

GREENWOOD CITY COUNCIL

April 21, 2014 - 5:30 p.m.

MINUTES

PRESENT

Council Members: Mayor D. Welborn Adams, Linda Edwards, Betty Boles, Johnny Williams, and Ronnie Ables. City Manager Charles Barrineau, Assistant to City Manager Julia Wilkie, City Clerk Steffanie Dorn, Police Chief Gerald Brooks, City Attorney Tripp Padgett, and City/County Planner Director Phil Lindler; Brian King of Gwdtoday.com and Chris Trainor of the Index Journal.

Niki Hutto entered the meeting at 5:33 p.m. and Kenn Wiltshire entered the meeting at 5:45 p.m.

CALL TO ORDER

The meeting in Council Chambers was called to order by Mayor Adams at 5:30 p.m. and he welcomed everyone to the meeting.

City Manager Charles Barrineau gave the invocation.

QUARTERLY NEW
STAFF
INTRODUCTIONS

Police Chief Brooks introduced new Police Cadets Daniel Cardarelli and Wesley Walker. Public Works Director Billy Allen introduced Jason McMahan and Clay Stevenson.

STATEMENT AND
QUORUM

Mayor Pro Tempore Edwards read the following statement, "In accordance with the Freedom of Information Act, Chapter 4, Title 30, Code of Laws of South Carolina, 1976, an agenda has been posted on the front door of City Hall and notification of this meeting has been given to the news media."

The City Clerk, Steffanie Dorn, stated that there was a quorum present.

HEARING

For an Appeal
of the License
Official's
Decision to
Revoke a
Business
License for
"Those About
Business"

STEFFANIE DORN

(inaudible) This is a residential area and he was zoned as home-occupation. He presented information to us was that it would be the gathering of friends. On April the first, he was found to be operating at 658 Gage Street using the license that we issued him for Sample Road. Captain Price went out to the location and informed Mr. Wiggins that he would need to change the address on his license before operating at the Gage Street location. On the next day, April 2nd, Mr. Wiggins came in and changed the location and added pool tables to his activities but made no other changes to his license.

On April 5th, the Greenwood Police Department responded to two different complaints at this location. Based on the incident reports, it appeared that much more than a social club was operating at this location. The two reports indicate that alcohol was being consumed on premises without the proper State permit. Snacks were being sold and a display of cell phone accessories was available for sale. Based on this information, I issued a letter to Mr. Wiggins notifying him that his license was suspended. Captain Price hand delivered this notice on April 7th.

I'm requesting that Council consider revoking Mr. Wiggins' license on the grounds that he breached the conditions upon which the license was issued and obtained the license through misrepresentation on the license application.

At this time I'd like to ask Ms. Connie Cannon to come forward."

Ms. Connie Cannon was sworn in by City Attorney Tripp Padgett.

"Ms. Cannon, would you please tell Council what your job with the City of Greenwood is."

CONNIE CANNON "I issue business licenses, take sanitation payments, issue yard sale permits, and such."

STEFFNIE DORN "According to the license application you issued Mr. Wiggins, um, his business license. Is that correct?"

CONNIE CANNON "Yes."

STEFFANIE DORN "Do you recall anything about how, what he told you about how (unaudible)..."

CONNIE CANNON "He told me that he was going to have like a social gathering at homes to homes and at that point in time that they have to have, um, stationary home, so that's where the Sample Road came in."

STEFFANIE DORN "And did you talk to him at that time about, um, a different address...the possibility of a change in address?"

CONNIE CANNON "Yeah, at that point in time, if he did move he would have to come and get another Certificate of Occupancy after moving to a new location."

STEFFANIE DORN "According to his, um, license application, you also assisted Mr. Wiggins when he changed his address. Is that correct?"

CONNIE CANNON "Yes."

STEFFANIE DORN "Did he indicate any changes to his business at that time?"

CONNIE CANNON "He got the pool table (inaudible) and so it was a game room ...(inaudible) on his business license."

STEFFANIE DORN "He did not indicate any change to it being a social club?"

CONNIE CANNON "No. It was just about men meeting for business."

STEFFANIE DORN "Did he indicate any food or beverages would be, um, prepared or consumed on his premises?"

CONNIE CANNON "No, he did not say that, but he was told when he got his license that he was able to have sodas and snacks but no alcoholic beverages would be allowed."

STEFFANIE DORN "Thank you, Ms. Cannon. At this time it would be up to Mr. Wiggins if he would like to ask her any questions (inaudible)."

JAMISON TINSLEY "I'm representing on behalf of Mr. Wiggins from the Greenwood County Bar. And, so you did say you did informed him that you have, that he could have sodas on the...on the premises?"

CONNIE CANNON "Yes."

JAMISON TINSLEY "And were you aware of that he was selling alcohol on the premises?"

CONNIE CANNON "I did not, but at ... (inaudible)..."

JAMISON TINSLEY "Oh okay. Uh, but he did pay he did move the, um, business license, uh... (inaudible)..."

CONNIE CANNON (inaudible)

JAMISON TINSLEY (inaudible)

STEFFANIE DORN "Thank you, Ms. Cannon. You may step down. I would now like to ask Captain David Price to come forward."

Captain David Price was sworn in by City Attorney Tripp Padgett.

"Captain Price, would you please tell us what your position is with the City of Greenwood?"

CAPTAIN PRICE "I am an Administrative Captain in the Business License Office of the City of Greenwood."

STEFFANIE DORN "And did you have any contact with Mr. Wiggins regarding his business?"

CAPTAIN PRICE "I did."

STEFFANIE DORN "Tell me what that conversation was about?"

CAPTAIN PRICE "I got a call from the Fire Marshall, Lee Funderburke, on the third of April about a business operating on Gage Street. And, at that time, I wasn't aware of it so I rode down Gage Street and observed a business ...(inaudible) and a couple of guys sitting out front. So I came in the office and got to checking to see if anybody got a license at that location."

And while checking for the, I did find out that Mr. Wiggins had obtained a license for 104 Sumter Street, I believe it was...Sample Road, I'm sorry, and, uh, it's for a social club, but it nothing at 650 Gage Street where they were at. So we got to checking and found out that, uh, he signed up for a business license and had a C.O. for 104 Sample Road for a meeting place for, um, friends.

And, um, so I went down and talked to Mr. Wiggins on Gage Street. At that time, he was there on the scene of the business and several different children in there playing pool on a couple of pool tables... they had in there... and there were a couple of guys out front. And, while I was talking to Mr. Wiggins, found out that he had intention... intentionally meant to open on Gage street (inaudible) groceries but the C.O. permit was for Sample Road and the business license said Sample Road.

So, uh, in talking to Mr. Wiggins, I told him he will not be able to operate 'til he came up the next day to get the proper C.O. and proper business license and the proper address on it. And it was getting close to five o'clock and he said that they had already had activities that night where he was gonna have a fish fry... for the community to come for a fish fry. I advised him that I didn't know if DHEC would allow that. And I called DHEC and talked to Bob Bailey and he said that if they did remain open they could have a fish fry as long as they weren't selling anything and they giving it to the community. So I had called and talked to Ms. Dorn about him remaining open at night since he had obtained a license, even though it was at the wrong address, if she was willing to work with him that night since it was opened to have a little something for the neighborhood. And, uh, we agreed that if he'd come up the next day he would get the proper address and license (inaudible).

While talking to Mr. Wiggins, I did advise him that for no circumstances can anything be sold on the premises and everything has to be given away as far as the fish fry (inaudible)and whatever. And, if they, definitely not any type of alcohol sold or allowed on the premises and that he did not have the proper license for this and he could not have any type of alcohol present. While I was there, I did not see any type of snacks or anything on the premises. There was no alcohol. There were some kids in there playing pool on the pool table. He had two pool tables. And I also advised him he had to report that he had pool tables on the property (inaudible) and that there would be a tax (inaudible) I had to make him aware

of that.

So with that understanding, I just advised him to come up the next day, in which he did the next day, and got a C.O. and a business license for a meeting place there in the community."

STEFFANIE DORN "Thank you, Captain Price. And did you serve the suspension notice to Mr. Wiggins?"

CAPTAIN PRICE "Yes, I did."

STEFFANIE DORN "And at that time did you notify him that he could not continue operating his business?"

CAPTIAN PRICE "Yes, I did."

STEFFANIE DORN "I have no other questions."

JAMISON TINSLEY "So you met with him on April 1st?"

CAPTAIN PRICE "Yes, sir."

JAMISON TINSLEY (inaudible)

CAPTAIN PRICE (inaudible)

JAMISON TINSLEY "Um, did they have any sodas, chips, (inaudible) snacks set up (inaudible)?"

CAPTAIN PRICE (inaudible)

JAMISON TINSLEY "Did you have a conversation regarding selling folks snacks and sodas?"

CAPTAIN PRICE "I don't think snacks and sodas (inaudible). I told him he can be selling anything (inaudible)."

(inaudible section in tape)

JAMISON TINSLEY "I have no more questions."

STEFFANIE DORN "I will now like to ask Patrolman First Class (PFC) Bailey Thompson with the Greenwood Police Department to come forward."

PFC Bailey Thompson was sworn in by City Attorney Tripp Padgett.

"Officer Thompson, according to Case No. 14006604 you responded to a complaint at 658 Gage Street on April 5th at approximately 3:30 in the morning, is that correct?"

PFC BAILEY "Yes, ma'am."
THOMPSON

STEFFANIE DORN "What was the complaint that you received, initially?"

PFC BAILEY "It was a loud noise complaint."
THOMPSON

STEFFANIE DORN "And what did you observe when you arrived at the location?"

PFC BAILEY "I observed people walking away from the location and
TOMPSON when I got out of my car I saw (inaudible) beer cans, Bud Light, Budweiser, and Coors Light scattered on the outside."

STEFFANIE DORN "Did you go inside the business?"

PFC BAILEY "I did."
TOMPSON

STEFFANIE DORN "And what did you see inside?"

PFC BAILEY "I saw more beer cans inside the business. I found a
THOMPSON white cooler full of beer, uh, a display of cell phone accessories, bags of chips..."

STEFFANIE DORN "Okay. And could you, um, for the sake of those us who aren't as well informed of the law, explain to us of what, um, if there is any type of special permit required for onsite consumption at a business of alcohol?"

PFC BAILEY "There is, uh, (inaudible)"
THOMPSON

STEFFANIE DORN "So, um, if you have a business, you cannot allow anybody to consume alcohol at that business without this permit?"

PFC BAILEY "(inaudible)"
THOMPSON

STEFFANIE DORN "Um, did you find that permit at this location?"

PFC BAILEY "No, I did not."
THOMPSON

STEFFANIE DORN "Okay. Um, did you ask Mr. Wiggins what kind of business he was, um, responsible for?"

PFC BAILEY THOMPSON "I did. He just said that he (inaudible) hang out (inaudible)."

STEFFANIE DORN "Okay. And about how many people did you observe at this location?"

PFC BAILEY THOMPSON "Oh, at that incident, after I went inside, there were about fifteen (inaudible)".

STEFFANIE DORN "Okay. Um, and you have not been at that location again on an complaint that you have?"

PFC BAILEY THOMPSON "That was at 3:30 in the morning. I went there the next day at 7:30 at night."

STEFFANIE DORN "Okay. And what did you observe at that time?"

PFC BAILEY THOMPSON "At that time I was just on patrol and I have... since, I went there that morning, I knew he wasn't able to have alcohol on the premises. I drove by and saw approximately 30 or 40 people at the business. I saw beer cans, liquor bottles, (inaudible)."

STEFFANIE DORN "Okay. And um did you stop at that time?"

PFC BAILEY THOMPSON "I did."

STEFFANIE DORN "Did you talk to Mr. Wiggins at that time?"

PFC BAILEY THOMPSON "I did. I advised him that unless, he had obtained a proper license, (inaudible) that would (inaudible)."

STEFFANIE DORN "And what was his response to you?"

PFC BAILEY THOMPSON "Uh, he advised me that he knew, but he advised me that he didn't what to, uh...I pretty much asked him why he was allowing people to drink when he knew he couldn't. He said he didn't want to cause a problem and a disturbance. (inaudible)"

STEFFANIE DORN "So he was allowed that he was...he allowing an activity, in your opinion, he was allowing an activity he knew he wasn't supposed to."

PFC BAILEY THOMPSON "Correct."

STEFFANIE DORN "I have no further questions."

JAMISON TINSLEY "What was the date of this incident?"

PFC BAILEY "It was April 7th."
THOMPSON

JAMISON TINSLEY "Um, how many tickets were written (inaudible)?"

PFC BAILEY (inaudible)
THOMPSON

JAMISON TINSLEY "Did you see anybody purchasing alcoholic beverages (inaudible)?"

PFC BAILEY (inaudible)
THOMPSON

JAMISON TINSLEY (inaudible)

(inaudible section on tape)

PFC BAILEY "The person in charge (inaudible)"
THOMPSON

JAMISON TINSLEY "No further questions."

STEFFANIE DORN "And now I'd like to ask Lieutenant Travis Anderson of the Greenwood Police Department to come forward."

Lt. Travis Anderson was sworn in by City Attorney Tripp Padgett.

"Lt. Anderson, according to incident 14006649 you responded to a complaint at 658 Gage Street on April 5th at 9:51 in the evening. Is that correct?"

LT TRAVIS "Uh, yes ma'am. But it wasn't a complaint."
ANDERSON

STEFFANIE DORN "Okay."

LT TRAVIS "Um, we responded, or I responded, to Officer Thompson on
ANDERSON the (inaudible) and we were having problems with the, uh, Gage Street with the amount of people in the road, the cars in the road, the emergency services (inaudible). Um, when we went in to the club one individual that had alcohol and (inaudible). Uh, at that time myself and, um, Master Patrolman Kaufman walked in on foot because we couldn't (inaudible). Um, as I walked up, uh, everybody scattered out front and I observed probably 60 people in the roadway and outside the building. A vast majority

was holding alcohol at that time. As soon as we walked down the street and became visible, we heard several people hollering 'police' and very other, various other acronyms of my profession. Uh, everybody started putting down beer cans. Uh, as I approached the front of the club, I observed several people drinking inside the club while shooting pool.

At that time, it was only myself and Officer Kaufman trying to get some more (inaudible).

Myself and Officer Kaufman entered the club. At which time, I was able to, uh, get my hands on someone named Minyard and he had a 12 ounce Busch Light that was cold to the touch with about four others consumed. Um, and I advised Mr. Minyard to step outside so I could speak with him. There were numerous other people drinking inside the club but, due to officer safety, we just couldn't (inaudible) all that we could handle it. Um, and, as soon as they saw us with Mr. Minyard, (inaudible). Um, we took Mr. Minyard outside and issued him a citation for an open beer, um, in public (inaudible)."

STEFFANIE DORN "Did Mr. Minyard, or anyone else you came in contact with, indicate that they purchased the beer at that location?"

LT TRAVIS "Mr. Minyard wouldn't tell me where he got the beer from. All he said that he just arrived at this location. (inaudible)"
ANDERSON

STEFFANIE DORN "And did would you classify this business by its appearance as a social club?"

LT TRAVIS "It is a club, uh, it is a club."
ANDERSON

STEFFANIE DORN "Would you more be likely to classify it as a bar?"

LT TRAVIS "Uh, based on what I saw, just about 80 percent of everybody I saw had alcohol around them."
ANDERSON

STEFFANIE DORN "And would you consider this business being opened a dangerous situation for the police department?"

LT TRAVIS "Absolutely (inaudible)."
ANDERSON

STEFFANIE DORN "And what about the surrounding neighborhood?"

LT TRAVIS "Um, once we closed that down, everybody went to different houses and yards (inaudible)."
ANDERSON

STEFFANIE DORN "I have no further questions."

JAMISON TINSLEY "When did you originally have warned, um, Mr. Wiggins (inaudible)?"

LT TRAVIS ANDERSON "I was down there, uh, at 7:30 with Officer Thompson (inaudible)."

JAMISON TINSLEY "Did you observe any alcohol at that time?"

LT TRAVIS ANDERSON "At that time?"

JAMISON TINSLEY "Yes."

LT TRAVIS ANDERSON "Uh, all around outside, sitting beside people's feet, um, inside the club."

JAMISON TINSLEY "Did you issue a citation at that time?"

LT TRAVIS ANDERSON "No sir. I was trying to (inaudible)."

JAMISON TINSLEY (inaudible)

LT TRAVIS ANDERSON "The first time there or the second?"

JAMISON TINSLEY "The first one."

LT TRAVIS ANDERSON "The time it was probably, I would say 20 to 25 (inaudible)."

JAMISON TINSLEY "(inaudible)"

LT TRAVIS ANDERSON "It was the same night (inaudible)"

JAMISON TINSLEY "It was the same night that this occurred?"

LT TRAVIS ANDERSON "Yes, sir. It was all April the 5th."

JAMISON TINSLEY "The first time?"

LT TRAVIS ANDERSON "The first time was at 7:30 and second time was just before 10 o'clock."

JAMISON TINSLEY "Um, what was the sole purpose for the second time you called on him."

LT TRAVIS "Yes, sir, I was called to issue a warrant (inaudible).

ANDERSON

JAMISON TINSLEY "Um, how many people was there the second time."

LT TRAVIS "Uh, the second time, probably 30 - 35. (inaudible)"
ANDERSON

JAMISON TINSLEY "(Inaudible) and what was the charge?"

LT TRAVIS "Open beer in public."
ANDERSON

JAMISON TINSLEY "Um, (inaudible)"

LT TRAVIS "No sir."
ANDERSON

JAMISON TINSLEY (inaudible)

LT TRAVIS "No, sir."
ANDERSON

JAMISON TINSLEY "(inaudible)"

LT TRAVIS "(inaudible)"
ANDERSON

(inaudible section in tape)

STEFFANIE DORN "I have no further questions. I have no further witnesses at this time."

JAMISON TINSLEY (inaudible)

DENNIS WIGGINS (inaudible)

(inaudible section in tape)

JAMISON TINSLEY "Did you take all the steps to (inaudible)?"

DENNIS WIGGINS "Um, when I went into the office I asked... I asked for a printout telling exactly (inaudible)..."

JAMISON TINSLEY "...that you can sell alcohol?"

DENNIS WIGGINS (inaudible)

(inaudible section in tape)

JAMISON TINSLEY "So by 55 signatures of local residents...(inaudible) Um, can you give us a very brief (inaudible)?"

DENNIS WIGGINS (inaudible)

JAMISON TINSLEY (inaudible)

STEFFANIE DORN "Mr. Wiggins, the first complaint, um, that was received was about noise at it was at 3:30 in the morning. You just said that, um, you didn't have any intentions of being open all hours of the night, but 3:30 in the morning is kind of late."

DENNIS WIGGINS "On that night, when the police came(inaudible)"

STEFFANIE DORN "But were you open at that time?"

DENNIS WIGGINS "No, I was (inaudible). It was at that time (inaudible)."

STEFFANIE DORN "At that time, um, it was observed that there were Bud Light Beers on ice in the cooler. Is that correct?"

DENNIS WIGGINS "Yeah. Those were mine. I had told the officer that they were mine (inaudible)."

STEFFANIE DORN "Alright. And on April 1st when Captain Price came out, you, um, I believe you agreed with his information that you were planning to have a fish fry that evening?"

DENNIS WIGGINS "Yeah."

STEFFANIE DORN "Um. Was that for somebody benefit, or for the club's benefit?"

DENNIS WIGGINS "That was like me trying to plan (inaudible)."

STEFFANIE DORN "Okay. And, um, did Captain Price tell you at that time that you could have it as a one-time event?"

DENNIS WIGGINS "He said that um the fish fry was like um (inaudible)."

STEFFANIE DORN "Alright. And previously, um, in your testimony you said that you were having another cookout on April the 5th."

DENNIS WIGGINS (inaudible)

STEFFANIE DORN "Alright. And you, um, you said you were selling snacks? So you have a South Carolina State Sales Tax number?"

DENNIS WIGGINS "(inaudible) Um, like I was saying (inaudible)."

STEFFANIE DORN "That that... that that I'm referring to is a license issued by the State of South Carolina not by the City of Greenwood."

DENNIS WIGGINS "I don't remember anybody telling me (inaudible)."

STEFFANIE DORN "That's not their responsibility. Do you understand what a business license is for? It's a privilege tax to operate a business. That's all it is. Um, you also said that you the reason why you were organizing was so that you could rent locations like the Hut? Is that correct?"

DENNIS WIGGINS (inaudible)

STEFFANIE DORN "But it turned into a large event?"

DENNIS WIGGINS (inaudible)

STEFFANIE DORN "Alright. And, um, were you aware that alcohol was being consumed outside on your business property?"

DENNIS WIGGINS (inaudible)

STEFFANIE DORN "Um, if you were aware that people were consuming alcohol and you were aware that you weren't supposed to allow it, why did you not call the police and ask for assistance?"

DENNIS WIGGINS (inaudible)

STEFFANIE DORN "If it is my understanding, we had a report at 3:30 in the morning and they came out again at about 7:30. Both times you were informed they could not consume on the property."

DENNIS WIGGINS "(inaudible)"

STEFFANIE DORN "That's outside of what we discussed. I have no other questions."

JAMISON TINSLEY "While (inaudible) there some misunderstandings, he needs some help getting his business off the ground. I don't see how he can be held responsible for people running into his club, pool hall, with alcohol from the outside when the police come up. There's talk about an incident for whatever reason there has been one alcohol ticket, citation, was all that's issued. There weren't any allegations of any other crime and he doesn't have any intention on giving alcohol(inaudible). This an area where folks can shoot pool, consume snacks and beverages and he showed a willingness to comply with the law by coming to see me and hired me to come up here this evening. He is meeting with a CPA to try to get the proper business forms set up. He think it can be a very positive thing as long as it's done the right way and he followed every recommendation the City gave him.

(inaudible) he made progress to make money to fix the building and make it up to code and I don't think its... I hope he know there are problems in that area, I don't think his business is contributing to those problems. (inaudible) it can be a positive spot. (inaudible)"

STEFFANIE DORN

"Mayor and Council, prior to obtaining the license, Mr. Wiggins indicated that his business would be a social club. It would not be a place where it was open to the public and he wouldn't be selling any merchandise. Um, further as Mr. Wiggins testified, he does not have a South Carolina Sales Tax Number.

Um, while I empathize with the difficulty of opening a business, it's not our responsibility in the Business License office to educate businesses on all of the rules and regulations.

Um, it appears to me, based on the police reports and testimonies, that Mr. Wiggins was aware that onsite consumption of alcohol wasn't allowed and he did not stop this activity from happening. I appreciate that he has garnered some support from the neighborhood, however, the neighborhood support is irrelevant to these particular issues, um, which is that is clear, based on the testimony of police department that activities were occurring at this location which were beyond what he informed us of in his application process.

There are two areas on the license application that were not completed. That was the South Carolina Sales Tax Number which indicates to us that nothing would be sold that has to be taxed. Um, where the gross income comes from, is not necessarily a question we would ask but in the case of a social club we would presume it comes from membership. In other areas, um, questioned about food or beverages being prepared and consumed on your premises which he left blank which we would take to be a no.

So, based on this information we would ask that you consider revoking the business license."

MAYOR ADAMS

"Thank you. Is there any discussion among Council?"

LINDA EDWARDS

"I got a question. Can I ask him?"

MAYOR ADAMS

"(inaudible) we can ask questions."

LINDA EDWARDS

"Now, Mr. Wiggins, if you plan to make \$3,500 and not sell anything? And you sure weren't gonna make \$3,500 selling potato chips and cookies. Now, I know the Gage Street area..."

DENNIS WIGGINS (inaudible)

LINDA EDWARDS "Let me finish. Let me finish. Did you question anybody in the neighborhood before you went into this endeavor?"

DENNIS WIGGINS (inaudible)

LINDA EDWARDS "Or was it after you been come in...they come in and closed you down then you're going to get cries from the neighborhood. Did you go to the neighborhood before you started this?"

DENNIS WIGGINS "Well, um, it was not that exactly. You know I didn't go up to the process of (inaudible)."

LINDA EDWARDS "Okay, another question. You said you saw that as a way of giving back to the community?"

DENNIS WIGGINS "No. I, I said that, um, the money that we were, um, gonna make, we were gonna reinvest it like doing stuff for the kids, you know, and so forth. Like previous to us going to open up this we had (inaudible) so we, um, we have tried to reach out and establish (inaudible) through the church already, you know, so now we could have a chance for us to open our own (inaudible). And, you know, I know I started off not knowing everything I need to know but I'm trying, (inaudible) to right my wrong. I'm glad no one got hurt (inaudible) and so forth. (inaudible)."

LINDA EDWARDS "I understand what you're saying and I hear you, but I don't quite agree with you. If you know that area, a social club is not gonna work on Gage Street. And in the vicinity where you are, it's definitely not gonna work because you're not gonna have the people from the neighborhood. Now, maybe at some other (inaudible) I'd like to see your petition list 'cause I about know who live on Gage Street and you say you got about 59 or 60 names, well, they're not all coming out that little you're in."

DENNIS WIGGINS (inaudible)

LINA EDWARDS "Like I say, I know 'em. And wholeheartedly I have to tell you, I don't agree with you. It's been quiet down there. And anything you bring in at this point that has anything to do with shooting pool, then you started out by having consumption of alcohol and you were told you couldn't do that. If you wanted to be a good perspective business owner, you would have demanded that these people not bring alcohol on your premises, and you can do that

when it's your business. See, you got to look at the clientele you attract. Sometime the people you attract to your venues are the ones that keep you from getting it. They knew you couldn't have beer. They knew this. But you didn't step up to the plate, from where I'm sitting, and tell them 'No coolers. No drinking. No nothing. You just come here and shoot pool and go home,' but you didn't tell 'em that. And don't say you weren't responsible; 'YOU' were the responsible party. And see from the beginning you violated it. And, if you violated it before you get set up, I have no other reason than to believe that you will violate later on.

If you had started out right, I probably could see it, but you didn't start out right and I have to wonder what's coming afterward. And you got some people down there on Gage Street don't like a whole lot of mess. They like peace and quiet, but by you starting out wrong, that's what I have problem with. You started out all wrong. You got a business license for another location but you're doing business down on Gage Street and your business license read Sample Road."

DENNIS WIGGINS "Uh, I didn't actually... we wasn't open, and I... I went up there and got it right."

LINDA EDWARDS "That's not what I'm hearing from them."

DENNIS WIGGINS (inaudible)

LINDA EDWARDS "But you got it for Sample Road and they told you if you gonna do business on Gage Street..."

DENNIS WIGGINS "... (inaudible) changes to, um, City licenses that day but I didn't know that (inaudible) the C.O. and City license was, um, for Gage Street but the C.O. was for Sample road."

LINDA EDWARDS "What's the difference? That's what I'm saying."

KENN WILTSHIRE (inaudible)

STEFFANIE DORN "C.O. is a Certificate of Occupancy that has to be obtained before a business license is obtained and the address on the business license matches the Certificate of Occupancy. He was issued a business license for Sample Road on March 25th and then issued a... He returned that license and was issued a second license on April the 2nd for the Gage Street address."

LINDA EDWARDS "But what was the first date that the police went to the

place, or..."

STEFFANIE DORN "April the 5th."

LINDA EDWARDS "April the 5th."

STEFFANIE DORN "Captain Price went on April the 1st after he was told that, um, that the business was in the process of opening by Lee Funderburk in the Fire Department. And on April the 1st he had plans, Mr. Wiggins had plans to have a fish that evening."

LINDA EDWARDS "At the Gage Street?"

STEFFANIE DORN "Yes, ma'am."

LINDA EDWARDS "But the business license was for..."

STEFFANIE DORN "Was still on Sample Road. It had not been changed at that time."

LINDA EDWARDS "So therefore he shouldn't been having anything down there still, right?"

STEFFANIE DORN "That's correct."

LINDA EDWARDS "Okay. I just..."

KENN WILTSHIRE "Say for the first date, was that the date that he was painting and the ice chest full of Budweiser...? At the, not the Sample Road address, but the other one?"

DENNIS WIGGINS "(inaudible)"

KENN WILTSHIRE "If I may ask two quick questions?"

MAYOR ADAMS "Sure. Go ahead."

KENN WILTSHIRE "Um, I think 55 people was on that petition?"

NIKI HUTTO "59."

KENN WILTSHIRE "59? And I know you (inaudible) but do you know, and you should know, in my opinion, exactly how many people are on that petition from the very close proximity of the roads around it?"

DENNIS WIGGINS "Well, the majority of all the people I, I, I was walking around getting them to sign it. They are all in walking distance. I was on, you know, from the S & S from up that road, um, Taggart, from... I walked from Taggart from where the Post Office below the park that was on. That

square area."

KENN WILTSHIRE "Okay. Um, and one other thing that puzzled me that you said that you were manning the cash register and then a little bit before that, you said all the snack racks were empty. So how could you be selling snacks if the snack rack were empty?"

DENNIS WIGGINS "No, that was two different incidents. That was the day the police came down and they were all in the road. I was, uh, I was on the inside. He asked me to come outside (inaudible)."

KENN WILTSHIRE "Three o'clock in the morning the officers came and gave you, very nicely, probably, a warning. Is that right?"

DENNIS WIGGINS "Yeah."

KENN WILTSHIRE "And then they came back a bit later and everybody was still there with all the beer?"

DENNIS WIGGINS "(inaudible) um, at three o'clock it wasn't, um, it wasn't from that earlier incident."

KENN WILTSHIRE "I, I, I'm pretty sure I heard that the officer gave you a citation...gave you a warning, very nicely, and then came back later to check and that's when the people were still all there."

DENNIS WIGGINS "No. He said he driving, he said he was driving by and seen the people out there".

KENN WILTSHIRE "So the people was still all there with the beer many hours later."

DENNIS WIGGINS "No, they wasn't on the inside. They was on, those people, I don't know where they, where them people was from. Of the 15 people he seen the three people that was there was in the building at 3 o'clock (inaudible). I don't know the people that talking 'bout outside, I don't know who they was. They didn't come out the club."

KENN WILTSHIRE "So he came in and the room was full of people, beer and stuff all around them."

DENNIS WIGGINS "No, at three o'clock in the morning it was just..."

KENN WILTSHIRE "Alright. Forget the time. There was a time when the officers came in, two of them, according to the officers testimony, they came in, maybe one came and there one out the outside and the officer says that he saw lots of beer with a lot of people all around on the tables

(inaudible). And then he came back some time later, from what I heard, and people were still drinking beer."

DENNIS WIGGINS "No. People outside might have drink beer. On the inside we were..."

KENN WILTSHIRE "But the outside is your property."

DENNIS WIGGINS "I had done... I had done told the police if they gonna write them a ticket, I would've ran 'em off."

KENN WILTSHIRE "You didn't run them off they were still there. Why didn't you phone the police and say 'hey come and them all?"

DENNIS WIGGINS "They wasn't on the property. They was all up on...in the yard. They was just standing there. They wasn't, um, ten yard. They was around there standing around and when the police came like I said they started dispersing and going to, uh, to their homes and different places around there (inaudible)..."

KENN WILTSHIRE "When they came the second time."

DENNIS WIGGINS "Second? Second time? The second time when he when...the first time he gave me a warning, I went out there and told them what he said. The second time, he came he wrote the guy a ticket. And then the third time he came, that was when he was talking about three o'clock when when came is when he talked to me and (inaudible) we started straightening up (inaudible)"

NIKI HUTTO "Wait. If I remember correctly, at three o'clock in the morning people was there(inaudible) and that was the first incident. The second incident it was at 7:30 because they came by and checked again to make sure that everything was going on. And the third incident was the gentleman was actually pulled out and arrested was at 9:51, if I remember correctly. It was almost 10 o'clock. So it was three incidences all on the same day, all of April 5th. The first one was before you were opened, sir, and you were working getting ready for the event that coming day, that coming day that you were working late until three and there was music (inaudible). The second time the officer on regular patrol found out that there were more people there, he warned you that you shoudn't have the alcohol on the premises. You, you, you they also talked about what was going on. And then then next, the next incident there were even more people. What really concerns me, and correct if I'm wrong, is that the officers had to get out their vehicle because there was so much traffic and so many cars that, if there

was an emergency on that street, like a fire or someone had a heart attack, an ambulance, or a fire truck, could not get down Gage Street is that true?"

DENNIS WIGGINS (inaudible)

NIKI HUTTO "See that is public safety. And if you can't control what's going on because you're just one person and you saw that that that incident blocked public safety and the safety of the residents on that street that lives there, that's a concern."

MAYOR ADAMS "Alright is there any..."

BETTO BOLES "I just have, I just have one other question or maybe two. What would be your hours of operation?"

DENNIS WIGGINS "Ummm..."

BETTY BOLES "I noticed no one...it never been stated."

DENNIS WIGGINS "Oh. I was trying to go (inaudible)..."

BETTY BOLES "From 12 p.m. to 12 a.m.? Um, based on this, this... I'm not familiar what a social club is and what what's required. Do you have a definition of what actually...?"

STEFFANIE DORN "Well, it's a little tricky, Ms. Boles. When someone comes in and says they want to open a business..."

BETTY BOLES "um hum"

STEFFANIE DORN "...we say, 'what are you gonna do?'"

BETTY BOLES "um hum"

STEFFANIE DORN "And so his answer to us was that he was gonna have these folks gathering. Um, then we go to a classification book where we have to put them into whatever fits based on what they explained to us. Sometimes those classifications may include things that they don't intend to do."

BETTY BOLES "um hum"

STEFFANIE DORN "We rely strictly on what they put on their application, what they tell us."

BETTY BOLES "um hum"

STEFFANIE DORN "What's on his application is 'social club'."

BETTY BOLES "um hum"

STEFFANIE DORN "What we took that to mean is what he told us. As Ms. Cannon earlier testified that it would be 'a gathering of friends' and they were gonna move from house to house, to house, to house'."

BETTY BOLES "um hum"

STEFFANIE DORN "But he was told he needed a specific location which is where the Sample Road location came from. Um, once he came back in the second time, all he did was add the fact that he had pool tables..."

BETTY BOLES "um hum"

STEFFANIE DORN "...for his friends to play at."

BETTY BOLES "um hum"

STEFFANIE DORN "Um, so to actually have a specific definition you're not gonna find one, um, outside of that because in the classification system, social clubs can be a club that sells alcohol but that was not what he intended to do and what not was he explained to us that he was doing."

BETTY BOLES "What is your social club? What is your definition of your social club?"

DENNIS WIGGINS "Well, my social club is about entrepreneurship. (inaudible) all the guys have got their own businesses, are entrepreneurs that come together and support each other, you know what I'm saying, (inaudible)"

BETTY BOLES "And your time would be from 12 to 12?"

DENNIS WIGGINS (inaudible)

MAYOR ADAMS "Okay. Is there anybody that would like to offer a motion?"

Motion upholding the decision of the Business License Official to revoke the business license was made by Kenn Wiltshire, seconded by Linda Edwards.

The motion passed unanimously.

The hearing ended at 6:44 p.m.

APPROVAL OF
CONSENT AGENDA

Mayor Adams asked for a motion to approve the consent agenda.

Motion to approve the consent agenda was made by Linda Edwards, seconded by Betty Boles.

The motion passed unanimously.

CONSIDER
Ordinance No. 14-007
Establishing Guidelines for a Temporary Suspension of Certain Municipal Code Provisions along a Designated Section of Oregon Avenue for the Purposes of Conducting a Public Event.

Under Public Hearings, City Manager Charles Barrineau reviewed the request to allow the temporary sale and consumption of beer and wine at the Springfest in May with the same guidelines as the previous Click646 and Oktoberfest events. He noted a slight adjustment to expand Oregon Avenue to include three parcels behind Century Link for a stage during the Festival of Flowers Bluegrass concert.

Councilor Wiltshire inquired if the stage will be larger. City Manager Barrineau noted that a larger stage will be used causing the need for a bigger area.

No one spoke for or against the proposed ordinance.

A motion to pass Ordinance 14-007 was made by Niki Hutto, seconded by Kenn Wiltshire.

(2nd reading)

Those who voted in favor were Mayor Adams, Niki Hutto, Linda Edwards, Betty Boles, and Kenn Wiltshire. Johnny Williams and Ronnie Ables voted against.

The motion passed 5-2.

-attach-

CONSIDER
 Ordinance No.
 14-008
 Authorizing the
 Renaming of
 Hampton Street
 to Hampton
 Avenue.

(1st reading)

City Manager Charles Barrineau recognized City/County Planning Director Phil Lindler who reviewed the GIS request to formally change and acknowledge Hampton Street to Hampton Avenue. There will be no modifications for Postal Services.

Councilor Johnny Williams noted that streets should run north to south. Phil Lindler stated that although historically true, designations don't have the same policy over time. Councilor Niki Hutto observed that Hampton Street runs to Montague Avenue that runs north to south.

Councilor Wiltshire was concerned that more road name changes will occur in the Main Street area.

No one spoke for or against the proposed ordinance.

Motion to rename Hampton Street to Hampton Avenue was made by Linda Edwards, seconded by Niki Hutto.

Those who voted in favor were Mayor Adams, Niki Hutto, Linda Edwards, Betty Boles, Johnny Williams, and Ronnie Ables. Kenn Wiltshire voted against.

The motion passed 6-1.

-attach-

CONSIDER
 Ordinance No.
 14-009
 Authorizing the
 Renaming of
 Fuller Avenue to
 Wright Avenue.

(1st reading)

City Manager Charles Barrineau recognized City/County Planning Director Phil Lindler who discussed the GIS request to rename Fuller Avenue to Wright Avenue in the Mathews Mill Village. It runs north of the old elementary school site and the residents along Fuller uses Wright Avenue as their address.

No one spoke against the proposed renaming.

There was no discussion from Council.

A motion to rename Fuller Avenue to Wright Avenue was made by Linda Edwards, seconded by Betty Boles.

The motion passed unanimously.

-attach-

CONSIDER

Ordinance No.
14-010 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 3,
Section 3.3.4.2.
Additional
Conditional Uses
Permitted in GC
(General
Commercial) and
Section 3.3.5.2.
(Additional
Conditional Uses
Permitted in CC
(Core
Commercial)

City Manager Charles Barrineau discussed the proposed zoning change that would allow mobile food truck vendors to operate in General and Core Commercial areas.

City/County Planner Phil Lindler informed Council that mobile food trucks are currently not allowed in Core Commercial except for one non-conforming use located at Lowes. Unless approved by the City as a special event in General Commercial, mobile food trucks must have a permit to operate on private property only.

Councilor Niki Hutto doesn't think providing seating and restrooms should be a requirement. She is concerned that those requirements will make food trucks more of a permanent fixture and there isn't a lot of walk-up room in the General Commercial area along the Bypass. Phil Lindler advised that the requirements were an attempt to provide alternatives. A food truck rodeo that allows various trucks in one area could be considered a special event in Uptown.

(1st reading)

Councilor Kenn Wiltshire inquired how this proposed ordinance would affect ice cream trucks and if food trucks will be allowed to set up at the Festival of Discovery. Phil Lindler noted that ice cream trucks are not considered because they're always mobile. Councilor Hutto noted that all food trucks are considered as vendors at the Festival of Discovery.

Mayor Adams noted that there wasn't a restriction for food trucks not to sell alcohol in the proposed ordinance. Phil Lindler stated that it can be added.

No one spoke for or against the proposed ordinance.

Mayor Adams suggested that the proposed zoning ordinance be tabled for more information.

A motion to table the proposed zoning ordinance was made by Niki Hutto, seconded by Linda Edwards.

The motion passed unanimously.

CONSIDER

Ordinance No. 14-004 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Two Adjacent Parcels of Land (One Located at 1220 Spring Street and the Other Being Unaddressed) totaling 0.71 Acres from OP (Office Professional) to PDD (Planned Development District).

(2nd reading)

Under Unfinished Business, City Manager Charles Barrineau reviewed Self Regional Healthcare's request to rezone two properties located across the street from the hospital from Office Professional to Planned Development District.

There was no discussion from Council.

A motion to approve Ordinance No. 14-014 was made by Niki Hutto, seconded by Betty Boles.

The motion passed unanimously.

-attach-

CONSIDER

To Accept
Results of 2013
Audit as
Presented by
David Phillips
of Greene,
Finney and
Horton.

Under New Business, City Manager Charles Barrineau recognized Mr. David Phillips who discussed the City of Greenwood's financial condition in a PowerPoint presentation. He concluded that the City of Greenwood is in good financial condition as of December 31, 2013, and everything provided to his staff during the audit was in good order.

City Manager Barrineau commended City Clerk and Financial Director Steffanie Dorn, the Finance Department, and Department Heads for their hard work to keep the City within the budget last year. A copy of the audit will be provided on the City's website tomorrow.

A motion to accept the results of the 2013 audit was made by Kenn Wiltshire, seconded by Betty Boles.

The motion passed unanimously.

-2013 City of Greenwood Audit is Located in Vault-

CONSIDER

Ordinance No.
14-011 Amending
Section 402 of
the City of
Greenwood Code
of Ordinances.

City Manager Charles Barrineau informed Council of an amendment to the Code of Ordinances, Section 402, to reflect the change in the section that refers to the State Alcoholic Beverage Control Commission (ABC) to the South Carolina Department, or Agency, charged with the regulation of alcohol by state statute. Currently, it's the Department of Revenue.

(1st reading)

A motion to amend Section 402 of the City of Greenwood Code of Ordinances was made by Kenn Wiltshire, seconded by Niki Hutto.

The motion passed unanimously.

-attach-

CONSIDER
 Ordinance No. 14-012
 Providing for the Issuance and Sale of a Not Exceeding Three Million Dollars (\$3,000,000) Hospitality Fee Revenue Bond, Series 2014 of the City of Greenwood, South Carolina, and Other Matters Relating Thereto.

City Manager Charles Barrineau reminded Council of the proposed \$3 million Hospitality Tax Ordinance to issue bonds for the Uptown Market project that was discussed at the last work session. A representative from the Pope Zeigler Law Firm will be present at the May 5th work session to recommend the three or five year note and terms that go along with them.

A motion to approve the proposed Hospitality Tax Bond Ordinance was made by Niki Hutto, seconded by Johnny Williams.

The motion passed unanimously.

-attach-

(1st reading)

CONSIDER
 Ordinance No. 14-013 Imposing a Temporary Suspension of Certain Municipal Code Provisions along Designated Section(s) Main Street the During the Three Day South Carolina Festival of Discovery.

City Manager Charles Barrineau requested Council to allow the possession and consumption of beer and wine along designated areas in front of permitted sidewalk cafes during the July 10 - 12 Festival of Discovery. The provisions will be the same as last year.

There was no discussion from Council.

A motion to impose a temporary suspension of certain municipal code provisions along designated sections along Main Street was made by Niki Hutto, seconded by Kenn Wiltshire.

Those who voted in favor were Mayor Adams, Niki Hutto, Linda Edwards, Betty Boles and Kenn Wiltshire. Johnny Williams and Ronnie Ables voted against.

(1st reading)

The motion passed 5-2.

-attach-

CONSIDER
 Resolution No. 14-004 to Request the South Carolina Department of Transportation to Allow the City of Greenwood to Close and Detour a Section of US 25/Main Street during the South Carolina Festival of Discovery.

City Manager Barrineau requested Council to consider the same route and concept as last year with the exception of Main Street being closed from 6 p.m. on Thursday until the following Sunday morning. He noted that there will be some changes at the Seaboard and Phoenix intersection because of complexities getting to buildings along Seaboard Avenue during that time.

Councilor Wiltshire inquired of the access to Oregon Avenue. He suggested that an app be provided showing a map. City Manager Barrineau noted that access to Oregon will be through the Maxwell Avenue parking lot.

A motion to accept Resolution 14-004 was made by Niki Hutto, seconded by Johnny Williams.

The motion passed unanimously.

-attach-

CONSIDER
 Executive Session to Discuss a Legal Matter.

City Manager Charles Barrineau requested that Council meet in an Executive Session to discuss a legal matter.

A motion to enter into Executive Session was made by Niki Hutto, seconded by Kenn Wiltshire.

The motion passed unanimously.

Mayor Adams recessed the meeting into Executive Session at 7:50 p.m.

The meeting reconvened at 8:05 p.m.

CITY MANAGER COMMENTS

There was a general discussion about upcoming events.

CITY COUNCIL
COMMENTS

There were no comments at this time.

ADJOURNMENT

A motion to adjourn the meeting was made by Kenn Wiltshire, seconded by Linda Edwards.

Mayor Adams adjourned the meeting at 8:09 p.m.

D. Welborn Adams, Mayor

ATTEST:

City Clerk and Treasurer