

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

Monday, February 22, 2010 (6:30 p.m.)

1. Welcome

Mayor Dunbar welcomed everyone to and called the meeting to order at 6:30 p.m. Mayor Dunbar explained the procedure by which a public hearing is conducted.

2. Invocation

Councilman Braswell offered the invocation.

3. Pledge of Allegiance

4. Roll Call for the Record

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

Others Present: City Clerk Vernel Sanders, City Administrator L.C. Greene, Chief Alesia Parks, Brenda Adams, Patrick Finklin, Roy Shaw, Mike Busbee, Earlene Green, Mary Campbell, Doris Green, John Green, Cynthia Harris, Cliff Dowd, Will Cunningham, Tommy Braswell, Jimmily Williams, Maxine Adams, Tommy Brock,. There were others present but their names were inaudible.

5. Consideration of Business License: Club Sunshine

Mayor Dunbar explained there is a petition, signed by approximately 40 people citing several violations pertaining to Club Sunshine. There was a previous meeting scheduled and it was determined that the situation at Club Sunshine would be monitored for approximately 45 days. An additional meeting was scheduled where it was learned that the situation had improved, but soon afterwards a shooting and stabbing incident occurred. Another meeting was scheduled to discuss the new events and City Council at that time voted to take steps to shut down Club Sunshine based on the Town of New Ellenton's business ordinance 12-45, Section 5. Mayor Dunbar stated this is a public hearing and read the Ordinance 12-45, Section 5 into the record. Mayor Dunbar requested Maxine Adams give City Council her plans for correcting the issue. Ms. Adams requested Ms. Jimmily Williams to be her spokesperson. Ms. Williams asked if this would be agreeable with City Council. Mayor Dunbar did not object to Ms. Williams being the spokesperson for Ms. Adams. Ms. Williams stated Ms. Adams was requesting her business license be reinstated. Ms. Williams presented a list of rules to be placed with Club Sunshine. Ms. Williams stated that Ms. Adams could not afford

to hire security, but will cease all loitering on the outside of the premises, raise the admittance age to 21, call law enforcement and give names of anyone who starts an altercation. If any person starts an altercation they will be barred from the premises. Should anyone host a private party at Club Sunshine, with a large crowd, the host will pay for security. Mayor Dunbar wanted a response from Ms. Adams, or Ms. Williams, regarding responsibility if altercations occurred inside or outside the club. Ms. Williams stated that Ms. Adams did not realize the outside of the club was her responsibility, but she is now aware that she has to control both the inside and outside of the club. Ms. Williams asked City Council if someone was in the street and fighting in front of the building if she would be held responsible? Mayor Dunbar stated she would not be responsible if persons were in the middle of the street. Ms. Williams stated these rules would be posted inside the club. Anyone who does not agree with these rules will have to leave the premises and not return. Mayor Dunbar asked about the parking area outside the club. Ms. Williams responded that Ms. Adams is willing to try and control the field. Ms. Adams is willing to do whatever is needed to have her license returned. Ms. Williams goes on to state that Ms. Adams apologizes for any misunderstandings or wrongs that may have occurred on the premises in the past. She would like to move forward and get her license back and show that she can control the situation. Councilwoman Rogers asked if the parking lot was under police jurisdiction and Ms. Williams responded that it was. Mr. Williams stated that Ms. Adams had already begun requiring everyone to come inside the building. If they were outside they were made to leave. Ms. Williams stated if someone is underage on the premises she is requesting law enforcement to remove them. Councilman Nordeen asked how Ms. Adams planned on enforcing the outside area. Ms. Williams stated Ms. Adams will have employees keep checking the parking lot to make sure no one is loitering. If she has asked them on more than one occasion to leave then law enforcement would be called. Mayor Dunbar stated that once they have been asked to leave twice that would become an offense of trespassing. Councilman Braswell asked if the person checking the parking lot is someone already employed by Club Sunshine or a new employee. Ms. Williams stated Ms. Adams has more than one bartender at all times and would alternate between working the bar and checking the door. Councilman Braswell asked if the employees are willing to take on extra responsibility and Ms. Williams stated they are willing to help. City Administrator Greene asked if a cover charge would be implemented. Ms. Adams stated there would be no cover charge. Councilman Shaw asked if the admittance age was raised to 21 would someone be at the front door to enforce this. Ms. Williams stated Ms. Adams would be able to check ID's as they entered the building. Councilman Braswell stated if these incidents were happening in the past with the same employees he's not sure all the duties could be accomplished. Ms. Williams stated there are not many customers during the week and the business closes between 10:00 and 11:00. City Administrator Greene asked if police jurisdiction was posted on the property. Ms. Williams stated that it is posted and they have had jurisdiction for years. Mayor Dunbar stated there is a letter in the file regarding police jurisdiction for Club Sunshine. Ms. Adams stated she doesn't recall signing a letter. Ms. Adams stated she gave permission for police jurisdiction. Ms. Williams stated she canvassed the neighborhood with a petition regarding whether the citizens of New Ellenton wanted to reinstate Club Sunshine's license or change how things are done. The citizens responded with

approximately 100 signatures stating they did not want the club closed, but wanted Ms. Adams to run Club Sunshine correctly. The citizens wanted Ms. Adams to make the people go inside the club and to police the area so the customers and people in the community felt safe. Ms. Williams presented the petition to City Council. Ms. Williams stated only citizens between the ages of 21 to 60 were asked to sign the petition. Mayor Dunbar asked if anyone had any further questions for Ms. Adams. City Administrator Greene stated Council would need to hear from any witnesses of the opposing side. Mr. Finklin stated in October a petition was presented to the Town of New Ellenton regarding Club Sunshine being a nuisance. According to the City Ordinance, police records, and incidents that have taken place would prove that Club Sunshine is a nuisance in the community. Mr. Finklin addressed concerns from the community to City Council, with the main concern being security. Mr. Finklin stated if security cannot be afforded then the club should not remain open. Mr. Finklin stated another concern from the community was not to bring undesired activity from the outside into the club. Mr. Finklin stated every day activity has been the problem at Club Sunshine, not special parties and gatherings. Mr. Finklin stated since Club Sunshine's license has been revoked there has been no activity in the streets in front of the club or further down Green Street. Mr. Finklin stated activity in the streets is a result of Club Sunshine remaining open. Mr. Finklin stated if the business license is reinstated then it should be the club owner's responsibility to maintain control of the premises. Mr. Finklin stated with the club owner stating she cannot afford security he feels this is an excuse of her not willing to do what is necessary to assume responsibility. Mr. Finklin stated since Club Sunshine has been closed there have been no further problems and it was requested that City Council not reinstate Club Sunshine's license. Mayor Dunbar called for a motion. ***Councilman Williams MOVED to go into deliberation to discuss the reinstatement of Club Sunshine's license; SECONDED by Councilman Shaw and Councilwoman Rogers. MOTION CARRIED UNANIMOUSLY.*** City Council deliberated on the reinstatement of Club Sunshine's business license. Mayor Dunbar called for a motion. ***Councilman Williams MOVED to reinstate Ms. Adams license with stipulations to stop lingering outside of the premises, raising the age limit to 21, calling and giving names to law enforcement of anyone starting altercations, persons creating disturbances will be barred from the premises, and persons having private parties will furnish security; along with a 90 day probation period; SECONDED by Councilwoman Rogers. MOTION CARRIED on a vote of 4-3. (Councilman Braswell, Councilman Nordeen, and Councilman Shaw opposed.)*** Councilman Braswell stated his reason for opposing was changes would not be possible without security. Councilman Nordeen stated his reason for opposing was the security issue also. Councilman Nordeen also stated the young people in this area have problems with authority. Councilman Shaw stated his reason for opposing was also because of the security issue and these same stipulations were presented at a previous council meeting and nothing was resolved. Mayor Dunbar asked Ms. Adams whether she understood the motion and stipulations that were voted upon by Council. Ms. Williams stated that Ms. Adams did understand. Mayor Dunbar stated to Ms. Adams that the business would be monitored during the 90 day probation period to assure that the stipulations were being followed. City Administrator Greene asked if Ms. Adams accepted the probationary period and Ms. Williams responded that

Ms. Adams did accept. Mayor Dunbar stated Ms. Adams could renew her business license pending the 90 day probationary period. City Administrator Greene suggested that Ms. Adams ask the Fire Chief to measure the building of Club Sunshine to determine the capacity it could hold.

6. Adjournment

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

Mayor's Signature

Date

Municipal Clerk Signature

Date