

# The Battalion

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## Navasota election's legality questioned

By JERRY NEEDHAM

A new section in the Texas Election Code which is creating confusion, and the City of Navasota held an election which may be illegal.

Navasota is awaiting a decision on the legality of the election from the Texas Secretary of State's office.

One incumbent and two new city commissioners were elected by Navasota residents on February 21.

"We were of the opinion that we could have our election on the day set in our home-rule charter," Navasota City Manager Wayne Yaeger said yesterday.

According to a section in the Texas Election Code which was approved in the last legislative session (HB 275, Art. 201), all general or state elections must be held on one of four specified days during the year. The section went into effect Jan. 1, 1976.

Prior to January 1, a city could hold its elections on the days specified in its home-rule charter, which is granted by the state.

According to the election code, the state has taken the power of the home-rule charter away," said Yaeger. "I don't know if it's legal or not."

The election code does make provisions

for emergencies specified by the governor, but permission must be granted before the election is held, Yaeger said.

He said he does not know if the city will contest the constitutionality of the law if the election is ruled invalid.

"I don't understand the reason behind the legislature doing this, and I can't find anyone who does," Yaeger said.

No cities are known to be in violation of this section of the election, said Lee Couch, a legal adviser in the Secretary of State's office.

"We had 17 election bills passed in this last legislative session, and they all had to get pre-clearance from the Federal Voting Rights Commission before going into effect," Couch said.

"This makes it extremely difficult for us to keep up with the law, I know it must be confusing to the cities," he said.

"I doubt a court would invalidate Navasota's election unless a citizen contested it," Couch said.

One of the new sections to the election code sets aside the third Saturday in January, first Saturday in April, second Saturday in August and the first Tuesday after the first Monday in November as legal

days for municipal elections. The section expires on Jan. 23, 1978.

"I don't have any indication why the legislature changed the law," said Navasota City Attorney Joe Falco. "I'd like to know because I don't understand it."

Falco said the city was not notified of any changes in the election code.

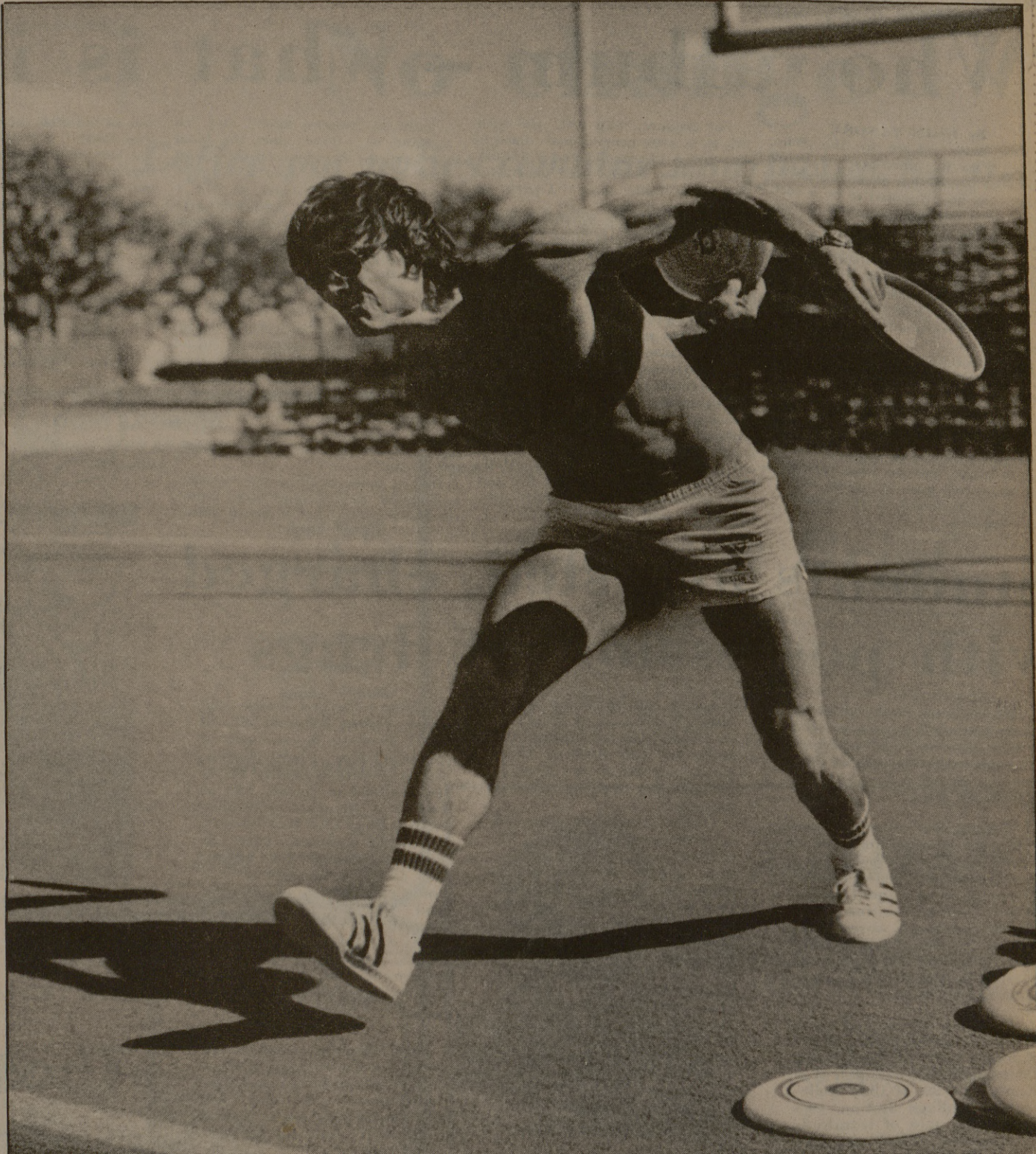
"The state does not notify us when they pass a statute," College Station City Manager North Bardell confirmed yesterday.

Bardell said he first learned of the new provisions by reading them in a newspaper when they were approved by the legislature. He said he later read an article about the changes in a magazine published by the Texas Municipal League.

"It certainly does create confusion for cities which have set aside a day for elections under their home-rule charter," Bardell said.

He pointed out that College Station is in compliance with the law as the city council has set the municipal elections for April 3, the first Saturday in April.

If the state declares the election invalid, Navasota will have to have another one, Yaeger said. And this time it will be an emergency.



About 20 Frisbee flingers showed up Saturday for the Intramural Frisbee contest in Kyle Field.

Each of the five winners won a T-shirt. The contender in the photo is Wayne Newman.

Photo courtesy of Kevin Venter

Includes student

## Three file for school board positions

Three persons, including a Texas A&M student, have filed for A&M Consolidated School positions, I, II and IV.

The present board members, Charles Hensarling, Nancy Donaldson and Lambert Wilkes, are not seeking re-election. Their terms expire with the April 3 election.

Position IV is vacant because Charles Hensarling, who replaced Dr. O. C. Cooper in September 1975, said he would remain in the position only until the spring elections.

Bruce Upham, a 19-year-old sophomore business management major at A&M, has filed for the one-year left in the position IV

term. He said he feels there should be more equal representation on the board.

Upham is an 11-year resident of College Station and was graduated from A&M Consolidated High School.

Elliott Bray has filed for Position I vacated Position by the present school board President Nancy Donaldson. Bray is president

of the College Hills Elementary school Parent-School Teacher Organization. Donaldson said she plans to devote her time to getting the proposed bond issue passed.

Roger Feldman has filed for Position II, which is being vacated by Lambert Wilkes, present vice-president of the school board.

Feldman says he has a sincere interest in the board. He has three children enrolled in College Station schools. Wilkes says he also intends to support the school bond issue.

Filing closes Wednesday for the three positions.

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Eight students were arrested after a three month drug investigation. Page 2.

The Fish Drill Team returns from Tulane competition with first place honors. Page 4.

A forgotten coffee pot resulted in a fire in Dorm 1. Page 3.

The Aggie track team returns from the Meet of Champions in Houston. Page 6.

THE FORECAST for Tuesday and Wednesday is mostly cloudy mornings, partly cloudy afternoons with temperatures in the 60's. Tonight's low 67.

## Muster site returned to Administration lawn

By DAVID WHITE

Campus muster will be returned to the front of the Administration Building, where muster was held in the 1960s.

The muster will be held in G. Rolie White Coliseum only in the event of rain, said Fred McClure, muster chairman.

Muster is an Aggie tradition that began when the Corps of Cadets gathered on April 21, 1903 to commemorate the anniversary of Texas independence won from Mexico at the Battle of San Jacinto. Since then, muster has been a time to gather and honor fellow Aggies who have died during the past year.

The largest and most elaborate muster has always been the one held on campus. "Our main goal this year," said McClure, "is to make more students aware of the muster as a tradition as well as respect of all Aggies."

The speaker for this year's campus muster will be Charlie Scruggs, class of 1947, vice president and editor of the Progressive Farmer magazine. McClure said the committee chose Scruggs on his experience and because of his "dynamic style, and because he is a solid Aggie."

Muster was held in Guion Hall, which was on the site of the Rudder Complex, until the Memorial Student Center (MSC) was built in the 1950s. Muster was held in front of the MSC in the 50s and early 60s. During the 1960s muster was moved to the front of the Administration Building. In recent years the muster has been held in G. Rolie White Coliseum but poor acoustics have prompted the Muster Committee to move the location.

McClure is assisted by a committee of seven other volunteers and representatives of various organizations involved in muster cere-

monies. Kelly DeWitt is vice-chairman of the committee assisting McClure. Other members are Joanne Arnold, Lisa Swanson and Buddy Olivari. Representatives on the committee from the organization participating in the muster are: Joe Chandler, Corps of Cadets; Stuart Gregory, Ross Volunteers; Keith Merrick, from the band and Fred McClure, Singing Cadets.

The campus muster is planned exclusively by students and is financed by a student government fund.

## Cadet corps commanders' posts filled

Texas A&M's 1976-77 Corps of Cadets will be led by Robert W. Harvey and Gerald W. Krenke, both of Houston.

Selection of the juniors for next year's top cadet command posts was announced Friday by Col. Thomas R. Parsons, commander.

Harvey will serve as the cadet colonel of the corps or corps commander. He is mechanical engineering major.

Krenke was named deputy commander. He is a math major.

Both hold overall averages above 3.5. Harvey, Krenke and other new Cadet Corps officers, drawn from the junior class, will be sworn in at Commanders Conference next fall.

They were selected through an interview process involving Col. Parsons, Col. Robert Elkins and Col. Jack Ivins, heads of the Reserve Officers' Training Program here. President Jack K. Williams approves the selections.

## Nature, city law violated by signs

By JIM PETERS

Battalion City Editor  
I think that I shall never see,  
A billboard lovely as a tree.  
Perhaps, unless the billboards fall,  
I'll never see a tree at all.

— Ogden Nash

College Station's chief building inspector estimates that about 40 per cent of the signs in the city are in violation of the zoning ordinance.

The inspector, Bill Koehler, said some permits for non-conforming signs are still being issued. He admits, however, that his department does not have the time or manpower necessary for a sign enforcement program.

"I consider new building construction to be the highest (inspection) priority item right now," Koehler said. "We just don't have the time for signs. That's one of the hazards of a growing city."

"It's the only thing we've got to control signs and it doesn't even get enforced," acknowledged councilman Jim Gardner.

A subcommittee of Gardner's Developmental Controls Committee is working on a "stop-gap" amendment to the existing ordinance which would govern the size and height of signs not attached to buildings.

The measure would be an interim guide for sign controls until a comprehensive sign ordinance is drafted by the committee later this year, Gardner said.

The amendment will control the large number of signs expected in the rapidly growing southeastern part of the city, Koehler said.

Under the present 1972 zoning ordinance, no restrictions are specified for the height or size of a sign. The golden arches of McDonalds and the towering Exxon sign at the corner of Texas Avenue and State Highway 30 are cases in point.

The existing ordinance includes restrictions on "spectacular" signs (ones that flash, oscillate, crawl or otherwise move), billboards, the number of signs per lot, and the minimum distance from the vehicle right-of-way.

The proposed amendment would ad-

dress itself primarily to a "setback" requirement which relates the area and height of a sign to its distance from the curb line.

Such an amendment was drafted by the subcommittee on Sign Control and Street Appearances for presentation to the Developmental Controls Committee last month.

It was referred back to committee for further study, particularly its projected effects on the existing signs. Koehler said his biggest concern is finding a way to fix a time limit on the signs that don't conform to the new guidelines.

Non-conforming signs now are allowed to remain intact until repairs or renovations are required. They must then be replaced by following the guidelines.

"What's the sense in prohibiting a new builder from erecting a sign above a certain huge, tall sign?" Koehler asked. "It'll (a new ordinance) work to his extreme detriment."

"Another month's delay could be very critical," said John Garner, chairman of the sign subcommittee. Once the amendment is approved by the committee, it must be approved by the planning and zoning commission and the city council — about a 45-day process, Garner said.

Already, several signs, that would violate the proposed amendment, have sprouted up along Texas Avenue, and a permit was recently granted for a 50-foot sign for Culpepper Plaza.

A survey taken by the city's Public Works' office last year indicated that almost 100 per cent of the signs violated provisions of the zoning ordinance. All but 15 of the 500 signs had no permits posted, a provision that should be eliminated anyway, Koehler said.

At least 20 per cent violated the restriction on the number of signs allowed per building lot. Several businesses and shopping centers are still in violation.

Ten per cent of the signs violated the ten-foot minimum setback portion of the ordinance. A like percentage disobeyed the

(See signs, page 4)



Staff photo by Jim Hendrickson

SIGNS, SIGNS, EVERYWHERE SIGNS  
The College Station sign laws are being revamped.