

Aiken City Council Minutes

March 24, 2003

SPECIAL SESSION

Present: Mayor Cavanaugh, Councilmembers Clyburn, Cunning, Price, Smith, Sprawls and Vaughters.

Others Present: Roger LeDuc, Gary Smith, Pete Frommer, Lex Kirkland, Al Cothran, Anita Lilly, Richard Pearce, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and 13 citizens.

Mayor Cavanaugh called the special meeting to order at 6:50 P.M. He stated Council needed to hold a special hearing for TNT regarding their business license suspension. He said it was his understanding that the owner of the business would not be present to protest the suspension.

BUSINESS LICENSE

TNT Night Club
Richland Avenue W. 3607
Alcohol

Mr. LeDuc stated last week City Council was given information concerning the TNT Night Club at 3607 Richland Avenue W. which has been engaging in unlawful activities and being a nuisance to the community. He stated the Public Safety Department had been to the site over 100 times over the last year. Fifty of those times were after 2 a.m., and this establishment is only open two times a week. On Monday, March 10, we sent them a certified letter placing them on notice that any further violations would result in the suspension of their business license. Based on incidents that occurred Thursday night, March 13, 2003, and Friday morning, March 14, 2003, they were given notice on Friday, March 14, 2003, that their license was suspended and they could no longer keep their business open. According to the city ordinance, Council has an opportunity to hear this case and to decide whether the license should be revoked or not. He said he had received a call today from Terrance Jackson, the manager and owner of the TNT Night Club, stating he was not interested in trying to get the license back for the TNT, as he has decided to close the night club. He would like to have the opportunity in the future, if he chooses, to open another establishment and to work with the city to show them that he can run an establishment in the proper way. Mr. LeDuc stated he told Mr. Jackson that the city looks at each situation on a case by case basis and if he could show the city that he could provide the necessary security the city would look at any request in the future. He said, however, Council still needs to go ahead with the hearing, as the license has been suspended and Council needs to consider whether to revoke the license or not.

Mr. Richard Pearce, City Solicitor, explained that the staff has suspended the business license for TNT's Bar and Grill. Staff only has the power to suspend the license. The suspension by ordinance has to be brought to Council in a special or regular meeting and Council hear the reasons for the suspension of the license and then determine by a majority vote of those present whether it is appropriate to revoke the business license. Mr. Pearce said he had all the facts, but he had witnesses present to make a presentation to Council. He said he also had a video tape of the activities.

Public Safety Director Pete Frommer stated he had given Council information that he had asked Lex Kirkland, Business License Administrator, to send a warning notice to TNT Night Club at 3607 Richland Avenue West and warn them that if they did not change the operation of their business possibly their business license would be suspended. The warning was based on unlawful activity on the premises and the club being a public nuisance and a public safety hazard to the area. On Thursday, March 13, and Friday, March 14, several officers were assigned to observe the activity at the TNT. Sgt. Turno was on the roof of the business next door to video tape the activity. Undercover agents from Orangeburg Public Safety were present and placed inside the club. About 3 a.m. there were several fights in the club. There were many people with alcoholic beverages.

The undercover agents reported during the course of the night several people approached them to sell them drugs. They also stated the smell of marijuana in the club was very strong. Several fights outside were taped. There was a parking problem and parking overflowed into adjacent businesses, and there was a traffic hazard in the area. It was estimated there were over 500 people in the club, which is beyond the number allowed by the code. When the club was shut down people refused to leave and there was noise from people screaming, radios, and car horns. The club's security person asked people to leave, but they were not listening to the security person. Chief Frommer stated this kind of activity had been going on for several months. He said Public Safety would be called to assist the private security and the people there would start throwing bottles at them. He said it got to be a dangerous situation for the people at the club and the officers. He said when they were called it would take several of our officers and on many occasions other agencies like the Highway Patrol and Aiken County had to be called. Sometimes there were 15 to 20 law officers at TNT. This meant that other areas of the city and county were without protection. He said because of the situation many nights he would have to pay overtime and have additional officers come in.

Mr. Pearce showed the taped video of the event to Council and Council asked questions about the activities that were happening.

Councilwoman Clyburn stated she felt going back to the ordinance to close businesses serving alcohol at 2 a.m. is wise. She stated perhaps this will keep other businesses from getting out of hand like TNT. She stated she did appreciate the work by Public Safety, but was concerned about that many people being at the location and was concerned about people trying to get out of the area fast if there was a fire. She said she felt the city was doing the business a favor. She said she felt the city had dealt with the problems long enough and felt it was time to move on revocation of the license and adopt the ordinance to require businesses serving alcohol to close at 2 a.m.

Councilwoman Price pointed out the recommendation was for permanent revocation of the business license at the TNT Bar and Grill. She asked if the owner wanted to open another business would he be granted a license.

Chief Frommer stated this would have to be considered on a case by case basis, and definite rules and regulations would have to be agreed upon.

Councilwoman Vaughters expressed concern about the possibility of issuing another business license to Mr. Jackson. She said he had already proven that his business attracts people to Aiken that we don't want. She said the business was using our officers to help control the crowds when the officers should be taking care of our citizens. She said the activities there endangered the police officers' lives. She said if there is another situation like this she hoped Public Safety would not wait so long to take action.

Councilmembers Clyburn and Price expressed concern that Mr. Jackson be able to get a license in the future if he wants to operate a business. Councilwoman Clyburn expressed concern that Mr. Jackson be held responsible for the actions of others' children. She said she had spoken to him that he needs to set the tone for the people who come to his establishment. She said she would hate to see the actions for this business affect him for the rest of his life such that a young man with a business degree can never have another business license. She said she feels he has learned from this experience.

Mr. Lex Kirkland, Business License Administrator, stated the question before Council is whether the business license of TNT Bar & Grill should be revoked by City Council. He said it would take a majority vote by the Councilmembers present to revoke the license. He said the License Ordinance lists 5 conditions where a license can be suspended and revoked. He said violating any of the five conditions gives City Council the ability to revoke the license. He said he felt conditions 2, 4 and 5 applied in this case. Condition 2 is where a person has breached any condition upon which a license was issued or has failed to comply with the provisions of the License Ordinance or any other city ordinances. He said he did not feel that TNT had complied with all the city ordinances. Condition 4 is where a person has been convicted of an offense under a law or ordinance regulating business; a crime involving moral turpitude or unlawful sale of merchandise or

goods. He pointed out alcohol was being sold after 2 a.m. Condition 5 is where a person has engaged in an unlawful activity or nuisance related to the business.

Mr. Kirkland stated he felt there was reasonable cause for City Council to conclude that TNT has engaged in unlawful activities or nuisances related to the business. He cited a few examples, such as fighting. He said Public Safety and private security offices had been called on numerous occasions to break up fights. Many arrests have been made. One Public Safety Officer was treated at the hospital for injuries sustained while breaking up a fight at TNT. The business has drawn large crowds which cannot be controlled by available staff. There has also been trouble getting patrons to leave the premises. Numerous times patrons have urinated in public. Sales and attempted sales of illegal drugs and patrons drinking after 2 a.m. have occurred at the site. Routinely patrons of the business park illegally.

Mr. Kirkland stated he suspended the license for TNT because they have engaged in the stated unlawful activities and nuisances related to their business. He stated for these reasons he would ask that Council permanently revoke the business license for TNT Bar & Grill.

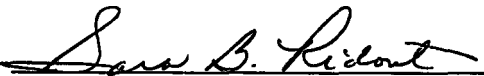
Mr. Pearce pointed out the video tape and Mr. Kirkland's statements are submitted as exhibits for the record.

It was pointed out the request for revocation of the license is for the revocation of the license for TNT at Richland Avenue for the reasons stated. The individual owner can apply for another business license in the future for another business.

Councilman Cuning moved, seconded by Councilman Smith and unanimously approved, that Council revoke the business license for TNT Bar & Grill at 3607 Richland Avenue W. for the reasons presented to Council.

ADJOURNMENT

There being no further business, the special meeting was adjourned at 7:30 P.M.


Sara B. Ridout
City Clerk