgan's chair on Monday night because Morgan had a sudden vacation to attend; eight votes are needed to pass the rezoning. The council's phones have been flooded with calls. Petersen, who forgets he is merely a city employee, is entirely out of line in lobbying the council on behalf of Roy Williams but he will continue to do so until the vote is taken. Petersen and Butz will at least want a 'compromise' with Family Video. Why? Why does Family Video's well being have a greater value to them than the well being of the thousands of families who pay their salaries and have told them they don't want this business in town? The school board, helped by Wiggins, tried to wimp out with the same 'compromise' but Jordan and the Committee refused. She said even if they don't have pornography in this store their profits are used to victimize children somewhere else and the Citizens for Decency didn't want to pay that price. Monday night the Rolla City Council needs to sign up with the Citizens for Decency – unanimously.

Editor's Notes: 1. Last Sunday, John and Karen Jordan sent the Rolla Daily News an open letter to the citizens of Rolla but it was never printed. This link will take you to the NSN page and the letters. <http://www.rollanet.org/~rwnash/John_and_Karen_Jordan_letter.pdf>

The Jordan's letter contains many informative links to sites where you can read about the experiences other communities have had with Family Video. We highly recommend the first link to the Belleville, Illinois Appeals Court case against Family Video. If you think the law is dull

- boy are you wrong! This case was as raunchy as any daytime soap opera. Roy's star witness was Dr. Judith Seifer, a certified sex therapist and sex researcher. She strained to endow one of his videos, *Where the Boys Aren't, No. 7*, with some redeeming educational and scientific value but the Judge was not impressed. Seifer's effort redefined the word 'elastic.' She claimed the movie would help educate women who were curious about same-sex encounters and lesbian relationships. In her opinion, the movie also had scientific value because of the number of women in it that had breast implants. She believes that every woman considering breast implants should watch 15 minutes of this film in order to find out what the results would look like! Read the entire opinion and you will understand why Rolla's obscenity ordinances need a total overhaul and why *community standards do count* heavily with judges.

Editor's Notes: 2. Roy's figures don't add up. You will also find it of interest that Roy was caught by the Belleville prosecutor giving figures *under oath that didn't add up* about how much money his store made on "adult" videos. That's the same Roy who made those promises to the council about generating \$50,000 a year in sales taxes. The same Roy who explains in the Belleville case that they tried not having an 'adult' room in Bourbonnais, Illinois, but it failed to meet its projected revenue levels in its initial months in operation. The store made several efforts to increase its revenues but was unable to do so until it included an adult section in that store. Once the adult section was added, the store immediately increased its revenue, for all types of movie rentals, to the levels originally projected. That's Roy's kind of compromise.

Editor's Notes: 3. We've also added a partial transcript of the February 18th council meeting where Petersen tells the council they found "*no particular issues in terms of neighborhood impact or deleterious issues*" and Roy tells the council, "*I've got Rolla now.*"

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