

Mayor
Elise Partin

Mayor Pro-Tem
Tara S. Almond

Council Members
Phil Carter
Eva Corley
James E. Jenkins

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland



**City of Cayce
Special Council Meeting – Administrative Hearing
October 24, 2019**

A Special Council Meeting – Administrative Hearing was held this afternoon at 5:30 p.m. in Council Chambers on the revocation of the business license of SW Hotels, LLC, doing business as Knights Inn at 1987 Airport Boulevard in the City of Cayce. Mayor Elise Partin, Council Members Tara Almond, Phil Carter, Eva Corley and James Jenkins, by City Ordinance, were required to determine whether the business license should be revoked.

Call to Order

Mayor Partin called the meeting to order. She stated that to clarify the process for everyone, under the City's Ordinances, the hearing was open to the public. She stated that even the deliberations of the Council would be open to the public. However, the hearing was not a Public Hearing with public comment.

Mayor Partin stated that the hearing is part of the procedure for suspension and revocation of a business license under Sections 12-50 and 12-51 of the portion of the City Code known as the Business License Ordinance. The Mayor then read the following:

Section 12-50 of the Business License Ordinance provides for suspension of a business license by the License Official based on one or more of six listed grounds. The ground involved here is listed as number five in section 12-50: "A Licensee has engaged in an unlawful activity or nuisance related to the business." Under section 20-50, a written notice is served on the Licensee, or the person in control of the business within the City, informing the Licensee that the business license is suspended pending a hearing before the City Council. The purpose of this hearing before the City Council is to determine whether the business license should be revoked.

Under section 12-51 of the Business License Ordinance, all parties have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing is recorded and can be transcribed at the expense of the party requesting the transcription. The City Council, by majority vote of the members present, renders a written decision based on findings of fact and the application of the standards set out in the Business License Ordinance. This written decision is served on the parties or their representatives and constitutes the final decision of the City.

Mayor Partin stated that, as an additional procedure for the hearing, the attorneys for the parties have the right to cross-examine any witnesses presented by the other side. The Mayor and any Council members also have the right to ask

questions of the witnesses.

Mayor Partin stated that the court rules and law of evidence would not apply (except as to privileged matters) but may be considered as a guide toward the full and fair development of the facts. The Mayor, as the presiding official, will rule on (sustain or deny) any objections to testimony or evidence. The City Council will consider the evidence presented and give it the weight and effect it determines appropriate. Witnesses should be sworn to tell the truth before beginning their testimony. The court reporter would administer the oath.

Mayor Partin asked if Council, the parties or their attorneys had any questions about the procedure for the hearing. No one had any questions. Mr. Danny Crowe was the attorney for the City's Business License Official, Ms. Michelle Paulchel. Mr. Lester Bell, Jr. was the attorney for the Licensee. Mr. Crowe called Ms. Paulchel, Director of Cayce Public Safety Byron Snellgrove, Corporal Josh Addy and Lieutenant Jason Merrill as witnesses to testify. Mr. Bell cross-examined each witness. Mr. Bell then called as his only witness, the Licensee's representative, Mr. Binoy Wankawala. Mr. Crowe cross-examined Mr. Wankawala.

Mayor Partin then stated that Council was taking a short recess but during that time would not talk about the case to the public, staff, and media or amongst themselves.

Once the hearing reconvened, Mayor Partin stated that the evidence portion of the hearing was concluded. Each attorney presented a brief oral summary statement of their position. Then Mayor Partin stated that the argument portion of the hearing was concluded.

Following discussion in open session by the Council, Council Member Almond made a motion that Council revoke the business license of SW Hotels, LLC, doing business as Knights Inn at 1987 Airport Boulevard in the City of Cayce. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Mayor Partin stated that Council was required by the City's Business License Ordinance to issue a written decision. Mr. Crowe stated that he would prepare the decision and submit it at the November 5, 2019 Council Meeting.

Mayor Partin declared the hearing ended subject to Council reconvening at the November 5, 2019 Council Meeting to vote on approval of the written decision and signing the written decision.

Adjourn

Council Member Almond made a motion to adjourn the meeting. Council Member Carter seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 10:55 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk