

**OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK
RECESSED MEETING
7:00 P.M., JULY 24, 1997**

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

INVOCATION: The invocation was given by Commissioner Dr. James MacLeod.

PLEDGE OF ALLEGIANCE: The Mayor, Commissioners and everyone recited the pledge of allegiance.

ADULT ENTERTAINMENT ORDINANCE

The City Attorney explained the amendments to the Adult Entertainment Ordinance.

Sec-13-602 Definitions (2) Adult Book Store
Sec-13-603 General Regulations(s)

The City Attorney stated that the owner of Video USA gave some constructive criticism about the use of 20% of floor space.

Commissioner Lawrence stated that the City Adult Entertainment ordinance should come close to the ordinance adopted by the County Commission. The City Attorney pointed out that the County Ordinance does not set forth a specific definition of Adult Entertainment. The County Ordinance specifies that the business must have railings a distance of ten feet from the performers.

Commissioner Plyman asked the City Attorney whether a school can place a bus stop in the area of an adult entertainment business and whether a congregation can move into a building next door.

The City Attorney stated that he requested that the Commission take a good look at the location provision in the Adult Entertainment Ordinance.

Commissioner Plyman stated that he would like to be shown one square inch of land that will confirm legally with the Adult Entertainment Ordinance.

Commissioner Plyman challenged the City Attorney to find one square inch or a spot of land within the City.

The City Attorney stated that there are many places in the City zoned General Commercial that could be used. He stated that he could find a number of places in Brunswick.

The City Attorney asked the Commission to let him know if they did not like the way the Ordinance was drafted and to please let him know what they wanted to change.

Mayor Wilson stated that 4th Street on Glynn Avenue could be a possible location. Commissioner Jennings stated that an area near the Lanier Bridge could be a possible location.

Commissioner Pyman stated that when a City makes an ordinance like this they are shutting out all businesses. If the City doesn't want these businesses in the City, then say so.

The City Attorney stated the ordinance was drafted by the law. He asked the Commission to tell him what they want in the Ordinance.

Commissioner Jennings asked whether the two adult entertainment establishments located in the City could be grandfathered in to make them legal. Commissioner MacLeod stated that he was not in favor of grandfathering in the Sapphire Club on the main Highway. The City Attorney stated that he could draft location requirements. The City Manager stated that the license was not issued under the current ordinance.

The City Attorney advised the Commission that due process should be given before any license is taken from a business located in the City.

Commissioner Lawrence stated that the Commission is looking out for the best interest of citizens in this Community. He stated that that this is a moral issue.

Commissioner Plyman pointed out that the City should place a line on the application asking whether the business was an adult entertainment establishment.

John Gilmore, a member of the State Bar and resident of the City told the Commission that he gave real problems with Adult Entertainment Ordinance. He stated that the Government should take responsibility because most dancers are independent contractors and the City is depriving them of employment by interfering with their employment contract.

Mayor Wilson asked Mr. Gilmore if he was saying that the City of Brunswick was denying them their right when the Ordinance changed the hours.

Mr. Gilmore stated that by law the City must compensate them. Commissioner Lawrence stated he did not have a problem with setting the law for adult entertainment establishments.

Commissioner Lawrence stated that he did not have a problem with setting the law for adult entertainment establishments.

Commissioner questioned what is considered as the legal age in the State of Georgia – 21 or 18 years old. The City Attorney stated that he was not prepared to debate this issue.

Commissioner Jennings pointed out that the Commission was criticized in the newspaper and stated he would like to hear from citizens.

Arnold Wood asked if the City could regulate people from showing adult video's to young females 16 years of age.

Commissioner Plyman stated that the City should not regulate anything that goes on in private homes. Commissioner Jennings agreed with Commissioner Plyman and stated the parents can raise their children to keep them away from these types of situations.

Commissioner Plyman stated that he would like an opportunity to read the amendments to the ordinance.

Commissioner MacLeod stated that a motion was made and seconded by Commissioner Lawrence to adopt the amendments to the Adult Entertainment Ordinance.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BRUNSWICK, SPECIFICALLY CHAPTER 13, ARTICLE XVI AND SUBSTITUTING IN LIEU THEREOF A NEW ARTICLE XVI, FOR THE LICENSING AND REGULATION OF ADULT ENTERTAINMENT ESTABLISHMENTS OF ALL KINDS, INCLUDING, BUT NOT LIMITED TO, NIGHTCLUBS, NIGHTCLUBS, CABARETS, AND BOOKSTORES;

BOOKSTORES; TO PROVIDE THAT SUCH BUSINESSES SHALL BE OPERATED BY AND SHALL EMPLOY ONLY PERSONS OF GOOD MORAL CHARACTER; TO REQUIRE AN INDIVIDUAL PERMIT FOR EMPLOYMENT IN AN ADULT ENTERTAINMENT ESTABLISHMENT; TO PROHIBIT THE PARTICIPATION, EMPLOYMENT OR ADMISSION OF MINORS; TO RESTRICT THE LOCATIONS WHERE ADULT ENTERTAINMENT ESTABLISHMENTS MAY BE OPERATED; TO LIMIT THE KINDS OF ADULT ENTERTAINMENT BUSINESSES THAT MAY BE OPERATED AT A SINGLE LOCATION; TO PROHIBIT THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN ANY ADULT ENTERTAINMENT ESTABLISHMENT, TO PROHIBIT CERTAIN OTHER ACTIVITIES AND CONDUCT AT SUCH ESTABLISHMENTS; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID ARTICLE XVI; TO PROVIDE FOR PENALTIES FOR VIOLATION VIOLATION OF THE ARTICLE AND FOR REVOCATION REVOCATION OF LICENSES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF BRUNSWICK:

SECTION 1. The Commission of the City of Brunswick, having considered evidence of the effects of sexually-oriented businesses with regard to land uses, property values and criminal activity within the vicinity of such businesses in urban areas, hereby finds that it is in the best interest of the health, safety and general welfare of this City to enact regulations to reduce the pernicious secondary effects of such businesses. The Commission acknowledges that the prohibition of such businesses would infringe upon freedom of expression protected by the First Amendment of the United States Constitution. Therefore, the purpose of this Ordinance is to establish a balance between the protections afforded by the First Amendment and the health, safety and general welfare of the City of Brunswick and to provide for reasonable regulation of such businesses in a manner that serves the legitimate governmental interest of reducing criminal activity and protecting property values and the quality of life within the City. It is not the intent of this Commission to suppress freedom of expression protected by the First Amendment, but to address the secondary effects of such businesses.

SECTION 2. The Code of the City of Brunswick, specifically Chapter 13, Article XVI thereof, is hereby amended by striking said Article XVI and substituting in lieu thereof a new Article XVI which shall provide as set forth in the text which is designated Article XVI, attached herewith and incorporated herein by reference.

SECTION 3. This Ordinance shall be in full force and effect as of July 25, 1997; provided however, that, except as to Section 13-603 (m) of Article XVI, operators of existing businesses shall have until August 11, 1997, to bring their businesses into full compliance herewith; operators of existing businesses shall have until August 11, 1997, to bring their businesses into full compliance herewith; operators of existing businesses shall be required to comply with said Section 13-603 (m) from and after said effective date.

SECTION 4. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. In the event that any section, paragraph, sentence or part of this Ordinance is held to be invalid for any reason by any reason by any of competent jurisdiction, the remainder of the Ordinance shall survive and continue in full force and effect.

Notice of intent published: July 19, 1997.

Read and adopted: July 24, 1997.

ARTICLE XVI. ADULT ENTERTAINMENT ESTABLISHMENTS

Sec. 13-601. Title

This article shall be known and cited as "The Adult Entertainment Ordinance."

Sec. 13-602. Definitions

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or sug-operated or electronically, electrically or mechanically operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore, adult video store, or adult novelty shop means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions which depict or describe specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment shall be categorized as an adult bookstore, adult video store or adult novelty store notwithstanding that it may have other principal business purposes if as much as twenty (20%) percent of its floor space is utilized for the sale or rental of any of the foregoing items or if as much as twenty (20%) percent of its inventory consists of the foregoing items.

Adult cabaret or adult nightclub means a nightclub, bar, restaurant or similar commercial establishment that regularly features any of the following:

- (1) Persons who appear in a state of semi-nudity;
- (2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- (3) Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities;
- (4) Persons who engage in lewd, lascivious or erotic dancing or performances intended for the sexual interests or titillation of an audience or customers.

Adult entertainment means entertainment of the specific kinds included in the definitions herein of the several kinds of adult entertainment establishments, provided however, that the term adult entertainment shall not be construed to include, and this Article shall not be construed to regulate, performances that are not distinguished or characterized by an emphasis on the depiction, description, display or featuring of specified anatomical areas or specified sexual activities in that such depiction, description, display or featuring of such areas or activities, if any, is only incidental to the primary purpose of the performance.

Adult entertainment establishment means (1) an adult arcade, (2) an adult retail store, (3) adult cabaret or adult nightclub, (4) adult motel, (5) adult motion picture theater or (6) adult theater as defined in this Article.

Adult motel means a motel, hotel or other commercial establishment that:

- (1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises by any means the availability of such sexually oriented material; or
- (2) Offers for any form of consideration a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult theater means a theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Good moral character, for the purposes of this Article, means a law enforcement record free of any conviction, plea of nolo contendere or bond forfeiture for felony or crime involving moral turpitude within the past ten (10) years.

Sec. 13-603. General Regulations

- (a) No person, firm, partnership, corporation or other entity shall operate, attempt to operate or advertise an adult entertainment establishment as defined in this Article without a valid adult entertainment license issued pursuant to this Article.
- (b) No later than March 1 of each year an adult entertainment establishment licensee shall file a verified report with the

City's Finance Director showing the licensee's gross receipts.

- (c) An adult entertainment establishment licensee shall maintain and retain for a period of three years a record of the names, addresses and ages of all persons employed by the establishment.
- (d) No minor shall be permitted to enter into an adult entertainment establishment, and the participation or employment of minors as defined in this Article in the business of an adult entertainment establishment is strictly prohibited.
- (e) The operation of adult entertainment establishments, or the employment or participation therein of persons other than persons of good moral character is strictly prohibited.
- (f) No more than one of the six categories of adult entertainment establishments as defined in this Article shall be permitted at any single business location.
- (g) No employee of an adult entertainment establishment shall fondle or caress any patron, and no patron shall be allowed to fondle or caress any employee.
- (h) All live performances at any adult entertainment establishment shall be presented on a stage or platform intended for that purpose which is raised at least two feet above the level of the floor.
- (i) No live performances shall be presented closer than four feet to any patron, and performers shall not be allowed to commingle in the audience.
- (j) No adult entertainment establishment licensee shall allow or permit an employee or any other person on the premises to engage in any of the following sexual activities:
 - (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of sexual relations, and any of the following sexually-oriented acts or conduct: anilingus,

bestiality coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism or sodomy;

- (2) Clearly depicting human genitals in a state of sexual stimulation, arousal or tumescence;
 - (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
 - (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
 - (5) Masochism, erotic or sexually oriented torture, beating or the inflicting of pain;
 - (6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being;
 - (7) Human excretion, urination, menstruation, or vaginal or anal irrigation.
- (k) No dancers or performers at an adult entertainment establishment shall solicit or accept any pay or gratuity from a patron, and no patron shall directly pay or give any gratuity or provide for any pay or gratuity to any dancer or performer.
- (l) All areas of an establishment licensed hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to 3.5-foot candles per square foot.
- (m) No adult entertainment establishment shall serve, sell, distribute or allow the consumption or possession of any alcoholic beverages or controlled substances upon the premises of the licensee.
- (n) No business or person holding a license for the sale of alcoholic beverages shall be eligible for issuance of a license to operate an adult entertainment establishment.
- (o) An adult entertainment establishment shall conspicuously display the licenses required by this Article.
- (p) No adult entertainment establishment except an adult motel shall be open for business between the hours of 12:00

o'clock midnight and 8:00 o'clock A.M. or at anytime on Sundays or Christmas day.

- (q) No booth, screen, partition or other obstruction shall be permitted within the interior of any adult entertainment business so as to prevent a clear, unobstructed view throughout the interior of the premises, except for separate offices, kitchens, restrooms or areas not frequented by patrons.
- (r) No premises or an adult entertainment business shall have any interior connections or doors with any other place of business.
- (r) The interior of an adult entertainment establishment shall be enclosed from public view so that the activity therein is not visible from the exterior.

Sec. 13-604. Sales to Minors

It shall be unlawful for any person to sell, barter or give or to offer to sell, barter or give to any minor as defined in this Article any services, material, device or thing sold or offered for sale by an adult entertainment establishment as defined herein which clearly depicts any specified anatomical area or promotes, instructs, or assists in the conduct of any specified sexual activities.

Sec. 13-605. Location

- (a) Adult entertainment establishments shall not be permitted in any zoning districts within the City except districts zoned for general commercial and industrial uses.
- (b) No adult entertainment establishment shall be located within 500 feet of any parcel of land upon which any establishment selling alcoholic beverages is located or upon which another establishment regulated or defined hereunder is located.
- (c) No adult entertainment establishment shall be located within 500 feet of any parcel of land zoned for residential use.

- (d) No adult entertainment establishment shall be located within 500 feet of any parcel of land upon which a church, cemetery, shrine, chapel of a mortuary, or other place used exclusively for religious services or meditation is located.
- (e) No adult entertainment establishment shall be located within 500 feet of any school or any regular stop or shelter where a bus used for the transportation of school students boards or discharges minors.
- (f) No adult entertainment establishment shall be located within 500 feet of any parcel of land upon which a licensed Day Care Center or Nursing Home is located.
- (g) No adult entertainment establishment shall be located within 500 feet of any parcel of land upon which a public park or playground is located.
- (h) No adult entertainment establishment shall be located within 500 feet of any parcel of land upon which a governmental building, library, or civic center is located, except where such building is located within the boundaries of a district zoned for general commercial or industrial uses.
- (i) Where applicable distances specified herein shall be measured by airline from property line to property line.

Sec. 13-606. Adult Entertainment Establishment Employees

- (a) Employees of an adult entertainment establishment shall be not less than twenty-one (21) years of age. Every employee must be good moral character as defined in this article. Any employee who is convicted of a crime constituting a felony or any crime involving moral turpitude while employed as an adult entertainment establishment employee shall not thereafter work on any licensed premises for a period of ten (10) years from the date of such conviction. The term "convicted" shall include an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.
- (b) Before any person may work on a licensed premises, he shall file a notice with the City Marshal of his intended employment on forms supplied by the Marshal and shall receive approval of such employment from the Marshal. The prospective employee shall supply such information, as the Marshal requires, including a set of fingerprints. Upon approval, the employee may begin working on

the licensed premises. If approval is denied, the prospective employee may, within ten (10) days of said denial, apply to the Marshal for a hearing. The decision of the Marshal after hearing may be appealed to the City Commission, which may issue such order as is proper in the premises. An investigation fee of fifty dollars (\$50.00) shall accompany the application for an employment permit.

- (c) Violation of the provisions of this Code, the ordinances of the City of Brunswick or laws and regulations of the State of Georgia, or of the United States shall subject an employee to suspension or revocation of his permit for employment in an adult entertainment establishment.

Sec. 13-607. License Application

- (a) Application for a license to operate an adult entertainment establishment shall be made on a form to be furnished by the City and shall be made under oath. The complete address of each applicant and his social security number shall be furnished together with such further information as the Commission may require. Any knowingly untrue, misleading or omitted statement or information shall be cause for denial and, if a license has been granted, shall be cause for revocation. Each application shall be filed together with a certified check or cashier's check in payment of the license fee and, if an initial application, the investigation fee required by Section 13-608 (b).
- (b) An application shall be made in the name of all the owners of the business, if the owners are natural persons, and in the name of all managerial employees. If the owner is a corporation, application shall be made in the name of all corporate officers who will be directly concerned in the operation of the business and in the name of all managerial employees. All such persons must meet the requirements of this Article.
- (c) The license application shall require the disclosure of any conviction of each applicant for any violation of federal, state or local law involving alcoholic beverages, gambling, taxes or moral turpitude.
- (d) An accurate sketch or diagram drawn to scale shall accompany an initial application, showing the location of the building, the area thereof to be used, and the property lines of the real property where

the applicant proposes to carry on the adult entertainment business. The diagram shall also show the location of any properties used for purposes referred to in Section 13-605 and the distances between property lines relevant under that Section, measured directly from property line to property line.

- (e) The license application shall contain a statement as to whether an applicant holds any other license for the operation of an adult entertainment establishment or for the sale of alcoholic beverages and the location thereof.
- (f) If the proposed licensed premises require construction or substantial renovation, the applicant shall submit a detailed set of plans and specifications showing the exact location of the proposed licensed premises, the construction proposed to be carried out by the applicant and the anticipated time for completion of construction.
- (g) As a prerequisite to the issuance of any license, each applicant shall furnish a complete set of fingerprints; provided, however, this requirement may be waived upon recommendation of the City Marshal.
- (h) The City Commission may require such additional information, as it may deem necessary.

Sec. 13-608. Processing Application

- (a) After investigation by the police department of the fitness of the applicant and the proposed location, all license applications shall be approved or disapproved by the City Commission at a public meeting. In cases where applications are disapproved, the finance department shall return the amount of the license fee submitted with the application, excluding the investigation fee in the case of a new application. In cases where such applications are approved by the City Commission, the Commission shall issue a proper license to the applicant authorizing the applicant to engage in the particular business at the particular location applied for.
- (b) All new applications for a license to operate an adult entertainment establishment shall include a nonrefundable fee of one hundred dollars (\$100.00 to cover the cost of investigation).

- (c) The City Commission shall have full power to determine whether the applicant for a license is a fit and proper person to operate type of business involved and whether the location of such business is proper and in the best interest of the general public, and the decision of the Commission shall be final.

Sec. 13-609. Annual License Fee

- (a) Before a license to operate an adult entertainment establishment shall be granted, the applicant shall pay a license fee of one thousand dollars (\$1,000.00 per annum.
- (b) The fee for a new adult entertainment license for a portion of the year shall be prorated from the first day of the month in which the license is granted. Any holder of a license issued pursuant to the provisions of this Article who discontinues the operation of his business because of a documented hardship may apply for a refund of a portion of the unearned license fee previously paid, and the license fee shall be prorated on a monthly basis as of the last day of the month in which the business discontinued operations.

Sec. 13-610. Expiration and Renewal

All licenses granted under this Article shall expire on December thirty-first of each license year. A licensee who desires to renew his license shall file application, together with the requisite fee, on the form provided for renewal of a license for the ensuing year. Application for renewal shall be filed on or before November first of each year. Because of the time required for police department review and processing and consideration by the City Commission, consideration of renewal applications filed after November first may be delayed until after January first.

Sec. 13-611. Denial, Suspension or Revocation

The City Commission may deny, suspend, revoke, or refuse to renew any license required under this Article if:

- (1) The license application is not filed in good faith or is filed by some person as a subterfuge for any other person;
- (2) Any applicant for a license or any licensee under this chapter willfully fails to comply with any provision of this article or with rules and regulations adopted by the City Commission;
- (3) Any person to whom a license has been issued no longer qualifies as a licensee under this Article;

- (4) A licensee permits the licensed premises to be operated in a disorderly manner so as to constitute a public nuisance after:
 - (a) The licensee has been advised in writing by the chief of police of the unsatisfactory manner in which the business is being operated; and
 - (b) The licensee has been given a reasonable opportunity to cure such deficiencies.

Sec. 13-612. Notice and Hearing

All decisions approving, denying, suspending or revoking adult entertainment licenses shall be in writing, with the reasons therefore stated, and mailed or delivered to the applicant personally. Within thirty (30) days of any such decision, any applicant or license holder aggrieved by the decision of the City Commission regarding a license shall be afforded a public hearing with an opportunity to present evidence and cross examine opposing witnesses.

Sec. 13-613. Revocation Hearing

- (a) Upon violation of any provision of this Article the Commission, at a regular or special called meeting, after reasonable written notice of the pending violations to the licensee and after the licensee has been afforded an opportunity to be heard as to the proposed grounds for revocation, may revoke or suspend the license. When a license is revoked or suspended, no portion of the license fee shall be refundable.
- (b) Upon the recommendation of the City Marshal, the City Commission may temporarily suspend any license to operate an adult entertainment establishment, if the manner of operation poses a serious safety or health hazard, for a period not to exceed thirty (30) days pending a hearing and final action by the Commission.

Sec. 13-614. Penalties

Any person convicted of violation of any of the provisions of this Article shall be subject to punishment as provided in Section 15-8 of this Code.

Minor, for the purposes of this Article, means any person who has not attained the age of twenty-one (21) years.

Specified anatomical areas means any of the following:

- (1) Less than completely and opaquely covered human genitals or public region, cleft of the buttocks, or the female breast below a point immediately above the top of the areola, or any portion of the areola;
- (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means and shall include any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated;
- (4) The displaying of the male or female pubic hair, anus, vulva or genitalia; or
- (5) Excretory functions as part of or in connection with any of the activities set forth in 1 through 4 above.

Sec. 13-615. Declaration of Public Nuisance

Any adult entertainment establishment operated in violation of the provisions of this Article is hereby declared to be a public nuisance, which shall be abated as such.

Roberta Johnson, a resident of the City stated that she is a schoolteacher and appreciates what the Commission is trying to do. She requested that the Commission now draw up an Ordinance hastily because the Constitution of the United States was not hastily drawn up or signed.

Mr. McMinn stated that he would like to encourage the Commission to do what needs to be done. He stated that he would rather see the City spend the budget

on defending the walls of protection. The City must be governed by laws of the land.

Commissioner MacLeod stated that the City is reasonable and will listen to changes. The County Ordinance is similar and the City should pass the Ordinance so that the City could build a foundation so that changes could be made.

Commissioner Plyman recalled at the last meeting the Ordinance was passed and he did not receive it until the eleventh hour. He stated that he did not know about any changes. He stated that he was never given the time afforded to read the Ordinance.

Commissioner MacLeod stated that at the last meeting it was made clear that people can notify the City Manager with amendments to the Ordinance.

Commissioner Jennings stated that he would like to see changes in Adult Bathhouses, Escort Clubs and Escort Agencies, Adult Phone Service and Adult Houses of Prostitution.

Commissioner Plyman questioned why he did not receive a copy of the amendments to the Adult Entertainment Ordinance. Commissioner Pitman asked the City Attorney if he could vote on the amendments. The City Attorney stated that it is no specific state or local law that prohibits him from voting.

On call for the question the motion passed by vote of 4 to 1. Commissioner Plyman stated that he could not vote on anything he did not have an opportunity to read which was given to him at the eleventh hour.

OTHER CITY BUSINESS

Commissioner Plyman stated that he opened up a restaurant on July 22 and the moratorium is still in effect and a beer license cannot be purchased for his restaurant. The City Attorney stated that the moratorium would expire by the next meeting.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion lifting the moratorium on issuing alcoholic beverage license in the City. The motion passed unanimously.

MEETING ADJOURNED.

Mayor

Attest: _____
City Clerk