



Richland County Council

SPECIAL CALLED MEETING
October 6, 2020 – 3:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio, Joe Walker and Bill Malinowski

OTHERS PRESENT: Michelle Onley, John Thompson, Ashiya Myers, Larry Smith, Ashley Powell, Leonardo Brown, Brad Farrar, Angela Weathersby, Kyle Holsclaw, Michael Niermeier, Clayton Voignier, Pam Davis and Harry Polis

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 3:00 PM.
2. **ADOPTION OF THE AGENDA** – Ms. McBride moved, seconded by Mr. Walker, to adopt the agenda as published.

In Favor: McBride, Livingston, Terracio, Walker and Manning

Opposed: Malinowski and Newton

Not Present: Dickerson, Kennedy and Myers

The vote was in favor.

3. **APPEAL OF BUSINESS LICENSE REVOCATION: SOOJIN, INC. D/B/A MY PLACE**

Mr. Livingston stated we are here to hear an appeal from the business operating under the name of Soojin, Inc. and d/b/a My Place located at 7720 Claudia Drive. On August 27, 2020, the Richland County Sheriff's Department performed an emergency abatement relative to activity at the establishment. In 2019, Council adopted an ordinance addressing public nuisance. As part of the process set forth in that ordinance, Sec. 18-7 provides for an automatic appeal, when there is an emergency abatement.

Ms. Davis stated, on August 26th, the County Administrator and the Sheriff Lott declared the business, officially named Soojin, Inc., d/b/a My Place, or Blaze, as a public nuisance, according to the County Code Sec. 18-7, with a determination of imminent danger to the public. On August 28th, she received notification of this determination, based upon excessive public safety response, County Code Sec. 18-7(b)(5). Upon reviewing the Sheriff's Department's documentation, an affidavit by Major Harry Polis, dated August 24, 2020, which detailed the excessive public safety response, she determined the conditions set forth in the County Code Sec. 18-7(b)(5) had been met, and the business license, for the business, should be revoked pursuant to Sec. 16-18(i)(i). She provided the determination to revoke the license to the County Administrator on August 28th.

Major Harry Polis, Operations Division, stated "My Place" is located at 7720 Claudia Drive, at the corner of Parklane Road, in unincorporated Richland County, Council District Three. This location was licensed as a drinking place. For the SCDOR purposes, they are licensed as a non-profit, private club. They also have an on premise beer and wine permit.

Several years ago, Major Polis, along with Chief McDuffie, with meeting with bar and nightclub owners throughout Richland County. We learned over a course of time that there were a lot locations that had high crime rates, and shootings. Prior to September 2019, there were multiple incidents at “My Place”, but he stated he would only be addressing those incidents within the last year.

- September 17, 2019 – He and Chief McDuffie met with Mr. McNeely, Mr. McNeely’s ex-wife, and the manager. The goal of the meeting was to hear their concerns, and work together to bring resolution to the issues they were having at the location. The other goal was to develop a rapport with the owners, and to ensure them that they knew could reach out to the Sheriff’s Department to seek assistance.
- September 22, 2019 – Deputies were dispatched to a fight in progress. When they arrived on the scene, people were still entering the bar. The deputies reported a strong odor of burning marijuana inside the establishment.
- October 6, 2019 – Report of multiple physical and verbal altercations taking place at the establishment. The manager refused to shut the bar down, claiming the issues were all in the parking lot, AllSouth and the BP.
- October 12, 2019 – Deputies received a call for a fight in progress. There was a verbal altercation, which began inside the bar, and ended in a fight, with fists and beer bottles, in the AllSouth parking lot.
- October 13, 2019 – The Sheriff’s Department received 3 emergency calls for service at this location. The 1st came in at 1:11 AM – Shots fired in the vicinity of the bar; at 3:30 AM – Fight in progress, involving a gun; at 5:33 AM – Deputies responded to Providence NE to meet with a stabbing victim from an earlier altercation at “My Place”.
- October 18, 2019 – During a compliance check, Chief McDuffie was informed that all of the issues stemmed from the congregation of people across the street at the BBQ grill. Major Polis and Chief McDuffie met with the owners of the BP, wherein they agreed to remove the BBQ grill, and stop allowing patrons from “My Place” to park on their property. In addition, there were multiple people observed openly smoking marijuana in the parking lot, and in close proximity to the business. Multiple citations were issued that night. A meeting was held with a neighboring business owner, and they showed the Sheriff’s Department bullet holes from one of the prior shootings.
- November 3, 2019 – Call received regarding loud music and automobiles parked all over the place.
- November 16, 2019 – Loud music and loitering in parking lot complaint.
- November 23, 2019 – Two calls received regarding loud music and yelling.
- November 30, 2019 – Schroeder’s Tow Service called Sheriff’s Department to standby while they towed illegally vehicle off of the AllSouth parking lot. At that time, management from “My Place” was irate with the deputies and caused a scene. That same night, the Sheriff’s Department was called back to the scene for a loud music and people complaint.
- December 8, 2019 – Loud music and people complaint.

- February 8, 2020 – Physical altercation inside the bar, wherein the caller stated several people pulled guns on each other.
- March 15, 2020 – Shots fired. Citizen stated they heard gunshots coming from “My Place”.
- March 20, 2020 – Major Polis and Captain Gonzalez were doing compliance checks and discovered that “My Place” was open in violation of the Governor’s Order. They were verbally warned, and the establishment was closed.

**From March – June 2020, all bars and nightclubs were closed, pursuant to the Governor’s Executive Order.

- June 27, 2020 – Victim was assaulted by an unknown suspect, and transported to the hospital. There were an assault and robbery, by a group of 10 unknown suspects while walking from “My Place”.
- June 28, 2020 – Female victim, while walking back to her vehicle, was harassed by an unknown male. Fearing for her life, she drew her pistol. Another unknown male, took the gun from her, and stole her jewelry, cash and shoes.
- July 4, 2020 – Large group of males were fighting in the street.
- July 5, 2020 – Shots fired. A victim called, from a residence in close proximity to “My Place”, after reportedly hearing multiple gunshots coming from the location. Two bullets went through the victim’s bedroom window and lodged into the headboard of her bed.

Mr. Walker moved, seconded by Ms. Terracio, to extend the allowable time by 5 minutes for each party.

Mr. Manning made a substitute motion to extend the allowable time by 3 minutes.

The substitute motion died for lack of a second.

In Favor: Livingston, Terracio and Walker

Opposed: Malinowski and Manning

Not Present: Dickerson and Kennedy

The vote was in favor.

- July 8 – 10, 2020 – Major Polis made multiple attempts to contact Mr. McNeely to discuss the ongoing problems at the location. He was difficult to get in touch with, but when he did respond, he stated, “He had been voted out as President because of what was going on with the shootings.”
- July 11, 2020 – Schroeder’s Tow Service again went to AllSouth to tow the illegally parked vehicles that belonged to “My Place” patrons. Several patrons got into a verbal dispute with the tow truck driver over the vehicles, and one suspect pulled a gun on the driver.
- August 15, 2020 – SLED agents went to the location and inspected them. They were cited for alcohol violations.

- August 23, 2020 – Deputies in the area heard multiple gunshots comes from “My Place” and observed people running and screaming from the location. Management was uncooperative with the investigation. They would not allow the deputies in to search and ensure everything was okay. At that time, deputies seized 2 firearms and narcotics from subjects who were leaving the bar.

Major Polis stated, as a private club, they choose who comes to this establishment. Of the 4 private clubs within a 2-mile radius, “My Place” is the only private club that has had any criminal activity. There have been no shootings in the area of “My Place” since the location has been shuttered. The Sheriff’s Department believes, if this business is allowed to operate, it will present an imminent danger to the public.

Ms. Newton stated, according to the memorandum, the Sheriff’s Department responded to the location over 26 times in the last year, and despite your efforts with club ownership and management to take action regarding criminal activity, the situation was not made better. She inquired what the specific steps were the Sheriff’s Department requested the club to take, and what was their response?

Major Polis responding, during the meeting, they make recommendations. They offer security surveys, wherein the CAT Team comes out and looks at the property, and makes recommendations on things the business can do to improve security. They look at and assist with establishing a parking plan that is suitable for the location and activity taking place. They can make recommendations to hire private security, which he believes they did. Obviously, they can call the Sheriff’s Department anytime they have an issue at the location. If the business reaches out proactively, the Sheriff’s Department can assist with addressing the matters and ensure they are receiving the needed resources.

Ms. Newton stated, for clarification, when the Sheriff’s Department met with the business, the specific recommendations were they could change their parking plan, hire private security, and reach out to the Sheriff’s Department with any problems.

Major Polis responded the business did take the Sheriff’s Department up on the security survey. Businesses are also informed there are security options through SLED, the Sheriff’s Department, etc. to help mitigate problems moving forward.

Ms. Newton inquired, in Major Polis’ perspective, with the exception of the security survey, the business did not take any of the Sheriff’s Department’s recommendations to alleviate the problems.

Major Polis responded they are not curtailing illegal drug use. They are still allowing citizens with guns to be present. Based on the number of people coming to the establishment, it is hard to believe they are lawfully operating as a private club.

Ms. Newton inquired how the business would detect if someone entering the establishment had a firearm.

Major Polis responded, typically when you hire a private security company, they will do pat downs at the door. When they locate a firearm, they will call the Sheriff’s Department to arrest the individual and take the gun and enter it into evidence on behalf of the private security company.

Mr. Rutherford stated, as you can tell from the answers being given by the Sheriff’s Department, they are seemingly answering the questions, but in reality being very evasive. When the Sheriff’s Department met with his clients, they instituted every request made of them. They looked at the parking situation, and hired private security, which utilized a metal detector and pat downs. In addition, they made two requests of the Sheriff’s Department that they be allowed to have an off-duty deputy, which they would pay for, to be on the outside of the business. As you noted, from the Major Polis’ conversation, most of the problems happened at AllSouth, the BP or at the AMPMR. The bulk of the problems did not occur at the business location, which is

significant because once the patron leaves “Club Blaze” they are no longer the liability of “Club Blaze” and “Club Blaze” does not have the authority to tell people where to park and what to do. He is not sure why the Sheriff’s Department mentioned that guns were pulled on Schroeder’s Towing Service at the AllSouth location because that did not relate to “Club Blaze”. They did not mention that they arrested anyone, charged anyone, seized any guns, or that the individuals were coming from the club. In the latest incident, the Sheriff’s Department said they showed up at the incident location, and were told by security that everything was fine, but then they charged two people who had guns and marijuana after leaving the club. In effect, they are saying, someplace else, not at “Club Blaze” they stopped people and find a gun and marijuana, which is not an uncommon thing in Richland County, but had nothing to do with “Club Blaze”. Major Polis listed several phone calls regarding loud noise and arguing. What he did not list, on the incident report, is where those calls were actually coming from and what they were referring to. Major Polis told you, at some point, the BP station had a BBQ grill across the street, which was the cause of so much concern that they shut that business down. Yet problems continued to happen there because it is a gas station, on a very busy street, which is not something that his client can control because he does not own the BP station. He noted, the young lady that was robbed was at the AMPMR, and not “Club Blaze”. What is clear is that during the shutdown from March – July, when the Governor ordered nightclubs to close, SLED did come in and tell them they were operating when they should not have been. When the Governor issued the Executive Order letters were not sent out to all the clubs; therefore, SLED issued them a warning and “Club Blaze” shut down. If you look through the incident reports, you will find that someone was at the hospital and they said while they were at “Club Blaze” something happened to them. The eyewitness said they did not see that, but a lot was going on at the time. Most importantly, Major Polis showed you a window with a bullet hole in it. If you look across the street, you could see “Club Blaze”. What Major Polis did not tell you is who lives in that house. Whether somebody was looking for them, shooting at them, or if it had anything to do with them. We do not know that because the Sheriff’s Department did not investigate it. They would rather blame it on “Club Blaze”. What we should be take note of are the things that happened on premise that the Sheriff’s Department investigates, and they have a witness that can verify the incident happened on the premises. Other than that, everything that happens at that part of Parklane, cannot be blamed on “Club Blaze” because “Club Blaze” has no liability. That is the responsibility of the Sheriff’s Department, which is why “Club Blaze” and its management and owner requested that they be allowed to receive protection, they would be willing to pay for, from the Sheriff’s Department. If we take a look at, and examine, the top 10 businesses in Richland County that receive the most calls, they include: Wal-Mart, 10136 Two Notch Road, 7201 Two Notch Road, 301 Percival Road, 7128 Parklane Road, 321 Killian Road, 5831 North Main Street, 2640 Broad River Road, 7541 Nates Road, 1029 Briargate Circle. To allow the Sheriff’s Department to designate that “Club Blaze” be closed is an arbitrary and capricious calculation. We allege there is a concerted effort to leave minority businesses, in the County, unprotected to then be subject to shut down. None of the businesses he previously listed have been served and shut down for nuisance. Yet his client is the 2nd minority-owned business that has been subject to shut down. At some point, the citizens of Richland County, deserve protection from the Sheriff’s Department. If that protection cannot be provided by the Sheriff’s Department, at the taxpayers’ expense, it should be allowed to be provided at the expense of “Club Blaze”, if they so choose. As we all know, “Club Blaze” cannot be expected to protect what happens at the BP, and their insurance would not cover them if they did tried to do something about what was going on there. What we have heard today is a listing of incidents. The bulk of which did not happen at “Club Blaze”. Major Polis mentioned between March and June there were no shootings, but if you recall everything was shut down.

Mr. Malinowski inquired as to when “Club Blaze” made a request to the Sheriff’s Department for security, did they received the security, and if not, why.

Mr. Rutherford responded they did not received it. The request was made September 2019. He stated he has represented several clubs and restaurants that have made the same request, and all have been denied. He has spoken with the Solicitor’s Office and Sheriff’s deputies about this issue. When you listen to the response that Major Polis gave to Ms. Newton, what you heard was a bunch of things he could tell anybody. We will

check on your parking, make sure you have security, but “Club Blaze” goes over and above that. You cannot get into “Club Blaze”, if you are a male, unless you are over 30. You cannot get in, if you are a female, unless you are above the age of 25. The two people the Sheriff’s Department cites as being caught with guns and drugs, outside of “Club Blaze” were not at “Club Blaze” doing anything wrong because they would have been too young to get in. The problem is the inability to police any property outside of your own. All of that is the responsibility of the Sheriff’s Department, and if put on “Club Blaze” they are going to fail every time because they simply cannot do it.

Ms. Terracio inquired about the nature of the membership. She inquired if it is one of those things where she could walk up and purchase a membership, or is it something more restrictive.

Mr. Rutherford responded it is restrictive, but you can get in onsite by providing your ID. They are only going to let people in who are members, or guest of members, which was in an effort to make sure they did not have problems. No business can succeed by having problems, and especially where they are going to be shut down as a nuisance. No one wants to come, if the business is not doing what it is supposed to do. That is the reason for the age requirement, the private membership, and the security precautions (i.e. metal detectors and pat downs).

Ms. Terracio inquired if there was a reason given for the off-duty request being denied.

Mr. Rutherford responded there was not, and no reason has been given in the past either. It is his understanding the Sheriff did not want his deputies working at places that sell alcohol. Everyone understands that a private business owner cannot police the business next door. The Sheriff’s Department has listed problems that surround the location. What you did not hear was there was a deputy onsite. You did not hear there was a deputy at the gas station, at the AllSouth parking lot, etc. When he was at “Club Blaze” on Friday afternoon, there was law enforcement investigating something that happened across the street. What you did not hear was that several days ago there was a call of shots fired, and “Club Blaze” was closed. This is a busy part of the County, and it abuts the #3 location on the Sheriff’s Department’s list. Yet you did not hear about the Sheriff’s Department was there making sure everyone was okay in that location.

Ms. Newton inquired if Mr. Rutherford is comparing apples to apples, in terms of similar types of complaints.

Mr. Rutherford responded it is difficult for them to tell because they can only get this information from the Sheriff’s Department, as they are willing to give it. When they made the request for the top 10 calls, they also requested the locations, which the Sheriff’s Department refused to provide the locations because businesses change names. He does know that 5831 North Main Street, the Obama gas station, gets everything. He knows, from his experience as a criminal defense lawyer, the Motel 6 and Economy Hotel gets drug charges, assaults, and criminal sexual conduct. Things that are a lot more egregious.

Ms. Newton stated, it is her recollection, there were numerous altercations that happened inside the premises. She inquired if Mr. Rutherford is saying no incidents happened on premises, or that after changes were instituted those altercations ceased.

Mr. Rutherford responded there was one documented altercation that happened inside. A gentleman was assaulted after he was asked to leave the premises. On his way out the door, he sexually assaulted a young woman, and a gentleman hit him in the eye. Rather than write the assault up on the young lady, it is written up as an assault on the gentleman. The others were, a witness saying, “I was inside ‘Club Blaze’ and this happened to this young lady, but I did not see it.”

Ms. McBride stated she concurs with Mr. Rutherford regarding the Obama gas station, and we are trying to address that problem. Her concern, as the Council representative for that district, she receives numerous

complaints from constituents regarding “Club Blaze”. They see it as a blight in the community. They have called about the loud music and gunshots. Also, she is concerned about the minority businesses. She definitely supports minority businesses, and she does not want to unjustly target them, but this has been a problem based on the community’s perception. She inquired if the current owner is a minority.

Mr. Rutherford responded the owner of the business is not a minority, but it caters to minorities.

Ms. McBride stated this is an established community where people have worked hard to purchase homes, and a number of them are senior citizens.

Mr. Rutherford stated, if the Sheriff’s Department were to list the number of incidents at the State Fair, you would have everything from shootings, fights and gang activity, but they do not shut it down because they patrol it. What you have been you go further out, is businesses that cater to minorities that lack that same protection, which puts the constituents in jeopardy.

Mr. Walker stated, his concern is, there have been serious allegations directed toward our Sheriff’s Department by Representative Rutherford. He thinks it would be remiss not to allow Major Polis to respond to the allegations.

Major Polis stated, in September, the Sheriff’s Department met with Mr. McNeely and his team. Prior to leaving the meeting, Mr. McNeely was provided information on what he needed to do to request extra duty officers from the Sheriff’s Department to work at his establishment. A request was never received about extra duty officers. Additionally, in an email of July 14, 2020, Major Polis stated, “Mr. McNeely, please email Captain Flowers, who is now our extra duty coordinator, and tell her what you need.” Captain Flowers email address was provided.

Mr. Rutherford stated Major Polis told his client there were no officers available. He is also familiar with other businesses that requested off-duty deputies and were denied. He would request, if his client is able to continue to operate, they will pay for off-duty Sheriff Department deputies to come in and police the other parking lots. Not inside the club, but outside where all the problems seem to be stemming from. We can cure this right now, if the Sheriff’s Department is willing to put their money where their mouth is, and provide off-duty Sheriff’s deputies.

Ms. Newton inquired, in terms of the top 10 locations where the Sheriff’s Department is receiving calls, are the calls comparable in the level of severity. Also, the number of altercations that appear to be happening outside and off club premises versus inside the club’s premises.

Major Polis noted the statistics Mr. Rutherford was referring to were from 2018 – present. This is outside of what the ordinance allows us to look at. In response to Ms. Newton’s 1st question, the incidents are not comparable to what is going on at this location. Secondly, the Sheriff’s Department knows that the citizens who patronize “My Place” are coming to an establishment that creates an environment where they are comfortable to bring narcotics, guns, and generally violate the law. Whether they are traveling from the parking lot to the establishment, or the establishment to the parking lot is irrelevant. However, we know that if “My Place” were not operating we would not be having the level, or frequency, of violence that we are experiencing at that establishment.

Ms. Myers stated, for clarification, Major Polis stated it was categorically untrue that they would not provide assistance for this club. She inquired as to what kind of materials the Sheriff’s Department provides to the businesses, is there a fee schedule, is there some collateral given to these businesses, so they know these services are available, and how do they access the services.

Major Polis responded the fees for extra duty are set by County ordinance.

Ms. Myers inquired if there is a “piece of paper” that instructs them on how they access the services, and what they need to do to get the services provided to them.

Major Polis responded there is an extra duty request form that is provided. It details what they are requesting, and what the Sheriff’s Department is able to provide, at the time of the request.

Ms. Myers inquired how a business would know this is a service the Sheriff’s Department could provide for them.

Major Polis responded this business was informed of the services, and the information is readily available on the Sheriff’s Department’s website. There are a lot of businesses that request extra duty.

Ms. Myers stated, for clarification, if Mr. Rutherford said his client asked for the service and the Sheriff’s Department would not provide it, he is not telling the truth.

Major Polis responded, at no time, did the Sheriff’s Department deny a request from “My Place” or “Club Blaze” to work extra duty. As he previously said, on July 14th, he reminded Mr. McNeely how he could go about requesting the Sheriff’s Department to work extra duty at the location. The Sheriff’s Department, for the last 2 years, has provided this service at other bars and nightclubs. Years ago, there was a policy the Sheriff’s Department would not work at bars and nightclubs, but that has changed.

Ms. Myers inquired if the addition of off-duty officers, at this establishment, would make a difference.

Major Polis responded, the business has had multiple opportunities to request the service, before we got to this point. Unfortunately, he does not believe extra duty officers, at this location, is going to make any difference.

Ms. Myers requested Mr. Rutherford’s thoughts on this.

Mr. Rutherford responded that he believes it would make a difference. He will present to Council, and expect an apology from the Sheriff’s Department, an email to a Captain Rachel Flowers, from Sonya Harris, in regards to “Club Blaze”, stating “she was referred to her, by Major Polis, as a point of contact for setting up weekend police presence. She would like to have someone on Friday and Saturday nights, from the hours of 2 AM – 5 AM. Starting this weekend would be great. The address is 7720 Claudia Drive, Columbia, SC 29223, Blaze Bar & Grill. Your assistance is greatly appreciated.” And, they were told there were no officers available.

Ms. Myers inquired as to the date of the email.

Mr. Rutherford responded it was July 16, 2020. He stated, they were told, although they had made the request before, and told there were no officers, that because of the shutdown things had slower down and there were probably officers available. They made the request again, in writing, and were told there were no officers available.

Mr. Livingston stated, according to the ordinance, we may approve the County’s license official’s action, we may overrule the action, or we may make any other appropriate disposition pursuant to the ordinance. He inquired, if Council could suspend the license for a period of time. Could Council do probation with conditions?

Mr. Smith responded the ordinance gives Council the flexibility to fashion whatever remedy that feel is appropriate, based on the facts of the case.

Mr. Livingston inquired, if the ordinance required the decision to be made now, or at a future date.

Mr. Smith responded, if Council believes they are ready at this time to make a decision, related to the matter, then a motion to that effect may be in order. However, if for some reason, Council is not prepared to do that, then the decision can be deferred.

Ms. McBride stated, her community is not here to give input on this appeal, as this is only for Council. She inquired if any members of Council would want this type business in their community, and providing these disruptions to the community the senior citizens, and other residents, are having to tolerate. When we make our deliberations, we need to think about the conditions the citizens are living under, based on the close proximity to this business.

Ms. Myers inquired if Ms. McBride thinks the addition of police officers, to quell some of these concerns, would make a difference.

Ms. McBride responded, based on what her constituents have talked to her about, they do not want the business there. It has been nothing but problems. Therefore, she will have to go along with them.

Ms. Myers stated, she has some heartburn about that, because if the business is legally operating in the place where it is, she does not want to usurp their rights. She noted this is a difficult question, and this is the first test of our ordinance. She thinks there are issues in the ordinance that needs more work.

Ms. McBride stated she is not for closing down any business illegally, but these are concerns regarding what appears to be a nuisance. She has to leave the legalities to our legal officials to determine if we are following those procedures.

Ms. Terracio stated a couple remedies were mentioned. One was to have the extra duty deputies on premises, during operating hours. There was another of there being a period of time for them to be closed. She is assuming this was for them to make some improvements in the business. She inquired if this would be helpful.

Major Polis responded extra duty is just that for the Sheriff's Department. They do not mandate that deputies work extra duty, but is an optional service the deputies sign up for. Typically, we can make the service available, and deputies who are off-duty and want to pick up that extra detail are able to do so. In other words, extra duty is not a guaranteed thing we can do. He believes the Sheriff's Department has tried everything they know to how to try, for the past year, to get these people to operate their business lawfully. He thinks we are beyond anything other than revocation of license.

Ms. Newton stated, on the one hand, we have an establishment where there is clearly an uptick of crime happening in its vicinity, and that is certainly not something she wants to encourage, or perpetuate in Richland County. She does not think it is an establishment that she would be visiting, based on the type of history that it has. At the same time, we are in a situation where we are looking at shutting down a business forever, and there is no other remedy. While she does not want the crime to continue, she is wondering if the only remedy is shutting the business down. She would be incline to look at, and would Council consider, a probationary period where the parties could try to come together to resolve this. Then, at that point, if the remedies do not work, then we are at the permanent stage and revoke the license.

Ms. Myers inquired if the probationary period would also include community discussions in drafting how we go forward, or would it only involve the Sheriff's Department.

Ms. Newton responded she would be open to community involvement. She does not know what the best solution is, but it seems to her that there may be an opportunity a coming together.

Ms. McBride stated anyone in that surrounding community knows "My Place" and they know the problems they have had. You do not live in this community, so you are not aware of the issues they deal with every day. She stated we cannot move forward without taking consideration the nuisance that has being caused by this business.

Major Polis stated the Sheriff's Department saw a significant increase in the amount of criminal activity at the location as far back as February 2019, and it persisted through the day that we shuttered the business. During the last year, this business has had multiple opportunities to take upon themselves to reach out to community members, and assure them that they want to be good neighbors. To his knowledge, that has never happened. He is not sure how that could change after today.

Mr. Manning stated the first public nuisance case was in District Eight. One thing that was different, in that case, was that the business was pretty isolated. There were no other businesses on the corner, beside it, or across the street. He would be inclined to look at some type of probation and involving the community. Obviously, the Sheriff's Department cannot be told they have to provide off-duty officers. He does not feel confident that this business, in and of itself, is the entire nuisance of this area.

Ms. Terracio stated, if Council were to move forward with a probationary period, we would definitely need to spell out what kinds of improvements we would like to see at the end of the probationary period.

Mr. Malinowski stated, according to Major Polis, there has been an increase in criminal activity since February 2019, but what he is hearing from Mr. Rutherford is the activities that have been reported did not take place on the property. He would like to know how many incidents the Sheriff's Department responded to can be directly attributed to the business.

Major Polis stated all of the reports come back to "My Place"...patrons visiting the property, leaving the property, on the property, and around the property. They are not visiting the insurance company or the bank. They were using the BP to illegally park and congregate.

Mr. Malinowski stated, it seems to him, that is a big assumption because the people were not discovered doing the illegal activity at, or in, the business.

Major Polis stated, he respectfully disagreed. When this business is closed, the issues are not occurring.

Mr. Rutherford stated, in response to Mr. Malinowski, that is exactly the point. You were told they had to tell the BBQ operator to stop operations. In addition, the BP was instructed not to allow patrons to park on their premises because they were causing a problem. The reason they can report an uptick, going back to January 2019, is because the Sheriff's Department started shutting down other black establishments in that area, and this was the only one open. Because they cater to an older crowd, they are not allowing people in. Due to them not allowing these individuals in, there may be people on the outside causing problems. We believe, and do not know why the Sheriff's Department does not believe, that continued operation under suspension with an off-duty Sheriff's deputy on premise, would cut down on the problems.

Mr. Manning inquired if the business could utilize off-duty City of Columbia, Forest Acres, SLED, Fairfield County, or is the law such that off-duty officer assignment is only the availability of the jurisdiction.

Mr. Rutherford responded the City of Columbia allows their officers to work off-duty at any place that is calling for them, but they cannot come into the County. This establishment is the County; therefore, CPD officers could not come there.

Ms. Myers requested that Major Polis elaborate on why he did not feel the presence of the Sheriff's Department would make a difference at this establishment.

Major Polis responded, if you recall earlier, Mr. Rutherford said that deputies would not be allowed inside the business, which is notable. Why would you not allow the deputies in the business? The reasonable assumption would be there are other things going on inside they do not want the Sheriff's Department to know about.

Ms. Myers inquired if Major Polis believes having the deputies outside the business would make a difference.

Major Polis responded, in any business, where you have deputies present, it is going to be a deterrent.

Mr. Rutherford stated, for clarification, he was speaking on the Sheriff's previous policy of not allowing his deputies to work places that serve alcohol. If that was still a problem, they did not have to work inside. They would welcome them to be inside the business. This is a place that wants to follow the rules.

Ms. McBride inquired, if we deny the appeal of the business license revocation, what will happen. Will they be able to come back at another time? What is the next steps?

Mr. Smith responded, if Council upholds the revocation of the license, then, at that point, the business would not be in a position to legally operate.

Ms. McBride inquired if they could come back and reapply.

Mr. Smith responded he does not believe there is a provision, under this ordinance, that allows that.

Ms. Davis responded the business license ordinance prohibits a drinking place, which has had a business license revoked, from applying to be a drinking place for 3 years.

Mr. Manning moved, seconded by Mr. Malinowski, to go into Executive Session.

In Favor: Malinowski, McBride, Terracio and Manning,

Opposed: Livingston, Walker, Myers and Newton

The motion failed.

Mr. Walker moved, seconded by Ms. McBride, to support the recommendation of the Sheriff's Department and Business License Division and uphold the revocation of the business license.

Ms. Terracio stated, for clarification, if the motion were to pass the consequence would be that for 3 years they could not apply to be a bar again, but they could be something else.

Ms. Davis responded in the affirmative. They could not operate as a bar. They could apply to be a restaurant, but they were need to be some care taken to ensure through the Zoning, Building Inspections and the Fire Marshal that the business is structured physically in such a way to operate as a restaurant instead of a bar.

Ms. Myers inquired, if Ms. McBride, would be willing to give the business a 30 or 90 trial period, where they have the opportunity to work with the community and the Sheriff's Department, to put some regulations in place, instead of shutting them down permanently.

Ms. McBride responded, based on the input from the community, she would have to say no.

Mr. Malinowski inquired, if the business opens up as a restaurant, would they be able to sell alcoholic beverages.

Ms. Davis responded that would be more of a zoning question. While the Department of Revenue might allow them have an alcohol license, as she indicated zoning, and the other divisions, would need to take great care that the business is physically structured in such a way as to operate as a restaurant, and not a bar.

Ms. Newton stated some of the challenges of the ordinance, and some things that we might want to tweak, are before us. She is clear there has been an increase in criminal activity in this area. She sympathizes with the residents, and she cannot imagine what it would feel like to have her home there. Since this is such an extraordinary measure. She will not say it is irrevocable because theoretically you could come back in 3 years, but in reality, with the way businesses work, we would be shuttering a business forever. It seems like there is an opportunity where we could bring people together and see if there is additional action we can take. And, whether off-duty police officers are the magical remedy, she is not sure.

Mr. Livingston moved, seconded by Ms. Myers, that the business would remain suspended through November 30, 2020. During that time, Council will work toward on developing a 6-month probationary period, which the property and community agree to.

Ms. Newton stated, for clarification, the motion is for the business to remain closed until November 30, during which time a probationary plan would be put together for the establishment.

Mr. Livingston stated, the plan would be an up to 6-month conditional probation. If they violate any of the conditions during the 6-month period, their business license will be revoked.

Ms. Newton inquired as to who would be responsible for developing the plan.

Mr. Livingston responded it would be Council, with input from the community.

Mr. Brown stated, he heard earlier, that Council could take any disposition of this issue, they saw fit to address his matter. He knows there is some wording in the ordinance, and he wants to make sure, although it is not limited to revocation, or reinstatement, we have the flexibility to make those decisions to something other than those two things, since the ordinance does not speak to any other status of the license.

Mr. Smith responded the ordinance, for purposes of this appeal, speaks to either upholding the decision, denying the action that has been taken, or Council fashioning any remedy it deems appropriate. To him, that indicates, it was Council's intent, when they passed the ordinance, to not necessarily be bound by one or the other option. In fashioning the remedy, it is important to keep in mind, that if this business is going to operate, it needs to operate legally, with a business license.

Ms. Newton inquired if the November 30th date is a hard date, or up to November 30th.

Mr. Livingston responded he is okay with up to November 30th.

Mr. Livingston restated the motion as follows: the license will remain revoked until November 30th. Between now and November 30th, we will work out a 6-month conditional probation plan. If the business meets the requirements, during that period time, their license will be re-established.

Ms. Davis stated all business licenses expire on December 31st. If the 6-month probation is to take effect on December 1, she would request that we state when the 6-month probation is intended to end. Potentially, we could have the business license for 2021 issued conditionally for 5 months.

In Favor: Malinowski, Livingston, Terracio, Manning, Myers and Newton

Opposed: McBride and Walker

Not Present: Dickerson and Kennedy

The vote was in favor.

Mr. Manning moved, seconded by Ms. Terracio, to reconsider this item.

In Favor: McBride

Opposed: Malinowski, Livingston, Terracio, Manning, Myers and Newton

Not Present: Dickerson, Kennedy and Walker

The motion for reconsideration failed.

4. **ADJOURNMENT** – The meeting adjourned at approximately 4:15 PM