

City of New Ellenton  
Special Meeting of City Council  
City Hall Council Chambers  
Minutes

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Monday, February 1, 2010

**1. Welcome**

Mayor Dunbar welcomed everyone to and called the meeting to order at 6:05 p.m.

**2. Invocation**

Rev. Grimes offered the invocation.

**3. Pledge of Allegiance**

**4. Roll Call for the Record**

**Present:** Rex Nordeen, Terence Williams, Vernon Dunbar, Deborah Maddox, Daniel Braswell, Anthony Shaw

**Absent:** Eartha Rogers

**Others Present:** City Clerk Vernel Sanders, City Administrator L. C. Greene, Chief Alesia Parks, Mary Prince, Hugh Ray, Cheryl Braswell, Reginald Grimes, Wesley Dunbar, Sr., Brenda Adams, Patrick Finklin, Sonya Finklin, Hank Rowland, Willie Davis, David Dunbar, Sr., Tony Rouse, John Long, Tom Brock, David Watson, Troy Shaw, Maxine Adams, Elizabeth Durden, Loretta Bates, Cliff Dowd, Joseph Fredericks, Ann Hilbert, Jimmily Williams, Ilene Dandridge, John Green, Ashley Green. There were numerous others present but their names were inaudible.

**5. Purpose and Background**

a) *Status of Club Sunshine.*

Mayor Dunbar stated the purpose of the meeting is to discuss the shooting and stabbing incident which took place at Club Sunshine on January 18, 2009. Mayor Dunbar stated the rules by which the meeting would be conducted. Mayor Dunbar explained that criminal matters, pertaining to the incident that occurred at Club Sunshine, are investigated by the police department and not City Council. Mayor Dunbar asked Chief Parks if she would explain the incident which took place at Club Sunshine. Chief Parks stated officers, with New Ellenton Police Department, responded to a disturbance in the parking lot of Club Sunshine. Chief Parks stated there were approximately 300 to 400 people present. Chief Parks stated as the disturbance escalated approximately 28 shots were fired. There was one victim struck three times. Three victims reported they had been stabbed during the altercation. Mayor Dunbar requested a response from Ms.

Maxine Adams regarding the operation of the club in the future. Ms. Adams stated a fight began inside the club and as a result the people involved were asked to leave the club. Ms. Adams stated the police department was called and the disturbance escalated from that point. Ms. Adams stated she watches inside the club, but she cannot control what happens outside the club. Ms. Adams stated law enforcement is called but by the time they arrive the person creating the disturbance will have left. Mayor Dunbar stated responsibility needs to be established for the incidents that have occurred. Mayor Dunbar stated as a club owner Ms. Adams needs to accept more responsibility outside the club, as well as inside. Mayor Dunbar stated the club's parking lot is also part of her responsibility. Mayor Dunbar informed Ms. Adams that City Council has the power to revoke or suspend Club Sunshine's business license, or put the club on probation. Ms. Adams requested fairness. Councilman Williams stated this is a community problem and everyone in the community needs to work together and start pointing out and naming the persons who are creating the problems. Councilman Williams stated Ms. Adams also needs to hold the people who are present at the club responsible. Councilman Shaw stated law enforcement cannot patrol the club 24/7. Councilman Williams stated if anyone is shooting at a crowd of innocent people they do not need to be on the street. Chief Parks stated the police department has received several names of persons involved, but no one wants to come forward and give written statements. Councilman Williams stated that Ms. Adams is not being singled out but the situation is getting out of hand. Councilman Williams stated the problem is not the club, but the people who frequent the club. Ms. Adams asked what Council wants her to do. Mayor Dunbar suggested Ms. Adams arrange for security at Club Sunshine. Mayor Dunbar asked Ms. Adams what she was prepared to do to prevent situations like this from happening in the future. Ms. Adams responded by saying she would be sure not to serve those who are underage, break up the ones who are fighting and remove them from the club. Councilman Williams stated security would detain them, call law enforcement, and have them arrested. Mayor Dunbar stated the safety of the community is the number one priority. Mayor Dunbar stated as a business owner Ms. Adams does have certain rights, but with Club Sunshine being in a residential area Ms. Adams also has to respect the rights of people in the community. Mayor Dunbar again asked Ms. Adams what she planned to do to prevent these type situations from happening in the future. Ms. Adams stated she would watch the inside and outside of the property and if there are any problems they will be reported to law enforcement and names will be provided and charges will be placed against them. Councilman Shaw asked how many people have been put on trespass notice since the last meeting. Ms. Adams stated there have been ten placed on trespass notice for fighting. Ms. Adams also stated she did not know who did the shooting in the last incident. Mayor Dunbar asked if there were any other comments. Mr. Finklin stated there have been prior meetings with City Council regarding the problems at Club Sunshine and there have been no solutions. Mr. Finklin stated there have been incidents since the last meeting. Mr. Finklin requested that Club Sunshine should move out of the community. Mayor Dunbar asked if anyone else had anything to say. Councilman Braswell read into the record the New Ellenton Code of Ordinances 12-45, Section 5. ***Councilman Braswell MOVED to send an official notice to the Club Sunshine to suspend the license pending a hearing before City Council; SECONDED by Councilwoman Maddox.*** Mr. Rowland requested to speak before a vote was taken. Mr. Rowland suggested Ms. Adams be put on

probation or hire security, who has authority, for the property . Mayor Dunbar asked Rev. Grimes to speak. Rev. Grimes spoke about responsibility and accountability. Rev. Grimes stated when you create an environment that has the potential for violence then you have to address it from that standpoint to eliminate the potential. Rev. Grimes stated, as a business owner, he would want to be sure he was addressing all the issues to eliminate having to come back to town council meetings and to make sure that those who do come to the business can come in and feel safe while they are there. Rev. Grimes stated that the business owner and the community have a responsibility. Councilman Braswell reiterated his motion to suspend the business license and have a hearing within 30 days through a regular or special council meeting. Councilman Nordeen asked Ms. Adams whether she was willing to hire security for outside the club. Ms. Adams responded by saying since the last meeting there has not been a loitering problem at Club Sunshine. Mayor Dunbar asked Ms. Adams how often she was at the club. Ms. Adams responded by saying she worked shift work and on the days she does not work she is present at the club. Councilman Nordeen asked Mr. Finklin what other options would the community approve of, excluding closing the club down. Mr. Finklin stated the only safe solution would be to revoke the business license. Councilman Braswell stated City Council is called on to represent the citizens of New Ellenton and revoking the license is the only solution at this point. Erica (inaudible) asked if someone else would open another club in the same location? Mayor Dunbar stated the club's location is not zoned for a night club or business. Club Sunshine is grandfathered in. Once it ceases to operate as a club the property will revert to residential property. Councilman Braswell stated the motion that City Council is considering will only suspend the license pending a hearing. It hasn't reached the point of shutting down completely. Erica asked if Club Sunshine was the problem or the people who frequented the club? Several people responded it was the people. Mayor Dunbar stated the issue would be the people inside Club Sunshine as well as Club Sunshine itself. Erica stated the people causing the problem are still here, and has moved approximately a block away from Club Sunshine. Erica also asked whether moving would solve the issues. Councilman Braswell stated it would not solve all the issues but he is concerned about the citizens wanting to feel safe. Erica asked what City Council can do to help? Councilman Braswell stated government is not going to fix society. Councilman Shaw stated people have to be willing to help themselves. Erica stated if Club Sunshine does remain open maybe the admittance age could be increased to 21-years. Councilman Nordeen stated that law enforcement needs to know if people are starting trouble in a new place or if it is temporary. Officer Ray stated the area is watched frequently. Officer Ray stated residential property is easier to control, like Sanders Avenue, because the homeowners give permission to enter onto the property and check crowds that gather. The community is cooperating. Officer Ray stated it is more difficult to enforce a club than residential property. Officer Ray stated the intent for law enforcement is to move those causing trouble out of the city limits of New Ellenton. Ms. Bauknight stated 21-years is the legal admittance age to a bar. Ms. Williams stated Club Sunshine is not the problem, but the young people. Ms. Williams stated since the no loitering was put into place at Club Sunshine the people are moving into the neighborhoods. Ms. Williams stated if Club Sunshine is closed all of them will be in the neighborhoods standing in front of everyone's homes. Ms. Williams stated Ms. Adams should hire security for inside and outside of the club and monitor it for at least 30 days.

That should help to move out those who are creating the problems. Mayor Dunbar asked how the suspension process would begin. City Administrator Greene stated to begin the process Ms. Adams would be sent a certified letter explaining what has transpired and why a suspension is being placed against her. Next, a hearing date is scheduled 30 days from the date the letter is delivered. City Administrator Greene stated it would be a public hearing held in the council chambers. Both sides can choose to have attorneys present. City Administrator Greene stated at the conclusion Council will either revoke the business license or make other stipulations of suspension. Councilman Williams asked if the motion presented tonight is passed when would Ms. Adams suspension become effective. Councilman Braswell stated the license is immediately suspended pending a hearing before Council. Ms. Adams would be suspended. City Administrator Greene stated the hearing date and time would be placed in the letter. Councilman Nordeen requested council members to view 12-46 (C). City Administrator Greene explained this section states after the hearing Ms. Adams, or any owner, could appeal to the Circuit Court. If it is taken further to the Circuit Court it would be settled there. Mayor Dunbar stated if the motion passes Ms. Adams license would be suspended as of tonight pending the hearing. City Administrator Greene responded by saying Ms. Adams license would still be effective until April 1<sup>st</sup>. Councilman Braswell stated that with the wording ‘suspension pending a hearing’ that means no operation until the hearing. City Clerk Sanders stated the club would be closed until the results of the hearing. Mr. Dowd stated that the idea of suspending the license with a hearing is a good idea. Mr. Dowd also agreed with Mayor Dunbar that he felt Ms. Adams is in denial of the problems with Club Sunshine. Mr. Dowd stated this solution would give Ms. Adams a chance to express to the community what she plans to do to resolve the issue. Mr. Dowd also stated that it also gives City Council a chance to consider what rules will be placed on Club Sunshine and what kind of security will be considered. Mr. Burns asked about the purpose of suspending Club Sunshine’s license and how that would prevent any further violence. Mr. Burns stated one solution might be to give the club owner 30 – 90 days to offer security. If that is not effective then resort to suspension. Mayor Dunbar stated this was approximately the fourth meeting conducted with reference to Club Sunshine. Mayor Dunbar stated the Council does not want to take away anyone’s rights but there is a responsibility to the community. Mr. Burns stated that closing Club Sunshine is not going to stop the problem. Mr. Burns stated the Town’s money should be spent on providing a park for the youth to keep them off the streets. City Clerk Sanders stated that City Council is not responsible and should not be held accountable for taking anything away from anyone. City Council is responding to a complaint from the constituents that they serve. Ms. Finklin stated the club owner should address alternative solutions if the original plan is not working. Ms. Finklin stated closing the club will not stop the violence, but it would be the beginning to a solution. Ms. Finklin stated since the club owner is not willing to solve the issues it will be up to the citizens of New Ellenton to stand up and provide suggestions. Ms. Finklin stated she does not feel she and her children are safe. Mayor Dunbar asked if there were any further statements or comments before a vote was taken. Mr. Finklin stated if Club Sunshine is closed and patrons move to another location the citizens are not going to allow the same activity to take place. Mr. Watson stated the safety of their children is everyone’s concern. Mr. Watson stated the citizens of New Ellenton need to come together as a group and form a Crime Watch

Zone. Mr. Watson stated gangs are present in this area. Councilman Braswell reiterated the motion and second previously placed into the record. Mayor Dunbar asked for a clarification on the results of the public hearing. City Administrator Greene explained the public hearing is to permanently revoke the license, or reopen the business under certain conditions, or a probation period with certain conditions. City Administrator Greene also explained if the license is revoked, because this property is located in a residential zone, another bar or business could not be placed there. Mayor Dunbar called for a vote. **MOTION CARRIED on a vote of 4-2 (Councilman Williams and Mayor Dunbar opposed.)** Councilman Williams stated his reason for opposing was he felt the owner should take responsibility for what is happening inside and outside of the club and the community also needs to take responsibility for the situation. Until the community works together nothing can be done. Councilman Williams stated stipulations and guidelines need to be put into place for Club Sunshine to follow and if they are not followed then the license should be suspended and revoked. Councilman Williams stated he feels there can be a solution without revoking Club Sunshine's business license. Councilman Braswell clarified that with the passing of the motion the license will be suspended pending the hearing. Mayor Dunbar stated his reason for opposing was he felt she could possibly have been put on probation for 90 days to six months and then revisit the issue. Ms. Adams stated with the club closed more people will be walking the streets and standing in front of citizens houses because they have nowhere to go. Ms. Adams stated she felt a bigger problem has been created with shutting down Club Sunshine. Mayor Dunbar informed Ms. Adams she would need to be prepared at the hearing to inform Council what she intends to do to address the problem. City Administrator Greene stated a public hearing has to be held specifically to address the issue. It cannot be held with a regular meeting. It has to be on an Agenda by itself and discussed by itself. City Administrator Greene stated Ms. Adams has a right to bring an attorney and stated the City Attorney should also be involved. Mayor Dunbar stated an advertised public hearing will be scheduled for Monday, February 22, 2010 at 6:30 p.m.

**6. Adjournment**

**Councilman Shaw MOVED to adjourn; SECONDED by Councilman Braswell. MOTION CARRIED UNANIMOUSLY.** Approved. Meeting adjourned.

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**Mayor's Signature**

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**Date**

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**Municipal Clerk Signature**

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**Date**