

OFFICIAL MINUTES
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
8:30 A. M., July 02, 1997

PRESENT: His Honor Mayor Homer L. Wilson, Commissioners Roosevelt Lawrence, Dr. James MacLeod, Ken Plyman and Harold E. Jennings.

INVOCATION: The invocation was given by Commissioner Rev. Clarke Wiggins, Tabernacle Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by the Commissioners and everyone in attendance.

APPROVAL OF MINUTES

Commissioner Lawrence moved and Commissioner Jennings seconded the motion approving the minutes of the Meeting of June 18, 1997. The motion passed unanimously.

BID RECOMMENDATION FOR MULTIPURPOSE CENTER TRANSPORTATION

The Director of Community Development submitted the following bids for Transportation Service for the Multipurpose Center.

VENDOR -----	COMMENTS -----	TOTAL -----
1) Yellow Cab Co. 2506 Norwich St. #69 Brunswick, Ga. 31520	Earl Williamson 265-1802	No Bid
2) Coastal Ga Area CAA 2801 Fourth Street Brunswick, Ga. 31521	Debra Smith 264-3281 Fax 265-7444	No Bid
3) People Movers Inc. Woodland Way Brunswick, Ga. 31520	Catherine Stevenson 264-0494 Fax 262-0444	See 2227 attachment

The Director of Community Development recommended the low bid of People Movers, Inc. for Route A \$2.50, Route B \$6.00, Route C \$8.00, Route D \$8.00 and Route E \$8.00.

The Director of Community Development stated that People Movers, Inc. have been giving transportation service to the Multipurpose Center for 5 years. The Director of Community Development stated he felt that People Movers offered what he considered to be a good price compared to what the City have gotten in the past. The Director of Community Development pointed out that one year the City received a bid for \$16.00 for one way and the City has to bid out 10,270 one-way trips.

Commissioner Jennings asked if \$2.50 was for one person, one trip. The Director of Community Development stated that for one person one way would cost \$2.50.

Mayor Wilson asked why only one person responded to the invitation to bid and why Coastal and other companies was not interested in bidding because they participated in the past. The Director of Community Development stated that Coastal's bid for a one-way trip was \$16.00 as he indicated earlier; this was for some of the trips in the outlining area.

Mayor Wilson asked whether Coastal was underwritten by any funds by the Federal and State Government. The Director of Community Development stated that he could not answer that question.

Commissioner Lawrence asked the Director of Community Development whether people who have other people take them to the Multipurpose Center could use the Center's transportation to get back home for \$2.50. The Director of Community Development stated that the citizen's who attend the Center would be transported home. The citizens are not paying for the cost of the transportation. The City is paying for it. Commissioner Lawrence stated that he received some complaints from senior citizens and suggested that the Manager of the company speak with the drivers concerning rudeness. The Director of Community Development stated that he has addressed this and does intend to talk with the Manager before the City presents the contract.

Commissioner Plyman questioned how much the transportation service would cost the City. The Director of Community Development stated that the cost would not exceed \$40,000.00.

The total cost last year was approximately \$30,000.00. The City would assign all the trips and keep records on a monthly basis. Commissioner Plyman questioned the amount Glynn County contributes. The Director of Community Development stated that the amount is still \$2,500.00. Commissioner Plyman recommended that the City send a directive to the Chairman of the Glynn County Board of Commissioners requesting an increase in their participation. Last year the City requested \$25,000.00 and the amount of Glynn County's participation was only \$2,500.00.

Mayor Wilson mentioned that citizens in the City of Brunswick receive benefits from Glynn County Health Department and the citizens of the City do not contribute to the Health Department. Commissioner Lawrence pointed out that he is concerned because the citizens of Brunswick pay County taxes and it seems that this is one of the services the County contributes to citizens through the payment of County taxes.

Commissioner Plyman stated that he would like the City Manager to send the directive to the Chairman of the County Commission so that the City may receive an answer.

Commissioner MacLeod moved and Commissioner Plyman seconded the motion accepting the bid of People Movers Inc., for transportation service for the Multipurpose Center. The motion passed unanimously.

DELEGATIONS

Fred T. Dufel, resident of the City appeared before the Commission to request that the City take care of dogs running loose on the south end of Brunswick.

Mr. Dufel stated that he was informed that the Dog Catcher is sick and there is no one else to catch dogs.

Police Chief Cowan stated that the City has only one animal control officer who is still under a doctor's care. Chief Cowan stated that two officers were assigned part time to patrol problem areas in the City. The Glynn County Police Department requested that the City hire another animal control officer.

Commissioner Lawrence asked whether the former animal control officer Mr. McClendon would assist with the Animal control duties while the present animal control officer is out on sick leave. The City Manager reported that Mr. McClendon has transferred to another department and he was not sure whether Mr. McClendon would be able to transfer.

Commissioner MacLeod questioned why the employee was not replaced after the accident occurred. Commissioner MacLeod recommended having a substitute animal control officer.

Mayor Wilson stated that this problem should have been handled by the Chief of Police and City Manager. The Chief of Police and City Manager was instructed to find another animal control officer temporarily to replace the animal control officer who is out on sick leave. This met the general consensus of the Commission.

CEMETERY DEEDS

Commissioner Lawrence moved and Commissioner Plyman seconded the motion unanimously granting the following Cemetery petitions:

- 1) Petitions received from Lonnie B. Spaulding to exchange cemetery lots in Catholic Section of Palmetto Cemetery. From N-10 Ft. of Lot No. 98-B, Catholic Section to S-1/2 of Lot No. 98-B, Catholic Section. Original deed surrendered.
- 2) Petition received from Jack Spaulding to exchange cemetery lot in Catholic Section of Palmetto Cemetery. From S-1/2 of Lot No. 98-B, Catholic Section to N-10 Ft of Lot No. 98-B, Catholic Section. Original deed surrendered.
- 3) Petition received form Alberta Spaulding to exchange cemetery lot in Greenwood Cemetery. From Spaces A,B,C & D of Lot No. 54-C, Section No. 3 to Spaces A,B,G & H of Lot NO. 46-C, Section No. 3. Original deed surrendered.

OTHER CITY BUSINESS

Mayor Wilson announced that a delegation of citizens was present. He pointed out that the delegation was not on the agenda.

Commissioner MacLeod questioned the identity of the gentleman sitting at the table next to the City Attorney.

David Sirum who was sitting next to the City Attorney introduced himself and stated that he was a certified court reporter in Brunswick.

The City Manager reported that no one asked to be placed on the agenda.

Mayor Wilson asked what was the feeling of the Council. Mayor Wilson stated that the City has gone on record in the past denying delegations that was not on the printed agenda to speak, but he stated that he was in favor of going forward with it.

Commissioner Jennings questioned who was on the agenda as a delegation because it was not listed on his agenda.

Commissioner Lawrence stated that the City passed a motion a while back stating that anyone who is not on the printed agenda will not be allowed to speak. Commissioner Lawrence stated that he had no problem with that. Mayor Wilson stated that he is receptive to it if the Council agrees.

Commissioner Plyman stated that he assumed that he would bring it up as a Commissioner's item. Commissioner Plyman told the Commission they could do it anyway they want.

Mayor Wilson stated that he thought this would be a proper time to bring it up because people are present that would probably like to express their feelings and if it is going to be an issue, the Commission needs to hear it.

Commissioner Lawrence stated that he prefers Commissioner Plyman bringing it up as a Commissioner's item; due to the fact that it was not placed on the Agenda it will safeguard us.

The City Attorney suggested to the Commission that they might need some confidential legal advice in advance concerning what is about to come up before any consideration of the matter is given. He suggested to the Commission that it may be appropriate to hold an Executive Session to discuss the law relating to this matter prior to taking it up in an open meeting.

Mayor Wilson told the City Attorney that the Commission asked to have an Executive Session a while back and it was denied. Mayor Wilson pointed out that anything the public cannot be aware of today he was not in favor of it. Commissioner Plyman agreed. Mayor Wilson thanked the City Attorney for the information. Mayor Wilson stated that it was his general feelings.

The City Attorney told Mayor Wilson that it is fine with him. He stated that it was only suggested as an accommodation to the Commission.

Commission MacLeod said "I want to make it clear at this time if I have known that the City was voting to provide an alcoholic beverage license for what might be termed an adult entertainment establishment my response would have had an entirely different tenor and tone. And to say the least, I am upset by the recent events. I don't think the topless dancing the sleaze is a growth industry. It does not promote tourism. It does not promote healthy neighborhoods, moral quality or relationships. In fact, I believe that we want to discourage this industry as much as possible. Mr. Highsmith has warned us about the case of the present establishment that has been set up. We may have to refer this to a lawyer to go much deeper, and I do want to go as deeply as we can into this. I have asked the Administrative Assistant to come up with 5 ordinances from other cities in Georgia that preclude most of the sleazy activity or practice... all of it. Now reading these over the one that appeals to me most was the one from Perry, Georgia and all of you City Councilmen have found this in your boxes. I would like for you to look at the one from Perry. It is the model of the one I would like to bring up in the future or would like to go ahead and pass as quickly as possible. It is my view on things. If we don't get something passed as quickly as possible, we may run a risk of opening the floodgate and I think that would be a disaster for the image of the town. I think that bringing this up generally the location is a definite problem, but on the other hand I want to face the fact that no matter where the location is I think the type of industry will be a definite problem. It would seem to me very strongly that we need to do something like pass one of these ordinances to get it started so that in the future we will have no problem. While we debate through the lawyers exactly what is to be done now. This seems to me to be one of the urgent things that needs to be done, and I really want

to point out that in my opinion this sort of sleazy industry being encouraged here not only undermines us economically by frightening the kind of tourist that we want to draw to this town. It undermines the quality of life in this community and the neighborhood of the community. Frankly it is just completely immoral as far as that goes."

Commissioner MacLeod asked Rev. Wiggins would he like to speak. Rev. Wiggins stated that being a Minister of the Gospel, he strongly opposed an entertainment. Number one it is on the main thoroughfare. He stated that the Commission knows in the near future when the Lanier Bridge is completed a tremendous thing will happen in the City of Brunswick and the County of Glynn. A main thoroughfare is detrimental to our City and County and the people that live here. He stated that he would go on record fighting it. Rev. Wiggins stated that the taxpayers would stand behind the Commission to help fight it. He stated he believed it with all his heart because he opposed it very strongly.

Commissioner MacLeod stated that he thinks the Commission needs to take up eliminating this on the thoroughfare. Commissioner MacLeod stated that the Commission should consider how to handle the clubs in the City. The City should be acting on possible suspension of licenses. Commissioner MacLeod stated that this is one of the things that he wants looked into by the lawyers. He stated that it seems to him that it was misrepresented and it does not seem to him that this license should be valid, but again he stated he did not want to go far. Commissioner MacLeod stated that he wants to make it perfectly clear that the location and the type of business are also objective. Regardless of location it is not a simple matter of an undesirable location. He recommended very careful shepherding of these types of businesses in the City. He recommended adopting the ordinance form Perry.

Commissioner Jennings stated that he would like to ask the City Attorney some questions. Commissioner Jennings asked the City Attorney is there any state law that states the City cannot have an adult entertainment establishment facing a State highway. The City Attorney stated that he was certainly not aware of any such law. Commissioner Jennings asked the City Attorney to do some research on it. The City Attorney stated that he would be glad, and then he told Commissioner Jennings that there is not such a law.

Commissioner Jennings asked the City Attorney if the City could add additional items on the license application that Mrs. Bennett issues to business owners. Commissioner Jennings stated that the City has all kinds of wholesale dealers and retail package dealers. He asked if the owners could check the items and add adult entertainment if it is constitutional. Commissioner Jennings pointed out that all the Commissioners were in the dark about this and did not know the scenario on how this even happened.

Commissioner Jennings stated that he asked Mrs. Bennett to appear before the Commission to tell the Commission about the events leading up to the issuance of the license to the Sapphire Club. Commissioner Jennings stated that he understood that the owner called Mrs. Bennett and the City Attorney. Commissioner Jennings asked Mrs. Bennett to come forward and give the Commission a scenario of how the license was issued.

Angela Bennett, License and Tax Supervisor, appeared before the Commission to discuss the alcoholic beverage license issued to the owner of the Sapphire Club Bar and Buffet. Mrs. Bennett stated that the gentleman came in to apply for the license to open a restaurant. He stated it would be a buffet and lounge. Mrs. Bennett stated that he asked for the guidelines on that type of business. Mrs. Bennett stated that she gave the gentleman the guidelines and procedures for serving alcoholic beverages with meals and told him the license has to be approved by the Commission. Mrs. Bennett stated that the paperwork was issued to the gentlemen. She told hem a background check would be required for the owners and managers.

Mrs. Bennett pointed out that the alcoholic beverage license says is in the Sapphire Club Bar and Buffet and the alcoholic beverage application had to be approved first because the owner was not ready to open the restaurant. Mrs. Bennett stated that the Commission approved the alcoholic beverage license based on the restaurant with a buffet and bar. The gentleman never mentioned an adult entertainment center to her. Mrs. Bennett stated that she knows if a business is questionable or not otherwise stated in the Ordinance it must be discussed with her Supervisor and that is exactly what she did based on the information that was not given to her. The Commission approved the license for a restaurant and the second page of the application for the alcoholic beverage

license shows that he checked restaurant as well as buffet. It was very clear as to what the Commission approved.

Mrs. Bennett stated that the application she presented was for a restaurant with a buffet and lounge because that is what the applicant said it would be. He never mentioned to her it would be anything other than that.

Commissioner Jennings stated that the City was honest with the gentleman who applied for the license, but he was not honest with the City. Commissioner Jennings asked the City Attorney whether the City could add the type of license and what kind of establishment will be opened. He asked if it was constitutional.

The City Attorney stated that he was not going to tell any Commissioner that the City couldn't add anything. He stated that the City needs to restructure the whole context in which the City issues alcoholic beverage licenses and in which the City permits the carrying on of adult entertainment.

Commissioner Jennings stated that he read the ordinances Commissioner MacLeod mentioned from South Georgia cities last night. He stated that he likes some things and especially the idea. Commissioner Jennings stated that he is like Dr. MacLeod being against it and he doesn't visit it and doesn't encourage anyone else to visit it. Commissioner Jennings stated that the City has to go by legalities. Commissioner Jennings stated that cities couldn't have an adult establishment within one thousand feet of a school, a childcare center, a synagogue, a playground and so forth. Commissioner Jennings stated that he likes that part very much and when the City writes the new ordinance the Commission would not have this kind of the business facing a major highway as Rev. Clarke Wiggins brought out. The City of Brunswick is building a new bridge spending 50 to 100 million dollars on a new bridge to bring businesses here. Commissioner Jennings stated that business owners would not like to see adult entertainment on a main highway.

Commissioner Jennings stated that he finds it very uncomfortable. He pointed out that he used to teach the United States Constitution. Commissioner Jennings asked the City Attorney which City Ordinance did he find to be unconstitutional.

The City Attorney stated that he have not read every one of the ordinances because he did not receive them until 5:00 p.m. yesterday afternoon, but his impression is that the one from Perry is very similar to the ordinance from Americus. The City Attorney stated that he felt that the ordinance from Americus would be totally unacceptable. Commissioner Jennings stated that he agreed with that.

Commissioner MacLeod stated that the City is not speaking about the Ordinance from Americus. Commissioner MacLeod stated that he would like to make a motion to instruct the City Attorney to draw up the ordinance from Perry as it applies to Brunswick with the addition of the suggestion of Commissioner Jennings made concerning the business facing a

major highway. Commissioner MacLeod instructed the City Attorney to have the ordinance ready by the next meeting so that the City could begin processing the ordinance.

Commissioner MacLeod moved and Commissioner Plyman seconded the motion authorizing the City Attorney to draw up an ordinance similar to the Perry ordinance as it applies to Brunswick with the addition of adult entertainment establishments not facing a major highway.

Commissioner Lawrence stated that several things bothered him. He said, "number one I listened as the minister based on what he was saying. I don't think we need to play games with this thing. We either need to do it or not do it; it is as simple as that. I mean to sit here and say that we are going to pass an ordinance that will allow you to do something this time because you are going to address it up here, we know that in every ordinance someone is going to find a way to break it. So either we are going to pass it, have it or not have it as far as I am concerned. Now it is strange to me that out of all the cities in Georgia that the City picks five cities to look at. I am almost certain that there are over 300 cities. Now we are only finding five cities that have nude dancing or whatever."

Commissioner MacLeod stated that there are many laws, but in asking around he was told that these Cities had pretty good representative laws so the City got ordinances from them. Commissioner MacLeod stated that he thought if the City tried to get all the laws from all the Cities it would be delayed and the City would not get any of them.

Commissioner Lawrence stated that the people who are present in all fairness should have something to say as well.

Commissioner MacLeod stated that a motion was made and seconded to instruct the City Attorney to draw up an ordinance by the next meeting. Commissioner Jennings stated that he would like to call the question to get it out of the way.

Mayor Wilson stated that he was not quite following Commissioner MacLeod when he talks about a major highway. Mayor Wilson stated that he did not care whether the business is located at the end of P Street or 500 feet near the Academy Creek Treatment Plant. If the business is not compatible to what the people in the community need and want,

then he is opposed to it. Mayor Wilson stated that he was ready to close those already in existence.

Commissioner Jennings stated that the City couldn't pass a law after someone climbs a telephone pole and when he climbs down, you pass a law stating that you can't do that. Commissioner Jennings stated that the City should look to the future to set up things that will help the community grow better in the future.

Commissioner MacLeod stated that he is trying to get laws passed for the future. Commissioner MacLeod stated that the City should find ways to deal with the present problem.

Mayor Wilson asked the City Attorney whether there is a law in the Georgia Code or Municipal Code that would not allow something that is not in the best interest of the community. Mayor Wilson asked if there is an avenue the City can travel on.

The City Attorney stated that was a very broad question, and he thought that the Commissioners were raising an extremely complex legal issue.

Commissioner MacLeod stated that it does not bother him to raise the issue because the City has to face the issue sooner or later.

Richard McMinn stated that he lived in Windsor Park for about twenty years and wanted to speak on the matter. He believed that residents appeared before the Commission 3 or 4 years ago to discuss this issue, and as a businessman he did not appreciate having to come down here 8:30 in the morning to talk about such basic things when the Commission is supposed to protect the citizens.

Mr. McMinn stated that they are talking about something where the cow is out of the fence and the door is open. Mr. McMinn stated that the people need to know what the Commission stands for. Mr. McMinn stated that he was not trying to condemn the Commission, but he was thinking as a parent and a citizen. The Commission have to make level ground where people can have families and obviously in America people can do just about anything because they don't have families at heart. They may have their pocketbook at heart. Mr. McMinn stated that the citizens need a contract with the City Commission. Mr. McMinn asked if they ever heard about the

contracts in America. Mr. McMinn stated that he would rather see the City's name in the Supreme Court fighting for something worth fighting for. The City does not need adult bookstores. Mr. McMinn stated that he walked into a service station the other day to pay his gasoline bill and he felt like he was in a gambling parlor because slot machines were everywhere on Cypress Mill Road. Mr. McMinn told the Commission that parents have the hardest job in the world trying to raise children. If the City is going to allow a few men trying to make a buck to come up with businesses that encourage lawlessness, perverse and abuse of people. You can you imagine what girls are subjected to who are employed by these clubs. It is a low road; the City should have a high road.

Commissioner Plyman asked Mr. McMinn why he was starring at him while he was speaking. He told Mr. McMinn if he wanted to say his name he was welcome to say it.

Mr. McMinn told Commissioner Plyman that maybe he could explain some of this. Mr. McMinn stated that he did not know how far Commissioner Plyman has been able to distance himself from the lounge uptown and the adult bookstore.

Commissioner Plyman said "Let me qualify your statement you made right now that adult bookstores are bad to people. You know I get physicians who issue prescriptions for several aids. Maybe you are functionally perfect I don't know, but there are people out there who still have the idea, but not the capacity to perform. Now let me finish before you interrupt me. I listen to you and as for as making a buck you can go to ABC Home Health and buy the same articles that I sell right there on Highway 17 at ten times the marked up cost that I sell them for. So when you say sleazy bookstore or sleazy bar. Let me tell you something. You chose your profession. You are an accountant. You are a preacher. Nobody ever gave you the first bit of static about it. I feel the same, but as much as affiliating adult bookstores or adult nightclubs on main thoroughfares. I do take offense to that. I take more offense to when you ask that what are we doing here. What the Commission is doing here is looking out for the people. I am sorry my turn to speak to you was this way down the road; I would have answered your question. When people confront this body they should be honest and forthright with this Commission. We can make an intelligent decision. We will make it. and we have demonstrated that in the past. We have made it to the benefit of the people in

this Community. When we are given half-truths or lies or deceptive applications we can't quite see in to someone's brain this is what we are here for. Had we have known on the onset that this would have been an adult entertainment establishment; this body would have never given them the license. We did not know this and this is one of the articles in our Charter that says "in good faith". We were never rendered good faith; consequently, we could not make an intelligent decision. We took everybody at his or her face value. We approve probably a hundred liquor licenses a year all in good faith. Our Chief of Police, our Building Inspector, our Fire Inspector, our License Inspector all operate under the auspices of good faith and so does the Commission. But when we do not have all the facts, which are sometimes shaded, and where we don't know all the facts until after the fact then we can't make an intelligent decision. I want you to understand that when you challenge the integrity of this body. I divested myself with that club because of this body. I am not going to embarrass this body or the City, but I am going to speak out on it and I have probably more knowledge of it then you will ever have. This is the reason why this matter is here today. Dr. McLeod just happened to speak ahead of me. I did read the Perry Ordinance and I thought it covered every base."

Commissioner MacLeod said "Well one of the things that is involved here I think is trying to get the Perry Ordinance passed as it adapts to Brunswick and I have a motion and a second in the floor."

Mayor Wilson said "Alright it have been moved and seconded. Any further discussion?"

Mr. McMinn stated that he never singled out Commissioner Plyman because he did not say a word to him.

Commissioner Plyman stated that Mr. McMinn kept starring at him when he was talking. Mr. McMinn stated that he was trying to not look at anybody. Commissioner Plyman stated that Mr. McMinn eyes were speaking for him. Mr. McMinn told Commissioner Plyman that he should be able to operate any business in the City that the law allows. Commissioner Plyman agreed. Mr. McMinn stated that his criticism is that the law allows it. He asked where is the law to prevent lawlessness. Mr. McMinn stated that he was not trying to condemn any of the Commissioners, but he asked why business as usual. He asked what is all this that goes on everyday if

the citizens cannot get basic laws on the books? He stated that he did not mean to be critical, but this is pretty basic.

Commissioner Lawrence stated that he thought the Commission was present today to discuss the application and not make laws. The owner of the business gave false information and the City granted a license. The Commission should not have been talking about drawing up an ordinance to cover nude dancing it should have never come up until after the license issue was completed. The owner misled the Commission and the matter should be dealt with and discuss the ordinance later on.

Mr. McMinn asked if it was possible for the City to issue a temporary ordinance to suspend issuing any alcoholic beverage applications. The City should do whatever it takes to stop these kinds of businesses from operating in the City.

Mayor Wilson stated that a motion was made and seconded. He asked the Reverend if he wanted to say something.

Rev. Wiggins stated that the basic question in the application is misrepresentation. He stated that he did not want to use the word fraud or deceive, but there is certainly some ground when false information is given to the City when applying for a license.

The City Attorney stated that if Rev. Wiggins was speaking about alcoholic beverage regulations he has not in the last four days read the grounds for suspension of a license and before he answer that question he would have to re-read the regulations. The City Attorney stated that he had prepared the ordinance, but cannot remember every word in it.

Commissioner MacLeod said, "May I interject Chapter 3 Article 2 Section 340 part 5 the City Code allows this Commission to consider the character of the area and its suitability for the particular use sought. So there should be grounds that we can have in order to deal with the present situation, before we deal with the present situation, and I am quite aware of this part of the City Code I would like to try to get an ordinance for the future wrapped up and the future taken care of."

Rev. Wiggins said "Amen and I want to commend the City Commission for their attitude in dealing with this and I

think the public is one hundred percent behind you to deal with the future and be as broad and tight as you can so this does not happen again."

Mayor Wilson welcomed Glynn County Commission Fred Tullos to the meeting. Mayor Wilson asked Commissioner Tullos if he would like to speak.

Glynn County Chairman Tullos said "Yes I will try and be brief because I have sat on the other side of that desk there receiving input from the public very often and have been in the hot seat just like you guys are. I don't know how you will solve your problems that you are dealing with right here today about this club. But what I would like to do is offer some assistance from the County, for over a year the County made an ordinance change in the zoning ordinance that addresses this situation and it is considerably tighter than what the City allows. This situation could not have happened under the County Ordinance. Secondly, as Dr. MacLeod and Mr. Jennings and some of you have talked about wanting to prepare for the future. You want to make sure this does not happen in the future for your citizens with health, safety and welfare and the benefit of the people for the City of Brunswick. I have been working with the County Attorney and the Attorney's staff for four or five months in tightening up our both public nudity ordinances and our adult entertainment as it is addressed in the zoning ordinance. We have thoroughly tested some Supreme Court ordinances nationwide and we have an ordinance ready to go before the County Commission in two weeks to hopefully be approved. I don't think we will have a lot of problems getting it approved, which will tighten our belt further. It is based on a lot of studies and it is one thing the Attorney told me to begin with. I am not trying to practice law here for those of you who are Attorneys. This Attorney did say before we pass an ordinance regulating this type of business, you either have to do studies or you have to base it on the studies that have been done in other cities in the communities, which show the negative effects of your community. We have the studies from ten different cities nationwide that have shown some of the problems associated with declining property values, health and safety increased crime, littering etc., etc., etc. and it will be up to you. We would be glad to supply this information to you and Mr. Highsmith. It will be up to your Commissioners to read this before you vote on regulating and changing ordinances because then you have a lot sounder plea if you are challenged in court."

Commission MacLeod said "Mr. Tullos in many ways I agree with what you say. I would, but if we adopt this and instruct to have it brought up as an ordinance, it is going to be several weeks before we can finally pass it. In that time we will be able to read all the studies that you would give us. However, the point I also want to make is why not look at this from both angles. Let's draw up the Perry Ordinance and do the zoning. We can always do the zoning as a little frosting on the cake to make sure that what we do not get with the ordinance we get with the zoning."

Commissioner Jennings said "The way I understand it Mr. Highsmith in 1997 we cannot do anything on rezoning. I am talking about the present situation, not the future. In 1998 can a stronger rezoning ordinance be passed that would affect the present establishment."

The City Attorney said, "Let me go back and comment on what Commissioner Tullos brought to your attention."

Mayor Wilson said, "Let me add this. An ordinance is no stronger than the man who makes it. This Council will be here a year from now. If they want to rescind a portion of the ordinance or they want to amend the ordinance, they may do it. I am going to tell you that an ordinance doesn't mean anything to me if you don't have men who have backbone. Now that's the way I feel."

Mayor Wilson said, "We have a motion made and seconded. Any further discussion."

The City Attorney stated that he was not sure by the way things are going that the Commission really wants to hear from him.

Commissioner MacLeod stated that the Commission wants to hear from him, but the Commission did not necessarily want to agree with him.

The City Attorney stated that he would like to follow up on Commissioner Tullos comments. He stated that people who engage in the adult entertainment business which includes a variety of businesses can involve nude dancing and include adult video tape stores, adult book stores, adult sexual apparatus stores, encounter centers and various kinds of businesses which apparently the City of Brunswick have in the

confines of the City only one topless dancing place. He stated that he has not personally seen it, but the City does have an adult bookstore and sexual apparatus store. He stated that he does not know of any business, which engages in showing adult videotapes or selling or renting videotapes. Although there are probably some businesses that have a very low percentage of their tapes that could be characterized as sexual. If the City undertakes to regulate adult entertainment then it would be appropriate for the City to do it generally to regulate all kinds of adult entertainment. If the City is going through all this expense then they might as well do the whole scenario, but the City has to recognize the first amendment right of a citizen to freedom of speech and expression and all the Commissioners may not agree and may not particularly approve the contents of that speech or expression. Still the Commission cannot base the regulation on their disapproval or content of the expression. It cannot be done solely for religious or moral reasons under the first amendment.

Commissioner Jennings stated that the City Attorney has not answered his question on rezoning.

The City Attorney stated that he was not suggesting that the Commission is doing it solely for religious or moral reasons.

Commissioner MacLeod said "No we are not, we are doing it (some of it) on the basis of common sense, on the basis of security, on the basis of the degeneration it causes in the neighborhoods where these things are allowed. I think as you say, there are plenty of studies to back this up. I have read a great deal in sociology and other areas. I call the question."

The City Attorney stated that the City can engage in zoning regulations for the purpose of reducing pernicious secondary effects of this form of adult entertainment, but as Mr. Tullos indicated the Commission will have to do it on the basis of studies and at this moment the City of Brunswick has not engaged in carrying out the studies yet.

Commissioner MacLeod reiterated that he would like the Commission to adopt the ordinance.

The City Attorney stated that he could only give the Commission legal advice that would protect the City.

Commissioner MacLeod stated that the City Attorney should draw up the Perry Ordinance and amend the ordinance when the City needs to do it.

Mayor Wilson stated that people who applied for licenses to operate massage parlors and bookstores were denied. Mayor Wilson stated that it is the City Attorney's job to find a way to stop the operation of adult entertainment centers in the City. The City Attorney can do it.

On call for the question the motion passed unanimously.

Commissioner Lawrence pointed out that the Commission has not addressed the alcoholic beverage license application.

Commissioner MacLeod asked, "May I try to address that right now?" Chapter 3, Article 2, Section 3-40, Part 5 of the City Code allows this Commission to consider. I quote the character of the area and its suitability for the particular use sought." Therefore, since this Commission was not initially made aware of the exact nature of this business, I feel that we have been denied the right to consider whether an adult entertainment establishment is a use that this area is suitable for. Therefore I feel that this Commission has the right following due process in Section 3-49. This City Commission has the right to suspend the license of the Sapphire Club that it is granted. I suggest that we suspend the license until we can review the situation.

Commissioner Lawrence asked the City Attorney since it was not agenda items can the matter be tabled until the matter is placed on the agenda.

The City Attorney asked Commissioner Lawrence if he was asking for advice in an open meeting. The City Attorney stated that the Commission can ask for confidential legal advice in an Executive Session he could give it off the record and his advice would not necessarily get involved in any future litigation. The City Attorney stated that if the Commission wants him to give advice in an open meeting he would do it.

Commissioner MacLeod recommended that the Commission hold an Executive Session and then come back and make a decision. The City Attorney agreed. The City Manager asked the Commission to make a motion and a second.

Mayor Wilson stated that he was reluctant about entering into an Executive Session after what transpired at the table a few weeks ago. He stated that anything the Commission should know he did not mind if the public knows about it. He stated that this is the way he felt.

Mayor Wilson stated that Commissioner Lawrence has brought up the question whether this could be done in an official meeting. Mayor Wilson stated that the Commission could table this or adopt it. He asked the feeling of the Commission.

Commissioner Plyman stated that in Section 349 of the City Code the license application filed in good faith. The City can revoke it if the license application is not filed in good faith. I think if the Commission goes back and read what the City Manager presented to the Commission several months back on the usage of the license and what it is going to be for. The City Manager stated that he has a copy the license application.

The City Manager stated that the application lists the business as a bar and buffet. The applicant applied for an alcoholic beverage license to retail for consumption on premises.

Commissioner Plyman stated had the Commission known the facts, there is no doubt in his mind that this license would have been denied.

Commissioner Plyman moved to withdraw the license for the Sapphire Club.

Commissioner MacLeod questioned whether Commissioner Plyman's motion was to withdrawn or suspend the license. Commissioner Plyman stated that it should be suspended, revoked or withdrawn. Commissioner MacLeod stated there is a difference. Commissioner MacLeod recommended that the City suspend the license.

The City Attorney stated that there is certainly a difference between suspension and revocation. The City Attorney asked would the Commission rather suspend this license.

Commissioner Plyman moved to suspend the license.

Commissioner Lawrence stated the business has already been issued a license for beer and wine. Commissioner Lawrence

stated that the business should be able to keep their license, however; the adult entertainment case should be dealt with and a license should not be granted for that business.

Commissioner Plyman asked the City Manager if the license was one in the same. The City Manager stated that the owner was issued an alcoholic beverage license and a business license to operate a nightclub. The City Manager stated that the code section that deals with suspension or revocation states that if the City decides to suspend or revoke the license, the owner has to be notified by mail of the Commission's decision and then within 30 days, the owner will have an opportunity to request a hearing before the Commission.

The City Attorney stated that the City Manager was advising the Commission about the procedures in the ordinance. The license cannot be suspended with affording the business owner due process of the United States.

Commissioner Plyman moved to suspend the license and authorized the City Attorney to inform the owners and hold a public hearing. Commissioner MacLeod seconded the motion.

Mayor Wilson asked if there was any further discussion.

Attorney Alan Begner representing the Sapphire Club said, "There has been no written notice of revocation hearing under both your code and the alcohol code OCGA 3-3-2 you cannot move forward to suspend or revoke without written notice. Written notice must also contain the grounds. We must have time to prepare to defend the matter and it must be before the revocation or suspension. We have the right to force the swearing of witnesses and to subpoena witnesses. I believe in this matter that there are a number of witnesses I would not here, to call that I am not ready to do today. My client is not here. The owner has not been summoned here and is not present, so we oppose any kind of discipline. It is not on the agenda today, and no notice has been given in writing as required by the City Code. Furthermore, all I have determined is that this City Council has failed to enact rules and regulations on how to conduct revocation hearings. You have not otherwise created rules, which seek answers to such questions. As who has the burden of proof, and so forth. Another matter is topless dancing. For that matter, nude dance is both legal under the first amendment of the U.S. Constitution in Article 1, Section 1, Paragraph 5 of the

Georgia Constitution. It is also legal by Code in Brunswick. You have not yet passed a law to do what you talked about doing today. Therefore the door is open as we speak. I say to you also that under Section 3-50 of your Code, that is the notice and hearing provision you have not applied with today. In Section 3-51 it is clear that we are entitled to those procedures due process hearings that Gene Highsmith has warned that you we are entitled to. I am not ready to go forward in a revocation or suspension hearing. I have received no notice in writing or otherwise as to what it is the City said we have done wrong is a violation of the City code. Unless I am missing something, we have had topless dancing in Brunswick for many years at the Red Carpet. We have had triple X bookstores both of which I think are proper businesses and do well to society. I know there are people who disagree. But in any event, what seems to me is occurring is a discrimination against a man who seeks as a relative outsider to come into your community and operate a business you let operate for many years and did not care about. Mr. Plyman himself has operated businesses for many years, and so I prefer that there is a discrimination occurring in this whole discussion about what should happen to this club. I also say to you that as a matter of law if you revoke or suspend the filing of a writ or social right appeal which I have with me today the operation of law to stay your revocation order and I warn you gentlemen that if you do so revoke today and we file a writ of social right appeal and properly serve it and you do not let us continue to serve I will be upset. Thank you."

Commissioner Lawrence said, "This is the very first thing I said." This is not on the agenda. Commissioner Plyman had the right to bring it up as a Commissioner's item that is what I asked him to do. That is what he and Commissioner MacLeod did as a Commissioner's item. My concern at this point is why I asked the City Attorney since it was not on the agenda do we have the right to act on it. We can hear it, but do we have the right to act on it. Let's table this until such time it is placed on the agenda."

Attorney Begner stated that he agree with Commissioner Lawrence. He stated that the Commission does not have a right to hear it.

Commissioner Lawrence stated that the Commissioner's had a right to bring it up as a Commissioner's item.

Attorney Begner stated he disagreed with Commissioner Lawrence. If it is a revocation the Commission seek or a suspension, the Commission must do so under 50 and 51, which requires a written notice, and also charges in writing something must be given to the defendant. It cannot be added ad hoc in the way the Commission has added other discussions today because it is not on the agenda either. There have been no charges generated.

Commissioner Lawrence asked Attorney Begner what are his views on the fact that the license application the City granted to them had no mention by the owner that there was nude dancing?

Attorney Begner stated that the City did not ask the proper question. The City has no use question or what kind of entertainment. The City did not ask what kind of adult entertainment. It was yes or no. If the applicant lied on the application, did the City not ask if the owner intended to have adult entertainment? Commissioner Lawrence stated that the minutes would reflect that he did ask what the type of entertainment was taking place at the business.

Attorney Begner stated that it does not matter that it is legal in this City and the owner did not have to tell you he was changing the formats. The City did not ask the question to begin with.

Commissioner Plyman asked Attorney Begner to leave his card with the City Manager. So that the City can write him by certified mail and inform the owner of their intentions. Then the City would comply with the State Law. Commissioner Plyman stated that he asked the City Attorney whether it would be better to suspend or revoke the license. Commissioner Plyman told Attorney Begner that he did not even know he was an Attorney because he never identified himself. Commissioner Plyman stated that the owner and his Attorney will be contacted by mail about the City's intentions and the owner will have due process.

The City Attorney stated that he already has a card from Attorney Begner. Commissioner Plyman told the City Attorney he was glad he knew Attorney Begner.

Commissioner Plyman withdrew the motion and Commissioner MacLeod withdrew the second.

Commissioner MacLeod stated that the City is open right now. We have to get the ordinance in shutting the door. That is the whole point of the Perry Ordinance. The City needs to shut this door as quickly as possible because as he points out the door is presently open. The City needs to go through on that one.

The City Attorney said, "If you don't mind, I would like to give you some practical legal advice. There is no point in this City adopting an ordinance that is likely to be struck down by the courts. What the City should do, in my opinion, is to study this situation and adopt an ordinance regulating adult entertainment that will apply to all various forms of adult entertainment, including the existing adult entertainment club. I think the City should go about this in a cautious manner because it will not do us any good to adopt an ordinance that will be struck down. If the City is going to adopt an ordinance, the City should adopt an ordinance that will withstand attack in court."

Mayor Wilson questioned how owners could live with the investigations and background checks that are conducted for a license to operate a liquor store.

Commissioner Jennings stated that he would like for any stockholder, CEO, and president who own ten percent of the business to have a background investigation to make sure they have a clean record including the manager. There should be no felony convictions.

Commissioner MacLeod stated that the Commission should pass the Perry Ordinance at the next meeting to plug the hole.

Commissioner Plyman asked what does the Commission have to do to give the owner a due process hearing? The City Attorney stated that the Commission might have to follow the procedure in the alcoholic beverage license ordinance and would have to study the procedure and come back to the Commission and tell how you get started.

Attorney Begner stated that he will be out of town on leave next week and requested that the revocation hearing be scheduled week after next.

Commissioner Plyman stated that the City would have to give thirty days' notice by law.

Commissioner Lawrence moved and Commissioner Plyman seconded the motion to table the revocation or suspension of the license. The motion passed unanimously.

The City Attorney stated that the City should go ahead and give the Red Carpet notice that the City will suspend their license too. Commissioner Plyman stated that was the City Attorney's humor. The City Attorney stated that his business was sold yesterday and you cannot transfer an alcoholic beverage license. Commissioner Plyman stated that the license is in the present owner's name to begin with.

Commissioner Lawrence reported there has been continuous flooding during the rainstorm and Mr. Hart in the 1600 block of Albany Street was given barricades to stop traffic from traveling down Albany Street when the water got high. One police officer came by and told Mr. Hart he could not barricade the street. Commissioner Lawrence stated that the barricades were given to Mr. Hart from Public Works. He felt that when flooding this help citizens protect their businesses. This same problem applies to business owners on L Street. Mayor Wilson stated that he did not know why the Police Officer did not recognize that the City gave these barricades and understood why they were placed there. Mr. Hart did explain the situation.

The Chief of Police stated that his Department should have had information up front. He will give the information to the officers when flooding occurs.

Commissioner Lawrence asked the City Manager whether the Cemetery vaults were being sealed to keep them from floating when it rains. The City Manager stated that he would have to speak with the Public Works Director to see if some progress has been made.

Commissioner Plyman questioned the status of the Police Department roof. The City Manager stated that the contract has been awarded as directed by the Commission. The contractor is proceeding on track. The date the contractor will begin work will be the second week in August.

Commissioner MacLeod recommended suspending all new alcoholic beverage licenses for at least 30 to 60 days until the City can get the ordinance in place.

The City Attorney stated that an ordinance could be adopted sometime next week as a procedural matter if this meeting was recessed and continued until next week.

Commissioner MacLeod moved and Commissioner Plyman seconded the motion issuing a moratorium on granting alcoholic beverages licensed for 30 days. The motion passed unanimously.

The City Attorney reported that the Georgia Ports Authority lease should be renewed to the year 2002 for the price of \$1.00 per year.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion to extend the Georgia Ports Authority lease to the year 2002 for \$1.00 per year. The motion passed unanimously. Meeting recessed.

MEETING RECESSED

Mayor

Attest: -----
City Clerk