



**COLUMBIA PUBLIC SAFETY COMMITTEE MEETING MINUTES  
TUESDAY, AUGUST 16, 2022**

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The Columbia Public Safety Committee met on Tuesday, August 16, 2022 at City Hall (Mayor's Conference Room), 1737 Main Street, Columbia, SC. Chairman Duvall called the meeting to order at 10:04 a.m.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Howard E. Duvall	Chair	Present
Tina N. Herbert	District I	Present
Joe E. Taylor	District IV	Present

**COMMITTEE DISCUSSION**

Ms. Teresa Knox, Esq., City Attorney introduced James Knox as a new assistant city attorney.

1. Proposed Lost/Stolen Firearm Reporting Ordinance

Councilor Duvall said the proposed lost/stolen firearms reporting ordinance has been introduced by Councilmember Bussells who is in attendance as a member of the public. We have two suggestions: one is a criminal penalty and the other is a civil penalty.

Teresa Knox, Esq., City Attorney explained that ordinance 2022-060 includes criminal penalties for failure to report the loss or theft. It goes through a first, second, and third offense with the third offense being \$500 or 30-days, which is our maximum in city court. Ordinance 2022-080 is a civil offense that amends the ordinance passed in 2019. That ordinance required someone that loss a gun to pay \$150 to get the firearm back. It is on the books now, but this changes it to a 24-hour reporting period.

Councilor Duvall said the councilmember who produced this is asking for the criminal penalty to be applied rather than the civil.

Councilor Taylor said I prefer the civil penalty versus the criminal. It is a fundamental issue that doesn't have anything to do with guns. I have a problem with being criminalized for someone stealing from me.

Councilor Herbert said I have concerns about the criminal penalty. Who determines when, if and how or whether you're telling the truth about when you discovered that your gun was stolen or loss. I see a lot of issues with having to clarify or defend if I discovered it or not. I would be the attorney saying that I just discovered it.



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W. H. “Skip” Holbrook, Chief of Police said there is a burden of proof that would be required on the criminal side. You raised some very good points that would come to bear if somebody wanted to challenge a citation. On the civil side, you are holding the owner responsible. You should have responsibility to know where your firearm is at all times and that it is secured properly.

Councilor Herbert said I don’t check my gun box daily. A part of it is really understanding the responsibility of having the gun in the house or any other place.

Councilor Duvall noted that the ordinance says when the loss is discovered.

Councilor Herbert said that is where the gray area lies and that is why the criminal penalty may be a little harsh to me. I may agree with Mr. Taylor on this and lean more towards the civil penalty as opposed to the criminal.

Teresa Knox, Esq., City Attorney said there is a \$150 fee to get the gun back under the civil penalty.

Councilor Taylor said I am good with adding the ordinance with a \$500 fine if you don’t report it. I have a problem with making it a crime if I don’t tell the police that somebody committed a crime against me.

Councilor Duvall asked if it would go to the court. That might be too much for the first offense. The other ordinance has a first, second, and third offense.

Councilor Herbert agreed with Mr. Taylor. How many times will a person have their gun stolen? I don’t think we need a step up. Your gun should not continuously be lost and/or stolen.

Councilor Duvall asked the city attorney to add a penalty clause for \$500 and leave the \$150 to get the weapon back.

Teresa Knox, Esq., City Attorney asked if it will be \$650 to get the weapon back.

Councilor Herbert asked how often people come to buy back their lost or stolen gun. Is that an effective deterrent?



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W. H. “Skip” Holbrook, Chief of Police said very seldom. I would not call it a deterrent. We recover around 800 guns a year and a quarter or more are reported stolen. When we seize a gun, we trace back the origins to see where it was purchased. We visit the owner and ask about the location of their gun. A lot of people have their guns stolen but they can’t tell you the make or model. They also fear getting into trouble for not securing their gun. We have a disproportionate number of guns stolen from cars. An ordinance such as this would encourage reporting. We want to know that it occurred so we can enter the facts into a national database. This is a compliance tool.

Councilor Duvall said if a citizen has a gun stolen out of an automobile and reports it within 24-hours, there would not be a penalty.

W. H. “Skip” Holbrook, Chief of Police said that’s correct. We want reporting.

Councilor Taylor said if someone has their gun stolen out of a car and they don’t realize it was stolen for a week and then report it within 24 hours, there’s no penalty.

W. H. “Skip” Holbrook, Chief of Police said right.

Councilor Taylor said I don’t like criminalizing the failure to report other people’s criminal activity. I support \$500. Max the fine out and keep it civil.

Teresa Knox, Esq., City Attorney asked if you want to do civil penalties in stages like the criminal ordinance. Once you get two that you didn’t report, the third time is criminal.

Councilor Taylor said I can’t support that.

Councilor Herbert said we have to try it out. We may be creating laws that aren’t used. I am okay with \$500 because we want to send a message. How do we notify every gun owner of the change in law so that they are aware of it?

W. H. “Skip” Holbrook, Chief of Police said we would not notify gun owners; we would notify citizens of the new ordinance that requires reporting when guns are lost or stolen.

Councilor Herbert said we need to take into account a three to six-month hold while we educate the public.

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Councilor Bussells said the suggestion was to have an incremental fine. The first time there is a lot of ambiguity. By the third time, there has to be some responsibility. If you are in an accident, you may be the victim, but there are laws that require you to report what happened. Can we do a hybrid of civil penalty and the third offense being a criminal offense? You're not being criminalized for not reporting. You are being criminalized for the two civil infractions you have made.

Councilor Herbert said you would be punished for a pattern of not reporting. Who happens to lose or have their gun stolen at least two or three times in a lifetime?

W. H. "Skip" Holbrook, Chief of Police said that would be rare. If someone has their gun stolen three times, they are not reporting that. A third offense would be an extreme outlier. This will strongly encourage our citizens to promptly report a lost or stolen gun.

Councilor Herbert asked for an example of firearm owners securing their firearm for temporary safekeeping.

W. H. "Skip" Holbrook, Chief of Police said the existing ordinance charges an owner \$125 to retrieve a gun that was found but not reported stolen. If someone voluntarily stores their firearm with the police department, there would not be a fee to retrieve the firearm.

There was consensus of the committee to add a \$500 civil penalty and to leave the \$150 retrieval fee in the ordinance. Dr. Bussells can bring forth any other amendments to Council during first reading consideration on September 6, 2022.

Councilor Taylor commended Dr. Bussells for taking the initiative to come up with this. I believe this will stand constitutionally.

2. "No Concealable Weapons Allowed" Signage

Councilor Duvall said Councilor McDowell wants us to authorize the city of Columbia to print and have available signs that would implement state law on the notification to citizens about carrying concealed weapons in places of business, their homes, or at events. State law is specific. He believes that the city providing the signs and expertise in location of these signs would be helpful in getting more places that do not allow weapons. The problem is there would be significant costs for printing the signs.



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Teresa Knox, Esq., City Attorney said the 3' x 4' sign is \$113; 8" x 12" is \$7; and decals are \$4.

Councilor Taylor said I don't have a problem with the city providing small signs and a directional installation brochure. I don't know that we need a resolution or an ordinance. If the chief wants this, he can talk to the city manager and we can make it a Police Department program. They can print the smaller signs and have an instructional booklet on where to install them. This can be under the Office of Business Opportunities.

Teresa Wilson, City Manager said I am not sure of the original intent. If the intent is to educate and promote the options regarding state law, our sign shop can potentially do 200 signs. Once they are gone, they are gone. I don't know if there is a targeted area.

Teresa Knox, Esq., City Attorney said he checked with our sign shop and they could not do it.

Councilor Herbert said I thought the signs had to be printed a specific way and citizens might not have the capacity to meet the specific requirements of the signage.

Teresa Wilson, City Manager said we have to put parameters around what we can afford to do.

Councilor Taylor said the committee should ask the city manager and police chief to see how much it would cost to print signs in lots of 25 with an instructional sheet.

Councilor Duvall added that staff should work with Councilman McDowell to see if that is his intent. The resolution can be brought back if we decide to move forward.

Councilor Herbert said I feel uncomfortable with Mr. McDowell not being here to clarify the intent and I would rather defer it.

Councilor Duvall said staff will work with him to ensure that we cover his intent.

Councilor Herbert asked why we don't want to do the resolution.

Councilor Duvall said he can return it if he finds a funding source and if the city manager thinks we can supply the signs.

Teresa Wilson, City Manager said I am sure that the language is fine, but is open-ended. Will we do this forever or is it a campaign that will come to an end? We will work with Mr. McDowell.

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3. Proliferation of Vape and CBD Stores and Warning Signage

Councilor Duvall said the next item is an ordinance that would prevent CBD and vape shops from proliferating in the city.

Mullen Taylor, Esq., Assistant City Attorney said there are two draft ordinances for this committee's consideration. The first one is new regulations concerning smoke or vape shops. It is a text amendment to the city's zoning ordinance. It requires a recommendation from the Planning Commission and a public hearing. The draft is based on the City of Myrtle Beach's ordinance. There is a litigation in federal court against the City of Myrtle Beach brought by vape shops but the basis for that lawsuit is not distance requirements. The litigation was brought in 2018. At that time, Myrtle Beach had an ordinance that essentially banned vape shops within their entertainment districts and that is what the lawsuit is about. Last I checked, there was not a substantive ruling. Some of the claims will return to state court and some will remain in federal court. I am not aware of any other jurisdiction within South Carolina that has an ordinance like this. The distance requirement [section 3(a)] is 1,500 feet either from a public or private K-12 school, child day care facility, youth center, recreational facility, park, church, or religious institution or community center. Also, [section 3(b)] smoke or vape shops shall not be located within 1,500 feet from another smoke or vape shop. It is up to this body or city council as to whether you want both of those or just one. The distance requirement is at your discretion as well. In our Unified Development Ordinance, bars have a distance of 400 feet and sexually oriented businesses range from 900 feet to 1,200 feet. Myrtle Beach has 1,500 feet.

Councilor Duvall said if you put all of those on a GIS map and did 1,500 feet around them, it will cover the whole city. The listed locations would get us into trouble by eliminating any possibility of any more vape shops.

Mullen Taylor, Esq., Assistant City Attorney said it is up to your discretion to delete that or reduce the distance.

Councilor Duvall asked the committee members for their thoughts on the 1,500 feet or the 400 feet like we do for bars or taking out section 3(a).

Councilor Herbert said I don't feel the need to remove section 3(a). Maybe 1,500 feet would be too much for some.

Mullen Taylor, Esq., Assistant City Attorney said this does not apply to existing vape shops.

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Councilor Duvall said the existing ones would be grandfathered in until they leave.

Councilor Taylor asked if that would apply if ownership changed.

Mullen Taylor, Esq., Assistant City Attorney said existing shops would not have to comply with the distance requirement.

Councilor Duvall sought consensus on reducing the distance to 400 feet and leaving section 3(a).

Councilor Herbert said we do guns at 1,000 feet. I would prefer that when we are talking about kids and deterring smoking. The state gun law is 1,000 feet.

There was consensus of the committee to set a 1,000 feet distance requirement in sections 3(a) and 3 (b).

Mullen Taylor, Esq., Assistant City Attorney explained that the second draft ordinance deals with businesses that sell hemp derived cannabis products. We are not referring to a controlled substance. It is a disclosure ordinance that requires businesses that sell hemp derived cannabis to post clear and conspicuous signage stating that consumption or use can cause a person to fail a workplace drug screening test. This is for your consideration as well. I would appreciate direction on the size of the signs. This is a starting point.

Councilor Taylor said there have been editorials in the paper on delta 8 products and I have seen signs for delta 9. This is causing real issues in our schools. While delta 8 is considered legal, the verdict is still out on delta 9.

Mullen Taylor, Esq., Assistant City Attorney said delta 9 is typically known as THC. That is what a drug test tests for.

Councilor Taylor said delta eight has THC as well. I have seen reports that say that delta nine is illegal in South Carolina and I see signage on buildings advertising the sale of delta nine. Folks can take these things and assume there are no negative consequences because they are legal and then fail their drug test. I would like to see us mandate in Columbia that if you are going to sell these products, you have to post warning signs prescribed at 50% of the signs advertising the product. It is important for us to make everyone aware of the negative consequences that can occur from the consumption of these things. This applies to anybody that sells delta eight or delta nine. It should be changed to any seller of these products is required to post signage equal to 50% of the size of the signs advertising the product.

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Councilor Duvall asked how you measure the signs. Is it just the signs that advertise delta eight or delta nine?

Councilor Taylor said it is any sign that deals with the sale of a cannabis product. If the sign is 3' x 3', it will require an 18" x 18" warning sign. You can go to the Department of Alcohol and Other Drug Abuse Services (DAODAS), Department of Health and Environmental Control (DHEC), or another state agency for a recommendation on the language for the signage. I am concerned about the young people in Columbia. It can be as simple as "consumption of cannabis related products will cause you to fail a drug test."

Councilor Duvall asked if Mr. Taylor is primarily looking for the drug test warning.

Councilor Taylor said I am not looking to replicate the warning sign on cigarettes.

Councilor Duvall asked Mullen to draft the disclosure language and share it with Mr. Taylor.

Mullen Taylor, Esq., Assistant City Attorney said the direction I have is to look to an expert agency for the suggested language that would be the disclosure; delete workplace so that it is a drug screening test; and the signs must be equal to 50% of the sign advertising the product. This is deemed to be commercial speech. There are possible first amendment implications to this ordinance. There may be a need for executive session as this progresses.

Councilor Taylor asked that the changes be brought back to the next committee meeting on September 27, 2022 and the committee will make a recommendation.

Mullen Taylor, Esq., Assistant City Attorney said we have a draft resolution that states that City Council is considering this vape shop ordinance and it goes to the Planning Commission, invokes the pending ordinance doctrine and sends it to the Planning Commission, and sets a public hearing for City Council.

Teresa Wilson, City Manager asked if Mullen is suggesting that they do a resolution first.

Mullen Taylor, Esq., Assistant City Attorney said that is the suggestion in terms of the pending ordinance doctrine.

Councilor Duvall said if it goes to the Planning Commission, we can approve a resolution invoking the pending ordinance doctrine at our next Council meeting.

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Teresa Knox, Esq., City Attorney said in order to invoke the pending ordinance doctrine, you have to show that there is an intent to eventually pass this ordinance.

Councilor Duvall asked if we will vote at the next meeting for Council to send this to the Planning Commission.

Teresa Knox, Esq., City Attorney said you don't have to vote, but at least have some discussion on the record.

Councilor Taylor said you need to post it on an agenda for discussion.

Teresa Wilson, City Manager said if you all are going to follow that path and not go straight to the Planning Commission, then you need to wait until the first meeting in September and have the suggested resolution on the agenda.

There was a consensus of the committee to consider the resolution on September 6, 2022.

Councilor Duvall said we will continue with our list of referrals on Tuesday, September 27, 2022 to include the nuisance ordinance, noise ordinance, and several other things.

W. H. "Skip" Holbrook, Chief of Police provided a year-to-date summary on crime trends in Columbia. We hold weekly staff meetings to discuss crime trends. We look at part one crime offenses and make operational decisions based on trends. We look for prolific, repeat, and violent offenders. To date, homicides are down 29%, rape is down 32%, robbery is down 12%, burglary is down 19% (down 51% in the last four weeks), and auto break-ins are down 31%. I would be remiss if I did not commend our citizens. We stress the importance of securing your vehicles and our citizens have heeded the message. When people are looking to relocate their family or business, they look at crime. We had seven gun murders to date. Aggravated assaults are up 22%, which is about 30 incidents. It is by the grace of God that we haven't had more fatal shootings. We don't have good cooperation on non-fatal shootings due to retaliation. That is an area of focus for us. ShotSpotter remains to be a technology that we embrace. We had 785 alerts to date. We had three people fatally shot in ShotSpotter zones. We have arrested 12 people and seized 23 guns as a result of an alert. It puts us on the street every time there is reported gunfire. It provides a sense of confidence to our citizens. We are able to collect valuable ballistic evidence from the scene. We are at the top of many categories when it comes to the crime gun intelligence unit.

Councilor Duvall asked if ShotSpotter alerts are up from last year.

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W. H. “Skip” Holbrook, Chief of Police said that is consistent. We average 23 alerts a week. It was 31 alerts a week. I look for the companion phone call to 911 and that has improved.

Councilor Herbert said I have gotten calls about shots in Northwood Hills but it is not being picked up by ShotSpotter.

W. H. “Skip” Holbrook, Chief of Police said those alerts are outside of our coverage areas and not in the city.

Teresa Wilson, City Manager said an executive decision was made on yesterday and I want Chief to make an announcement to the committee.

W. H. “Skip” Holbrook, Chief of Police said at one of our homeless task force meetings and the 2013 strategic plan talked about a problem business on North Main Street. We started looking at that business again this year due to the volume of calls for service we were responding to and how it was contributing to the problems we were experiencing in and around Transitions with some of our transient population. It is the Mains Best Convenience Store. We put them on notice several months ago that we were potentially pursuing a nuisance declaration based on their business model and the activity that was occurring on and around their business property. We have not seen the improvement that we had hoped for. Last night, after the close of business, we served a nuisance order shutting them down.

Councilor Taylor said thank you. Taking these actions against these businesses that prey on the downtrodden is something we needed to do for a long time. I am proud of you two for taking this effort. It will make that neighborhood a lot safer. It will improve the commerce and the economy and it will improve the quality of life for folks. I fully support what we need to do in those areas.

Councilor Herbert said I agree with you. With the number of calls and complaints about what can be done, I am glad that we were able to make that move.

W. H. “Skip” Holbrook, Chief of Police said it was a team effort. We work very closely with legal and when we presented the case to Ms. Wilson, she didn’t hesitate for a second to tell us to execute on it. We are going to hold our businesses responsible, whether it’s an alcohol establishment or a convenience store. We have some other ones that are on our radar. If they don’t improve, we are going to take the same action.

Councilor Taylor said sending a message to businesses that contribute to delinquency is a good thing for our city. I fully support you.

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Councilor Herbert asked Chief to explain what that means.

W. H. “Skip” Holbrook, Chief of Police said in April we served a letter putting them on notice. We require them to meet with us so we can lay out specific violations and give them the opportunity to change that. We didn’t see any movement. As we were preparing to serve the letter on the owner/operator, our inspector noticed violations while sitting there. It is a practice of irresponsible management of the business. In the letter, we referenced 197 calls for service at that location. That is an incredible drain of police resources and it is not defensible in any way. One problem we have in the Elmwood corridor is aggressive panhandling in the roadways. A lot of the folks are not panhandling for a meal or shelter; they are panhandling to go to that store to buy alcohol. We watched that pattern frequently and that was one of the things that was discussed at our meeting in April.

Teresa Wilson, City Manager said today’s meeting was good timing. My plan was to share this with all of Council. You all will be talking about the nuisance ordinance in the weeks to come. We are very happy that this committee is in place to support those efforts and give us guidance. As chief mentioned, there is more to come and we will talk about that in executive session.

Councilor Duvall asked if real-time cameras will go online soon.

W. H. “Skip” Holbrook, Chief of Police said yes sir; we were delayed due to shipping issues, chips, and other technical issues. They are currently building the boxes out. We hope to have a kickoff briefing in September and a demonstration shortly after that.

The next Public Safety Committee meeting will be held on Tuesday, September 27, 2022.

**ADJOURNMENT**

The meeting was closed at 11:14 a.m.

Respectfully submitted:

Erika D. Moore Hammond, CMC  
City Clerk