

CITY OF CAYCE

MAYOR
ELISE PARTIN

MAYOR PRO-TEM
JAMES E. JENKINS

COUNCIL MEMBERS
TARA S. ALMOND
EVA CORLEY
TIMOTHY M. JAMES

CITY MANAGER
REBECCA V. RHODES

ASSISTANT CITY MANAGER
SHAUN M. GREENWOOD

**City of Cayce
Regular Council Meeting
Tuesday, January 7, 2014
6:00 p.m. – Council Chambers - 1800 12th Street
www.cityofcayce-sc.gov**

I. Call to Order

- A. Invocation and Pledge of Allegiance
- B. Approval of Minutes
December 3, 2013 Regular Meeting
December 18, 2013 Special Meeting

II. Presentations

- A. Presentation of Decorate Cayce Awards

III. Public Comment regarding Items on the Agenda

IV. Ordinances

- A. Approval of Amendment to the City of Cayce Sewer Use Ordinance – First Reading
- B. Approval of Ordinance to Amend the Code of Ordinances to Add a New City Code Sec. 40-119 ("Fees Related to Fats, Oil and Grease") Concerning Rates at the City of Cayce Septage and Grease Facility – First Reading
- C. Approval of Ordinance Amending Chapter 12 (Businesses) of the Code of Ordinances of the City of Cayce (Section 12-57 and Appendix A of the City Business License Ordinance) – First Reading
- D. Approval of Ordinance Amending Chapter 12 (Businesses) of the Code of Ordinances of the City of Cayce (Appendices B and C of the City Business License Ordinance) – First Reading

V. City Manager's Report

VI. Committee Matters

- A. Approval to Enter the following approved Committee Minutes into the City's Official Record
Planning Commission – October 21, 2013

VII. Executive Session

- A. Receipt of legal advice relating to claims and potential claims by the City and other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to purchase of property for new City Hall

VIII. Possible Actions by Council in follow up to Executive Session

IX. Adjourn

SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.

**CITY OF CAYCE***MAYOR*
ELISE PARTIN*MAYOR PRO-TEM*
JAMES E. JENKINS*COUNCIL MEMBERS*
TARA S. ALMOND
EVA CORLEY
TIMOTHY M. JAMES*CITY MANAGER*
REBECCA V. RHODES*ASSISTANT CITY MANAGER*
SHAUN M. GREENWOOD**CITY OF CAYCE
Regular Council Meeting
December 3, 2013**

The December Regular Council Meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council Members Tara Almond, Eva Corley, Tim James, and James Jenkins, City Manager Rebecca Vance and Assistant City Manager Shaun Greenwood and Municipal Clerk Mendy Corder. Municipal Treasurer Garry Huddle, City Attorney, Danny Crowe, Director of Utilities, Blake Bridwell, and Chief Charles McNair were also in attendance. Mayor Partin asked if members of the press and the public were duly notified of the Council Meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

Call to Order

Mayor Partin called the meeting to order. Council Member Skip Jenkins gave the invocation. Lt. Tom Steinbring, a Cayce employee and Veteran, and his daughter Sgt. Nicole Steinbring led the assembly in the Pledge of Allegiance. Lt. Steinbring deployed to Iraq during Operation Desert Shield and Desert Storm in liberation of Kuwait and also deployed to Yugoslavia in support of Operation Joint Endeavor and deployed to Abu Gharib Prison in Iraq in support of Operation Iraqi Freedom. Sgt. Nicole Steinbring is an active duty Drill Sergeant Instructor at Fort Jackson.

Mayor Partin's Presentation

Mayor Partin presented a Power Point presentation illustrating the many Tweets, Facebook posts, e-mail comments and letters the she and City staff received from the community during the recent water outage. She explained that recently the City had a water main break that left Cayce customers without water for 17 hours. The City gave out bottled water to residents and customers and hand delivered bottled water to the elderly and disabled. The Mayor and staff were overwhelmed by all the kind words and thanks given to staff during this trying time.

Approval of Minutes

Council Member Corley made a motion to approve the minutes of the November 5, 2013 Regular Meeting and the November 18, 2013 Special Meeting as submitted. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

Presentations and Other**A. Presentation of Community Service Awards**

Mayor Partin presented the Community Service Awards to Ms. Alice Brooks, Ms. Lynn Summer and Mr. Archie Moore who have served five years on the Museum Commission, Mr. Danny Creamer, who has served five years on the Events Committee and Ms. Joanne Wilson who has served five years on the Beautification Board. Mayor Partin also presented Community Service Awards to Ms. Julie Isom, Dr. Pete Cassidy and Ms. Frankie Newman who have all served fifteen years on the Events Committee. Mr. A.G. Dantzler was presented a Community Service Award for serving fifteen years on the Museum Commission. Mr. Ed Fuson and Mr. Larry Mitchell were presented Community Service Awards for serving fifteen years on the Planning Commission. Mayor Partin thanked each person for their many hours of volunteer service to the City.

B. Update on Beautification Foundation Gala

Mayor Partin stated that the Beautification Foundation asked that the update be postponed until the January 2014 Council Meeting.

C. Presentation by Mr. Elry Denton re Public Safety Department

Mr. Elry Denton stated he recently had jury duty in the City of Cayce and the young police officer whose case was on trial did an excellent job of presenting his case.

Mr. Denton also stated that he often gets in the street near his house to blow pine straw and leaves off of Eighth Street and that no one slows down while he is doing this. He has purchased orange cones to put in the street when he is blowing the road off and inquired what Public Safety would do if they see him blocking off the street. Mayor Partin stated someone from Public Safety would call Mr. Denton the following day to discuss this issue.

D. Approval of 2014 Council Meeting Dates

South Carolina state law requires a municipality to make public the dates of Council Meetings at the beginning of each calendar year and provide Council with a suggested schedule. Mayor Partin stated that the date for the April 2014 Council Meeting was incorrect and would be changed to the first Tuesday of the month which is April 1, 2014. She also explained that Council tentatively schedules a second Council Meeting each month for the third Wednesday of the month at 5pm. Council Member James made a motion to approve the 2014 Council Meeting dates as submitted with the corrected April date. Mayor Partin pointed out that the November meeting date had been changed to November 11, 2014 since the first Tuesday of that month is Election Day. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

E. Presentation of Master Plan for Knox Abbott Drive

Ms. Vance explained that Council gave authority for staff to use TIF Funds to do a Master Plan of Knox Abbott Drive from the Congaree River to State Street. An RFQ was done and the LandPlan Group South was chosen and have been working on the Master Plan with staff. She stated Mr. Rick McMackin and Mr. Charles Howell were in attendance to present the Plan to Council.

Mr. McMackin stated that Knox Abbott Drive has many challenges that are addressed in the Master Plan. He explained that the aerial overhead utility lines are probably the biggest challenge and the most costly. He stated that Knox Abbott Drive has a wide asphalt profile with no vertical break; it has five lanes of traffic and two bike lanes. Mr. McMackin stated they would like to implement traffic calming techniques by creating landscaped medians. He stated wider planting areas between the sidewalks and the lanes of traffic are needed. He explained that part of the Master Plan is to phase in alternate paving crosswalks at the intersections to introduce traffic calming techniques. Ornamental street lighting and mast arm signals would also be installed and would vastly improve the appearance of the corridor.

Mr. McMackin explained that there is an opportunity at the corner of Axtell and Knox Abbott Drive to do a nice plaza with a water feature or clock tower at the corner of Guignard Park. The same materials could be used that are in the new Cayce entrance sign so there is a consistent theme along Knox Abbott Drive and people know they are still in Cayce. He stated improvements could also be made at the State Street intersection since there is plenty of space on the corners. He stated this would encourage pedestrian activity along the corridor especially since it ties into the Riverwalk. Mr. McMackin explained that the Master Plan is conceptual and can be revised any way Council chooses.

Ms. Vance stated that the City needs to be more pedestrian friendly and also create a safer environment for pedestrians. Traffic calming techniques help to slow people down and encourage them to look around where they are and hopefully stop and shop in the City. She explained a key element of having a Master Plan done is to get cost estimates. This assists the City in researching grant opportunities and partnership opportunities with local businesses. Ms. Vance stated that there are business owners who are interested in partnering with the City on adding planted medians since it does slow traffic down and makes the City more attractive to shoppers. SCANA has a non-standard service fund where they will match the expenditure to bury utility lines and SCANA will reimburse the City over a five year period. Mr. McMackin explained that the cost summary shows four different options for the Master Plan and cost estimates of each. Mayor Partin thanked Mr. Howell and Mr. McMackin for their work on the Master Plan.

Public Comment Regarding Items on the Agenda

No public comment was given.

Ordinances, Resolutions and Other

- A. Approval of Ordinance Amending the Development Agreement with Lexington School District Two for Land Use Development of Brookland-Cayce High School – Second Reading

Council's recent negotiations with the School District have resulted in several proposed amendments to the Development Agreement for the BCHS Athletic Stadium. Council approved First Reading of the proposed changes at the second Council Meeting in October. The School Board officially agreed to all of the changes as requested at the November Council Meeting.

Council Member Almond made a motion to approve the ordinance amending the development agreement with Lexington School District Two for land use development of Brookland-Cayce High School on second reading. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

- B. Consideration and Approval of Resolution approving Addendum to Settlement Agreement with Lexington School District Two

Ms. Vance explained that Council's recent negotiations with the School District have resulted in several proposed amendments to the Development Agreement for the Brookland-Cayce High School Athletic Stadium. Since Council and the School District have approved the changes the next step in the process is to amend the actual agreement and to modify the Settlement Agreement between the City and the School District. This Addendum will let the Court know that both parties agree to the proposed changes.

Council Member Almond made a motion to approve the Resolution approving the addendum to the settlement agreement with Lexington School District Two. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

- C. Approval of TIF Funds for Phase IV of Cayce Riverwalk Park

Ms. Vance stated that the City has been awarded a \$100,000 grant for Phase IV of the Riverwalk by the SC Department of Parks, Recreation and Tourism. She explained this will be the final phase of the Cayce Riverwalk project. It will connect it to the Timmerman Trail on the SCANA property and at that point the City will have over eight miles of continuous trails. She stated staff will sign the project agreement with

PRT in January and at that point, the project will be ready to go out for bid. She explained that \$300,000 of TIF funds will be needed to cover the construction costs that will be left over after the \$100,000 grant is utilized. Ms. Vance stated the required services will include all construction costs, installing emergency call boxes, as well as any upfront costs for lighting which is leased through SCANA. She explained that once these TIF funds are spent there will be \$1.2 million dollars left in the 2017 total TIF funds.

Council Member James made a motion to approve TIF funds for Phase IV of the Riverwalk Park. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

D. Consideration and Approval of Resolution approving Agreement for Mutual Aid and Temporary Transfer of Law Enforcement Officers with Town of Springdale

S.C. Code section 23-20-50 was amended and requires that an agreement entered into pursuant to Title 23 on behalf of a law enforcement authority must be approved by the appropriate state, county or local law enforcement authority's chief executive officer, and by the governing body of each jurisdiction.

Council has already approved similar Resolutions ratifying Mutual Aid and Task Force Agreements with several entities. Council's approval of the resolution ratifies and meets the new requirement for these types of agreements. Ms. Vance explained that the City's Attorney Danny Crowe worked with Lexington County's Attorney on a template so each municipality will use the same agreement in the future. Council Member Jenkins asked if mutual agreements run year to year or could the City opt out at any time. Ms. Vance answered that the City could opt out at any time.

Council Member James made a motion to approve the agreement for mutual aid and temporary transfer of law enforcement officers with the Town of Springdale. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

E. Discussion of Penny for Progress Projects

Ms. Vance explained that Council was asked to list their potential projects in order of importance for the proposed Penny for Progress Project list. Ms. Vance stated she tabulated the list by Council's rankings. Ranked first are the Avenues, Broadacres and North Frink Street water distribution and refurbishment project to include mapping the current system. She stated second on the list is stormwater drainage improvements. Third is a new City Hall and fourth are renovations to the current City Hall for the court system and Public Safety to use.

Ms. Vance stated other projects that were mentioned were the wastewater collection system inflow and infiltration analysis and rehabilitation project, a Fire sub-station near Hunter's Mill, extensive sidewalk and bike lanes and road improvements. She explained she and Mr. Greenwood would like to move forward with submitting applications for the top five projects and reminded Council the applications are due January 30, 2014. She explained Council could have a second meeting in December to solely discuss the Penny for Progress Projects if they feel that is necessary.

Mayor Partin stated the City is going to submit as many projects as possible so even the potential projects that didn't make the top five rankings will be submitted. Ms. Vance explained that the ranking that the Penny for Progress Commission will use will be the City's ranking of its own projects so Council needs to agree on the order of the projects.

Council Member James asked Ms. Vance if she felt the City's immediate needs were being prioritized before anything else. Ms. Vance stated her list of priorities would be the City's water line issues, sewer lines, the new City Hall and renovations of the current City Hall, and new fire sub-stations since those affect the City's ISO rating. She explained beautification projects, traffic calming and pedestrian safety are also very important projects since they are important to the City's economic development future.

Mayor Partin asked Ms. Vance why she did not mention the City's drainage issues as one of the projects that she feels need to be prioritized. Ms. Vance explained that if the City did a stormwater drainage project and fixed all the drainage issues on the Avenues then the City would therefore own all the drainage pipes. She stated the only way she would feel comfortable doing this is if Council could ensure her that a fee would be established or the City would raise taxes to maintain the pipes. She explained a crew would be needed and the crew would need trucks, equipment, cameras to go into the pipes, etc. and the City is not currently equipped to handle all this. Ms. Vance stated she is concerned about putting a project on a capital projects list that will later cause the City an operations and maintenance cost that the City cannot fund and will need funds in the future to maintain.

Council Member Jenkins voiced concern over staff looking into a new City Hall but also talking about renovating the current City Hall. Ms. Vance explained that Public Safety has also outgrown their current building. She stated the court system could be moved to the current City Hall which would open up more space for Public Safety staff. She explained the current City Hall does have useable space that Public Safety could take advantage of in the future. Council Member Jenkins voiced concern over the cost to make City Hall ADA accessible. Ms. Vance explained that the Architectural Study done for City Hall said it would cost approximately one million dollars to bring the building up to code.

After discussion, it was decided to make stormwater drainage improvements the City's number one project for the Capital Penny Projects list with the understanding of future costs for the City to maintain the improvements.

City Manager's Report

Ms. Vance stated she, like Mayor Partin, was also very proud of how staff and the City's residents handled the water line break and water outage. She stated she had never been prouder to be a part of the Cayce team and felt that staff learned a lot from the situation and will make a number of improvements in mapping, new lines, etc. Ms. Vance stated she felt that public relations was key to the success of getting information out to customers and residents. The City's Public Relations consultant told Ms. Vance the City saw a 712% increase in Facebook posts that were viewed from the previous week. The City also had 139 new likes, over 10,437 people engaged with the City's social media site during the water outage and the City gave hourly updates for fourteen hours during the main portion of the event. Ms. Vance explained every department within the City helped during the water outage. Public Safety Dispatch initially received the calls coming in, Garage staff went to the scene to repair the motors that were pumping the water out of the hole, Planning & Development, Sanitation and Parks staff drove their City trucks to Sam's Wholesale to pick up bottled water. The Utility Admin staff came in early to answer the phones and assist customers and Public Safety helped to hand out bottled water. Ms. Vance explained that Mayor Partin initially came up with the idea to get water to customers and residents and that's where the idea of giving out bottled water came from.

Ms. Rhodes stated the City's CDBG applications were recently turned in for water and sewer line improvements on the Avenues. Habitat for Humanity also turned in CDBG applications to do home repair and home building projects on Tree Street and Peach Street. SCDOT is supposed to start work on Phase III and Phase IV of State Street soon. Construction has started on the City's new entry sign on Knox Abbott Drive at Blossom Street Bridge. The mast arms are going up at the bridge at the I-77 and 12th Street exchange and will hopefully be completed soon and alleviate some of the traffic issues due to Amazon staff traffic. Ms. Vance pointed out to Council the two safety banners that won the contest.

Ms. Vance stated that after the recent water outage staff decided to move ahead with submitting a SRF application for the Avenues, Broadacres and North Frink Street water distribution system. The application process does cost approximately \$15,000 since an engineering report has to be prepared but Ms. Vance stated the current situation with the old water lines is unacceptable. If the City does not receive SFR funds then approximately \$5,000,000 will need to be borrowed to fix all the water lines. This amount would mean the City would need to raise water and sewer rates by 3%.

Committee Matters

- A. Approval to Enter the Following Approved Committee Minutes into the City's Official Record

Council Member Almond made a motion to approve entering the following Committee minutes into the City's official record:

Cayce Historical Museum Commission – October 8, 2013
Beautification Board – October 8, 2013
Cayce Events Committee – October 10, 2013

Council Member Corley seconded the motion which was unanimously approved by roll call vote.

- B. Appointments and Reappointments

Beautification Board – Two (2) Positions

The Beautification Board currently has two open positions. Mr. Ben Hancock and Mr. Joshua Call are interested in serving. The Board has met with both potential members and recommends them for appointment. Council Member Jenkins made a motion to appoint both applicants. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

Executive Session

- A. Receipt of legal advice relating to a claim and potential claim by the City And other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to proposed contractual arrangements between the City of Cayce and the River Alliance
- C. Discussion of contractual matters as it relates to purchase of new software
- D. Discussion of appointment of Assistant City Prosecutors

Council Member Jenkins made a motion to move into Executive Session to discuss the matters above. Council Member James seconded the motion which was unanimously approved by roll call vote.

Reconvene

After the Executive Session was concluded, Council Member James made a motion to reconvene the Regular meeting. Council Member Almond seconded the motion which was unanimously approved by roll call vote. Mayor Partin announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

Possible Actions by Council in follow up to Executive Session

VII. B.

Council Member Corley made a motion to approve the agreement with the River Alliance as discussed. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

VII.C.

Council Member Almond made a motion to authorize the City Manager to negotiate and sign a contract with Edmunds and Associates for the purchase of new software. Council Member James seconded the motion which was unanimously approved by roll call vote.

VII.D.

Council Member Almond made a motion to approve the appointment of Mims, Hodge and Fernandez as Assistant City Prosecutors as recommended by the City Attorney. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

There being no further business, Council Member James made a motion to adjourn the meeting. Council Member Almond seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 9:00 p.m.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

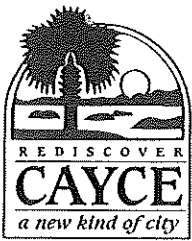
IF YOU WOULD LIKE TO SPEAK ON A MATTER APPEARING ON THE MEETING AGENDA, PLEASE COMPLETE THE INFORMATION BELOW PRIOR TO THE START OF THE MEETING.* *THANK YOU.*

COUNCIL MEETING SPEAKERS' LIST

Date of Meeting _____ December 3, 2013 _____

Name	Address	Agenda Item

***Appearance of citizens at Council meetings - City of Cayce Code of Ordinances, Sec. 2-71.** Any citizen of the municipality may speak at a regular meeting of the council on a matter pertaining to municipal services and operation, with the exception of personnel matters, by notifying the office of the city manager at least five working days prior to the meeting and stating the subject and purpose for speaking. Additionally, during the **public comment period** as specified on the agenda of a regular meeting of the council, a member of the public may speak on a matter appearing on the meeting agenda, with the exception of personnel matters by signing a speakers list maintained by the city clerk prior to the start of the public comment period. At the discretion of the mayor or presiding officer, the length of time for any speaker's presentation may be limited and the number speakers also may be limited.



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CITY OF CAYCE Special Council Meeting December 18, 2013

A Special Council Meeting was held this afternoon at 5:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council Members Tara Almond, Eva Corley, Tim James, and James Jenkins, City Manager Rebecca Rhodes, Assistant City Manager Shaun Greenwood, Mendy Corder, Municipal Clerk, Blake Bridwell, Director of Utilities, Chief Charley McNair and Garry Huddle, Municipal Treasurer. Mayor Partin asked if members of the press and the public were duly notified of the meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

Call to Order

Mayor Partin called the meeting to order and Councilmember Jenkins gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Other

Ms. Vance explained that the City's Special Projects Coordinator Teddy Luckadoo has taken a position with another municipality and has asked to address Mayor and Council briefly. Mr. Luckadoo thanked Mayor, Council, Ms. Vance and Mr. Greenwood for all their support and stated that he felt the current Council and Administration staff was a huge asset to the City.

A. Approval of Proclamation – Arbor Day

Council Member Jenkins made a motion to approve the Proclamation declaring December 5, 2013 Arbor Day in the City of Cayce. Council Member James seconded the motion which was unanimously approved by roll call vote.

Executive Session

Council Member James made a motion to move into Executive Session to discuss the matters below. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

- A. Receipt of legal advice relating to a claim and potential claim by the City and other matters covered by the attorney-client privilege
- B. Discussion of contractual matters as it relates to sewer service

Reconvene

After the Executive Session was concluded, Council Member Almond made a motion to reconvene the Regular meeting. Council Member Corley seconded the motion which was unanimously approved by roll call vote. Mayor Partin announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

Possible Actions by Council in follow up to Executive Session

III. B.

Council Member James made a motion to approve the contract and authorize the Mayor to sign the agreement for the provision of 150,000 MGD of sewer service by and between Calhoun County and the City of Cayce. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Council Member James stated that the City lost a great man with the passing of Rev. Don Davis who helped establish Trinity Baptist Church. He stated Mr. Pat Vella was currently in the hospital and is another person who has done a great deal for the City and helped pave the way for others.

There being no further business, Council Member James made a motion to adjourn the meeting. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 5:10 p.m.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

2013 DECORATE CAYCE CONTEST

**Sponsored by the City of Cayce
Beautification Board**

The City of Cayce Beautification Board is pleased to announce the 2013 winners of the Decorate Cayce Contest. Presentations will be given at the January 7, 2014 Council Meeting at 6:00 p.m. Congratulations to all the nominees.

1 st PLACE:	Wayne & Norma Corley	606 Moss Creek Drive	\$250.00
2 nd PLACE:	Patrica Keller	604 Moss Creek Drive	\$150.00
3 rd PLACE:	Linda Pruitt	232 Tamwood Circle	\$75.00

Memorandum

To: Mayor and Council

From: Rebecca Vance, City Manager
Blake Bridwell, Director of Utilities
Gary Hubbard, Asst. Director of Utilities

Date: December 30, 2013

Subject: First Reading of an Ordinance to amend the Sewer Use Ordinance as directed by the EPA and to implement a Fats, Oil and Grease Control Policy and Waste Hauler Permitting Program in conjunction with septage and grease receiving facility.

ISSUE

Council's approval is needed for the First Reading of an Ordinance to amend the Sewer Use Ordinance in order to comply with the findings of an EPA/SCDHEC inspection and to implement a Fats, Oil and Grease (FOG) Control Policy and Waste Hauler Permitting Program.

BACKGROUND/DISCUSSION

In September 2011 the EPA conducted an inspection of the City's pre-treatment program. As part of the findings of that inspection, the EPA requested minor language changes to the City's Sewer Use Ordinance that were adopted by Council on June 1, 2010.

In February of 2011, Mr. Jeff DeBessonnet with SCDHEC contacted the City's former Director of Utilities, Mr. Frank Robinson to ask if the City of Cayce would be willing to enter into the septage/grease receiving and treatment business. Mr. Robinson advised Mr. DeBessonnet that the City would be willing to consider it but only if funding for the development of a septage/grease receiving facility was available without reimbursement (free money). After staff review of the current treatment methods for septage and grease in South Carolina and further negotiations with SCDHEC, the City of Cayce agreed to the construction of a 100,000 gallon per day Septage and Grease Facility to serve Lexington County residential and commercial customers only. Construction of the new Septage and Grease Facility at the City's Regional Wastewater Treatment Facility began in March 2013. At this time, the construction of this facility is nearing completion with an estimated start date of March 2014.

As part of the operation of the new Septage and Grease Facility, staff developed operational and administrative procedures and policies to manage the new facility, including the development of a Fats, Oil and Grease Control policy. The Fats, Oil and Grease (FOG) control policy, which would be a part of our Sewer Use Ordinance, is required by federal, state and local laws in order to control the discharge of FOG into the City's collection system. Limiting the amount of FOG levels entering the City's collection system helps reduce costs related to maintaining the sewer collection system. The City spends a significant amount of money and man hours unclogging and cleaning wastewater collection lines. These costs are passed on to City customers through our sewer rates.

FOG can cause serious problems in the wastewater collection system such as restricting, blocking flow in pipes and damaging pumps at lift stations resulting in potential sanitary sewer overflows (SSO). Blockages in the collection system can cause SSOs to occur in homes, businesses or local waterways which are used for recreational purposes and storm drains; thus creating a health hazard to the public as well as employees with additional costs associated with both cleanup and repairs to damaged properties and equipment in the area. These SSOs have the potential of resulting in fines. Preventing FOG from entering the collection system can help avoid these problems. Any business that regularly prepares food, whether for on-site consumption like restaurants and schools, or for later consumption, like grocery stores, has the potential to add FOG to our wastewater collection system. At this time wastewater from Food Service Establishments contribute to a significant amount of the blockages or SSOs in the City's wastewater collection system.

The FOG Control Policy recommended by staff was developed from FOG control programs currently in use by the Town of Lexington, the Joint Municipal Water and Sewer Commission, the City of Columbia and the City of Rock Hill.

The revised Sewer Use Ordinance includes amendments to the Sewer Use Ordinance after June 2010 (shown in blue text), the requested EPA revisions (shown in red and strikethrough text) and the FOG Control Policy (shown in red text). A brief summary of the revised Sewer Use Ordinance is also provided for Council's review.

RECOMMENDATION

Staff recommends that Council approve First Reading of the amendment to the Sewer Use Ordinance to comply with EPA requirements and to establish a new Fats, Oil and Grease Control Policy/Waste Hauler Permitting Program.

Summary of Sewer Use Ordinance Changes & Modifications

Changes Associated with EPA Inspection (September 28, 2011)

- Eight general definitions had to be modified in Sec. 1.4 Definitions.
- Sec 2.2 add more specific language regarding PH
- Sec 6.1 modify language regarding sampling requirements
- Clarification to slug control requirements must be referenced in SIU (significant industrial user) control mechanisms.
- Revisions to SNC (significant non compliance) definition
- Modifications to sampling requirements and clarification of the requirement to report all monitoring results.

Modifications Associated with Establishing a FOG Control Program

- Grease, oil, and sand interceptors shall be provided for the proper handling of wastewater containing excessive amounts of grease and oil, which will or tend to cause or contribute to sanitary sewer blockages and obstructions, or sand; except that such interceptors shall not be required for residential users. Food Service Establishments, commercial establishments and other industrial generating wastewater containing fats, oils or greases are subject to this ordinance.
- Grease Traps and Grease Interceptors shall be provided for all restaurants, snack bars, fast food restaurants or carry out food restaurants or any other areas such as service station or residential complex wash racks, automatic car washes or auto service areas, coin laundries, hospitals or other businesses which, in the opinion of the City, deem them necessary to for the proper handling of wastes generated by each business.
- All Grease Traps shall be installed in accordance with the City's most recently adopted version of the International Plumbing Code. Grease Traps and Grease Interceptors shall be installed in accordance with the requirements contained in all applicable local plumbing codes and must be installed by a licensed plumbing contractor. Any Grease Trap and/or Grease Interceptor shall be located in the FSE's lateral sewer line between all fixtures which may introduce Grease into the City's wastewater collection system. Wastewater from domestic facilities and other similar fixtures shall not be introduced into a Grease Trap and/or Grease Interceptor by the FSE.
- All existing FSEs (Food Service Establishments) must have Grease Traps and Grease Interceptors installed and approved by the City in accordance with the City's FOG Control Policy.
- For Existing FSEs operating with Grease Traps and/or Grease Interceptors that were installed prior to the effective date of this ordinance, these FSEs will generally be permitted to operate

and maintain existing Grease Traps and Grease Interceptors provided they are in proper operating condition.

- New FSEs are any FSE's that are undergoing a change of use which necessitates the issuance of a new SCDHEC food service permit or are newly constructed and include existing FSE's expansion or renovation to provide food services are required to install Grease Traps and/or Grease Interceptors.
- All FSEs are required to operate, maintain, clean, and repair their Grease Traps and Grease Interceptors according to and in compliance with all applicable provisions contained within the City of Cayce's FOG Control Policy herein attached.
- Each FSE shall maintain records required by the City of Cayce's FOG Control Policy.
- The FOG Control Policy is adopted with the ordinance from which this section is derived. The Superintendent is authorized to make amendments to the FOG Control Policy provided that any major amendments shall be approved by city council.
- The objective of this Policy is to aid in administration of the City of Cayce's Fats, Oils, and Grease Ordinance ("FOG Ordinance") designed to reduce the introduction and accumulation of fats, oils, and greases into the municipal wastewater collection system. This Policy establishes uniform permitting, maintenance and monitoring requirements for controlling the discharge of grease from food service facilities discharging into the wastewater collection system and for regulation of commercial grease haulers operating within the City of Cayce's collection system.
- All GRD (Grease Removal Devices) plans and specifications must be reviewed and approved by the City of Cayce Inspection Department and the Industrial Pretreatment Program prior to installation. Prior to placing any new GRD into operation, the Cayce Inspection Department and the Industrial Pretreatment Division shall inspect the GRD to assure compliance of approved GRD. No New FSE will be allowed to initiate operations until proper Grease Traps and/or Grease Interceptors, as appropriate, are installed by the FSE in accordance with this ordinance, and are approved by the City.
- Each FSE shall have its grease interceptor(s) pumped at a minimum frequency of once every 90 days.
- Wastes removed from each grease interceptor shall be disposed of at a facility permitted to receive such wastes or at a location designated by the City for such purposes.
- All FSE shall be required to apply for and obtain a "Grease Discharge Permit" (GDP) from the City. The GDP shall be in addition to any other permits, registrations, or occupational licenses which may be required by federal, state, or local law. It shall be a violation of this Policy for any FSE identified by the City to discharge wastewater containing fats, oils, and grease to the City's wastewater collection system without a current GDP.
- The Superintendent or his designee shall maintain records of blockages to assist in determining the effectiveness of the FOG Ordinance and this Policy.

- The Superintendent shall inspect FSE on both an unscheduled and unannounced basis or on a scheduled basis after a GDP has been issued to verify continued compliance with the requirements of this Policy. FSEs with GRDs are responsible for having qualified staff on hand during any inspection to open and close the grease removal devices. The Superintendent shall also determine if all Best Management Practices agreed upon and noted in the permit issued to the facility have been implemented. Inspections shall include all: equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease interceptor/trap. The Superintendent shall also inspect the interceptor/trap maintenance logbook and file, other pertinent data, the grease interceptor/trap and may check the level of the interceptor/trap contents and/or take samples as necessary. The Superintendent shall record all observations in a written report.

Establishing a Septage & Grease Haulers Program

- Any person, firm, or business interested in collecting, pumping or hauling grease interceptor wastes from FSE connected to the City's sewer collection system who does not hold and maintain a current "Waste Hauler Permit (WHP)" shall be required to apply for and obtain a "Waste Hauler Permit (WHP)" from the City and registration for each vehicle used in hauling operations. The Superintendent shall approve, deny, or approve with special conditions all applications for WHP in accordance with the policies and regulations established in this Policy. It shall be unlawful for any identified grease hauler to clean or pump out grease interceptors on the City's system without a current WHP.
- Each WHP approved by the City shall be effective for the calendar year in which it is issued, and may include special conditions as required by the City. The WHP required by the City shall be in addition to any other permits, registrations, or occupational licenses which may be required by federal, state, and local agencies having lawful jurisdiction. The WHP is not transferable.
- Waste haulers must certify that grease was disposed of in accordance with the provisions of this Policy. Waste removed from each grease interceptor shall be disposed of at a facility permitted to receive such waste or at a location designated by the City for such purposes. Neither grease nor solid materials removed from interceptors shall be returned to any grease interceptor, private sewer line, or to any portion of the City's wastewater collection system or water reclamation facilities without prior written permission from the Superintendent. A violation of this section shall result in an immediate revocation of the WHP in addition to any other enforcement action taken. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the City. The City will only accept septic and grease waste from Lexington County residential and commercial properties. The City shall accept approved waste loads at its Septage/Oil/Grease Receiving Station located within the Wastewater Treatment Plant at 539 old State Road, Cayce, SC 29033. The Superintendent may approve the disposal of septic and grease wastes collected from other locations on a case by case basis.

- The Superintendent shall require haulers of industrial, septic and grease waste to be registered with the City, to obtain a City business license and to obtain wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance. All such discharges are subject to the appropriate fees as described in Sections 14 and 15 of this ordinance. Waste Haulers will not be allowed to discharge hauled waste at the City's Wastewater Treatment Plant without prior payment of fees and charges, as established herein.

Rates & Fees Associated with the FOG Control Program

- FSE Annual grease discharge permit \$0.00
- Variance fee \$0.00
- FSE First re-inspection (violation) fee \$250.00
- FSE Successive re-inspection (violation) fee \$500.00
- Annual Waste Hauler Permit \$250.00
- Septic Waste Disposal fee \$0.10 per gallon
- Grease Waste Disposal fee \$0.12 per gallon
- Waste Testing fee \$0.00
- Hauler Truck Cleaning fee \$50.00

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
CITY OF CAYCE)

ORDINANCE
Amending the Sewer Use Ordinance

WHEREAS, the City desires to amend its current Sewer Use Ordinance to include certain changes requested by the Environmental Protection Agency, to add certain provisions dealing with food service establishments and the introduction of fats, oils and greases into the wastewater system, and to amend and update certain other language; and

WHEREAS, the Council has determined that it is in the interest of the public and of the users of the City wastewater system to make such changes to the Sewer Use Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that the City's Sewer Use Ordinance is hereby amended by repealing the current text of the Sewer Use Ordinance and substituting therefor the text of the attached Sewer Use Ordinance which is hereby approved and adopted.

This Ordinance shall be effective from the date of second and final reading.

DONE IN MEETING DULY ASSEMBLED, this ____ day of _____, 20__.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

First reading: _____

Second reading and adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Revised

Memorandum

To: Mayor and Council

From: Rebecca Vance, City Manager
Blake Bridwell, Director of Utilities
Gary Hubbard, Asst. Director of Utilities

Date: January 2, 2014

Subject: First Reading of an Ordinance to amend the Code of Ordinances to establish new fees to dispose of Fats, Oil and Grease in conjunction with Septage and Grease receiving facility.

ISSUE

Council's approval is needed for the First Reading of an Ordinance to amend the Code of Ordinances to establish new fees pertaining to the disposal of Fats, Oil and Grease (FOG) at the new Septage and Grease receiving facility.

BACKGROUND/DISCUSSION

The City's Septage and Grease Facility is projected to be operational as of March 2014. In anticipation of the opening of the facility City staff has been reviewing the operating procedures for how the City will handle this new service. In order to effectively and efficiently operate this new facility, some changes are required in both the City's Sewer Use Ordinance and the City Code of Ordinances. The revisions to the Sewer Use Ordinance are on the agenda for Council to approve separately. The change to the City's Code of Ordinances is the addition of fees for the disposal of the Fats, Oil and Grease. The change will include the addition of the following information:

Sec. 40-119. Fats, oils and grease.

Annual grease discharge permit\$0.00
Annual Waste Hauler Permit250.00
Variance fee0.00
First re-inspection (violation) fee250.00
Successive re-inspection (violation) fee500.00
Septic Waste Disposal fee 0.10 per gallon
Grease Waste Disposal fee 0.12 per gallon
Waste Testing fee \$0.00
Hauler Truck Cleaning fee \$50.00

The establishment of new fees requires a public hearing at City Council. Prior to the second reading of the amendment to the city ordinance, the public hearing will be held.

RECOMMENDATION

Staff recommends that Council approve First Reading of an ordinance amending the City of Cayce Code of Ordinances to establish new fees associated with the Fats, Oil and Grease Control Policy/Waste Hauler Permitting Program.

STATE OF SOUTH CAROLINA	)	ORDINANCE
	)	Adding a New City Code Section 40-119
COUNTY OF LEXINGTON	)	("Fees Related to Fats, Oil and Grease")
	)	Concerning Rates at the City of Cayce
CITY OF CAYCE	)	Septage and Grease Facility

WHEREAS, the Council has determined that it is in the interest of the City and the financial condition of its utility service to establish fees associated with the control and disposal of fats, oil and grease at the City of Cayce Septage and Grease Facility and pursuant to the provisions of the City's Sewer Use Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council duly assembled, that:

Article III ("Sewer System") of Chapter 40 ("Utilities") of the Cayce City Code is hereby amended to add a new Section 40-119 to read as follows:

Sec. 40-119. Fees Related to Fats, Oil and Grease.

The following fees are established for control and disposal of fats, oil and grease at the City Septage and Grease Facility and pursuant to the City's Sewer Use Ordinance:

- Annual grease discharge permit\$0.00
- Annual Waste Hauler Permit250.00
- Variance fee0.00
- First re-inspection (violation) fee250.00
- Successive re-inspection (violation) fee500.00
- Septic Waste Disposal fee 0.10 per gallon
- Grease Waste Disposal fee 0.12 per gallon
- Waste Testing fee \$0.00
- Hauler Truck Cleaning fee..... \$50.00

This Ordinance shall take effect upon the second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____, 2014.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

First reading: _____

Public Hearing held: _____

Second reading and adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

ITEM IV. C.

STATE OF SOUTH CAROLINA	)	ORDINANCE
	)	Amending Chapter 12 (Businesses)
COUNTY OF LEXINGTON	)	of the Code of Ordinances of the
	)	City of Cayce (Section 12-57 and
CITY OF CAYCE	)	Appendix A of the City Business
	)	License Ordinance)

WHEREAS, the Council has determined to amend, by separate ordinance, Appendices B and C of the City Business License Ordinance so as to utilize the most current IRS data to identify business rate classifications as provided by the Municipal Association of South Carolina; and

WHEREAS, the Council further has determined that it is in the interest of the City and the public for the City to seek to achieve a revenue neutral outcome after implementing changes in the business license tax rates to reflect such current IRS data; and

WHEREAS; in order to accomplish such an outcome, it is necessary to amend Section 12-57 and to add a new Appendix A to the City Business License Ordinance relating to rates and rate classes,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that

1. Section 12-57 of the City of Cayce Business License Ordinance, as contained and referenced in Chapter 12 (Businesses) of the Code of Ordinances of the City of Cayce, is hereby amended to delete that portion of the text of subsection B thereof following the first sentence of subsection B.
2. The City of Cayce Business License Ordinance, as contained and referenced in Chapter 12 (Businesses) of the Code of Ordinances of the City of Cayce, is hereby amended to add a new Appendix A as attached to this Ordinance.

This Ordinance shall be effective from the date of second reading approval by Council by a positive majority vote.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2014.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption by a positive majority vote: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

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Appendix A

Classification and Rates.

RATE SCHEDULE

RATE CLASS	INCOME: 0 - \$2,000 MINIMUM TAX	INCOME OVER \$2,000 Rate per Thousand or fraction thereof
1	\$20.00	\$1.15
2	\$25.00	\$1.20
3	\$30.00	\$1.25
4	\$35.00	\$1.30
5	\$40.00	\$1.35
6	\$45.00	\$1.40
7	\$50.00	\$1.45
8	See individual business	In Class 8

NONRESIDENT RATES

Unless otherwise specifically provided, all minimum taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the municipality.

DECLINING RATES

Declining Rates apply in all Classes for gross income in excess of \$5,000,000.00	
Gross Income in \$ Millions	Percent of Class Rate for each additional \$1,000.00
0 - 5	100%
5 - 7	95%
7 - 9	90%
9 - 110	85%
Over 110	45%

CLASS 8 RATES

Each NAICS Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.

NAICS 230000 - Contractors, Construction, All Types

A. Having permanent place of business within the municipality

Minimum on first \$2,000.00\$30.00 PLUS

Each additional \$1,000.....\$1.25

B. Non-resident (no permanent place of business in the municipality)

Minimum on first \$2,000.00\$60.00 PLUS

Each additional \$1,000.00.....\$ 2.50 (non-resident double rates do not apply)

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000.00 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a calendar year.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of subcontractors furnishing labor or materials for each project.

NAICS 482 - Railroad Companies - (See Code § 12-23-210)\$410.00

NAICS 5171, 5172 - Telephone Companies:

A. Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services", as defined in S. C. Code section 58-9-2200, shall be at the maximum rate authorized by S. C. Code section 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

B. In conformity with S.C. Code section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

C. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

D. The delinquent penalty shall be five (5%) percent of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

F. Nothing in this article shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this ordinance.

H. As authorized by S.C. Code section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code section 58-9-2200 shall continue in effect.

NAICS 22112 - Electric Power Distribution.....See Consent or Franchise

NAICS 22121 - Natural Gas DistributionSee Consent or Franchise

NAICS 517110 – Television: Cable or Pay

Services using public streets.....See Franchise

Cable television services not using public streets:

Minimum on first \$2,000.....\$50.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$1.45

NAICS 423930 - Junk or Scrap Dealers [Nonresident rates apply]

Minimum on first \$2,000.....\$60.00 PLUS

Per \$1,000, or fraction, over \$2,000\$2.45

NAICS 522298 - Pawn Brokers - All Types

Minimum on first \$2,000.....\$400.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$1.70

NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery, or Retail

(except auto supply stores - see 4413)

Minimum on first \$2,000.....\$20.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$0.95

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this classification shall include full sales price without deduction for trade-ins. Dealer transfers shall not be included in gross receipts.

NAICS 454390 – Peddlers, Solicitors, Canvassers, Door-To-Door Sales

Direct retail sales of merchandise. [Non-resident rates apply]

A. Regular activities [more than two sale periods of more than three days each per year]

Minimum on first \$2,000.....\$135.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$3.05

B. Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]

Minimum on first \$2,000.....\$20.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$3.05

Applicant for a license to sell on private property must provide written authorization from the property owner to use the intended location.

NAICS 5241 – Insurance Companies:

Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.

NAICS 52411 – Life, Health and Accident.....0.75% of Gross Premiums

NAICS 524126 – Fire and Casualty (Licensed in SC).....2% of Gross Premiums

NAICS 524127 – Title Insurance.....2% of Gross Premiums

SECTION 2

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 3

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 4

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 and administration of the municipal broker's premium tax in the form attached hereto is approved, and the Mayor is authorized to execute it.

NAICS 524210 – Brokers for Fire & Casualty Insurers – non-admitted:

As to brokers for non-admitted fire and casualty insurers, "gross premiums" means gross premiums collected by or for fire and casualty insurers no licensed in South Carolina (1) on policies on property or risks located in the municipality and/or (2) on policies, wherever the insured property or risk is located, that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by a broker located in or doing business within the municipality. Brokers shall provide, with their payment of the tax, a copy of a report required by the State Department of Insurance showing the locations of the property or risks insured...2% of Gross Premiums [Premiums for non-admitted business are not included in broker's gross commissions for other business. Declining rates shall not apply.]

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies and brokers for non-admitted fire and casualty insurers shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

The Agreement with the Municipal Association of South Carolina, pursuant to S.C. Code Section 5-7-30, for collection of current and delinquent license taxes from insurance companies and brokers for non-admitted fire and casualty insurers shall continue in effect.

NAICS 713120 - Amusement Machines, coin operated (except gambling)

Music machines, juke boxes, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) - [Type I and Type II]

1. Operator of machine.....\$12.50/machine PLUS
.....\$12.50 business license for
operation of all machines (not on gross income). [§ 12-21-2746]

2. Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12-21-2728) - [Nonresident rates apply.] - Minimum on first \$2,000.00\$35.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.30

NAICS 713290 - Amusement Machines, coin operated, non-payout

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) - [Type III]

1. Operator of machine (owner of business)\$12.50 business license for operation of all machines (not on gross income). [**§12-21-2720(B)**]
2. Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12-21-2728) - [Nonresident rates apply.] - Minimum on first \$2,000.....\$35.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.30

NAICS 713290 - Bingo halls, parlors -

Minimum on first \$2,000.....\$300.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$3.05

NAICS 711190 - Carnivals and Circuses -

Minimum on first \$2,000.....\$200.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$5.05

NAICS 722410 - Drinking Places, bars, lounges, cabarets

(Alcoholic beverages consumed on premises)

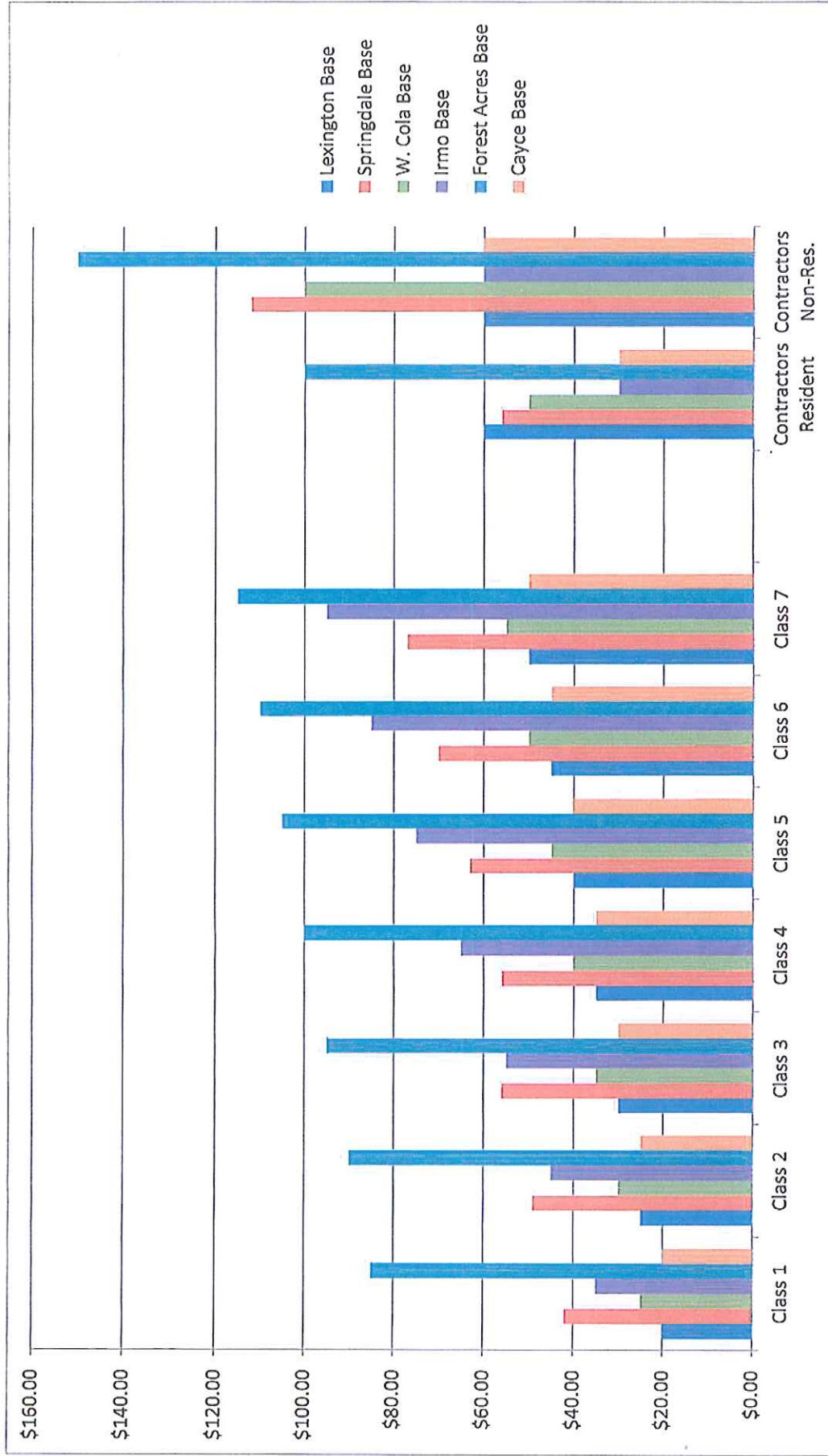
Minimum on first \$2,000.00.....\$265.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$5.55

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

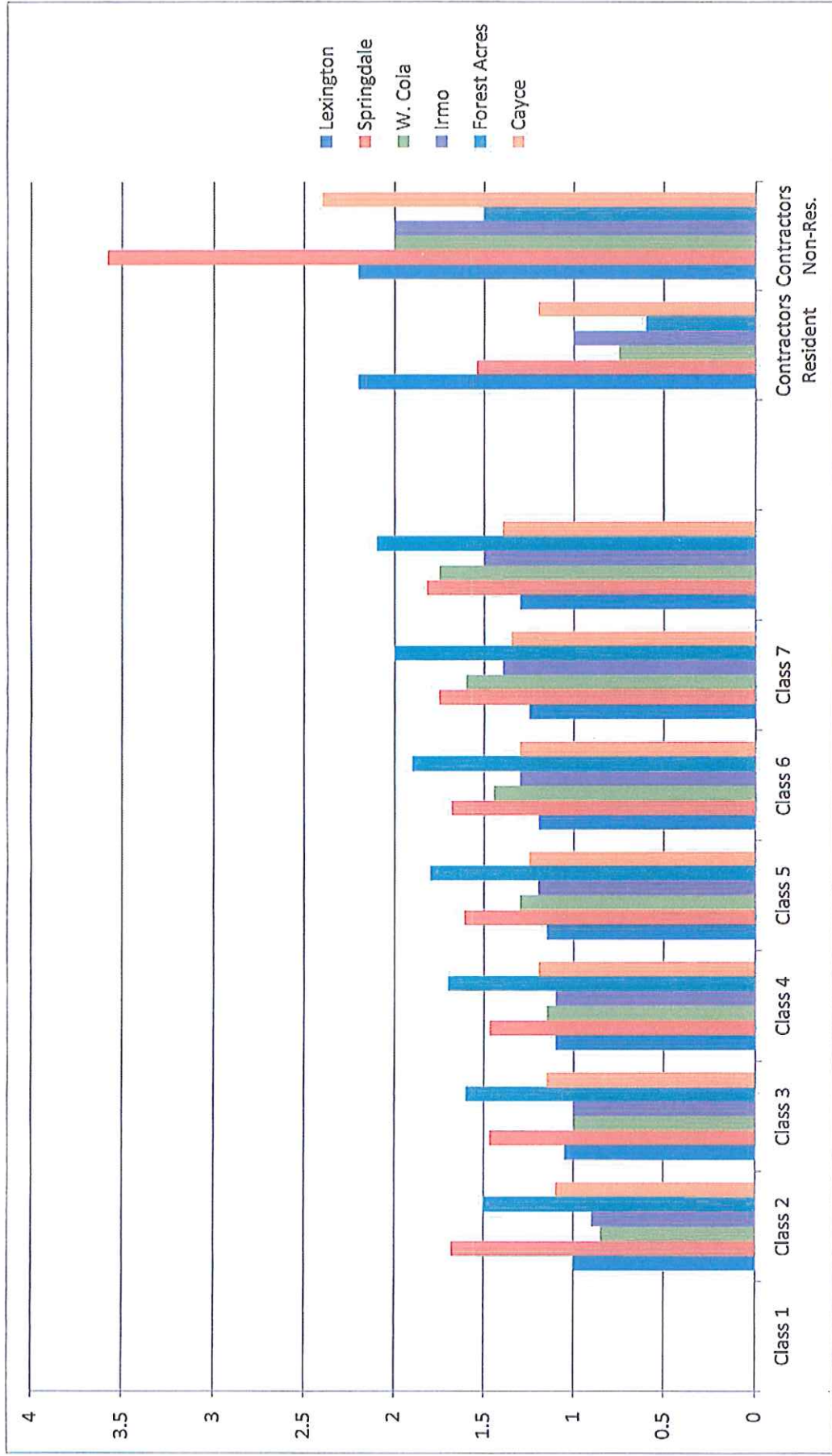
NAICS 713990 - Billiard or Pool Rooms, all types.....\$5.00 stamp/table PLUS

Minimum on first \$2,000.....\$25.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.80

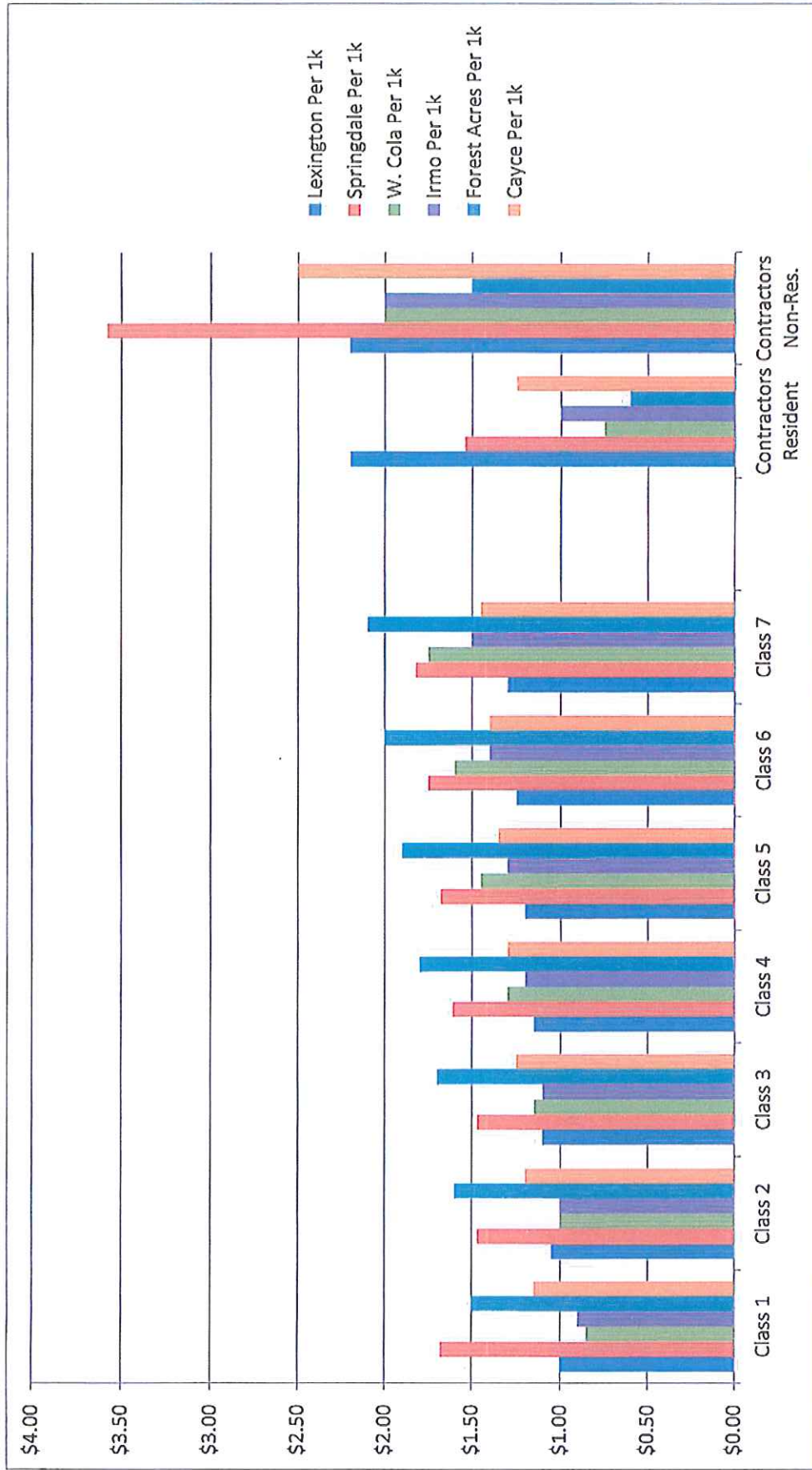
Business License Base Rate Comparison



Business License Per \$1,000 Comparison



Business License Per \$1,000 Comparison With 5¢ Increase



STATE OF SOUTH CAROLINA	)	ORDINANCE
	)	Amending Chapter 12 (Businesses)
COUNTY OF LEXINGTON	)	of the Code of Ordinances of the
	)	City of Cayce (Appendices B and C
CITY OF CAYCE	)	of the City Business License
	)	Ordinance)

WHEREAS, the Council has determined that it is in the interest of the public, in the interest of the City in administering and enforcing the City's Business License Ordinance, and in the interest of businesses licensed in the City to utilize the most current IRS data to identify business classifications as provided by the Municipal Association of South Carolina; and

WHEREAS, the Council has determined that, in order to utilize that data, it is necessary to amend Appendix B and Appendix C of the Business License Ordinance of the City relating to NAICS codes and rate classes,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that

1. The City of Cayce Business License Ordinance, as contained and referenced in Chapter 12 (Businesses) of the Code of Ordinances of the City of Cayce, is hereby amended to delete, in its entirety, the current Appendix B, and to substitute therefor the new Appendix B as attached to this Ordinance.

2. The City of Cayce Business License Ordinance, as contained and referenced in Chapter 12 (Businesses) of the Code of Ordinances of the City of Cayce, is hereby amended to delete, in its entirety, the current Appendix C, and to substitute therefor the new Appendix C as attached to this Ordinance.

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2014.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
110000	Agriculture, forestry, hunting and fishing	2
210000	Mining	6
221100	Electric Power Generation, Transmission and Distribution	8.0
221200	Natural Gas Distribution	8.0
220000	Utilities	1
230000	Construction	8.1
31-33	Manufacturing	2
311000	Food manufacturing	2
313000	Textile and textile product mills	1
315000	Apparel	2
316000	Leather and allied products	2
321000	Wood products	1
322000	Paper products	2
323000	Printing and related support activities	2
324000	Petroleum and coal products	2
325000	Chemical manufacturing	3
327000	Nonmetallic mineral products	2
331000	Primary metal industries	1
332000	Fabricated metal products	2
333000	Machinery	2
334000	Computer and electronic products	4
335000	Electrical equipment, appliances, and components	2
336000	Transportation equipment	2
337000	Furniture and related products	2
339000	Other miscellaneous manufacturing	3
420000	Wholesale trade	1
423930	Recyclable Material Merchant Wholesalers (Junk)	8.4
44-45	Retail trade	1
441000	Motor vehicle and parts dealers	1
441100	Automobile Dealers	8.5
441200	Other Motor Vehicle Dealers	8.5
442000	Furniture and home furnishing stores	2
443000	Electronic and appliance stores	1
444000	Building material and garden equipment and supplies dealers	2
445000	Food and beverage stores	1
446000	Health and personal care stores	2
447000	Gasoline stations	1
448000	Clothing and accessories stores	2
451000	Sporting goods, hobby, book, and music stores	1

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
452000	General merchandise stores	1
453000	Miscellaneous store retailers	2
454000	Nonstore retailers	1
454390	Other Direct Selling Establishments (Peddlers)	8.6
48-49	Transportation and warehousing	2
482000	Rail Transportation	8.2
486000	Pipeline transportation	2
493000	Warehousing and storage facilities	2
510000	Information	3
511000	Publishing industries (except internet)	4
512000	Motion picture and sound recording	3
515000	Broadcasting (except internet) and telecommunications	3
517000	Telecommunications	3
517100	Wired Telecommunications Carriers	8.3
517110	Cable, DSL, VoIP, etc.	8.4
517200	Wireless Telecommunications Carriers (except Satellite)	8.3
518000	Internet service providers, web search portals, and data processing	4
519000	Other Information Services	5
520000	Finance and insurance	7
522000	Credit intermediation and related activities	5
522298	Pawnshops	8.4
523000	Securities, commodity contracts, and other financial investments	7
524000	Insurance agents, brokers, and related activities	2
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance Carriers	8.7
525000	Funds, trusts and other financial vehicles	7
530000	Real estate and rental and leasing	5
531000	Real estate	6
531100	Lessors of real estate (including miniwarehouses and self storage)	7
532000	Rental and leasing services	2
540000	Professional, scientific, and technical services	5
541600-541900	Other professional, scientific, and technical services	7
550000	Management of companies	5
	Administrative and support and waste management and remediation	
560000	services	3
561000	Administrative and support services	3
562000	Waste management and remediation services	2
610000	Educational services	5
620000	Health care and social assistance	4

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
623000	Nursing and Residential Care Facility	1
710000	Arts, entertainment, and recreation	3
711190	Other Performing Arts Companies (Carnivals and Circuses)	8.9
712000	Museums, Historical Sites and similar institutions	3
713100	Amusement Parks and Arcades	8.8
713200	Nonpayout Amusement Machines	8.8
713290	Bingo Halls	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	8.10
721000	Accommodation	1
722000	Food services and drinking places	2
722410	Drinking Places (Alcoholic Beverages)	8.9
810000	Other services	4
811000	Repair and maintenance	2
811100	Auto repair and maintenance	2
812000	Personal and laundry services	5
813000	Religious, grantmaking, civic, professional, and similar organizations	5

Note: Class Schedule is based on 2010 IRS data.

APPENDIX C
2013 BUSINESS LICENSE CLASS SCHEDULE BY RATE CLASS

NAICS Code	Industry Sector	Class
220000	Utilities	1
313000	Textile and textile product mills	1
321000	Wood products	1
331000	Primary metal industries	1
420000	Wholesale trade	1
441000	Motor vehicle and parts dealers	1
443000	Electronic and appliance stores	1
445000	Food and beverage stores	1
447000	Gasoline stations	1
451000	Sporting goods, hobby, book, and music stores	1
452000	General merchandise stores	1
454000	Nonstore retailers	1
623000	Nursing and Residential Care Facility	1
721000	Accommodation	1
44-45	Retail trade	1
110000	Agriculture, forestry, hunting and fishing	2
311000	Food manufacturing	2
315000	Apparel	2
316000	Leather and allied products	2
322000	Paper products	2
323000	Printing and related support activities	2
324000	Petroleum and coal products	2
327000	Nonmetallic mineral products	2
332000	Fabricated metal products	2
333000	Machinery	2
335000	Electrical equipment, appliances, and components	2
336000	Transportation equipment	2
337000	Furniture and related products	2
442000	Furniture and home furnishing stores	2
444000	Building material and garden equipment and supplies dealers	2
446000	Health and personal care stores	2
448000	Clothing and accessories stores	2
453000	Miscellaneous store retailers	2
486000	Pipeline transportation	2
493000	Warehousing and storage facilities	2
524000	Insurance agents, brokers, and related activities	2

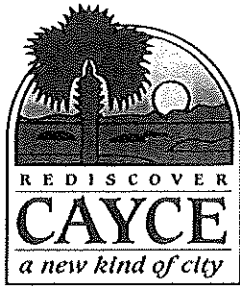
APPENDIX C
2013 BUSINESS LICENSE CLASS SCHEDULE BY RATE CLASS

NAICS Code	Industry Sector	Class
532000	Rental and leasing services	2
562000	Waste management and remediation services	2
722000	Food services and drinking places	2
811000	Repair and maintenance	2
811100	Auto repair and maintenance	2
31-33	Manufacturing	2
48-49	Transportation and warehousing	2
325000	Chemical manufacturing	3
339000	Other miscellaneous manufacturing	3
510000	Information	3
512000	Motion picture and sound recording	3
515000	Broadcasting (except internet) and telecommunications	3
517000	Telecommunications	3
560000	Administrative and support and waste management and remediation services	3
561000	Administrative and support services	3
710000	Arts, entertainment, and recreation	3
712000	Museums, Historical Sites and similar institutions	3
334000	Computer and electronic products	4
511000	Publishing industries (except internet)	4
518000	Internet service providers, web search portals, and data processing	4
620000	Health care and social assistance	4
810000	Other services	4
519000	Other Information Services	5
522000	Credit intermediation and related activities	5
530000	Real estate and rental and leasing	5
540000	Professional, scientific, and technical services	5
550000	Management of companies	5
610000	Educational services	5
812000	Personal and laundry services	5
813000	Religious, grantmaking, civic, professional, and similar organizations	5
210000	Mining	6
531000	Real estate	6
520000	Finance and insurance	7
523000	Securities, commodity contracts, and other financial investments	7
525000	Funds, trusts and other financial vehicles	7

APPENDIX C
2013 BUSINESS LICENSE CLASS SCHEDULE BY RATE CLASS

NAICS Code	Industry Sector	Class
531100	Lessors of real estate (including miniwarehouses and self storage)	7
541600-541900	Other professional, scientific, and technical services	7
221100	Electric Power Generation, Transmission and Distribution	8.0
221200	Natural Gas Distribution	8.0
230000	Construction	8.1
482000	Rail Transportation	8.2
517100	Wired Telecommunications Carriers	8.3
517200	Wireless Telecommunications Carriers (except Satellite)	8.3
423930	Recyclable Material Merchant Wholesalers (Junk)	8.4
517110	Cable, DSL, VoIP, etc.	8.4
522298	Pawnshops	8.4
441100	Automobile Dealers	8.5
441200	Other Motor Vehicle Dealers	8.5
454390	Other Direct Selling Establishments (Peddlers)	8.6
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance Carriers	8.7
713100	Amusement Parks and Arcades	8.8
713200	Nonpayout Amusement Machines	8.8
711190	Other Performing Arts Companies (Carnivals and Circuses)	8.9
713290	Bingo Halls	8.9
722410	Drinking Places (Alcoholic Beverages)	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	8.10

Note: Class Schedule is based on 2010 IRS data.



**APPROVED MINUTES
PLANNING COMMISSION
COUNCIL CHAMBERS
Monday October 21, 2013
6:00 PM**

I. CALL TO ORDER

Chair Ed Fuson called the meeting to order at 6:00 pm. Members present were Robert Powell, John Raley, Chris Kueny, Larry Mitchell and Elroy Broehm. Members absent unexcused was Butch Kelly. Staff present was Shaun Greenwood, Monique Ocean, and Michelle Paulchel.

II. APPROVAL OF MINUTES

Mr. Broehm made a motion to approve the minutes from the September 16, 2013, meeting. Mr. Raley seconded the motion. The vote was passed unanimously.

III. STATEMENT OF NOTIFICATION

Chair Ed Fuson asked if the public and media had been duly notified of the meeting. Michelle Paulchel stated everyone had been notified.

IV. OPEN PUBLIC HEARING – MA006-13

Chair Ed Fuson opened the public hearing for a request for a portion of the property located at TMS#006900-01-021 (northeast corner of 12th Street Extension and Fort Congaree Trail) to be re-zoned from M-1 to RG-2. Mr. Fuson asked if anyone was present to speak for or to further explain the request. Shaun Greenwood stated that representatives of the property owners are present to answer any specific questions, but that there is not a defined plan for the development of the property at the moment. Mr. Greenwood stated that the rezoning request is for approximately 19 acres of the entire parcel located at TMS#006900-01-021. Mr. Greenwood mentioned that the City's Land Use Plan envisions the use of the property in that area to be "Mixed-Use". He indicated that an RG-2 zoning district would be suitable for apartment complexes and multi-family structures, which would aid to the residential portion of the Mixed-Use category for the entire area. Mr. Fuson inquired if the RG-2 rezoning request were to be approved by Council would the use then be required to be only residential? Mr. Greenwood clarified that the rezoning to an RG-2 zoning district would not permit industrial or commercial uses to the 19 acres specified in the

request. Mr. Fuson opened the floor to the Planning Commission for any questions to the property owners' representatives. Larry Mitchell asked if any specific plans for the development had been submitted. Mr. Greenwood confirmed that there were no specific plans as of yet from the developer.

V. CLOSE PUBLIC HEARING – MA006-13

Chair Ed Fuson closed the public hearing as there was no one present to speak against the request.

VI. MOTION – MA006-13

Mr. Raley made a motion to recommend that Council approve the rezoning request of approximately 19 acres of the property from M-1 to RG-2. Mr. Kueny seconded the motion which was unanimously approved.

VII. OPEN PUBLIC HEARING- Text Amendment

Chair Ed Fuson opened the public hearing for a request by the Planning Director of the City of Cayce, SC, to amend Section 6.9-1 Flood Damage Prevention Ordinance of the Zoning Ordinance. Monique Ocean explained that the current Flood Damage Prevention Ordinance needed to be updated for the City's continued participation in the National Flood Insurance Program. She stated that after a routine visit from the South Carolina Department of Natural Resources, the City was instructed on changes to make to the current Flood Damage Prevention Ordinance to keep compliance with FEMA regulations. Ms. Ocean mentioned that the majority of text changes are small and only pertain to language. Ms. Ocean indicated that there are two major text changes to be made to the current Flood Damage Prevention Ordinance. She explained that the first major text change is to add the latest Flood Insurance Study date for Richland County and to delete the section on *Temporary Development*. Ms. Ocean clarified that the Richland County Flood Insurance study date needs to be added to include the annexed property in Richland County and that temporary development in the Special Flood Hazard Area would now be handled by the City on a case by case basis.

VIII. CLOSE PUBLIC HEARING-Text Amendment

Chair Ed Fuson closed the public hearing as there was no one present to speak against the request.

IX. MOTION – Text Amendment

Mr. Kueny made a motion to recommend that Council approve the amendment of Section 6.9-1 Flood Damage Prevention Ordinance of the Zoning Ordinance with a correction to a typographical error. Mr. Broehm seconded the motion which was unanimously approved.

X. OPEN PUBLIC HEARING – Text Amendment

Chair Ed Fuson opened the public hearing for a request by the Planning Director of the City of Cayce, SC, to amend Section 6.8 Planned Development District of the Zoning Ordinance. Shaun Greenwood stated the Planning Commission has been given a copy of the draft PDD ordinance. Mr. Greenwood mentioned that, after the initial discussion on the draft ordinance, staff made some revisions to the draft. Mr. Greenwood indicated that the requests for changes from the Planning Commission and from a property owner were made to further clarify regulations for establishing a new PDD. Mr. Greenwood discussed the following items:

1. Language changed to clarify intent of a PDD
2. Language added for parking and off-street loading requirements
3. Language added to give the developer another option for landscaping requirements
4. Language added to indicate recommendations for signage in a PDD
5. Language added to clarify what is considered a minor or major change
6. Language added to clarify what body of Cayce's government may make minor changes or major changes.
7. Language added so that Council may require financial guarantees
8. Language added to clarify ramifications for failure to progress or failure to complete the proposed PDD

XI. CLOSE PUBLIC HEARING - Text Amendment

Chair Ed Fuson closed the public hearing as there was no one present to speak against the request.

XII. MOTION- Text Amendment

Mr. Raley made a motion to recommend that Council approve the request to amend Section 6.8 Planned Development District of the Zoning Ordinance. Mr. Kueny seconded the motion which was unanimously approved.

XIII. OTHER BUSINESS

Mr. Greenwood stated that the Vice-Chair of the Planning Commission has been slated to serve as liaison to the Beautification Foundation. Mr. Greenwood asked the Planning Commission if they agree to keep this requirement or let an individual Commissioner chose to serve as liaison. Mr. Fuson stated that he had concerns with the requirement for a Planning Commissioner having to serve as a liaison to the Beautification Foundation. Mr. Fuson indicated that the requirement might deter someone wishing to serve on the Planning Commission. Mr. Fuson requested that

staff investigate the reasoning behind this requirement. Mr. Greenwood confirmed that staff would investigate the requirement.

XIV. ADJOURNMENT

Mr. Mitchell made a motion adjourn. Mr. Raley seconded the motion which was unanimously approved.

All open positions will be advertised on the City's website and Facebook page.

NO COUNCIL ACTION REQUIRED

The following positions have been postponed by Council until receipt of potential member applications.

ACCOMMODATIONS TAX COMMITTEE – TWO (2) POSITIONS

Ms. Cherelle Davis is no longer employed with the Country Inn & Suites. Ms. Sue Wofford is no longer with Knights Inn. These positions must be filled by someone from the motel industry in Cayce. The staff liaison is currently speaking with motel managers regarding this position.

CAYCE HOUSING AUTHORITY – ONE (1) POSITION

Mr. Xen Motsinger's term expired August, 2012 and he has resigned from the Authority. There is no recommendation at this time.

CONSOLIDATED BOARD OF APPEALS – THREE (3) POSITIONS

Mr. Ron Lawson's term has expired. We have been unable to reach Mr. Lawson by phone. A letter has been sent to Mr. Lawson to inquire about his interest in serving on this Board. No response to the City's letter has been received. Mr. Frank Strange and Mr. Lemuel Knight both passed away recently. There are no recommendations at this time.

PUBLIC SAFETY FOUNDATION – FIVE (5) POSITIONS

Mr. Pound's and Ms. Spires' terms have expired and Council has already postponed these two positions. In checking with all the members of the foundation, Mr. Brice Corbitt has advised he will be unable to serve. Mr. Ohlen White is no longer a resident of the City and Ms. Joan Hoffman's term expired in May and she is unable to serve again at this time. Ms. Terri Camp recently moved from District 1 to District 4. Council Member James currently has two people from his district serving on the Foundation therefore Ms. Camp can fill one of the Mayor's open positions.

In summary, we have the following open positions:

District 1 – one position

District 2 – one position

District 3 – two positions

Mayor – one position

Mayor and Council Members in these districts will need to submit potential members for Council review and approval.