

**Face coverings must be worn to enter City Hall  
and attend this meeting. There are no exceptions.**

**City of Cayce  
Regular Council Meeting  
Tuesday, November 9, 2021  
6:00 p.m. – Cayce City Hall – 1800 12<sup>th</sup> Street  
[www.caycesc.gov](http://www.caycesc.gov)**

**REGULAR COUNCIL MEETING**

**I. Call to Order**

- A. Invocation and Pledge of Allegiance
- B. Oath of Office Administered by Dr. Eddie Coakley  
Council Member District 1  
Oath of Office Administered by Judge Bryan Jeffries  
Council Member District 3
- C. Approval of Minutes  
September 7, 2021 Public Hearing and Regular Council Meeting  
October 5, 2021 Public Hearing and Regular Council Meeting  
October 20, 2021 Regular Council Meeting

**II. Public Comment Regarding Items on the Agenda**

**III. Presentations**

- A. Presentation by GIS Analyst Bob Hawks regarding the City's GIS Successes

**IV. Ordinances and Resolutions**

- A. Discussion and Approval of Ordinance 2021-23 Adopting a Revised Business License Ordinance in Accordance with the Business License Standardization Act (2020 Act No. 176) – Second Reading
- B. Discussion and Approval of Ordinance 2021-20 Amending Section 6.5 Table I, Section 6.7 Table 3 of the Zoning Ordinance to Revise Requirements for the RS-4 Zoning District and Amending Section 7.1 of the Zoning Ordinance to Revise Requirements for Townhouses – Second Reading
- C. Discussion and Approval of Ordinance 2021-24 to Restructure the Department of Public Safety into Separate Police and Fire Departments and to Amend Related Provisions of the City Code – First Reading

- D. Consideration and Approval of a Resolution Approving an Agreement for Mutual Aid and Support with the Richland County Sheriff's Department
- E. Consideration and Approval of Resolution Approving Financing Terms for General Fund Vehicle Lease Purchases

**V. Committee Matters**

- A. Approval to Enter the following Committee Approved Minutes into the City's Record
  - Cayce Housing Authority – June 15, 2021
  - Events Committee – August 12, 2021
  - Planning Commission – August 23, 2021
  - Events Committee – September 9, 2021
  - Cayce Museum Commission – August 4, 2021
  - Cayce Museum Commission – September 1, 2021
  - Cayce Museum Commission – October 6, 2021
- B. Appointment of Council Members to Boards and Foundations

**VI. City Manager's Report**

**VII. Council Comments**

**VIII. Executive Session**

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of release/removal of a person appointed by Council to a public body

**IX. Reconvene**

**X. Possible actions by Council in follow up to Executive Session**

- A. Discussion and approval of release/removal of a person appointed by Council to a public body
- B. Other

**XI. Adjourn**

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

**OATHS OF OFFICE**

**SC CONSTITUTION**

I do solemnly swear that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State and of the United States. So help me God.

**SC CODE OF LAWS**

As Council Member of the municipality of Cayce, I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected. So help me God.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administered By



Mayor  
Elise Partin

Mayor Pro-Tem  
James E. Jenkins

Council Members  
Ann Bailey-Robinson  
Phil Carter  
Tim James

City Manager  
Tracy Hegler

Assistant City Manager  
James E. Crosland

**City of Cayce**  
**Public Hearing and Regular Council Meeting**  
**September 7, 2021**  
**Cayce City Hall – 1800 12<sup>th</sup> Street**  
**caycesc.gov**

A Regular Council Meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Mayor Pro Tem James Jenkins and Council Members Ann Bailey-Robinson, Phil Carter and Tim James. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, Finance Director Kelly McMullen, Planning Director Wade Luther, IT Director Jamie Beckham and City Attorney Danny Crowe were also in attendance.

Mayor Partin asked if members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA. Ms. Corder confirmed they were notified.

**PUBLIC HEARING REGARDING HOUSING AUTHORITY OF THE CITY OF CAYCE, SOUTH CAROLINA MULTIFAMILY HOUSING REVENUE BONDS (ABBOTT ARMS PROJECT), SERIES 2021**

I. Opening Statement

Mayor Partin stated that notice of a Public Hearing regarding the Housing Authority of the City of Cayce, South Carolina multifamily housing revenue bonds (Abbott Arms Project), Series 2021, was hereby given, that, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the City Council of the City of Cayce, South Carolina ("City") will hold a public hearing ("Public Hearing") on its own behalf and on behalf of the Housing Authority of the City of Cayce, South Carolina (the "Authority"), regarding the above-referenced bond issuance by the Authority. The Authority, a city housing authority organized under and pursuant to the provisions of Title 31 Chapter 3 Article 5 of the Code of Laws of the State of South Carolina, as amended intends to issue its Multifamily Housing Revenue Bonds (Abbott Arms Project) Series 2021 in an aggregate principal amount not to exceed \$11,000,000 (the "Bonds") to finance a loan to DGA Cayce LP, a Tennessee limited partnership (the "Borrower"). The proceeds of the Bonds will be used to (i) provide funds to finance the costs of acquiring and rehabilitating of a 100-unit multifamily development located in the City known as Abbott Arms ("Project"), and (ii) pay the costs of issuance of the Bonds.

II. Public Testimony

Mr. Ray Jones stated he was the attorney for the developer and would speak on his behalf. He stated that Abbott Arms Apartments were quite old and the improvements being made to them would be wonderful for the community. He stated

that the longtime manager of the property, Nikki Lykes, was in the assembly, and was very excited about the improvements being made. He thanked Council for holding the Public Hearing and considering the Resolution for approval.

### III. Close Hearing

There was not any further public testimony therefore Mayor Partin closed the hearing.

### **Regular Council Meeting**

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 and Council Member Bailey-Robinson gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

### **Approval of Minutes**

Council Member Bailey-Robinson made a motion to approve the August 3, 2021 Regular Council Meeting minutes and the August 18, 2021 Regular Council Meeting minutes as written. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

### **Public Comment Regarding Items on the Agenda**

Ms. Nancy Stone-Collum, 1222 H Avenue, signed up to speak on Item III. C. She stated that she checked the City's website for the September 7, 2021 Council Meeting agenda the Friday before the Council Meeting and the day before the Council Meeting and it was not there. She stated that the FOIA Act requires notification of meetings to be posted 24 hours before the meeting. She stated that she thought the Council Meeting violated that stipulation. She stated that the July 14, 2021 and the August 3, 2021 Council Meetings were held virtually due to the COVID numbers. She stated that the current COVID numbers were significantly higher than they were six (6) weeks ago so one could only conclude that the reason the meetings were held virtually then was to avoid the large, mostly disapproving, public that participated on commenting on the Cookout rezoning. Ms. Stone-Collum stated that she was at the current meeting to support Item III. C. pertaining to the Ordinance limiting cross access. She stated that it was appreciated that some of the concerns the residents of H Avenue had expressed were heard and were being addressed.

Mayor Partin asked Ms. Corder if the meeting notice was put up 24 hours before the meeting. Ms. Corder confirmed that it was. Mayor Partin stated that correct meeting notification was something that Council and staff take very seriously.

### **Resolutions and Ordinances**

#### **A. Consideration and Approval of Resolution Approving Affordable Housing Bond Issue as Required Under Federal Tax Regulations**

Ms. Hegler stated that the Public Hearing held that evening was in reference to the Resolution. She stated that the Resolution from Council stated that Council supported the bond for the developer to upgrade Abbott Arms.

Council Member James made a motion to approve the Resolution. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

#### **B. Consideration and Approval of Resolution Designating an Authorized Representative and Contact Person for Purposes of the American Rescue Plan Act of 2021**

Ms. Hegler stated that the City was a nonentitlement City which qualified the City to receive funding for COVID relief through the American Rescue Act Plan of 2021. She stated that the State had requested that draw down for its Cities. She stated that a point of contact was needed to proceed as well as an authorized representative for the City. Ms. Hegler stated that she was the Representative and Ms. McMullen, the City's Finance Director, would be the point of contact.

Council Member James made a motion to approve the Resolution appointing Ms. Hegler the point of contact and Ms. McMullen as the authorized representative. Mayor Pro Tem Jenkins seconded the motion. Ms. Hegler stated that technically she was the authorized representative and Ms. McMullen was the point of contact. Council Member James amended his motion to reflect that. Mayor Pro Tem seconded the amended motion which was unanimously approved by roll call vote.

#### **C. Discussion and Approval of Ordinance 2021-18 Amending Section 5.7 of the Zoning Ordinance and Sections 5-4.7 and 6-17 of the Land Development Regulations to Address Cross Access between Commercial Uses and Residential Uses – First Reading**

Ms. Hegler stated that Council's approval was needed for the First Reading of an Ordinance to amend text of the Zoning Ordinance Section 5.7 and Land Development Regulations Article 5 Minimum Design Standards 5-4.7 and Article 6 Required Improvements 6-17 to include language regarding cross access between commercial

and residential uses. She stated that the text amendments were developed as a result of Council's request to staff to investigate protecting residential areas from encroachment by adjacent commercial uses, following a 90-day deferral of a rezoning request of a split zoned double frontage lot with frontage on Knox Abbot Drive and H Avenue from C-4/RS-3 to all C-4 for the purposes of a drive-thru restaurant.

Ms. Hegler stated that currently, the City did not have a means to prohibit a commercial use from using a cross access easement through an adjacent property to gain ingress/egress to a minor street or residential subdivision. She stated that traditionally, design standards for commercial uses promoted shared and cross access as a way to alleviate traffic issues by distributing access across multiple points on and around the property. In some cases, that could provide an encroachment into residential areas and create a distribution of traffic volumes onto residential streets, in which the roads were not constructed to handle the increased traffic counts. The increased traffic volumes to residential streets could deteriorate pavement conditions at a higher rate, as well as pose vehicular and pedestrian safety conflicts on minor streets, thereby detracting from quality of life.

Ms. Hegler stated that the amended language would prohibit cross access to adjacent parcels in a commercial zone, whereby subsequent access could be obtained to adjacent residential areas and minor streets. Moreover, the amended text would further prohibit rear access from double frontage lots to residential areas and minor streets from "the lot itself." She stated that the language served to separate traffic activities between commercial and residential uses and would be most beneficial when used in concert with existing landscape and bufferyard requirements of the zoning ordinance.

Ms. Hegler stated that staff had proposed additional language to Section 5.7 of the Zoning Ordinance, regarding street access to property, explicitly stating that "Cross access is prohibited where it creates driveway access to residential areas through adjacent lots." She stated that staff had also proposed additional language to Section 5-4.7 of the Land Development Regulations to amend the definition of Double Frontage to include that "Access from double frontage lots in commercial zones to residential subdivisions or minor streets shall not be granted from the lot itself or through cross access to adjacent lots." Ms. Hegler stated that the bolded language "from the lot itself" explicitly prohibited access from the rear of through lots to residential areas or minor streets. She stated that lastly, staff had proposed additional language to Section 6-17 of the Land Development Regulations, expanding the definition of cross access to state, "Any cross access creating an ingress and egress from commercial zones to residential streets through adjacent lots is prohibited."

Ms. Hegler stated that the Planning Commission met on August 23, 2021, to hear public comment and to consider their recommendations for the subject text amendments. She stated that the Planning Commission decided unanimously (6-0) to

approve the recommendation to Council to approve First Reading of an Ordinance amending Zoning Ordinance Section 5.7 and Land Development Regulations Article 5 Minimum Design Standards 5-4.7 and Article 6 Required Improvements 6-17. She stated that staff recommended adoption of the amendments, as necessary to protect residential neighborhoods from encroachment by increasing commercial activity and redevelopment as it occurs in the City.

Mayor Partin stated to clarify the City's buffer rules that were already in effect would have prevented any direct access onto H Avenue therefore staff just added clarifying language to the Ordinance. Ms. Hegler stated that technically it was not the buffer rules that addressed direct access. She stated it was the through lot access. She stated that if a lot had frontage on a major commercial street and then frontage on a residential street staff interpreted it as not allowing it. She stated that it was clearer in the amended sections. Mayor Partin stated that she appreciated staff adding the clarification even though it was already addressed. Mayor Pro Tem Jenkins asked if the amended sections would take care of any access from Knox Abbott Drive to H Avenue. Ms. Hegler stated that it was intended to.

Council Member James made a motion to approve Ordinance 2021-18. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

D. Discussion and Approval of Emergency Ordinance 2021-19 Requiring Individuals To Wear Face Coverings in Certain Circumstances, and Other Matters Related Thereto

Mayor Pro Tem Jenkins made a motion to approve. Council Member James seconded the motion. Council Member Carter stated that he just received a breaking news alert that the City of Columbia was mandating vaccines for all their employees. He stated that he watched golf and football games all weekend where thousands of people were in attendance and no one had masks on. He stated that he got food to-go from restaurants where no one in the restaurants had masks on. He stated that it was obvious that people did not want to wear masks. He stated that the current extremely high COVID numbers were unacceptable. Council Member Carter stated that he certainly supported the Ordinance requiring face coverings to be worn but also hoped that it would serve as a catalyst for people to get vaccinated. Council Member James stated what precipitated the face covering Ordinance was Council receiving a letter from Lexington Medical Center, a nationally recognized hospital, specifically asking for community support in two ways. The first way was for everyone to get vaccinated and the second way for everyone to mask. He stated that he thought it would be a tragedy to not support the community's hospital during these trying times. He stated that he, and he believed the rest of Council, were begging people to recognize that masks were not an alternative to vaccination.

Ms. Hegler stated that Council had a revised version of the Ordinance in front of them at the dais that extended the effective day from the following day to that Friday. Mayor Partin stated that she asked to change the effective date to give local businesses time to create signs for their doors and put them up. She stated that people not wearing masks and not getting vaccinated was crushing local businesses. She stated that The Kingsman was closed the prior weekend because too many of their staff had COVID so they wanted to close for the weekend and do a deep clean of the restaurant before reopening. Mayor Partin stated that The Kingsman had been so responsible during COVID but still lost a whole weekend of business and revenue. She stated that the Cayce Neighborhood Walmart had to close early every evening because of a shortage of staff. She stated that most people had never experienced anything like COVID but there were a few wise seniors who had experienced a pandemic and they were not having trouble adjusting. Mayor Partin stated that vaccines had been introduced to our repertoire throughout the last 100 years. She stated that only four (4) out of ten people in South Carolina were vaccinated. She stated that we were exactly where we were a year ago if not maybe even worse. She stated that until we did a better job helping people navigate through the pandemic so they could get vaccinated we were stuck with masks.

Mayor Pro Tem Jenkins made a motion to accept the amended version of the Ordinance. Council Member Bailey-Robinson seconded the motion. Council Member James stated that Council did not make the decision to mandate face coverings in a vacuum. He stated that local businesses and area partners were contacted to gather their thoughts on the issue. He stated overwhelmingly the majority asked for a face covering mandate. Mayor Partin called the question which was unanimously approved by roll call vote.

Council Member James made a motion to approve the amended Ordinance. Council Member Carter seconded the motion which was unanimously approved by roll call vote. Mayor Partin stated that the City always placed its Council meeting agendas and agenda packets on the City's website and in the September 7, 2021 Council Meeting packet the letter from Lexington Medical Center signed by the President and CEO, the Chief Medical Officer and the Chief of Staff asking Council to pass the mask mandate was in the packet. She stated that ideally the mandate would be for short term until more people were vaccinated.

### **Discussion Items**

#### **A. Discussion and Approval of the Accommodations Tax Committee's Recommendation for Distribution of Funding for FY21/22**

Ms. Hegler stated that Council's approval was needed to proceed with distribution of accommodations tax funds to organizations planning events and activities open to the public that would promote tourism to the City of Cayce during FY21-22. She stated that

funding was provided by Accommodations Tax revenues to qualifying applicants and was based on the percentage of attendees who travel 50 or more miles to attend the event. She stated that funding was contingent upon the City maintaining the estimated funding level. She stated that staff did not do this process last year because it was the height of COVID and staff was not sure how that would impact the City's funding. Ms. Hegler stated that the City's Accommodations Tax Committee met to discuss the requests for funding. The Accommodations Tax Committee recommended eight (8) applications for approval for a total amount of \$84,500.

Mayor Pro Tem asked how staff was able to determine how many people certain events would attract. Ms. Hegler stated that the City's grant application packet included questions pertaining to prior events, if any were held, and requested estimates on expected numbers. She stated that most of the events were held annually so prior numbers were available.

Council Member Carter made a motion to approve the Accommodations Tax Committee's recommendations. Council Member Bailey-Robinson seconded the motion. Council Member Carter asked if the businesses that collected accommodations tax pay it directly to the City or through the State. Ms. Hegler stated that the money went to the State first. Council Member Carter asked what the remaining balance was in the account and how much could be carried over from year to year. Ms. Hegler stated that it was not encouraged to carry a balance from year to year. She stated that there was a State formula on how the funds must be spent. Ms. Hegler stated that the City received the funds quarterly and \$25,000 was put in the general fund for tourism related functions and operations of the City, then 5% of the remaining balance also went into the City's coffers and the next 30% was allocated to tourism industries and the remaining balance was used for grant opportunities. She stated that there was some fund balance in the account but the City would have to get caught up at some point because the oversight committee really did not like for a balance to be kept. Council Member Carter asked Ms. Hegler to send that information to Council along with information on the Hospitality Tax grant award process. Mayor Partin called the question. Council Member James recused himself from the vote. Mayor Pro Tem Jenkins and Mayor Partin voted yes.

#### B. Discussion and Approval of Hospitality Tax Grant Funding for 2021

Mayor Pro Tem Jenkins made a motion to approve all of staff's recommendations except the \$24,000 for Tartan Day South. He made a motion to award \$19,000 to Tartan Day South. Council Member Bailey-Robinson seconded the motion. Council Member James recused himself from the vote. Council Member Carter and Mayor Partin voted yes.

**C. Discussion and Approval Authorizing the City Manager to Enter into Two (2) Agreements with Republic Services for Waste Disposal Services from the Wastewater Treatment Plant and the Septage and Grease Facility**

Ms. Hegler stated that Council approval was needed for the City Manager to execute two (2) new landfill agreements with Republic Services, a landfill in Eastover, SC. She stated that one (1) landfill agreement was for sludge generated from the main WWTP and one (1) agreement was for the sludge generated at the Septage and Grease Facility. The City currently has two (2) sludge disposal contracts with Waste Management Company's Richland Landfill located in Elgin, SC. She stated that one (1) of the existing landfill agreements was for the main WWTP sludge and one was for the sludge generated at the Septage and Grease Facility. Due to new "company" policies implemented by Waste Management Company, the City had been told that its sludge contained too much water (considered a wet waste) and could affect structural stability of the landfill. With the new policies in place, Waste Management would not approve long term contracts with the City. Ms. Hegler stated that they were continuing to take the City's sludge, currently, but that could be terminated at any time.

Ms. Hegler stated that there were processes currently being used at the WWTP and the Septage and Grease Facility to remove a portion of the water content from the sludge. She stated that these processes had been in place the entire time at the sludge generating facilities and had been acceptable to this landfill for many years until their new policy change. She stated that the equipment the City currently had in place, as designed, could not remove the amount of water that the landfill was now requiring. Ms. Hegler stated that if Waste Management prohibited the acceptance of the City's sludge, the temporary solution would be to take it to another landfill that would accept it with its current water content. She stated that staff had researched other local landfill alternatives and there was one within a reasonable distance, Republic Services, a landfill in Eastover, SC.

Ms. Hegler stated that the Council approved FY22 budget contained increases for sludge disposal fees for the WWTP and the Septage & Grease Facility in anticipation of a possible switch in landfills during the fiscal year. She stated that staff recommended that Council approve for the City Manager to execute the agreements with Republic Services to guarantee no disruptions in the City's sludge disposal processes. She stated that by signing the agreements with Republic, the City was not obligated to dispose any amount of sludge to them. She stated that the City would only use the Republic Landfill should Waste Management choose to not accept its sludge.

Mayor Pro Tem Jenkins made a motion to approve the City Manager entering into two (2) agreements with Republic. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

**Committee Matters**

- A. Approval to Enter the following Committee Approved Minutes in the City's Record
  - Planning Commission – June 21, 2021
  - Museum Commission – July 15, 2021
  - Events Committee – July 15, 2021

Council Member James made a motion to approve the Committee approved minutes into the record. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

- B. Appointments and Reappointments
  - Events Committee – One (1) Position
  - Planning Commission – One (1) Position
  - Museum Commission – One (1) Position

Mayor Partin stated that there was one (1) open position on the Events Committee and the City had received a potential member application from Ms. Megan Lightle. Council Member James made a motion to appoint Ms. Lightle to the Events Committee. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Mayor Partin stated that there was one (1) open position on the Planning Commission and the City has received potential member applications from Mr. Danny Creamer and Mr. Michael Mahoney. Mayor Pro Tem Jenkins made a motion to appoint Mr. Mahoney to the Planning Commission. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Mayor Partin stated that Mr. Marion Hutson's term on the Museum Commission expired in September and he would like to serve again. She stated that Mr. Hutson had served on the Commission since 1999. Council Member James made a motion to reappoint Mr. Hutson to the Museum Commission. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

### **City Manager's Report**

Ms. Hegler stated that staff was well underway with the business license standardization process and were on track to have the Ordinance before Council by the end of the year. She stated that she often received compliments on staff and wanted to start sharing those with Council in her Report. She stated that one of the haulers who brings septage and grease to the City's facility wrote that he was so impressed with Neal Klimek's improvements to the facility and the process. One senior resident wrote about Officer Jeffrey Strum assisting her with an injured bird and commented on Officer Strum's professionalism and kindness. Ms. Hegler also received an email about Officer

Daniel Green stopping to help two (2) young people who had a flat tire and did not have the correct tools to change it. Officer Green got them the correct tools and stayed with them while they changed the tire and made sure they were safe. A local school principal wrote that School Resource Officer Daniel Green does an outstanding job daily of being visible and working with the students. He stated that Officer Green's attentiveness and attention to detail did not go unnoticed. He stated that Officer Green recently met with a student who had been in foster care and had a negative history with Law Enforcement. Officer Green listened to the young girl and her family and provided feedback and was able to turn some negative feelings into positive ones. The family left feeling confident in the school and considerably more comfortable with Law Enforcement. Ms. Hegler stated that the next email stated that this person's parents were Cayce residents and were both in failing health. Her Father had COPD and emphysema and was bed ridden but often found excuses to get out of bed. Often he would fall and her Mother was too weak to help him up so they would have to call the Cayce Fire Department. She stated that usually Fire Fighter Michael Jordan was the one who responded to the call and he was always patient, kind and caring. She stated that her Mother fell as well and Fire Fighter Jordan responded and treated her with respect and kindness. Her mother was hesitant to go to the hospital but Fire Fighter Jordan convinced her to go. She was very ill and received the care she needed and was able to return home.

### **Council Comments**

Mayor Pro Tem Jenkins asked everyone to stay safe with the increasing COVID numbers.

Council Member James introduced the Greater Cayce West Columbia Chamber's Chairperson Ms. Hayley Bowers. He stated that she was Vice President of M.B. Kahn.

### **Executive Session**

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege

There were not any items to be discussed in Executive Session.

### **Adjourn**

Mayor Pro Tem Jenkins made a motion to adjourn the meeting. Council Member James seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 6:38 p.m.

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Elise Partin, Mayor

ATTEST:

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Mendy Corder, CMC, Municipal Clerk



RECUSAL STATEMENT

Member Name: Timothy M. James

Meeting Date: September 7 2021

Agenda Item: Section IV Number A & B

Topic: Accommodations Tax Distribution  
Hospitality Tax Grant Funding

*The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37). A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.*

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: \_\_\_\_\_

Employed by CWC chamber, who has requested funding

Date 9-7-21

Member Signature 

Approved by Parliamentarian: \_\_\_\_\_



Mayor  
Elise Partin

Mayor Pro-Tem  
James E. Jenkins

Council Members  
Ann Bailey-Robinson  
Phil Carter  
Tim James

City Manager  
Tracy Hegler

Assistant City Manager  
James E. Crosland

**City of Cayce**  
**Public Hearing and Regular Council Meeting**  
**October 5, 2021**  
**Cayce City Hall – 1800 12<sup>th</sup> Street**  
**caycesc.gov**

A Regular Council Meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Mayor Pro Tem James Jenkins and Council Members Ann Bailey-Robinson, Phil Carter and Tim James. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, Finance Director Kelly McMullen, Planning Director Wade Luther, IT Director Jamie Beckham and City Attorney Danny Crowe were also in attendance.

Mayor Partin asked if members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA. Ms. Corder confirmed they were notified.

**PUBLIC HEARING ON AMENDMENT TO THE LAND USE MAP WITHIN THE CITY OF CAYCE COMPREHENSIVE PLAN**

I. Opening Statement

Mayor Partin stated that notice was hereby given that members of Council of the City of Cayce would hold a Public Hearing for the purpose of obtaining public comment on the adoption of an amendment to the Land Use Map within the City of Cayce Comprehensive Plan to revise the Future Land Use Map classification for the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial-Business/Industrial) to RD (Residential Density Flex).

II. Public Testimony

There was no public testimony.

III. Close Hearing

Mayor Partin closed the hearing at 6:30 p.m.

**Regular Council Meeting**

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 and Council Member Carter gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

### **Approval of Minutes**

Mayor Pro Tem Jenkins made a motion to approve the September 7, 2021 Public Hearing and Regular Council Meeting minutes and the September 22, 2021 Public Hearing and Regular Council Meeting minutes as written. Council Member Bailey-Robinson seconded the motion. Council Member James stated that the September 7, 2021 minutes needed one correction. He stated that he recused himself from Items IV. A. and IV. B. and the minutes did not reflect that that he recused himself from Item IV. A. Mayor Pro Tem Jenkins amended his motion to only approve the September 22, 2021 minutes. Council Member Bailey-Robinson amended her second which was unanimously approved by roll call vote.

### **Public Comment Regarding Items on the Agenda**

Mr. David Slyman, 7 Town Center Drive, signed up to speak on Item IV. E. He stated that he and his partners wanted to build a mixed use residential project at Otarre Pointe on 12<sup>th</sup> Street Extension. He stated that they built cottages all over the Southeast. He stated that the project consisted of townhomes and cottages for rent and had more of a residential feel. He stated that he understood that the 12<sup>th</sup> Street corridor was an entry way to the City and that the City wanted a mix of uses and the overlay did not allow for residential. He stated that he and his partners were there to ask Council to allow them to do the residential project mixed with retail. Mr. Slyman stated that the property had been sitting for quite some time and he and his partners thought it was time for it to be developed. He stated that it would be an over 40 million dollar project and would bring a lot of tax dollars to the City. He stated that the project would have sidewalks and pocket parks. He stated that the retail aspect would consist of neighborhood retail like bike shops and a running and apparel shop. Mr. Slyman stated that they planned on spending over 2 million dollars on the amenities for the development. He stated that it would be a high end development.

Ms. Kelly Wuest, 1501 Abbott Road, signed up to speak on Item IV. D. She thanked Council and staff for the work and consideration that was put into the lot at 1407 Dunbar Road over the past few months. She stated that she thought a RG-3 zoning would be a better option for the property rather than the RG-2 zoning designation. She stated that she understood that as the City grew it needed various housing options but she and her neighbors did not think townhomes were the best fit for the property. She stated that she felt single family homes would be the best option but patio homes could be an option as well.

Ms. Janet Burke, 1234 H Avenue, signed up to speak on Item IV. A. Her comments, which she read, are attached.

Mr. Josh Rabon, 3740 Fernadina Road, signed up to speak on Item IV. D and Item IV. E. He stated that he was formally requesting a 30 day deferment on the first reading of Item IV. D. since the potential developer and the school district were still in negotiations regarding a product that works for both parties within the context of the new zoning text. Mr. Rabon stated that he wanted to speak in support of Item IV. E. He stated that the proposed project would bring some vitality to the City. He stated that the proposed planned unit development that was being requested was identical to the existing City design standards and guidelines.

Ms. Augusta Thompson, 2119 Middleton Street, signed up to speak on Item IV. D. She stated that she was requesting that the property at 1407 Dunbar Road be considered for single family homes. She stated that high density housing was not the best fit for the surrounding neighborhood.

Ms. Nancy Stone-Collum, 1222 H Avenue, signed up to speak on Item IV. A. She thanked Mayor Partin and Council Member James for meeting with several H Avenue residents on the site of the proposed Cook Out Restaurant. She stated that the meeting led to the understanding of the potential of indirect access to H Avenue from businesses on Knox Abbott Drive. She stated that the Ordinance that staff proposed and Council approved in September would protect H Avenue and other residential streets in the City from increased commercial traffic. She stated that the fact that Cook Out withdrew its purchasing contract after the Ordinance was given First Reading indicated that that was an unspecified part of their plan that would have had very detrimental effects on the residents of H Avenue. Ms. Stone-Collum stated that since Cook Out did withdraw their offer to purchase 1204 Knox Abbott Drive she had hoped that it would negate the rezoning application Cook Out submitted and it would not come up for Second Reading. She stated that she and her neighbors were asking that Council deny the application and leave in place the split zoning. She stated that this would afford the neighbors an opportunity to comment on the impact when a new rezoning application was submitted.

Mr. Marc Weil, 460 Cascade Road, signed up to speak on Item IV. E. He stated that he was one of the original developers of Otarre Pointe Apartments. He stated that he worked very closely with SCANA at the time on their architectural and design requirements that were in line with their vision for the development. He stated that he had been in discussions for the potential use of the adjoining property for six (6) to seven (7) years. He stated that once the overlay was put in place he and his partner had spent money on studies and done their due diligence to see if commercial use would work on the property. He stated that they found a lot of commercial users would find the site very difficult to work with mostly due to the lack of visibility from 12<sup>th</sup> Street Extension and the fifty foot setback. Mr. Weil stated that he and his partners wanted to

bring a vibrant community to the site. He stated that he knew the commercial component of the project was not as much as everyone would want but he felt that more retail would come once the project was built and they would love to be a part of it. He stated that he felt that before retail would come to the area more residents needed to be there first.

## **Presentations**

### **A. Presentation by Ms. Jean Boiteau regarding Improving Roads and Signage and Speeding on the Avenues**

Ms. Boiteau stated that when she walked the Avenues and the surrounding area she noticed the many cars that sped down the roads daily. She stated that she created a petition and a Facebook page to address the speeding and the needed improvements to the neighborhood's road signage as well as improvements to the roads. Ms. Boiteau read the petition that she drafted. It stated "The Cayce Avenues between Frink Street, Knox Abbott Drive, Axtel Drive, and Twelfth Street are beautiful places to stop. This residential area has many beautiful options for pedestrians like sidewalk-lined streets, parks, coffee shops, walking trails, restaurants, art galleries, colorful train cars, murals and more. Unfortunately, many of the residential streets are experiencing unprecedented and unchecked speeding. There are no visual reminders of the residential nature of the Avenues. We have an abundance of wide and long through-streets with double solid lines. We need additional stop signs immediately on all north-south Avenues which will create three and four-way stops. Additionally, crosswalks and repaired or replaced signage are needed for additional pedestrian safety. This petition serves as a formal request from the residents of the Cayce Avenues mentioned above for City Council to serve as a united voice to the SC Department of Transportation and request immediate placement of stop signs to create three and four-way stops, and to request crosswalks and new street signs. City Council, help make our Cayce River Arts District an ever safer place to Stop". Ms. Boiteau stated that she would keep Council updated on the petition.

## **Ordinances**

### **A. Discussion and Approval of Ordinance 2021-17 Amending Zoning Map and Rezoning Split Zoned Property Located at 1204 Knox Abbott Drive (TMS#004633-06-009) from RS-3 (Single Family Residential) and C-4 (Highway Commercial) – Second Reading**

Mayor Partin stated that staff had been advised by the applicant that they no longer had an option on 1204 Knox Abbott Drive and wished to withdraw their request to rezone a part of the parcel. She stated that if Council was inclined she would ask for a motion to approve the applicant's request to withdraw and defer the second reading indefinitely. Council Member James stated that as noted by Ms. Stone-Collum earlier in

the meeting Council had worked extremely hard over the past few months visiting sites and working with their neighbors to ensure that their best interests were taken into consideration. Council Member James made a motion to accept the withdrawal of the request and defer the second reading indefinitely. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

B. Discussion and Approval of Ordinance 2021-20 Amending Section 6.5 Table I, Section 6. 7 Table 3 of the Zoning Ordinance to Revise Requirements for the RS- 4 Zoning District and Amending Section 7.1 of the Zoning Ordinance to Revise Requirements for Townhouses -Second Reading

Ms. Hegler stated that this item was a result of the deferral that Council proposed related to the rezoning of 1407 Dunbar Road. She stated that the applicant had asked that Council defer the rezoning. Council Member Carter made a motion to defer the item for 30 days. Council Member Bailey-Robinson seconded the motion.

Council Member Carter stated that he made the motion in light of what he would term confusion, misunderstandings and misinterpretations between the applicant and the City's definition and scope of the project. He stated that night they heard the words townhouse and duplex. Council Member Carter stated they could debate the definitions of those items. He stated the definition of a townhouse came from England several centuries ago. He stated that the wealthy people lived in the country and had a place in the City, mainly London, and it was coined a townhouse. He stated that the City's Ordinance stated that townhouses were joined together and there could not be no more than eight (8) or less than three (3). He stated that this project was linked to other items on the agenda and it was his understanding that the project was going to be similar to a project called Stillwater in West Columbia which is a two (2) unit attached project. He stated that Stillwater was listed and marketed as townhomes. Council Member Carter stated that according to the City's standards that would not be allowed. He stated that he was not saying that was right or wrong. He stated that he felt some confusion. He stated that he had done his due diligence and talked to the rest of Council and other people about it. He stated that he really was not sure what the development wanted and perhaps misunderstood the City's direction and that was why he was promoting to table the item. He stated that perhaps the applicant misread or did not read it correctly or they were just sloppy in their application process.

Council Member Carter stated that he did not know what the applicant was calling the buildings or if they were calling them townhomes or patio homes. He stated with that being the case he did not want the vote by Council to be punitive towards this project. He stated that would certainly not be Council's intention but it might be the result. He stated that it was not a matter of being right but it was a matter of doing the right thing. He stated that he thought the right thing to do was to stand down for 30 days to get City staff together with the applicant again because they had met before and make sure the applicant had a clear understanding of the City's rules and regulations.

He stated that staff would advise Council if they needed to take a second look at any rules or regulations. He stated that he personally thought Council might need to do that but stated that was up to the rest of Council.

Mayor Partin stated that she wanted to clarify for staff's behalf that Council did appreciate all they had done and she did not think Council Member Carter was suggesting they had done anything but the best work. She stated that the City's Ordinances had not changed. She stated that Council took one zoning to be really responsive to the residents and made it a less broad zoning and made it more clear that only certain things would be allowed in that area out of great respect for that neighborhood. Mayor Partin stated that was all that changed and if there had been a misunderstanding she certainly did not think it was on City staff's part. Mayor Partin called the question which was unanimously approved by roll call vote.

C. Discussion and Approval of Ordinance 2021-21 Amending the Land Use Plan (2019) Map of the City of Cayce Comprehensive Plan: 2010-2020 for the Area Bounded by Wilkinson Street, Dunbar Road and Frink Street - Second Reading

Council Member Carter made a motion to defer this item for 30 days. Council Member James seconded the motion. Ms. Hegler stated that if this item was brought back forward as a Comprehensive Plan change then State law required a 30 day notice and a Public Hearing. Council Member Carter amended his motion to place this item on the agenda for the second Council Meeting in November. Council Member James amended his second. Mayor Partin called the question which was unanimously approved by roll call vote.

D. Discussion and Approval of Ordinance 2021-18 Amending Zoning Map and Rezoning Property Located at 1407 Dunbar Road (TMS#005766-03-006) from C-1 (Office and Institutional) to RG-2 (General Residential, High Rise) - First Reading

Mayor Partin stated that this was the same language that was on the agenda 90 days prior. She stated that it was the title of the Ordinance that Council postponed therefore it came back before Council with the same title. She stated had Council moved forward then the title would have changed at second reading to the appropriate zoning designation that Council had gone through. She stated that there was public comment earlier from a representative for the applicant who asked for a deferral of 30 days.

Council Member Bailey-Robinson made a motion to defer the item for 30 days. Council Member James seconded the motion. Mr. Crowe asked if for clarification the motion could refer to a particular council meeting date rather than a number of days. Council Member Bailey-Robinson amended her motion to defer the item to the second

Council Meeting in November. Council Member James amended his second. Mayor Partin called the question which was unanimously approved by roll call vote.

- E. Discussion and Approval of Ordinance 2021-22 Amending the Zoning Map and Rezoning Property Located at the Southeast Corner of 12th Street Extension and Clovis Pointe Way (A Portion of Tax Map Number 006897-01-042, Plat Book 15227, Page 176) - First Reading

Ms. Hegler stated that the applicant spoke on this rezoning request during Public Comment. She stated that the applicant requested the zoning of the property change from (M-1) Light Industrial to a Planned Development District (PDD). She stated that the purpose of the PDD was to allow for a mix of uses. She stated that the applicant was particularly interested in residential which had been removed from the overlay. Ms. Hegler stated that the Planning Commission voted 3-2 in favor of recommending the requested re-zoning from M-1 to PDD. She stated that reasons for recommending approval included that it was a good development concept; that residential development was best suited for the area; and that it would be good for the City. She stated that reasons for denial included that the application did not meet all of the PDD requirements and the application violated the I-77 Gateway Overlay District Requirements.

Council Member James stated that the presentation earlier by the applicant was a good presentation and he felt that the City had a need for that type of housing but did not think the City's welcoming corridor was the best place for it. He stated that Council had evaluated the best and highest use for the I-77 gateway and the particular economic vitality it would be used for. He stated that at that time Council recognized that several things would need to be removed to include residential. He stated that the PDD before Council did not seem to comply with that intention. Council Member James stated that he recognized that it was a wonderful project but did not believe with the current restrictions in place and the overlay restrictions as well as the Planning Commission's vote that this was the right place for it.

Council Member James made a motion to deny the request. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

### **Discussion Items**

- A. Discussion and Approval of an Extension to the 2018 Lease Agreement between Martin Marietta Real Estate Investments, Inc. and the City of Cayce

Ms. Hegler stated that Council's approval was needed to approve and authorize the City Manager to sign an amendment that would extend the duration of a lease agreement for the Kelley Jones Park property from twenty-five (25) years (ending in 2038) to twenty-eight (28) years (ending in 2041). She stated that the 2013 agreement

established the terms for which Martin Marietta leased the Kelley Jones Park property to the City. The agreement currently runs another seventeen (17) years (to 2038) and includes two (2), five (5) year extensions. Ms. Hegler stated that the City was awarded a grant to improve the park and provide additional facilities. She stated that the granting agency required the City to either have ownership of the property for which the improvements would be made or have a lease agreement of at least twenty (20) years. She stated that Martin Marietta was in favor of the additions and had provided the first amendment to extend the lease period to 2041 to meet the grant requirements. She stated that all other provisions of the original agreement remain unchanged and in effect.

Mayor Pro Tem Jenkins made a motion to approve the first amendment to the lease agreement with Martin Marietta Materials Real Estate Investments, Inc. and authorize the City Manager to execute the agreement. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

### **Committee Matters**

- A. Appointments  
Public Safety Foundation Committee – One (1) Position

Mayor Partin stated that the Cayce Public Safety Foundation had two (2) open positions and the City had received a potential member application from Mr. Russel Shumard. Council Member James made a motion to appoint Mr. Shumard to the Public Safety Foundation. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

### **City Manager's Report**

Ms. Hegler congratulated Police Chief Cowan and Fire Chief Bullard on their new positions with the City. She stated that staff was very busy with the City's ARPA proposal and should have it ready to present to Council soon. She stated that Parks staff were in full swing preparing for Christmas in Cayce. She stated that the headwall was installed on Blake Drive and the contractors were moving forward with the repairs. She stated that this project was going to create wonderful improvements for the Avenues and for stormwater. Ms. Hegler stated that the City's new Assistant Utilities Director/City Engineer Ms. Betsy Catchings hit the ground running and everyone was excited to work with her. She stated that Ms. Catchings was unable to attend that night's meeting but would be at the next Council Meeting.

### **Council Comments**

Council Member James welcomed Chief Cowan and said Council was so excited to have him on staff.

### **Executive Session**

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of potential agreement between Broad Brook and City of Cayce Regarding 800 Lexington Avenue

Mr. Crowe stated that he did not have any legal advice matters to discuss under Item IX. A. Mayor Pro Tem Jenkins made a motion to enter into Executive Session to discuss Item IX. B. Council Member Bailey-Robinson 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 Bailey-Robinson 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**

There was no action in follow up to Executive Session.

### **Adjourn**

Council Member James made a motion to adjourn the meeting. Council Member Carter seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 7:16 p.m.

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Elise Partin, Mayor

ATTEST:

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Mendy Corder, CMC, Municipal Clerk



October 5, 2021

To: Mayor Partin and City Council Members,

Re: Not Rezoning of Residential Lot on H Avenue from Residential to Commercial

We the group of citizens of H Avenue and adjacent Avenues request that the City Council please reconsider the approval of the rezoning of the property at 1204 Knox Abbott Drive, Cacye SC. Please leave the residential lot fronting on H Avenue in its current residential mixed use designation. We want to retain our right to speak into the rezoning of the residential lot if it should come up in the future. If you approve the commercial designation now we will lose our right to speak into the situation for our neighborhood in the future. It is our understanding that the Cook Out Restaurant has withdrawn their contract to buy the Krispy Kreme property so there is no need for the lot to be made commercial. Please keep the residential lot on H Avenue Residential and do not make it commercial.

Thank you for your time and support.

Sincerely,

*Janet Baker*

*Brian P Williams*

*Nancy Stone-Calk*

*Nancy Dew*

*Steven E Collins*

*Rob Law* 1  
1220 H Ave



Mayor Elise Partin	Mayor Pro-Tem James E. Jenkins	Council Members Ann Bailey-Robinson Phil Carter Tim James	City Manager Tracy Hegler	Assistant City Manager James E. Crosland
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**City of Cayce**  
**Regular Council Meeting**  
**October 20, 2021**  
**Cayce City Hall – 1800 12<sup>th</sup> Street**  
**caycesc.gov**

A Regular Council Meeting was held this evening at 5:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Mayor Pro Tem James Jenkins and Council Members Ann Bailey-Robinson, Phil Carter and Tim James. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, Finance Director Kelly McMullen, Planning Director Wade Luther, IT Director Jamie Beckham and City Attorney Danny Crowe 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 and Council Member James gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

### **Public Comment Regarding Items on the Agenda**

No one signed up for Public Comment.

### **Presentations**

- A. Presentation by Ms. Amy Mikel with the Columbia Area League of Women Voters regarding Vote 411

Ms. Mikel stated that the League of Women Voters was over 100 years old and the Columbia League had over 205 members. She stated that the League was nonpartisan. She stated that they did not endorse parties or candidates. She stated that the League offered the nonpartisan election resource VOTE411.org. She stated that this “one-stop shop” for election information provided simple, helpful tools to help South Carolina voters navigate the voting process. VOTE411 provides candidate information, a voter registration tool, polling place information, and other helpful election information for all voters nationwide. She stated that VOTE411 was the nation’s premiere online election resource, and the League of Women Voters of the Columbia Area published their voter guide on VOTE411 to serve as a resource for all races at the local, state and national levels for Richland and Lexington County voters. Ms. Mikel stated that VOTE411 helps millions of voters each year, many of them young people

and first-time voters, learn about candidate stances, look up what is on their ballot and find their polling place.

**B. Presentation by Mr. Bill Davies with the South Carolina American Revolution 250<sup>th</sup> Commission regarding the Liberty Trail**

Mr. Davies stated that he was the Vice Chairman of a State Commission called the South Carolina American Revolution Sestercentennial Commission. He stated that the Commission was charged with commemorating and celebrating the American Revolution in South Carolina. He stated that more Revolutionary War battles were fought in South Carolina than any other state. Mr. Davies stated that approximately 200 engagements occurred in the state. He stated that many historians consider the Revolutionary War to have been decided in the battlefields of the South. He stated that the full story of the Southern Campaigns was not widely known even though the events of 1779-1782 in the Carolinas directly led to an American victory in the war. Mr. Davies stated that this history was known as The Liberty Trail. He stated that in the near future The Liberty Trail would be a unified path of preservation and interpretation across South Carolina, telling the remarkable story of the Revolutionary War.

Mr. Davies stated that these important battlefields, still largely unspoiled, deserve to be preserved. He stated that the American Battlefield Trust had partnered with the South Carolina Battleground Preservation Trust to preserve the history. A panel of historians and archaeologists have selected the most significant of these actions and developed plans to form The Liberty Trail, an innovative driving route designed to connect these battlefields and tell the stories of this transformative chapter of American history. Mr. Davies stated that the American Battlefield Trust and the South Carolina Battleground Preservation Trust are now working toward the launch of the initial phase of The Liberty Trail. He stated that the goals were not just to preserve the land, but also to interpret these sites for the public and bring their stories to life. Using driving-tour battle apps, onsite interpretation, social media and special teacher institutes, these stories about the founding of the country will be told in a manner as never before. Mr. Davies stated that he hoped the City would support The Liberty Trail.

**Ordinances**

**A. Discussion and Approval of Ordinance 2021-23 Adopting a Revised Business License Ordinance in Accordance with the Business License Standardization Act (2020 Act No. 176) – First Reading**

Ms. Hegler stated that Council approval was needed to adopt an Ordinance to revise the City's current Business License Ordinance to be in accordance with the Business License Standardization Act that was adopted in 2020. She stated that a new model business license ordinance was recommended by the Municipal Association of South Carolina to comply with requirements of Act 176. South Carolina's cities and towns

are now required to standardize their business license practices before January 1, 2022. She stated that the MASC advised cities and towns to repeal their existing Business License Ordinance and replace it with the MASC's new model Ordinance. The law creates numerous, specific requirements of municipalities that collect the tax, and attorneys have carefully vetted the model Ordinance to comply with all of them. The focus on compliance makes the new model Ordinance different from past model Ordinances, which only provided suggestions on best business license practices. The model Ordinance was intended to improve the ease of the licensing process for businesses, with a standard license year and due date, standard application, and a standard class schedule, as found in the model Business License Ordinance.

Ms. Hegler stated that per Act 176, Planning & Development staff coordinated with MASC to conduct rebalance calculations to project the impacts to revenues and license payees based on the new class schedule. She stated that the summary was based on 2,015 licenses. She stated that 492 had an increase in fees of greater than 10%, 18 had an increase of greater than \$250, 11 of the licensees met both conditions (greater than 10% and \$250), 796 licensees (40%) would have a decrease in their payments based on the new class schedule, 1,219 licensees (60%) would have an increase in their payments based on the new class schedule. Ms. Hegler stated that the overall difference in rebalancing was a 0.6% change equivalent to \$11,151 net gain in revenue. She stated that the current revenue was \$2,013,809 and the projected revenue was \$2,025,125. She stated that this balance was well within an acceptable range and MASC advised that the City did not need to revise any of its rates.

Council Member Bailey-Robinson made a motion to approve Ordinance 2021-23 on First Reading. Mayor Pro Tem Jenkins seconded the motion. Mayor Partin stated that all 276 towns and cities in the state were doing this. She thanked staff for doing it in a timely manner and doing it very well. Council Member James stated that he appreciated the transparency of being given all the figures and numbers. He stated that the financial gain, although very minimal, divided down between the 1219 business licenses was only an increase of \$10. Mayor Partin called the question which was unanimously approved by roll call vote.

### **City Manager's Report**

Ms. Hegler introduced Ms. Betsy Catchings as the City's new Assistant Utilities Director and City Engineer. She stated that Mr. Cole Lanigan, the new Assistant Fire Chief, was also in attendance for the first time. She commended staff who worked so hard on the business license Ordinance that Council gave first reading to earlier that night, as well as their work with MASC testing to on-line portal and rebalancing the City's businesses to ensure the City hit the right balance with the new classifications. She stated that Mr. Luther and his team did a really great job on everything in a short amount of time. She stated that Ms. Rochelle Smith, the City's

Business License Coordinator, did the heavy lifting and was in fact not in attendance because she was at the business license official's conference in Greenville where she was asked to speak on a panel about this work. She stated that Mr. Jarrett Epperson was also there as he had been nominated for consideration to be on their Board of Directors. Ms. Hegler stated that Chief Cowan was settling in well. He recently met with officials with Benedict College and they created the School to Squad program with Benedict College students for dispatcher and patrol officer internships. She stated that a Hispanic Community Meeting was scheduled for October 27 at 6 p.m. at La Estrella for a meet and greet with police. She stated that the City would soon have four electric bikes on the Riverwalk from private and public partnerships which would formally be announced soon. She stated that Chief Cowan implemented a new promotion board and hiring process using citizen/community representation. Ms. Hegler stated that Fire Chief Bullard was continuously monitoring the City's new Ladder Truck and was anxiously waiting its arrival. She stated that Parks Manager James Denny and the Parks crew were feverishly hanging Christmas lights since more light displays were added to the scenery.

Ms. Hegler stated that she wanted to read two kudos she received from the public complimenting staff. She stated that she received a letter from a couple who lived on the Avenues. It stated that City Meter Technician Demarcus Bell went above and beyond when he noticed that they had a water leak when reading their meter and notified them of the leak. Mr. Bell offered to look for the leak and found it almost immediately. It was an old toilet that needed parts replaced. Mr. Bell offered to come back on his own time to make sure that the repairs were done correctly. The local couple wrote that they had always thought the best of Cayce employees and Mr. Bell just proved that they were right.

Ms. Hegler stated that she received an email from a contractor stating that Ms. Brittany Little of the Planning and Development Department responded very quickly when he had questions pertaining to construction activity in their subdivision. He stated that she was a very customer focused person and very responsive and it was appreciated.

### **Council Comments**

Council Member Carter stated that he received a text that day stating that the residents in Concord Park were happy with the sidewalk repairs staff did in their neighborhood.

### **Executive Session**

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege

There were not any items to be discussed in Executive Session.

**Adjourn**

Council Member Carter made a motion to adjourn the meeting. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 5:42 p.m.

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Elise Partin, Mayor

ATTEST:

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Mendy Corder, CMC, Municipal Clerk



GIS  
SUCSESSES  
AT THE  
CITY OF  
CAYCE



GIS  
FEATURES  
CREATED /  
MANAGED:

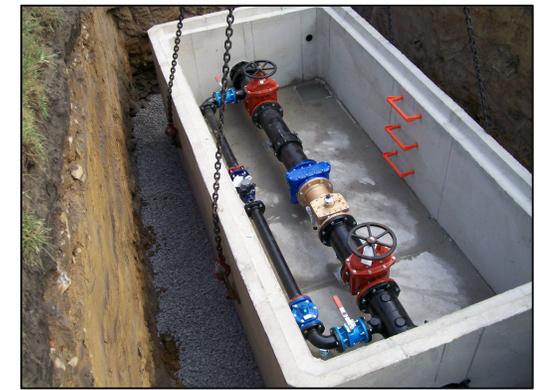
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EXAMPLES OF  
THE TYPES OF  
GIS FEATURES  
CREATED /  
MANAGED



Manholes



Interconnects



Park Features



Pump Stations



Response Areas

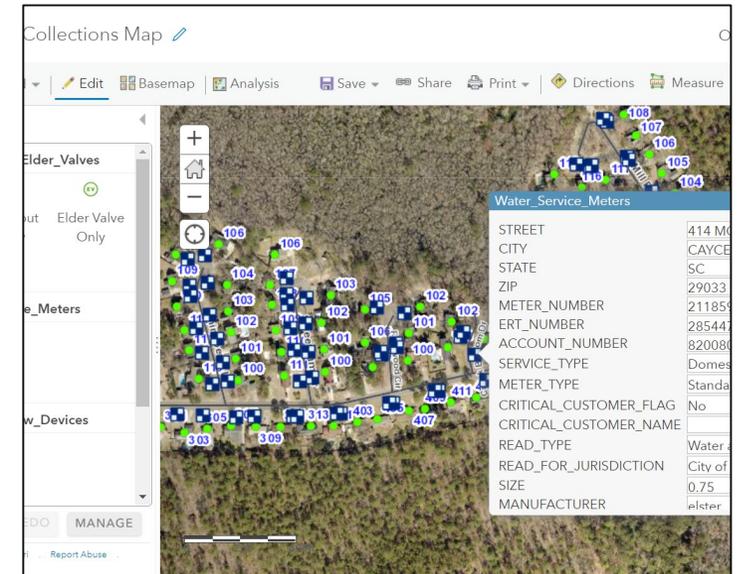
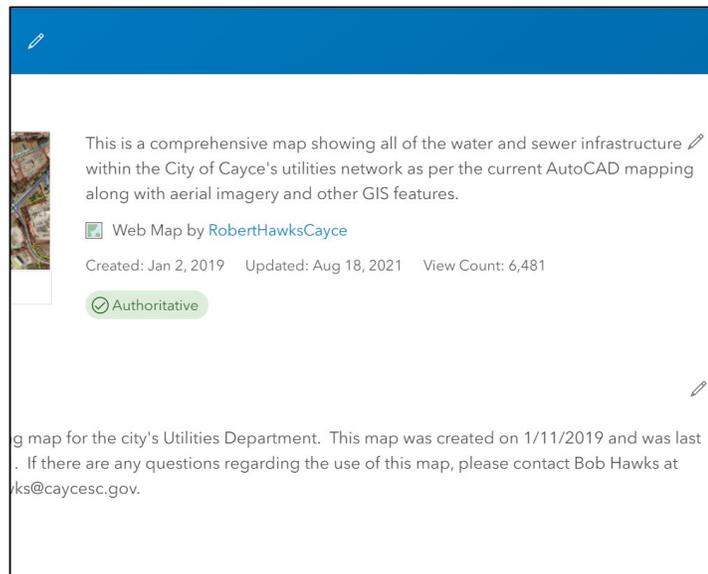
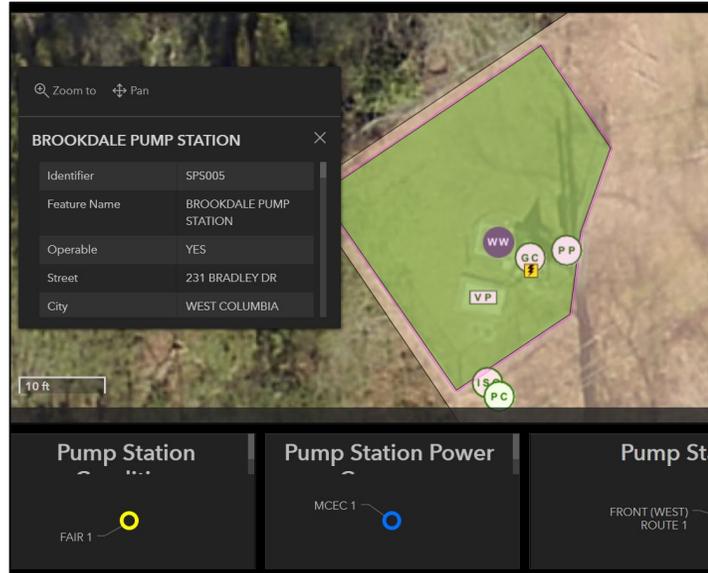


Treatment Facilities



Hydrants

# DYNAMIC WEBMAP ROLLOUTS



# The Main Utilities Map

Utilities Map [✎](#)

[Open in new Map Viewer](#) [New Map](#) [Create Presentation](#)

[Edit](#) [Basemap](#) [Analysis](#) [Save](#) [Share](#) [Print](#) [Directions](#) [Measure](#) [Bookmarks](#)

Points (March)  
ge Facility points (August)  
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g Station (021)  
s (August)  
nt Plant Points  
[Report Abuse](#)

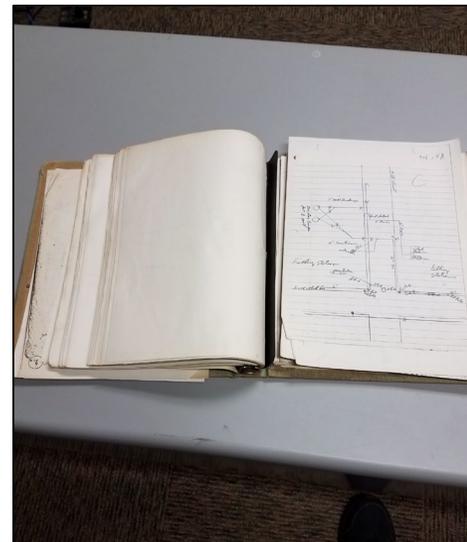
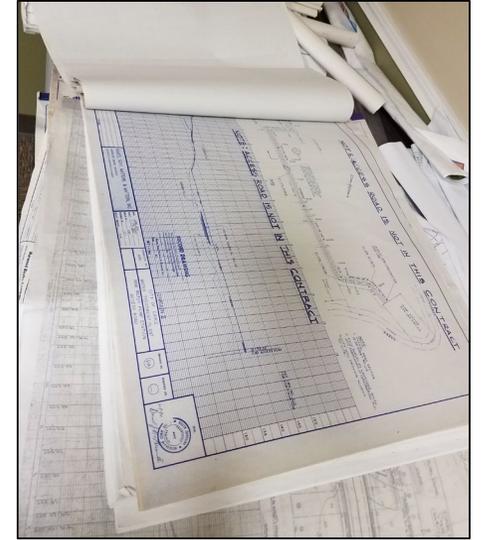
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US Census

EXAMPLE OF A  
DYNAMIC  
WEBMAP

# RECORD DRAWINGS DIGITIZED:

*12,000*

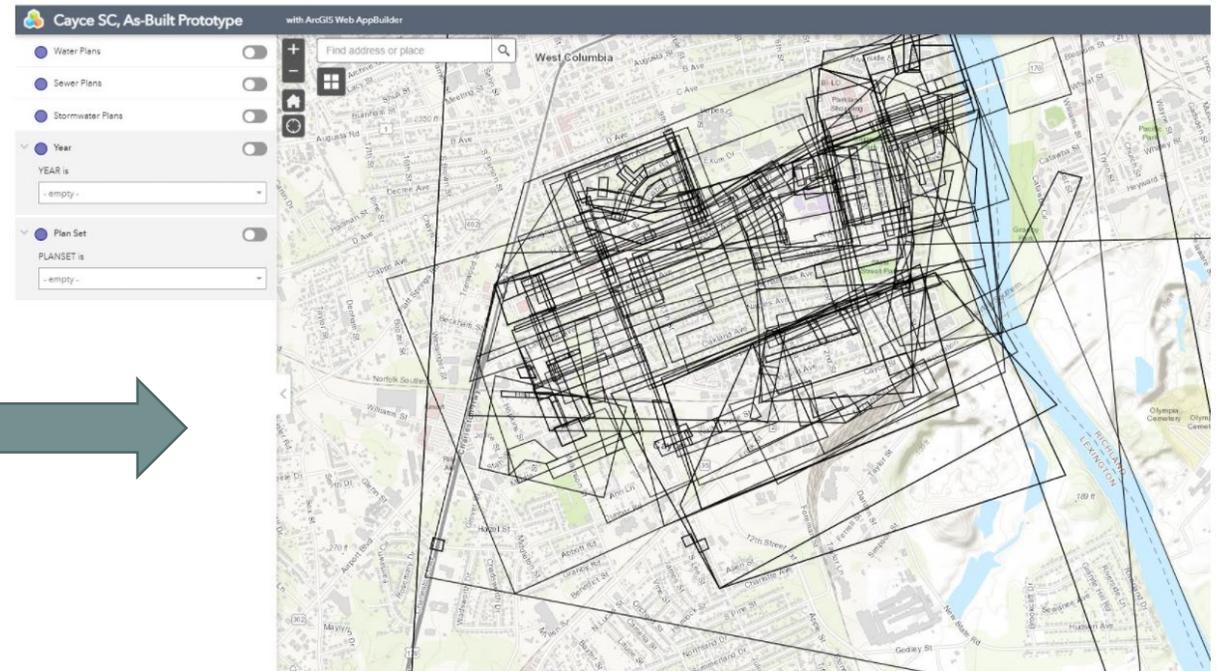


Our file-based system will shortly become....

-  \_Staging
-  \_Updates
-  By Alphabetical Listing
-  By Drawer
-  By Geographic Location
-  By Pocket and Folder
-  Organization of the Record Drawing Fold...
-  Organizational Grid Map Book
-  Record Drawing Catalog
-  Scanning and Categorization Completion



A fully-selectable digital mapping system!



# DIGITAL RECORD DRAWING ORGANIZATION



The hydrant icon can clearly be seen sitting directly on top of the hydrant (and its shadow) in the image below.



## DEFINITIVE ASSET LOCATION

Thousands of digital assets have been georeferenced to a very high degree of accuracy.

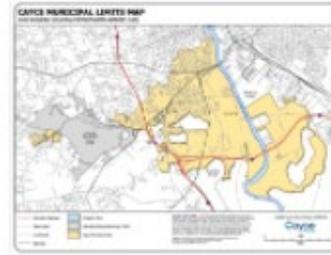
The vast majority of the city's fire hydrants (seen to the left) have been georeferenced to within 1 foot of the top bonnet, and in many cases even closer than that.

This is most apparent when viewing the city's Fire Department Webmap which was rolled out in early 2021.

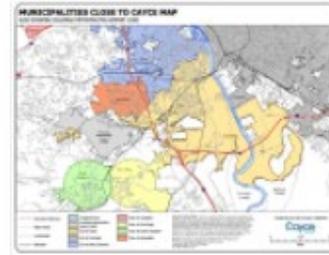
# CITY MAPPING OVERHAUL

## Cayce Mapping

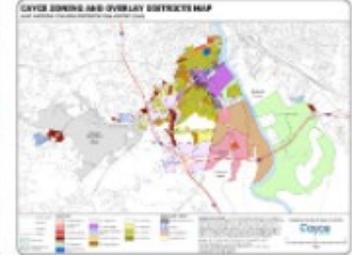
This gallery contains maps from the City of Cayce available to the general public. These maps are updated on a regular basis; however, they are static so they will not reflect the most recent map changes until their next update. All maps are high resolution in PDF format, and may be printed up to 36" x 48".



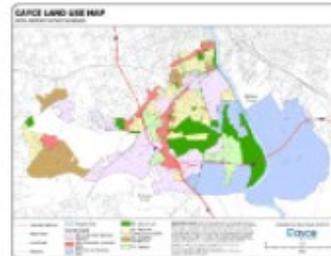
[Cayce Municipal Limits Map](#)



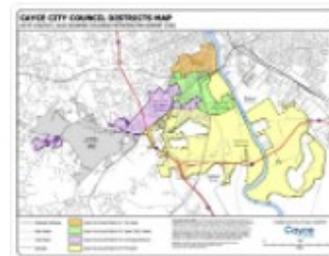
[Municipalities Close to Cayce Map](#)



[Cayce Zoning and Overlay Districts Map](#)



[Cayce Land Use Map](#)



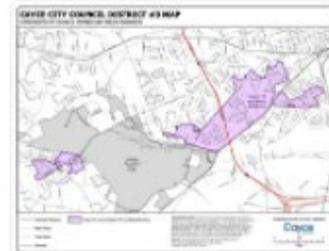
[Cayce City Council Districts Map](#)



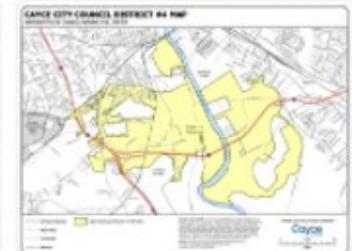
[Cayce City Council District 1 Map](#)



[Cayce City Council District 2 Map](#)



[Cayce City Council District 3 Map](#)

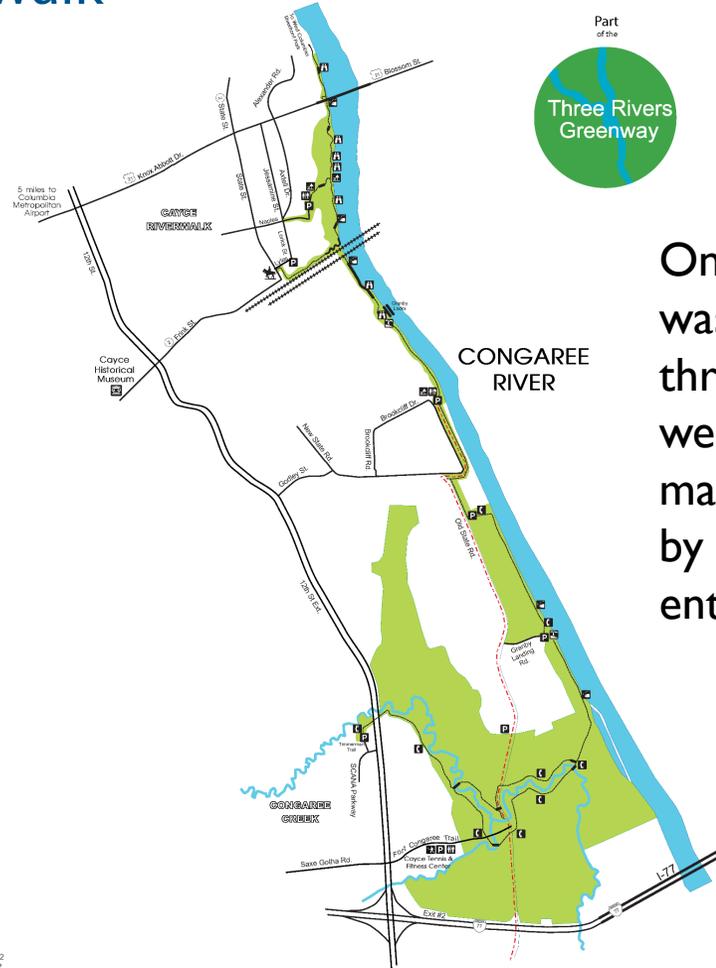
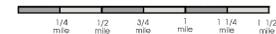


[Cayce City Council District 4 Map](#)

- Greenway
- Bridges / Boardwalks
- Pathway
- Bike Pathway (SHARE ROADWAY)

-  ADA / Baby Strollers
-  Hiking
-  Biking
-  Skating / Skateboarding
-  Benches
-  Dog Friendly

-  Canoe Access
-  Fishing
-  Picnic area
-  Amphitheater
-  Parking
-  Restrooms
-  Overlook
-  Mountain Biking
-  Emergency Call Box
-  Stairs
-  Museum
-  Tennis
-  Granby Locks
-  Equestrian



Only one map was available through our website, and that map was made by an external entity.

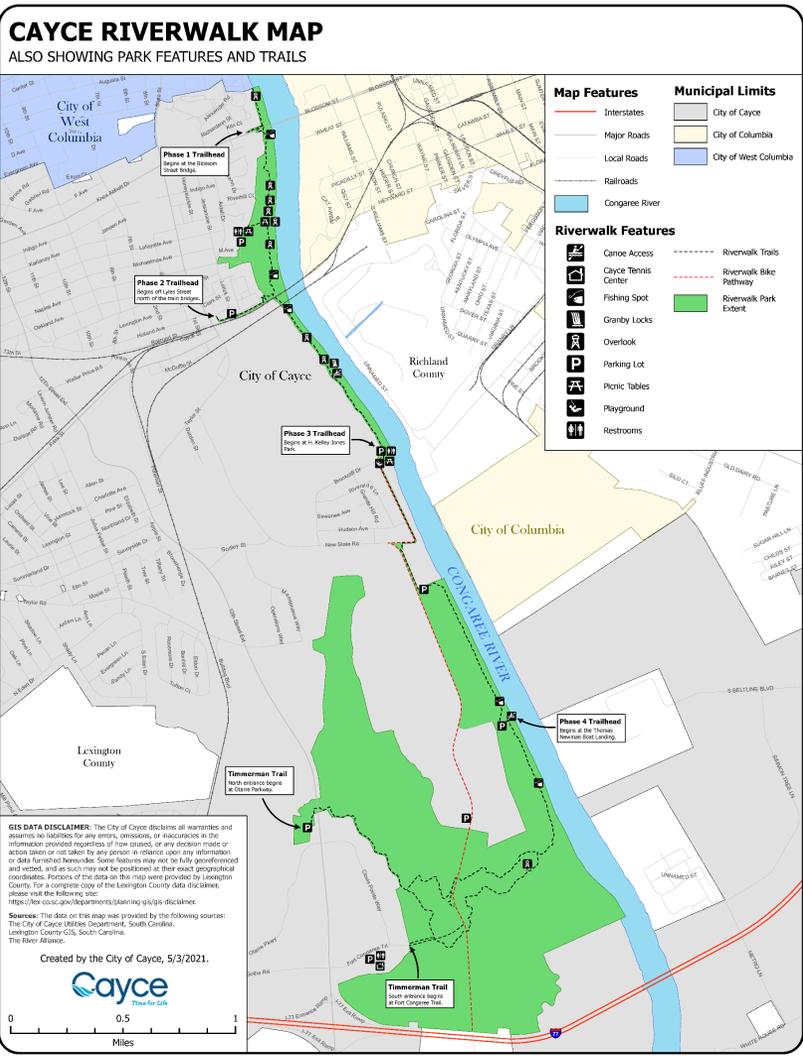
# EXAMPLE OF CITY MAPPING OVERHAUL

## CAYCE PARKS MAPS (PREVIOUS)

### Location, Directions and Hours:

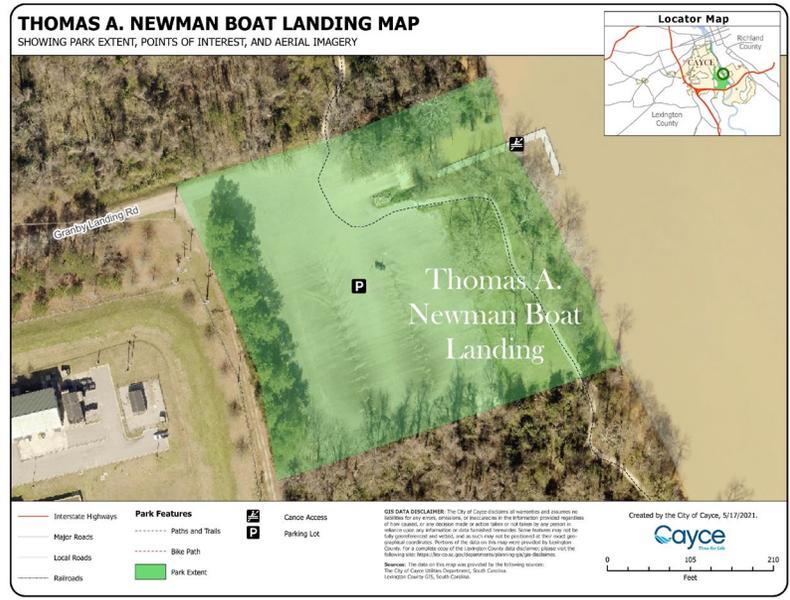
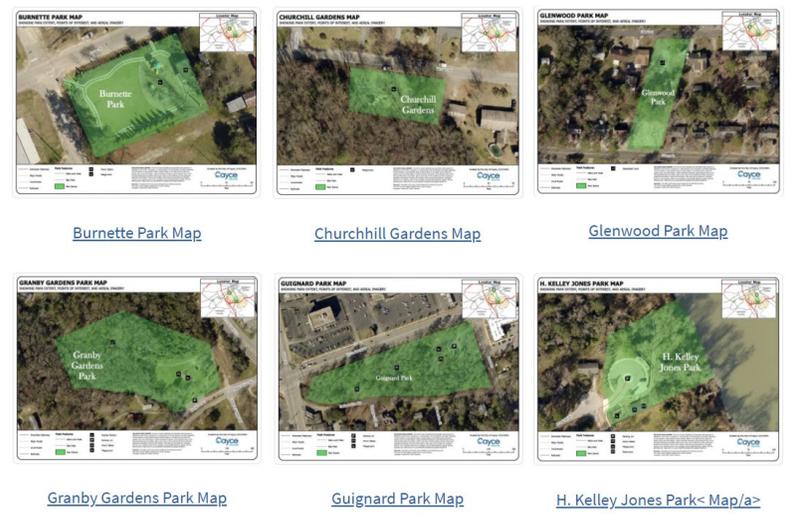
Cayce Riverwalk  
201 Naples Avenue, Cayce, SC 29033  
[View the Google Map.](#)

And the locations for each of our parks were only available through a Google Maps link!



EXAMPLE OF  
CITY MAPPING  
OVERHAUL

CAYCE PARKS  
MAPS  
(CURRENT)



We now have our own annually-updated maps of our Riverwalk...

<https://caycesc.gov/mapping.php>

And a mapping gallery and individual maps of every park in Cayce!

# GEOSPATIAL APPLICATION DEVELOPMENT

## *The Pump Stations Dashboard*

🔍 Zoom to    ↕ Pan

### FOREMAN STREET PUMP STATION ✕

Identifier	SPS024
Feature Name	FOREMAN STREET PUMP STATION
Operable	YES
Street	2354 FOREMAN ST
City	CAYCE



10 ft

KEY  
PROJECTS



# HYDRANT FLOW AND FLUSHING PROJECTS (2019 - 2021)

Home ▾ Cayce FH and WV Collection 2021 ✎

Open in new Map Vie

The screenshot shows a GIS application interface. At the top, there is a navigation bar with options: Details, Add, Edit, Basemap, Analysis, Save, Share, Print, Directions, Measure, and Bookmarks. The main map area displays an aerial view of a residential area with numerous green and yellow circular markers representing hydrants. A popup window is open over one specific hydrant, titled "Cayce Fire Hydrant WHD078025". The popup contains the following data:

Cayce Fire Hydrant WHD078025	
Identifier	WHD078025
Operable?	Yes
Flow Rate (GPM)	1,250
Static Pressure (PSI)	75
Residual Pressure (PSI)	63
Color	GREEN
Install Date	2001
Last Service Date	8/8/2019, 2:07 AM
Model	Unknown
Manufacturer	M&H Valve

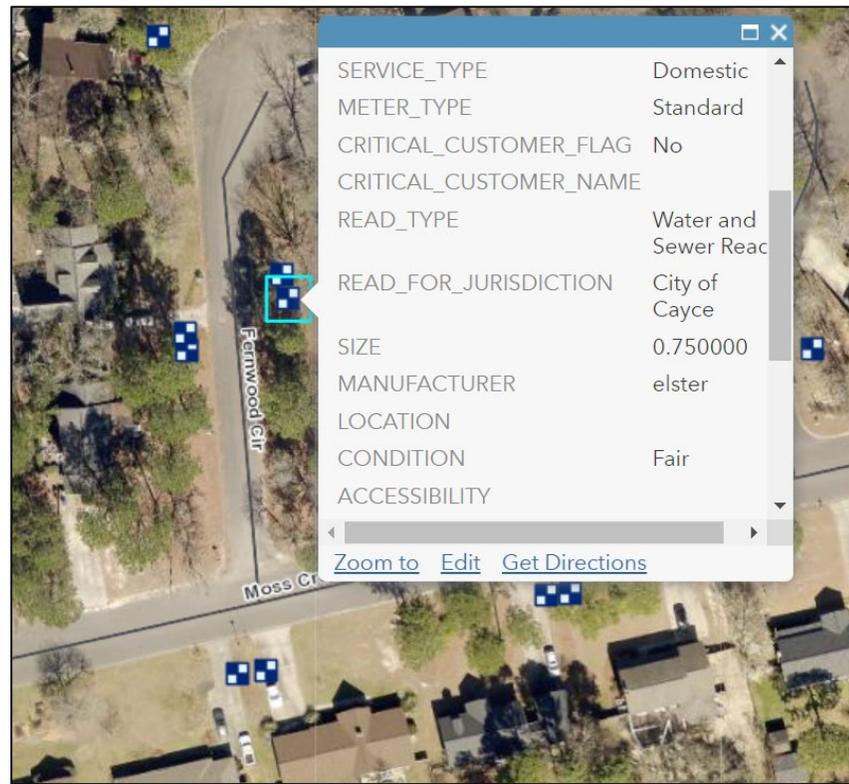
On the left side of the map, there is a legend with three sections:

- Hydrant\_Maintenance\_Reports**
  - 2021 (Green dot)
  - 2020 (Yellow dot)
  - 2019 (Orange dot)
  - Missing Maintenance Report (Red dot)
- Hydrant\_Flow\_and\_Flushing\_Reports**
  - 2021 (Green dot)
  - 2020 (Yellow dot)
  - 2019 (Orange dot)
  - Missing FF Report (Red dot)
- Hydrants (July 2021)**
  - BLACK (Black triangle)

At the bottom left, there are links: Trust Center, Contact Esri, Report Abuse, and Contact Us.

Almost the entire system has been flushed and recorded digitally for the first time. If DHEC requires any information on these hydrants, they can simply reference the GIS system and get everything they need.

# BILLING COLLECTIONS PROJECT (ON-GOING)



The Billing Department is gradually bringing in every single water service meter we have into GIS.

Not only are they getting meter details, they are taking photos of each meter. This will dramatically improve our ability to maintain and locate these assets in the future.



# DIGITAL WORK ORDER SYSTEM (END OF 2021)



## City of Cayce Digital Work Order Geoform

Please fill out the fields to the best of your ability and click "Submit".

Once you submit the work order, please navigate to Workforce to assign the work order to an employee.

### 1. Enter Information

<b>WORK ORDER TYPE</b>
Select... <span>▼</span>
<b>REQUESTED BY</b>
<input type="text"/>
<b>DEPARTMENT COMPANY</b>
<input type="text"/>
<b>PRIMARY CONTACT PHONE</b>
<input type="text"/>
<b>SECONDARY CONTACT PHONE</b>
<input type="text"/>

The GIS-based Digital Work Order System will replace the existing physical carbon-paper forms used by the Utilities Department which has been in place for decades.

FUTURE  
GIS  
PROJECTS



FULL GIS  
INVENTORY  
OF ALL  
UTILITIES  
ASSETS



Traffic Boxes

Storm Drains

Murals

Dumpsters

Sculptures



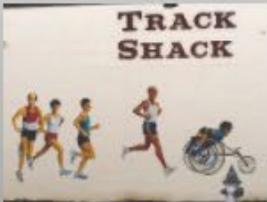
Randall Paints, Orlando  
Urban Trail



Patty Sheehan, Orlando  
Urban Trail



Volunteer Artists, Track  
Shack



Artist TBD, Track Shack



Dolla Bill, Will's Pub



JC Rivera, Lil Indie's



Andrew Spear, Tako Cheena



Artist TBD, Tako Cheena



Ric Sosa, The Center



Scott Bowles and Jack  
Hoffman, Bites & Bubbles



Jonas Never, Floyd's 99  
Barbershop

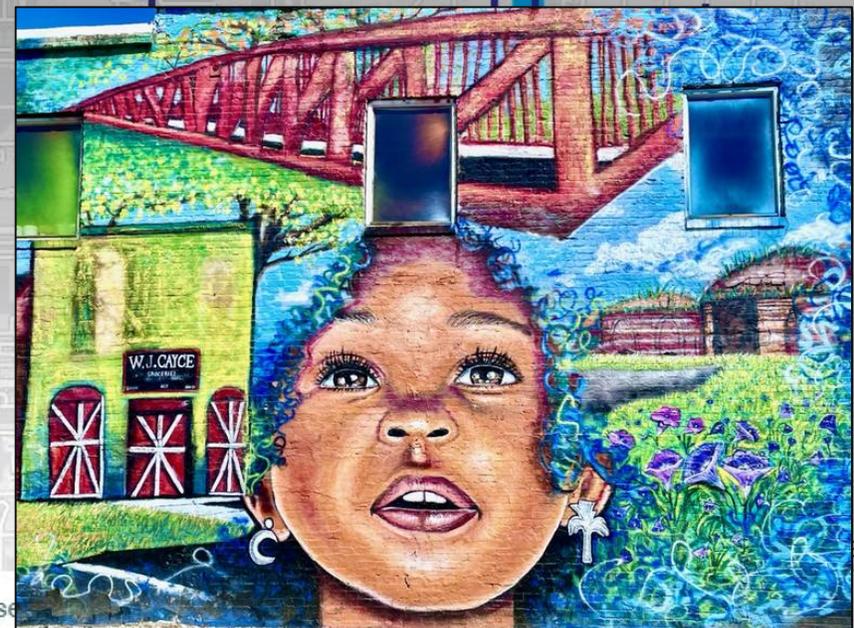


Andrew Spear, Shelbie  
Printing



Multiple Artists, Sam Flax  
Orlando

# STORY MAP OF THE CAYCE ARTS DISTRICT



Click on the screen to access the tour route and see

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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager

**Date:** 11/08/2021

**Subject:** Second Reading of an Ordinance to adopt a revised Business License Ordinance in accordance with the Business License Standardization Act (2020 Act No. 176)

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## Issue

Adoption of an Ordinance to revise our current Business License Ordinance to be in accordance with the Business License Standardization Act (2020 Act No. 176).

## Discussion

A new model business license ordinance is recommended by the Municipal Association of South Carolina (the Association) to comply with requirements of Act 176. South Carolina's cities and towns are now required to standardize their business license practices before January 1, 2022.

The Association advises cities and towns to repeal their existing business license ordinance and replace it with the Association's new model ordinance. The law creates numerous, specific requirements of municipalities that collect the tax, and attorneys have carefully vetted the model ordinance to comply with all of them. This focus on compliance makes the new model ordinance different from past model ordinances, which only provided suggestions on best business license practices.

The model ordinance is intended to improve the ease of the licensing process for businesses, with a standard license year and due date, standard application, and a standard class schedule, as found in the model business license ordinance.

Per Act 176, Planning & Development staff coordinated with the Association to conduct rebalance calculations to project the impacts to revenues and license payees based on the new class schedule.

That summary, based on 2,015 licenses, is discussed below:

- 492 have an increase in fees of greater than 10%
- 18 have an increase of greater than \$250
- 11 of the licensees meet both conditions (greater than 10% and \$250)
- 796 licensees (40%) will have a decrease in their payments based on the new class schedule
- 1,219 licensees (60%) will have an increase in their payments based on the new class schedule
- The overall difference in rebalancing is a 0.6% change equivalent to \$11,151 net gain in revenue.

**Current Revenue = \$2,013,809**  
**Projected Revenue = \$2,025,125**

This balance is well within an acceptable range and the Association advised that the City did not need to revise any of its rates.

The revised Ordinance language is attached as well as documents outlining the steps in the process and substantial changes between the current ordinance and the revised ordinance under consideration.

**Recommendation**

Staff recommends that Council give second reading approval of the revised Business License Ordinance, 2021-23, in accordance with the Business License Standardization Act (2020 Act No. 176).

STATE OF SOUTH CAROLINA	)	ORDINANCE 2021-23
	)	
COUNTY OF LEXINGTON	)	AN ORDINANCE TO ADOPT A REVISED
	)	BUSINESS LICENSE ORDINANCE IN
CITY OF CAYCE	)	ACCORDANCE WITH THE BUSINESS LICENSE
	)	STANDARDIZATION ACT (2020 ACT NO. 176)

**WHEREAS**, in September 2020, the South Carolina General Assembly adopted the South Carolina Business License Tax Standardization Act (2020 Act No. 176), now codified at S.C. Code Sections 6-1-400 to 6-1-420 (the “Act”); and,

**WHEREAS**, the Act requires all municipalities and counties that impose a business license tax to adopt a standard business license year of May 1 through April 30; and,

**WHEREAS**, the Act requires all municipalities and counties that impose a business license tax to utilize the Act’s standardized business license requirements and class schedule; and,

**WHEREAS**, the Act requires all municipalities and counties to update their business license class schedules every odd year based on the latest available IRS statistics; and,

**WHEREAS**, in establishing the rates for the business license taxes set out in the 2022 Business License Ordinance, the Council has determined, as contemplated by new S.C. Code section 6-1-400(G)(1) and (2), that, in addition to the sound basis of taxation using IRS statistics on profitability, a rational basis also exists for particularized treatment of certain business subclassifications with individually designated rates, for reasons of economic stimulus or in consideration of the enhanced or disproportionate demands for municipal services or infrastructure: and,

**WHEREAS**, in order to comply with the requirements of the Act, the City of Cayce (the “Municipality”) has prepared the attached 2022 Business License Ordinance, which is incorporated herein by this reference,

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

1. The attached 2022 Business License Ordinance is hereby adopted and shall become effective beginning with the business license period commencing on May 1, 2022 ("the Effective Date").
2. Current City Code sections 12-36 through 12-57 related to business licensing shall be repealed and replaced in their entirety beginning with the Effective Date of the 2022 Business License Ordinance on May 1, 2022, with the following exceptions:
  - (a) Any ordinances of the City related to collections programs administered by the Municipal Association of South Carolina,

including without limitation, the Insurance Tax Collection Program (ITCP), the Brokers Tax Collection Program (BTCP), the Telecommunications Tax Collection Program (TTCP), and Setoff Debt Collection Program, shall remain in full force and effect in accordance with their terms except to the extent specifically amended by the 2022 Business License Ordinance, and

- (b) The repeal shall not affect any previous or pending prosecution or civil action for enforcement of the repealed ordinances or City Code sections, or for collection of any business license taxes or penalties or interest arising from the repealed ordinances or City Code sections, and neither shall the repeal prevent such a prosecution or civil action from being commenced for any violation occurring prior to the repealing of the ordinances or City Code sections.
- 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this Ordinance.
- 4. If any section, subsection, or clause of this Ordinance or the attached 2022 Business License Ordinance shall be deemed or determined to be unconstitutional or otherwise invalid, the validity of the remaining section, subsections, and clauses shall not be affected thereby.

Following adoption of this Ordinance on its second and final reading, the attached 2022 Business License Ordinance, along with the remaining provisions of this Ordinance, shall become effective, as provided above, beginning with the business license period commencing on May 1, 2022.

**DONE IN MEETING DULY ASSEMBLED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Elise Partin, Mayor

Attest:

\_\_\_\_\_  
Mendy Corder, CMC, Municipal Clerk

First Reading: \_\_\_\_\_

Second Reading and Adoption: \_\_\_\_\_

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

## **Substantial Changes to Business License Ordinance**

**Section 3:** The additional language in the proposed ordinance (based on the MASC Model) concerning contractors and duration of licenses is driven by the new State statutory provision in S.C. Code section 6-1-400(B)(2). That subsection provides, in part, “A business license related to construction contract projects may be issued on a per project basis, at the option of the taxpayer.” This State law change is also reflected in the further language of our proposed Section 3 which is why that entire section was revamped.

**Section 4:** The language on licenses for construction contract projects was added in our proposed Section 4 to comply with the new controlling State law mentioned above concerning section 3.

**Section 11:** The assessment provisions in the proposed ordinance are controlled by the new State Code section 6-1-410 that describes the assessment procedure in detail. Section 6-1-410 sets out the appeal process on assessments to Council and beyond.

**Section 14 F:** is an addition to the grounds for denial.

**Section 15 and Section 16 B:** The proposed ordinance shortens the time period for appeal to Council of denials and suspensions to 10 calendar days and shortens the time period for Council to hear appeals from 30 days to 10 business days. The idea was to reduce the occurrence and impact of due process claims by businesses that the longer time periods deprived them of their opportunity to operate their businesses.

**Section 16 C:** This new subsection on the effect of appeal to circuit court comports with the law as we believe it to be.

**Section 16 D:** This new subsection is intended to accommodate the MASC collection programs.

**Pg. A-5:** This is a new sub class. Class 9.

## 2022 BUSINESS LICENSE ORDINANCE

**Section 1. License Required.** Every person engaged or intending to engage in any business, calling, occupation, profession, or activity with the object of gain, benefit, or advantage, in whole or in part within the limits of the City of Cayce, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

**Section 2. Definitions.** The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

*“Business”* means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

*“Charitable Organization”* means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

*“Charitable Purpose”* means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

*“Classification”* means that division of businesses by NAICS codes subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

*“Council”* means the City Council of the City of Cayce.

*“Domicile”* means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a licensee may be deemed to have more than one domicile.

*“Gross Income”* means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Municipality. If the licensee has a domicile within the Municipality, business done within the Municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the Municipality, business done within the Municipality shall include only gross receipts or revenue received or accrued within the Municipality. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee’s gross income for the purpose of computing the tax within the Municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the Municipality. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other

government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the Municipality shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

*"License Official"* means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the Municipality may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

*"Licensee"* means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

*"Municipality"* means the City of Cayce, South Carolina.

*"NAICS"* means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

*"Person"* means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

**Section 3. Purpose and Duration.** The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. ***The license year ending on April 30, 2022, shall commence on May 1, 2022 and shall run for a 12-month>> period.***

**Section 4. Business License Tax, Refund.**

- A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. No refund shall be made for a business that is discontinued.
- C. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the Municipality before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The Municipality shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

**Section 5. Registration Required.**

- A. The owner, agent, or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.
- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.
- C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the Municipality have been paid.

- D. The Municipality shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or licensee from existing business license or business license tax obligations.

**Section 6. Deductions, Exemptions, and Charitable Organizations.**

- A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.
- B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.
- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the Municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.
- E. A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

**Section 7. False Application Unlawful.** It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license or to give or file, or

direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

**Section 8. Display and Transfer.**

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.
- B. A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

**Section 9. Administration of Ordinance.** The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

**Section 10. Inspection and Audits.**

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

**Section 11. Assessments, Payment under Protest, Appeal.**

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the Municipality pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

**Section 12. Delinquent License Taxes, Partial Payment.**

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for sixty (60) days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.
- B. Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

**Section 13. Notices.** The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the Municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

**Section 14. Denial of License.** The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;

- D. The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction;
- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- G. The license for the business or for a similar business of the licensee in the Municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

**Section 15. Suspension or Revocation of License.** When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;
- C. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- E. A licensee has engaged in an unlawful activity or nuisance related to the business; or
- F. A licensee is delinquent in the payment to the Municipality of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the Municipality by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

**Section 16. Appeals to Council or its Designee.**

- A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may

appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.

- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the Municipality.
- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.
- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality may establish a different procedure by ordinance.

**Section 17. Consent, franchise, or license required for use of streets.**

- A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

**Section 18. Confidentiality.** Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Municipality may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or

return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this ordinance.

**Section 19. Violations.** Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this ordinance.

**Section 20. Severability.** A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 *et seq.*, the standardization act shall control.

**Section 21. Classification and Rates.**

- A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council.
- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the Municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the Municipality, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.
- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk.

**APPENDIX A: BUSINESS LICENSE RATE SCHEDULE**

<b>RATE CLASS</b>	<b>INCOME: \$0 - \$2,000</b>	<b>INCOME OVER \$2,000</b>
	<b>BASE RATE</b>	<b>RATE PER \$1,000 OR FRACTION THEREOF</b>
1	\$20.00	\$1.20
2	\$25.00	\$1.25
3	\$30.00	\$1.30
4	\$35.00	\$1.35
5	\$40.00	\$1.40
6	\$45.00	\$1.45
7	\$50.00	\$1.50
8.1	\$30.00	\$1.30
8.2	Set by state statute *	
8.3	MASC Telecommunications*	
8.4	MASC Insurance *	
8.51	\$12.50 + \$12.50 per machine	
8.52	\$12.50 + \$180.00 per machine	
8.6	\$25.00_ plus \$5.00 -OR- \$12.50 per table	\$1.85
9.1	\$60.00	\$2.50
9.2	\$400.00*	\$1.75*
9.3	\$20.00	\$1.00*
9.41	\$135.00	\$3.10
9.42	\$20.00	\$3.10
9.5	\$300.00	\$3.10
9.6	\$200.00	\$5.10*
9.7	\$265.00	\$5.60
9.80	RESERVED	RESERVED
9.91	\$200.00	\$5.10
9.92	\$50.00	
9.93	\$100	
9.94	\$200	\$5.10

**NON-RESIDENT RATES**

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

**\*All Taxes and Rates that will NOT be doubled for nonresidents.**

**DECLINING RATES**

Declining Rates apply in all Classes for gross income in excess of \$1,000,000, unless otherwise specifically provided for in this ordinance.

<b><u>Gross Income in \$ Millions</u></b>	<b><u>Percent of Class Rate for each additional \$1,000</u></b>
0-5	100%
5-7	95%
7-9	90%
9-110	85%
OVER 110	45%

**CLASS 8 RATES**

Each NAICS number designates a separate subclassification. 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, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the Municipality also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

**8.1 NAICS 230000 – Contractors, Construction, All Types [Non-resident rates apply].**

Resident rates, for contractors having a permanent place of business within the Municipality:

Minimum on first \$2,000 .....	\$ 30 PLUS
Each additional 1,000.....	\$1.3

Non-resident rates apply to contractors that do not have a permanent place of business within the Municipality. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

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 sub-contractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the 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 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for

which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

**8.2 NAICS 482 – Railroad Companies** (See S.C. Code § 12-23-210).

**8.3 NAICS 517311, 517312 – Telephone Companies.**

With respect to “retail telecommunications services” as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Telecommunications Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

**8.4 NAICS 5241 – Insurance Companies:**

Independent agents, brokers, their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Insurers and Brokers Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

**8.51 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]**.

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine .....	\$12.50 PLUS
Business license .....	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

**8.52 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]**.

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine .....	\$180.00 PLUS
Business license .....	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

**8.6 NAICS 713990 – Billiard or Pool Rooms, all types.** (A) Pursuant to SC Code § 12-21-2746, license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that; PLUS, (B) with respect to gross income from the entire business in addition to the tax authorized by state law for each table:

Minimum on first \$2,000 .....	\$25.00 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$1.85

**Class 9 Rates**

Class 9, in accord with S.C. Code section 6-1-400(G)(2), consists of additional subclassifications for which the Council has determined a rational basis exists for individually designated rates other than those derived from IRS statistics. This determination is based on particularized considerations for economic stimulus or for enhanced or disproportionate demands for municipal services and infrastructure.

Non-resident rates do not apply except where indicated.

**9.1 NAICS 423930 – Junk or Scrap Dealers** [Non-resident rates apply].

Minimum on first \$2,000 .....	\$60.00 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$2.50

**9.2 NAICS 522298 – Pawn Brokers** [All Types].

Minimum on first \$2,000 .....	\$400.00 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$1.75

**9.3 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.....	\$1.00

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 value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

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

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

- 9.41** 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..... \$3.10
- 9.42** 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..... \$3.10  
Applicants for a license to sell on private property must provide written authorization from the property owner to use the intended location.

**9.5** **NAICS 713290 – Bingo halls, parlors.**

Minimum on first \$2,000 ..... \$300.00 PLUS  
Per \$1,000, or fraction, over \$2,000..... \$3.10

**9.6** **NAICS 711190 – Carnivals and Circuses.**

Minimum on first \$2,000 ..... \$200.00 PLUS  
Per \$1,000, or fraction, over \$2,000..... \$5.10

**9.7** **NAICS 722410 – Drinking Places, bars, lounges, cabarets** (Alcoholic beverages consumed on premises).

Minimum on first \$2,000 ..... \$265.00 PLUS  
Per \$1,000, or fraction, over \$2,000..... \$5.60

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 711310 711320 Special events promoter**

**9.91** Two or more days:

Minimum on first \$2,000...\$200  
\$1,000, or fraction, over \$2,000 .....\$5.10

- 9.92 One day- On gross income up to \$2,000....\$50
- 9.93 One day- On gross income between \$2,001 and \$10,000 .....\$100
- 9.94 One day- On gross income over \$10,000:
  - Minimum on first \$10,000...\$200
  - \$1,000, or fraction, over \$10,000...\$5.10

The exhibitors or participants in an event with a special events promoter will not be required to obtain a business license if the promoter has obtained one.

**Business License Class Schedule by NAICS Code**  
**Appendix B**

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2.00

21	Mining	4.00
23	Construction	8.10
31-33	Manufacturing	2.00
42	Wholesale trade	1.00
423930	Recyclable Material Merchant Wholesalers (Junk)	9.10
44-45	Retail trade	1.00
4411	Automobile Dealers	9.30
4412	Other Motor Vehicle Dealers	9.30
454390	Other Direct Selling Establishments (Peddlers)	9.41 & 9.42
48-49	Transportation and warehousing	2.00
482	Rail Transportation	8.20
51	Information	4.00
517311	Wired Telecommunications Carriers	8.30
517312	Wireless Telecommunications Carriers (except Satellite)	8.30
52	Finance and insurance	7.00
522298	Pawnshops	9.20
5241	Insurance Carriers	8.40
5242	Insurance Brokers for non-admitted Insurance Carriers	8.40
53	Real estate and rental and leasing	7.00
54	Professional, scientific, and technical services	5.00
55	Management of companies	7.00
56	Administrative and support and waste management and remediation services	4.00
61	Educational services	4.00
62	Health care and social assistance	4.00
71	Arts, entertainment, and recreation	3.00
711190	Other Performing Arts Companies (Carnivals and Circuses)	9.60
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713290	Bingo Halls	9.50
713990	All Other Amusement and Recreational Industries ( pool tables)	8.60
721	Accommodation	3.00
722	Food services and drinking places	1.00
722410	Drinking Places (Alcoholic Beverages)	9.70
81	Other services	5.00

*Note: Class Schedule is based on 2017 IRS data.*

This appendix will be updated every odd year based on the latest available IRS statistics. The 2021 Business License Class Schedule may be accessed at: [www.caycesc.gov/business](http://www.caycesc.gov/business)

**Steps to Complete Business License Standardization Process**

- **Convert Business License Year – Completed**  
To be in compliance the License year must run from May 1 to April 30.
- **Review all business license tax data for accuracy – Completed**  
Make sure the North American Industry Classification (NAICS) number is assigned correctly to all business types.
- **Rebalance to prevent a windfall or loss – Completed**  
Cities and towns must rebalance their business license tax rates to ensure revenue neutrality during the 2022 business license cycle. In other words, achieving compliance with the law during the first year of 2021 cannot have the effect of creating a revenue windfall relative to 2020 revenue.
- **Use the Association’s 2021 class schedule – Completed**  
Previous schedules included the standard seven classes and a special Class 8. Beginning with the 2021 class schedule, there will be seven standard classes, a Class 8 showing mandatory special classes based on state law and a Class 9. Class 9 outlines business types that can be placed into optional, special subclasses.
- **Repeal and replace the business license ordinance – First Reading of Council on October 20th**  
The Association advises cities and towns to repeal your existing business license ordinance and replace it with Association’s new model ordinance. The law creates numerous, specific requirements of municipalities that collect the tax, and attorneys have carefully vetted the model ordinance to comply with all of them. This focus on compliance makes the new model ordinance different from past model ordinances, which provided only suggestions on best business license practices.
- **Set up an online renewal center account – Completed**
- **Notify stakeholders – November/December**  
Renewal letter has been created, application updates have been completed and notification materials are ready for distribution for the renewal season upon adoption.

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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager

**Date:** November 8, 2021

**Subject:** Second Reading of Ordinance amending Section 6.5 Table I, and Section 6.7 Table 3 of the Zoning Ordinance to revise requirements for the RS-4 zoning district and amending Section 7.1 of the Zoning Ordinance to revise requirements for townhouses.

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## Issue

Council's approval is needed for the Second Reading of Ordinance amending Section 6.5 Table I, and Section 6.7 Table 3 of the Zoning Ordinance to revise requirements for the RS-4 zoning district and amending Section 7.1 of the Zoning Ordinance to revise requirements for townhouses.

## Discussion

These text amendments were developed as a result of Council's request for staff to investigate zoning requirements to allow for a variety of single-family residential uses - detached, duplex, patio home and townhome development - while restricting "High-Rise" multi-family apartments. This request is the result of considering the most compatible and optimal use for 1407 Dunbar Road (former Busbee Middle School), during a rezoning request from C-1 Office and Institutional to RG-2, General Residential District – High Rise.

Currently, the City does not have a zoning district classification that allows for single-family detached and small lot residential development, such as duplex, patio homes or townhomes; without also allowing for multi-family residential or "High-Rise" residential development in the form of air-space condominiums or rented apartments.

The amendment provides language to permit duplexes by-right and townhome developments and patio homes by conditional use in the RS-4 zoning district. Multi-family uses would be prohibited. The conditional use Sections 7.1 (Townhouse Projects) and 7.2 (Patio and zero lot line housing projects) regulates the design of those homes to ensure new construction will fit in with existing neighborhoods. Additionally, any permitted development surrounded by residential on two sides by existing residential would be subject to Section 6.12 infill design standards of the zoning ordinance. All of these design elements give small lot development the feel of traditional, detached single-family homes. The amendment also clarifies dimensional requirements for the RS-4 zoning district to explicitly state the 3,000 square foot minimum lot size requirement for townhouse units (this previously had to be inferred by backing into calculations using minimum project size and lot width requirements, which was confusing and cumbersome for staff and applicants).

According to the Cayce Housing Study, there is “opportunity to build housing at a variety of pricepoints and typologies,” as well as “opportunity for retaining and attracting households by maintaining a diversified housing stock.” A recommendation of the study suggested, “using zoning to guide housing investments,” along with appropriate standards and a list of implementation strategies. The conditional use regulations will safeguard the City from multiple developments that create a disjointed appearance of the City. Infill uses not subject to the conditional standards are subject to the infill design ordinance standards. The red-lined document is attached.

The Planning Commission met on August 23, 2021 to hear public comment and to consider their recommendations for the subject text amendments. One (1) person spoke in favor of the amendment.

### **Recommendation**

The Planning Commission decided unanimously (6-0) to approve the recommendation to Council to approve amending Section 6.5 Table I, and Section 6.7 Table 3 of the Zoning Ordinance to revise requirements for the RS-4 zoning district and amending Section 7.1 of the Zoning Ordinance to revise requirements for townhouses. Staff recommends adoption of these amendments, as necessary to meet the goals of the housing study by providing a diversity of housing stock, while also preserving the character of residential neighborhoods from encroachment by more intensive, higher density multi-family developments.

STATE OF SOUTH CAROLINA	)	ORDINANCE 2021-20
	)	Amending Section 6.5 Table I,
COUNTY OF LEXINGTON	)	Section 6.7 Table 3 of the Zoning
	)	Ordinance to Revise Requirements
CITY OF CAYCE	)	for the RS-4 Zoning District and
	)	Amending Section 7.1 of the Zoning
	)	Ordinance to Revise Requirements
	)	for Townhouses

**WHEREAS**, the City Council, on the recommendation of City Administration, has determined that it is in the interest of the City and its citizens to revise and amend the current language of Section 6.5 Table I ("Schedule of Uses") and Section 6.7 Table 3 ("Schedule of Lot Area") of the City Zoning Ordinance, regarding requirements for the RS-4 zoning district, and to revise and amend the current language of Section 7.1 ("Townhouses") of the Zoning Ordinance, regarding requirements for townhouses; and

**WHEREAS**, the Cayce Housing Study, there is "opportunity to build housing at a variety of price-points and typologies," as well as "opportunity for retaining and attracting households by maintaining a diversified housing stock;" and

**WHEREAS**, the Cayce Housing Study also recommended, "using zoning to guide housing investments," along with appropriate standards and a list of implementation strategies; and

**WHEREAS**, the Planning Commission held a special called meeting and public hearing on these amendments to receive comments from the public; and

**WHEREAS**, the Planning Commission met on August 23, 2021, to receive public comments and vote on whether to recommend these amendments of Section 6.5 Table I, Section 6.7 Table 3 and Section 7.1 of the Zoning Ordinance, and has decided, by a unanimous vote, that it does recommend these amendments,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Section 6.5 Table I; that Section 6.7 Table 3 and that Section 7.1 of the Zoning Ordinance are hereby amended to permit duplexes and conditionally allow patio homes and townhomes; to adjust minimum lot area and minimum lot width to include the new proposed duplex, patio home and townhome development uses; and to clarify the minimum lot area for townhomes, as shown on the attached document

This Ordinance shall become effective upon Council approval on second reading.

**DONE IN MEETING DULY ASSEMBLED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Elise Partin, Mayor

Attest:

\_\_\_\_\_  
Mendy Corder, CMC, Municipal Clerk

First Reading: \_\_\_\_\_

Second Reading and Adoption: \_\_\_\_\_

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



**Section 6.7 Table 3, Schedule of Lot Area, Setbacks, Height, & Lot Coverage Requirements, by Zoning Districts**

District	Minimum Lot Area (a)		Min. Lot Width (ft.)	Minimum Building Setbacks  Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Maximum Height (ft.) (c)	Maximum Lot Coverage Ratio (%)	Design Standards
	Residential	Non-Residential			Res.	Non-Res.	Res.	Non-Res.			
RS-1	12,000	24,000	80	35	9	30	25	50	35	35	(i)
RS-2	9,450	18,000	70	35	6	30	20	40	35	35	(i)
RS-3	7,200	12,000	60	25	5	25	20	30	35	35	(i)
RS-4	(d)	10,000	(g)	25	5	25	15	30	35	35	(i)
RG-1	(d)	10,000	(g)	25	5	25	15	30	(e)	40	(i)
RG-2	(d)	10,000	(g)	25	5	25	15	30	(e)	40	(i)
C-1	(d)	6,000	(g)	25	5	5	10	10	(e)	50	(i)
C-2	0	0	0	25	(h)	(h)	10	10	(e)	NA	(i)
C-3	0	0	0	(f)	(h)	(h)	10	10	None	NA	(i)
C-4	0	0	0	25	5	5	20	20	(e)	NA	(i)
M-1	NA	0	0	25	NA	10	NA	25	(e)	NA	(i)
M-2	NA	0	0	25	NA	10	NA	25	(e)	NA	(i)
D-1	40,000	40,000	150	35	8	16	15	30	35	35	(i)

**Notes To Table 3**

a - Lot area is expressed in square feet.

b - Measurement from front property line.

c - Measurement from average elevation of finished grade of the front of the structure.

d - Minimum lot area based on number and type of units.

Single-family Detached: 5,000 Sq. Ft.

Duplex Units: 7,500 Sq. Ft.

Triplex, Quadraplexes, multifamily apts.

Efficiency: 5,000 Sq. Ft. + 1,500 Sq. Ft. per each additional unit

1 Bedroom: 5,000 Sq. Ft. + 2,000 Sq. Ft. per each additional unit

2 Bedroom: 5,000 Sq. Ft. + 2,500 Sq. Ft. per each additional unit

3 Bedroom: 5,000 Sq. Ft. + 3,000 Sq. Ft. per each additional unit

e - There is no maximum; provided side and rear yard setbacks shall be increased by one foot for each three feet in building height, over 35 feet.

f - Maximum setback is 20 feet; no minimum. Buildings may extend to the front property line.

g - 50 feet for single family, duplex and nonresidential uses; 150 for multifamily uses.

h - No side yard required; however where building is not built to property line, not less than three foot setback is required.

i - Properties located on an existing street and surrounded on at least two (2) sides by existing residential development must meet design standards in accordance with Section 6.12 Residential Infill Development Design Standards.

In the case of corner lots, the yards remaining after full and half-depth front yards have been established shall be considered to be the side yards. There will be no required rear yard.

## Section 7.1 Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table 3 are hereby waived and the following design requirements imposed for all such projects:

- (1) Such projects shall have a minimum of 0.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit.
- (3) Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- (4) Side yard setbacks at the end unit shall be five (5) feet.
- (5) Rear yard setbacks shall be 15 feet.
- (6) Minimum lot width shall be 18 feet.
- (7) Sidewalks not less than five (5) feet in width shall be provided along the front property line of each project, building.
- (8) Maximum height of buildings shall not exceed 35 feet.
- (9) Front yard setbacks may extend to within 10 feet of the front property line.
- (10) Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in GFA.
- (11) Roof
  - a. Must be sloped with a pitch that is no flatter than six (6) units of vertical rise to twelve (12) units of horizontal run or as appropriate to the architectural style of the structure and approved by the Planning Director.
  - b. Architectural features, at least one (1) of the following:
    - i. At least one (1) dormer facing the street. If only one (1) dormer is included, it shall be located in the center third (horizontally) of the front elevation. If more than one (1) dormer is provided, at least two (2) dormers not less than four (4) feet wide must be provided on the front elevation
    - ii. A gable end, or gabled end of a roof projection, facing the street
    - iii. A shed dormer facing the street.
  - c. Eaves: Must project from the building wall at least twelve (12) inches, measured horizontally, on the front and side elevations.



**Section 6.7 Table 3, Schedule of Lot Area, Setbacks, Height, & Lot Coverage Requirements, by Zoning Districts**

District	Minimum Lot Area (a)		Min. Lot Width (ft.)	Minimum Building Setbacks  Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Maximum Height (ft.) (c)	Maximum Lot Coverage Ratio (%)	Design Standards
	Residential	Non-Residential			Res.	Non-Res.	Res.	Non-Res.			
RS-1	12,000	24,000	80	35	9	30	25	50	35	35	(i)
RS-2	9,450	18,000	70	35	6	30	20	40	35	35	(i)
RS-3	7,200	12,000	60	25	5	25	20	30	35	35	(i)
RS-4	(d)	10,000	(g)	25	5	25	15	30	35	35	(i)
RG-1	(d)	10,000	(g)	25	5	25	15	30	(e)	40	(i)
RG-2	(d)	10,000	(g)	25	5	25	15	30	(e)	40	(i)
C-1	(d)	6,000	(g)	25	5	5	10	10	(e)	50	(i)
C-2	0	0	0	25	(h)	(h)	10	10	(e)	NA	(i)
C-3	0	0	0	(f)	(h)	(h)	10	10	None	NA	(i)
C-4	0	0	0	25	5	5	20	20	(e)	NA	(i)
M-1	NA	0	0	25	NA	10	NA	25	(e)	NA	(i)
M-2	NA	0	0	25	NA	10	NA	25	(e)	NA	(i)
D-1	40,000	40,000	150	35	8	16	15	30	35	35	(i)

**Notes To Table 3**

a - Lot area is expressed in square feet.

b - Measurement from front property line.

c - Measurement from average elevation of finished grade of the front of the structure.

d - Minimum lot area based on number and type of units.

Single-family Detached: 5,000 Sq. Ft.

Duplex Units: 7,500 Sq. Ft.

Triplex, Quadraplexes, multifamily apts.

Efficiency: 5,000 Sq. Ft. + 1,500 Sq. Ft. per each additional unit

1 Bedroom: 5,000 Sq. Ft. + 2,000 Sq. Ft. per each additional unit

2 Bedroom: 5,000 Sq. Ft. + 2,500 Sq. Ft. per each additional unit

3 Bedroom: 5,000 Sq. Ft. + 3,000 Sq. Ft. per each additional unit

e - There is no maximum; provided side and rear yard setbacks shall be increased by one foot for each three feet in building height, over 35 feet.

f - Maximum setback is 20 feet; no minimum. Buildings may extend to the front property line.

g - 50 feet for single family, duplex and nonresidential uses; 150 for multifamily uses.

h - No side yard required; however where building is not built to property line, not less than three foot setback is required.

i - Properties located on an existing street and surrounded on at least two (2) sides by existing residential development must meet design standards in accordance with Section 6.12 Residential Infill Development Design Standards.

In the case of corner lots, the yards remaining after full and half-depth front yards have been established shall be considered to be the side yards. There will be no required rear yard.

## Section 7.1 Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table 3 are hereby waived and the following design requirements imposed for all such projects:

- (1) Such projects shall have a minimum of 0.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit.
- (3) Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- (4) Side yard setbacks at the end unit shall be five (5) feet.
- (5) Rear yard setbacks shall be 15 feet.
- (6) Minimum lot width shall be 18 feet.
- (7) Sidewalks not less than five (5) feet in width shall be provided along the front property line of each project, building.
- (8) Maximum height of buildings shall not exceed 35 feet.
- (9) Front yard setbacks may extend to within 10 feet of the front property line.
- (10) Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in GFA.
- (11) Roof
  - a. Must be sloped with a pitch that is no flatter than six (6) units of vertical rise to twelve (12) units of horizontal run or as appropriate to the architectural style of the structure and approved by the Planning Director.
  - b. Architectural features, at least one (1) of the following:
    - i. At least one (1) dormer facing the street. If only one (1) dormer is included, it shall be located in the center third (horizontally) of the front elevation. If more than one (1) dormer is provided, at least two (2) dormers not less than four (4) feet wide must be provided on the front elevation
    - ii. A gable end, or gabled end of a roof projection, facing the street
    - iii. A shed dormer facing the street.
  - c. Eaves: Must project from the building wall at least twelve (12) inches, measured horizontally, on the front and side elevations.

Section 6.5 Table I, Schedule Of Uses And Off-Street Parking Requirements for Residential Districts

	NAICS	RS-1	RS-2	RS-3 <del>RS-4</del>	<del>RS-4</del>	RG-1	RG-2	Off -Street Parking Requirements
<b>Residential Uses</b>								
<b>Site Built Dwellings</b>								
Single-family detached	81411	P	P	P	<u>P</u>	P	P	2.0 spaces per unit
Duplex	81411	N	N	N	<u>P</u>	P	P	2.0 spaces per unit
Townhouse (Sec. 7.1)	81411	N	N	N	<u>C</u>	C	C	2.0 spaces per unit
Patio Home (Sec. 7.2)	81411	S	S	S	<u>C</u>	C	C	2.0 spaces per unit
Triplex	81411	N	N	N	<u>N</u>	P	P	2.0 spaces per unit
Quadraplex	81411	N	N	N	<u>N</u>	P	P	1.5 spaces per unit
Multi-family	81411	N	N	N	<u>N</u>	P	P	1.5 spaces per unit
Bed and Breakfast Inns (Sec. 7.3)	721191	S	S	S	<u>S</u>	C	C	1.0 space per bedroom
Rooming & boarding houses	72131	N	N	N	<u>N</u>	P	P	1.0 space per bedroom
<b>Manufactured Dwellings</b>								
Modular home	81411	P	P	P	<u>P</u>	P	P	2.0 spaces per unit
Manufactured Home Park (Sec. 7.6)	53119	N	N	N	<u>N</u>	N	S	2.0 spaces per unit
<b>Accessory Uses (Sec. 5.6)</b>								
Bathhouses, cabanas	NA	P	P	P	<u>P</u>	P	P	None
Domestic animal shelters	NA	P	P	P	<u>P</u>	P	P	None
Child day care services	6244	P	P	P	<u>P</u>	P	P	None
Satellite dishes/antennas	NA	P	P	P	<u>P</u>	P	P	None
<b>Accessory Apartment (Sec. 7.4)</b>	NA	N	N	N	<u>N</u>	C	C	<b>Sec. 7.4</b>
Coin operated laundries & dry cleaners	81231	N	N	N	<u>N</u>	P	P	None
Non-commercial greenhouse	NA	P	P	P	<u>P</u>	P	P	None
Private garage & carport	NA	P	P	P	<u>P</u>	P	P	None
Storage building	NA	P	P	P	<u>P</u>	P	P	None
Swimming pool, tennis courts	NA	P	P	P	<u>P</u>	P	P	None
Auxiliary shed, work shop	NA	P	P	P	<u>P</u>	P	P	None

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RS-3	7,200	12,000	60	25	5	25	20	30	35	35	(i)
RS-4	<del>(d)5,000</del>	10,000	<del>(g)50</del>	25	5	25	15	30	35	35	(i)
RG-1	(d)	10,000	(g)	25	5	25	15	30	(e)	40	(i)
RG-2	(d)	10,000	(g)	25	5	25	15	30	(e)	40	(i)
C-1	(d)	6,000	(g)	25	5	5	10	10	(e)	50	(i)
C-2	0	0	0	25	(h)	(h)	10	10	(e)	NA	(i)
C-3	0	0	0	(f)	(h)	(h)	10	10	None	NA	(i)
C-4	0	0	0	25	5	5	20	20	(e)	NA	(i)
M-1	NA	0	0	25	NA	10	NA	25	(e)	NA	(i)
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- e - There is no maximum; provided side and rear yard setbacks shall be increased by one foot for each three feet in building height, over 35 feet.
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- ~~(2)~~~~(3)~~ Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- ~~(3)~~~~(4)~~ Side yard setbacks at the end unit shall be five (5) feet.
- ~~(4)~~~~(5)~~ Rear yard setbacks shall be 15 feet.
- ~~(5)~~~~(6)~~ Minimum lot width shall be 18 feet.
- ~~(6)~~~~(7)~~ Sidewalks not less than five (5) feet in width shall be provided along the front property line of each project, building.
- ~~(7)~~~~(8)~~ Maximum height of buildings shall not exceed 35 feet.
- ~~(8)~~~~(9)~~ Front yard setbacks may extend to within 10 feet of the front property line.
- ~~(9)~~~~(10)~~ Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in GFA.
- ~~(10)~~~~(11)~~ Roof
  - a. Must be sloped with a pitch that is no flatter than six (6) units of vertical rise to twelve (12) units of horizontal run or as appropriate to the architectural style of the structure and approved by the Planning Director.
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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager

**Date:** November 2, 2021

**Subject:** First Reading of Ordinance 2021-24 to restructure the Department of Public Safety into separate Police and Fire Departments

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## Issue

Council's approval is needed for the First Reading of an Ordinance to restructure the Department of Public Safety into separate Police and Fire Departments and amend related provisions of the City Code.

## Discussion

It has long been a consideration of the City to separate the Public Safety Department into distinct Police and Fire Departments, once conditions were favorable and when in the best interest of the public and interest of effective and efficient operations. Administration has advised Council that the staffing and timing is right to make that change and has been making related organizational adjustments to support it. Supporting the separation at this time are the following points:

- current Command Staff changes present unique opportunity
- the employee numbers are appropriate, providing enough staffing for both departments
- there is no increase in costs to do this, in fact expenses should go down for dual equipment and training costs
- recruitment for officers and firefighters will be easier and morale better (they are really working hard to stay certified in both)

The attached Ordinance formalizes the repeal of the Department of Public Safety, creation of separate Police and Fire Departments, each led by their own Chief, and amends related provisions of the City's Code accordingly. These changes, if adopted, will take effect on January 1, 2022.

## Recommendation

Staff recommends Council approve First Reading of Ordinance 2021-24 to restructure the Department of Public Safety into separate Police and Fire Departments and amend related provisions of the City Code.

STATE OF SOUTH CAROLINA	)	ORDINANCE 2021-24
	)	
COUNTY OF LEXINGTON	)	AN ORDINANCE TO RESTRUCTURE THE
	)	DEPARTMENT OF PUBLIC SAFETY INTO
CITY OF CAYCE	)	SEPARATE POLICE AND FIRE DEPARTMENTS
	)	AND TO AMEND RELATED PROVISIONS OF
	)	THE CITY CODE

**WHEREAS**, the City Council, upon the recommendation of City administration, desires to restructure and alter the current Department of Public Safety by dividing it into a separate Police Department and a separate Fire Department with separate chiefs and staff; and

**WHEREAS**, Council believes it to be in the public interest and in the interest of effective and efficient operation of the City government to do so; and

**WHEREAS**, State law, in S.C. Code section 5-7-260(1), requires that the alteration or abolishment of municipal departments be accomplished by an ordinance of the Council; and

**WHEREAS**, the restructuring further necessitates the amendment of language of various City Code sections that refer to a Department of Public Safety or the officers or directors of the Department of Public Safety; and

**WHEREAS**, the Council further wishes to repeal certain sections in Chapter 32 of the City Code that no longer accurately reflect practices of the City,

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

1. Beginning on January 1, 2022, the Department of Public Safety will be restructured, altered, and replaced by a separate Police Department and a separate Fire Department with separate chiefs and staff. Until such date, the Police Department and Fire Department shall remain organizationally under and within the Department of Public Safety with the Police Chief to direct and supervise the Police Department and the Fire Chief to direct and supervise the Fire Department. All prior actions of the City Manager and the appointed Chiefs in implementing the current organization and in effectuating the restructuring of the Departments are hereby approved and ratified.
2. Chapter 32 ("Department of Public Safety") of the City Code is hereby amended with a new title to read "Police Department; Fire Department".
3. Current Sections 32-1, 32-2, and 32-3 of Chapter 32 of the City Code are repealed.

4. A new City Code Section 32-1, entitled "Police Department", is enacted to read:

There is hereby established a City Police Department to be under the direction and supervision of the Police Chief. The Police Chief shall be appointed by and subject to the direction and supervision of the City Manager. All police officers in the Department shall be vested with all the powers and duties conferred by State law, including those of constables. Any such police officers shall exercise their powers on all private and public property within the corporate limits of the City, on all property owned or controlled by the City wheresoever situated, and in such areas beyond the corporate limits of the City and for such purposes as are allowed by State law.

5. A new City Code Section 32-2, entitled "Fire Department", is enacted to read:

There is hereby established a City Fire Department to be under the direction and supervision of a Fire Chief. The Fire Chief shall be appointed by and subject to the direction and supervision of the City Manager.

6. To further reflect the restructuring, the following Sections of the City Code are hereby amended as indicated:

(a) The words "police chief" are substituted for the words "director of public safety" in Section 4-13.

(b) The words "police chief" are substituted for the words "director of public safety" and the words "director of the city" in Section 8-4.

(c) The words "police chief" are substituted for the words "director of public safety" in Section 8-5.

(d) The words "police department" are substituted for the words "department of public safety" in Section 8-8.

(e) The words "police chief" are substituted for the words "director of public safety", and the words "police chief's designee" are substituted for the words "director's designee" in section 8-11.

(f) The words "police chief" are substituted for the words "director of public safety" in Section 8-12.

(g) The words "police chief" are substituted for the words "director of public safety", and the words "police department" are substituted for the words "Cayce Public Safety" in Section 8-32.

(h) The word "police" is substituted for the words "city public safety" in Section 8-38.

(i) The words "police chief" are substituted for the words "public safety director" in Section 14-4.

(j) The word "police" is substituted for the words "public safety" in Section 14-8.

(k) The words "police department or fire department" are substituted for the words "public safety department" in Section 22-2.

(l) The words "fire chief" are substituted for the words "the director of the city department of public safety " in Sections 22-13, 22-14, and 22-15.

(m) The word "police" is substituted for the words "public safety" in Section 28-84.

(n) The words "police chief" are substituted for the words "director of public safety" in Section 28-113.

(o) The words "police chief" are substituted for the words "'director" and "director of the city's department of public safety" in Section 28-114.

(p) The words "police department" are substituted for the words "department of public safety" in Section 28-114.

(q) The word "police" is substituted for the words "public safety" in section 28-115.

(r) The words "fire department" are substituted for the words "Cayce Department of Public Safety" in Section 28-117.

(s) The words "police chief" are substituted for the words "director of public safety" in section 28-148.

(t) The words "police department" are substituted for the words "city department of public safety" in Section 28-184.

(u) The word "police" is substituted for the words "public safety" in the title to Article VIII of Chapter 28, and in the titles to sections 28-201, 28-202, and 28-203.

(v) The word "police" is substituted for the words "public safety" in the text of Sections 28-201, 28-202, and 28-203.

(w) The word "police" is substituted for the words "public safety" in Sections 38-4 and 38-146.

(x) Any other references in the City Code to the Department of Public Safety or

its officers or director shall be interpreted, as appropriate to the context, as references to the Police Department or the Fire Department and their respective officers or chiefs.

This Ordinance shall become effective upon approval on second and final reading.

**DONE IN MEETING DULY ASSEMBLED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Elise Partin, Mayor

Attest:

\_\_\_\_\_  
Mendy Corder, CMC, Municipal Clerk

First Reading: \_\_\_\_\_

Second Reading and Adoption: \_\_\_\_\_

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

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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager  
Chris Cowan, Chief of Police

**Date:** November 2, 2021

**Subject:** Resolution approving an Agreement for Mutual Aid and Support with the Richland County Sheriff's Department

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## **Issue**

Consideration of a Resolution approving an Agreement for Mutual Aid and Support with the Richland County Sheriff's Department.

## **Discussion**

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 Support Agreements with several entities. Council's approval of the resolution ratifies and meets the new requirement for these types of agreements.

## **Recommendation**

Staff recommends Council approve a Resolution approving an Agreement for Mutual Aid and Support with the Richland County Sheriff's Department and authorize the City Manager to sign the agreement on behalf of the City.

STATE OF SOUTH CAROLINA	)	<b>RESOLUTION</b>
	)	<b>Approving Law Enforcement</b>
COUNTY OF LEXINGTON	)	<b>Assistance and Support Agreement</b>
	)	<b>with the Richland County Sheriff's</b>
CITY OF CAYCE	)	<b>Department</b>

**WHEREAS**, the need for law enforcement agencies to enter into contracts with other law enforcement agencies for mutual aid and support and for multijurisdictional task forces is recognized in Chapter 20 (“Law Enforcement Assistance and Support Act”) of Title 23 (“Law Enforcement and Public Safety”) of the South Carolina Code of Laws; and

**WHEREAS**, S.C. Code section 23-20-40(B), which is a part of Chapter 20 of Title 23 of the State Code, provides that an agreement entered into pursuant to that chapter on behalf of a law enforcement authority must be approved by the appropriate governing body of the concerned county, municipality or other political subdivision; and

**WHEREAS**, the Council wishes to clarify and confirm the process by which it approves such mutual aid agreements and task force agreements as are entered into by the law enforcement agency of the City of Cayce,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of Cayce, in Council duly assembled, as follows:

The City Council hereby ratifies or approves the City of Cayce and the Cayce Police Department entering into a Law Enforcement Assistance and Support Agreement with the Richland County Sheriff’s Department, as attached, and the City Manager and the Chief of Police are authorized to sign the Agreement on behalf of the City.

**ADOPTED** this \_\_\_\_\_ day of November 2021.

\_\_\_\_\_  
Elise Partin, Mayor

**ATTEST:**

\_\_\_\_\_  
Mendy Corder, Municipal Clerk

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

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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager  
Kelly McMullen, City Treasurer

**Date:** November 2, 2021

**Subject:** Approval of Resolution Authorizing and Approving Financing through Lease/Purchase and Award of Lease/Purchase Contract – Public Safety and Administrative Vehicles, as Approved by Council in the 2021-2022 Budget

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## Issue

Approval of a Resolution authorizing and approving financing through a Lease/Purchase and awarding of the Lease/Purchase Contract to a Financial Institution for Eight (8) Public Safety Vehicles and One (1) City Administrative Vehicle.

## Discussion

On August 3, 2021, Council approved a lease-purchase contract with United Bank for the financing of Public Safety and Administrative vehicles. Upon review of final contracts, it was discovered that United Bank was unable to enter into a contract with the City. After consultation with the City attorney, staff recommended releasing a new request for proposals for this contract.

The Public Safety and City Administrative vehicles were approved for purchase by Council in the 2021-2022 Fiscal Budget. The total value and thus financing for all vehicles and equipment will total \$429,034. Staff contacted 18 financial institutions and requested lease purchase financing proposals for the vehicles and equipment based on the purchase price. The City received two (2) responses.

First Citizens Bank: three (3) years at 1.18% fixed or four (4) years at 1.38% fixed

First Community Bank: three (3) years at 1.63% or four (4) years at 1.85%

If the City of Cayce approves the First Citizens Bank quote, annual payments (with no down payment) would be as follows:

\$145,628 annually for 3 Years at 1.18% (total interest paid \$7,850)

\$110,308 annually for 4 Years at 1.38% (total interest paid \$12,197)

The payments shall be monthly in arrears. Funding for the lease/purchase contract is included in the FY 2021-2022 General Fund budget and will be included in successive years.

## Recommendation

Staff recommends that the lease-purchase contract be awarded to First Citizens Bank for a four (4) year term contract at 1.38% with annual payments in arrears of \$110,308 for principal and interest. Staff also recommends that Council approve a "Resolution Approving Financing" through First Citizens Bank and that the City Manager be authorized to execute the contract documents.

<b>STATE OF SOUTH CAROLINA</b>	)	<b>RESOLUTION</b>
	)	
<b>COUNTY OF LEXINGTON</b>	)	<b>APPROVING FINANCING TERMS</b>
	)	<b>FOR GENERAL FUND</b>
<b>CITY OF CAYCE</b>	)	<b>PUBLIC SAFETY AND CITY</b>
	)	<b>ADMINISTRATIVE VEHICLES</b>
		<b>LEASE PURCHASE</b>

**WHEREAS**, the City of Cayce (“City”) has previously determined to undertake a project for the financing of eight (8) Public Safety Vehicles and one (1) City Administrative Vehicle for The General Fund Lease Purchases (“the Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

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

1. The City hereby determines to finance the Project through First Citizens Bank, in accordance with the proposal dated October 19, 2021. The amount financed shall not exceed \$429,034, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.38%, and the term shall not exceed four (4) years.

2. All financing contracts and all related documents for the closing of the financing (the “Financial Documents”) shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and an Escrow Agreement as First Citizens Bank may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Financing Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265 (b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the First Citizens Bank financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City’s general fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

**APPROVED** this 9<sup>th</sup> day of November, 2021.

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Elise Partin, Mayor

**ATTEST:**

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Mendy C. Corder, Municipal Clerk



**Minutes for June 15, 2021, Regular Board Meeting  
of the Housing Authority of the City of Cayce, SC**

The Board of Commissioners of the Housing Authority of the City of Cayce, SC held its Regular Board Meeting on Tuesday, June 15, 2021, virtually via video conference.

Chairman Jack Sightler called the meeting to order at 5:00 pm. A copy of the agenda was posted on the Housing Authority’s website. Roll call was conducted, and the following members of the Board were present:

CH Board Members			Columbia Housing Authority Staff Present
<b>Chairman</b>	Jack Sightler	Present	Cindi Herrera, SVP Development
<b>Vice-Chairman</b>	Bruce Smith	Present	Marissa Phoenix, Chief Financial Officer
<b>Commissioner</b>	Silvia Sullivan	Present	Lee McRoberts, Executive Assistant
<b>Commissioner</b>	Cheryl Seymour	Present	Adam Dalenburg, Capital Asset Manager
<b>Commissioner</b>	Johnetta Riley	Present	Brad Ward, Contract Specialist
			Tramel Foulks, Property Manager
			Gloria Warner, Regional Property Manager
			<b>Visitors</b>
			Wade Luther

**APPROVAL OF MINUTES:**

Mrs. Herrera said that Mrs. Mathews and Mrs. Bean were attending a conference in Kentucky and she would lead the meeting. Mrs. Herrera introduced Adam Dalenburg, Capital Asset Manager and Brad Ward, Contract Specialist.

Mr. Sightler called for approval of the minutes for the Regular Meeting held April 13, 2021. Upon motion of Mr. Smith, seconded by Ms. Seymour the minutes were unanimously approved.

Board Member		Aye	Nay	Absent
<b>Chairman</b>	Jack Sightler	X		
<b>Vice-Chairman</b>	Bruce Smith	X		
<b>Commissioner</b>	Silvia Sullivan	X		
<b>Commissioner</b>	Cheryl Seymour	X		
<b>Commissioner</b>	Johnetta Riley	X		

Mrs. Riley asked for additional information to be provided regarding the goals provided in the Annual Plan. She is requesting that analytical data be added to goals so staff may track measurable results. Mrs. Herrera stated she would communicate the request to staff.

**CHIEF EXECUTIVE OFFICER’S UPDATE:**

Mrs. Herrera said that staff has been working on the scope of work for rehabilitating the Cayce units for some time and have been able to amend the work to fit the budget of \$1.2 million. The project was put out for bid and the lowest response was Bent Pine Construction of St. Mary’s, GA. Mr. Dalenburg gave a summary of work to be done in each of the 5 Cayce communities; Spencer Place, Byron & Toole, and Lee & Lucas will receive full rehabs to include, new kitchens and baths, new roofing, new windows and shutters, new exterior doors and ceilings to be smoothed. The units at Poplar & Wilkinson will receive new roofs and new shutters. Spencer Place will also receive washers, dryers and

microwaves. Staff has worked with Bent Pine Construction on projects in Columbia and feel confident in their ability to perform the work. Resolution 2021-003 approving a contract for the work will be presented later in the meeting.

Residents will have to be out of their units while work is being completed on total rehab sites; staff is looking at renting units at an Extended Stay hotel for displaced residents during these times and will finalize plans once a schedule is in place. There was a general discussion regarding how residents will be assisted during the displacement time. Mrs. Herrera said that staff will work closely with each individual to determine the best plan to accommodate them as their units are under construction. Movers will be utilized to minimize inconvenience to residents and portable storage pods can be used if needed. Work will be done in phases to make the process easier and more efficient.

Commissioner Riley asked if there will be additional help for senior residents and if a CH staff person will be assigned as a point of contact for residents. Mrs. Herrera said staff is committed to making the process as easy as possible and will assist seniors as much as possible, a CH staff person will be assigned to the project going forward but has not been named yet. Commissioner Riley asked that the name of that person be given to the Board also when they are identified.

Chairman Sightler asked if the interiors at Poplar & Wilkinson will be addressed later. Mrs. Herrera said that once the units are converted under RAD staff will be able to access private capital to address the remaining needs. The scope of work being discussed today will expend the remaining reserve funds that have to be spent prior to conversion.

There was a general discussion regarding the reserve funds. Mrs. Herrera said that the money currently in reserves in Cayce is public housing funding, when the units are transitioned to the RAD program they may no longer utilize public housing funds so that money must be spent prior to the conversion. The money does not have to be paid back but if any were left at the time of conversion it would have to be returned to HUD.

Mrs. Herrera said that Resolution 2021-003: Approval of Contract for Rehab Work on Cayce Housing Units would award the contract for the complete rehab of 28 units and exterior rehab of 12 units to Bent Pine Construction of St. Mary’s Georgia for \$1.2 million. Upon motion of Commissioner Riley, seconded by Commissioner Sullivan, it was unanimously approved.

Board Member		Aye	Nay	Absent
<b>Chairman</b>	Jack Sightler	X		
<b>Vice-Chairman</b>	Bruce Smith	X		
<b>Commissioner</b>	Silvia Sullivan	X		
<b>Commissioner</b>	Cheryl Seymour	X		
<b>Commissioner</b>	Johnetta Riley	X		

**OPERATIONS REPORT:**

Mrs. Warner presented the Operations Report:

	April	May	June
Accounts sent to Magistrate	0	0	0
Account more than 30 days	3	8	8
Work Orders received	17	35	13
Work Orders Completed	17	34	9
Work Orders Remaining	0	1	4
Vacancies	0	0	0
Emergency Work Order	0	0	0

Staff continues to work with tenants that have outstanding balances to try and identify resources that may help them catch up; one account was resolved earlier in the week. Families have been contacted on a regular basis to offer referrals to assistance programs. The eviction moratorium is scheduled to end on June 20, 2021 and staff will assess each situation at that time.

**2022 OPERATING BUDGET:**

Mrs. Phoenix presented the proposed operating budget for the coming year. Income is planned at \$490,320, expenses are planned at \$353,704 with a cash flow of \$136,616. Additional property maintenance is reflected in the budget. Mrs. Herrera said that once the rehabilitation work is complete on the properties, additional savings on maintenance should be realized, those savings could be used to fund additional interior work at Poplar and Wilkinson. Commissioner Riley asked about the increase in garbage disposal costs, Mrs. Phoenix said that the line item is a combination of City fees and fees paid to Waste Management and Advanced Disposal. Ms. Warner stated that the City only empties the individual cans but the dumpsters have to be emptied by an outside service. Ms. Seymour said that the lawn maintenance charges seem high, Mrs. Herrera said that she will have staff verify the numbers. There being no further questions, Chairman Sightler made a motion to approve Resolution 2021-004: Approval of Operating Budget, seconded by Ms. Sullivan, it was unanimously approved.

<b>Board Member</b>		<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
<b>Chairman</b>	Jack Sightler	X		
<b>Vice-Chairman</b>	Bruce Smith	X		
<b>Commissioner</b>	Silvia Sullivan	X		
<b>Commissioner</b>	Cheryl Seymour	X		
<b>Commissioner</b>	Johnetta Riley	X		

**OTHER ITEMS:**

Mrs. Herrera gave an update on the Bond Issuance for Abbot Arms. The buyer is finalizing financing and hopes to close later this summer. City Manager Tracey Hegler said that City Council has not approved the final agreement yet but is moving forward and working out an agreement with the prospective owners regarding payments in lieu of taxes (PILOT). Ms. Hegler added that apartments with dumpsters are not serviced by the City and require an outside service to address those units.

The Cayce Housing Board will resume in-person meetings at the next regularly scheduled meeting.

**ADJOURNMENT**

There being no further business and upon motion of Mr. Smith, seconded by Mr. Sightler, it was unanimously approved to end the meeting at 5:50 pm.

Prepared by:

Ivory N. Mathews  
Secretary/Executive Director

**CITY OF CAYCE  
EVENTS COMMITTEE MEETING MINUTES  
City Council Chambers  
August 12, 2021**

**Present:** Danny Creamer, Maxine Creamer, Dwede Dennis, Robert Cathcart, Dave Capps, Cindy Pedersen, Evony Reed, Alexis Moore, Johnathon Moore

**Absent:** Brianne Siciliano

**City Representative:** Amanda Rowan

Review of Minutes: July 12, 2021

Chairperson Danny Creamer called the meeting to order. A correction was made to the July minutes. Dwede Dennis and Evony Reed are sharing Emcee duties for the Fall Fest and Johnathon Moore is running the stage. Cindy Pederson made a motion to accept the minutes as corrected. Robert Cathcart and Dave Capps seconded. Motion was passed unanimously.

**Fall Fest:**

Dave Capps updated the committee that all major parts of entertainment were booked. He then briefed the group on the Buffalo Soldiers having met Mayor Partin and showing interested in having an information booth at the Fall Fest. Cindy Pederson requested that any fees for the booth be waived. Amanda Rowan explained that they would be, as the only vendors being charged a fee were those of actual businesses. The committee agreed to allow the Buffalo Soldiers and Freedom Foundation Celebration booths.

Amanda Rowan asked the group to reach out to food vendors they may know. At this time there are only 2 confirmed food vendors.

Danny Creamer met with Bruce Crouch, who provided sound in the past. He is unable to work this year due to a prior engagement but recommended Matt Brier. Mr. Creamer has met with Matt and was provided a quote of \$950.00. He is requesting a power box and Danny Creamer will speak with James Denny about that feasibility. Once Danny Creamer gets Matt's contact information, he will pass it along to Amanda Rowan for the City to get a contract out.

Cindy Pederson suggested a giveaway for tickets to the Ziggy Marley concert as a means of obtaining zip codes. Dave Capps explained that his organization is currently not allowed to do giveaways due to the contact involved and the current Covid regulations. This idea will be placed on hold for future events.

Amanda Rowan brought an email from Brookland-Cayce High School's orchestra and guitar class. They would like to perform at the Fall Fest. Logistics will need to be determined in the future. Cindy Pederson made a motion to invite the group, and Robert Cathcart seconded.

**Christmas Events:**

Amanda Rowan read the list of groups who have confirmed their participation in the Carol event. The Carols events is moving along.

**New Business:**

Danny Creamer announced that Jonathon Palance has resigned due to schedule conflicts. Mr. Creamer will also reach out to Brianne Siciliano to see if she is still interested in serving on the committee. Mr. Creamer went over the attendance requirements for committees. Cindy Pederson asked if we had any current pending applications. Amanda Rowan was not sure but stated she would check with Mendy Corder back at the office. There is now currently one opening on the Events Committee.

Mr. Creamer reminded the committee the next meeting would be held **September 9, 2021**. Robert Cathcart made a motion to adjourn, Mr. Moore seconded. The meeting was adjourned.

Respectfully submitted,  
Maxine Creamer



**APPROVED MINUTES  
PLANNING COMMISSION SPECIAL CALLED MEETING  
Monday, August 23, 2021 at 6:00 PM**

**I. CALL TO ORDER**

The meeting was called to order at 6:00 PM. Members present were Chris Jordan, Chris Kueny, Stockton Wells, Ed Fuson, Joe Long, and Robert Power. Staff present were Wade Luther and Monique Ocean.

**II. APPROVAL OF MINUTES**

Joe Long made a motion to approve the minutes from the June 21, 2021, meeting. Robert Power seconded the motion. All were in favor.

**III. STATEMENT OF NOTIFICATION**

Monique Ocean confirmed that the media and public were made aware of the meeting.

**IV. PUBLIC HEARINGS**

**1. Text Amendment 004-21**

Consider a text amendment of the Zoning Ordinance Section 5.7 and Land Development Regulations Article 5 Minimum Design Standards 5-4.7 and Article 6 Required Improvements 6-17 to include language regarding cross access between commercial uses and residential areas.

**a. Opening Statement**

Wade Luther, Director of Planning and Development, came before the Commission to discuss the text amendments. Mr. Luther clarified that the text amendment regarding cross access between commercial and residential uses pertains to the Zoning Ordinance and the Land Development regulations. Mr. Luther stated the City currently does not have a means to prohibit a commercial use from creating an easement to gain egress/ingress via cross access to a minor street or residential subdivision. Mr. Luther informed the Commission that a red-lined document showing the revisions to the Zoning Ordinance and the Land Development Regulations is attached in their packets.

**b. Public Comment**

Nancy Stone-Collum, 1222 H Avenue, spoke in favor of the text amendment and mentioned she would request to have another sentence added to Section 5.7 to clarify rear access to property. Jackie Bantan, 1226 H Avenue, spoke in favor of the text amendment. Janet Burke 1234 H Avenue spoke in favor of the text amendment. There was no one present to speak against the text amendment.

**c. Adjourn Public Hearing**

With no further comments, the public comment session was closed. Mr. Luther stated that he believes the language presented in the text amendments sufficiently covers any access by commercial uses from the front or rear of a lot.

**d. Motion**

Chris Kueny made a motion to recommend the text amendment go to Council for approval. Stockton Wells seconded the motion. All were in favor.

**2. Text Amendment 005-21**

Consider a text amendment of the Zoning Ordinance Section 6.5 Table I and Section 6.7 Table 3 to revise requirements for the RS-4 zoning district and Section 7.1 Townhouses to revise dimensional requirements.

**a. Opening Statement**

Wade Luther came before the Planning Commission to discuss the text amendments. Mr. Luther stated the proposed revisions are to permit duplexes, by right, and townhomes and patio homes, by conditional use, in the RS-4 zoning district, to revise lot sizes for such uses and to revise the conditional use requirements for such uses. Mr. Luther informed the Planning Commission that a redlined document is attached in their packets. Mr. Luther presented lot size examples from other municipalities in the state, as well as from townhouse and duplex projects from the surrounding central midlands region.

**b. Public Comment**

Mrs. Kelly Wuest, 1501 Abbot Road, spoke in favor of the text amendment. There was no one present to speak against the text amendments.

**c. Adjourn Public Hearing**

With no further discussion, the public comment session was closed.

**d. Motion**

Mr. Jordan made a motion to recommend approval of text amendment by City Council. Mr. Long seconded the motion. All were in favor.

**3. Map Amendment 005-21**

Consider a map amendment to revise the Future Land Use Map for the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial-Business/Industrial) to RD (Residential Density Flex).

**a. Opening Statement**

Mr. Luther came before the Planning Commission to discuss the map amendment for the Future Land Use Map. Mr. Luther stated that a recommendation for approval is requested for a proposed revision of the Future Land Use Map to change the subject area from CBI to RD. Mr. Luther zoning districts compatible with the RD land use classification and sited the Cayce Housing Study. Mr. Luther explained that the proposed revision complies with the requirement for the Comprehensive Plan to be reviewed periodically to ensure its compliance. After inquiry from the Planning Commission, Mr. Luther explained that City Council asked staff to look into the area and the Comprehensive Plan to see that the goals are remaining in compliance

by keeping the subject area with neighborhood character. Mr. Luther clarified that a change from CBI to RD would remove the possibility of allowing commercial zoning in the subject area, thus keeping a neighborhood character for the area.

**b. Public Comment**

Mike Wuest, 1501 Abbott Road, spoke in favor of the map amendment but mentioned he would like to change the area to the RC land use classification in order to delete the possibility of RG rezoning requests in the area. Michael Mahoney, 2101 Wilkinson Street, spoke in favor of the map amendment. There was no one to speak against the map amendment.

**c. Adjourn Public Hearing**

With no further discussion, the public hearing was closed.

**d. Motion**

Stockton Wells made a motion to recommend to Council as presented. Chris Kueny seconded the motion. All were in favor.

**V. NEW BUSINESS**

Mr. Luther informed everyone that there is a vacancy on the Planning Commission because of the resignation of Maudra Brown. Mr. Luther also informed the Planning Commission that Comprehensive Plan updates are continuing, and he hopes to have a final draft by the October meeting.

**VI. ADJOURNMENT**

Chris Kueny made a motion to adjourn. Robert Power seconded the motion. All were in favor.

**CITY OF CAYCE  
EVENTS COMMITTEE MEETING MINUTES  
City Council Chambers  
September 9, 2021**

**Present:** Danny Creamer, Maxine Creamer, Dwede Dennis, Robert Cathcart, Dave Capps, Cindy Pedersen, Evony Reed, Johnathon Moore, Brianne Siciliano

**Absent:** Alexis Moore

**City Representative:** Amanda Rowan, Mendy Corder

Review of Minutes: August 12, 2021

Chairperson Danny Creamer called the meeting to order. Minutes from the August 12, 2021 meeting were reviewed. Robert Cathcart made a motion to accept the minutes as corrected. Dwede Dennis seconded. Motion was passed unanimously.

**Fall Fest:**

Chairman Creamer explained that he had received a call from staff regarding the upcoming Fall Fest. With rising Covid numbers and current mandates, the committee would need to discuss the Fall Fest and decide whether to continue with the event, with modifications, or cancel. Mr. Creamer asked each member of the committee to speak with their thoughts regarding the event. Ms. Dennis spoke first, and stated she did not feel it was appropriate to continue with the event at this point in time, as the event usually caters towards children and modification would remove most of the children's area. She mentioned possibly doing a drive through type event. Ms. Reed agreed with those thoughts and stated she felt continuing with the event might give the appearance of the committee not taking the virus seriously. Ms. Reed also suggested a backup plan, possibly utilizing the racetrack in Cayce. Robert Cathcart stated he would like to see stringent measures put in place and the requirement of tests but did not want the event completely canceled. Dave Capps suggested utilizing pods either at the racetracks or in the field of Granby Gardens. Brianne Siciliano stated she felt it would be irresponsible to continue with the event due to current numbers and the affect the virus is having on children. She questioned if the event was worth the risks. Maxine Creamer expressed mixed emotions regarding cancelling the event. Jonathon Moore agreed, but added he did not want to see the event modified because that would not be the same event. He also felt that it was not worth the current risks/costs to continue. Cindy Pedersen also felt it would be irresponsible to continue with the Fall Fest due to current numbers and risks. Mr. Creamer expressed that he felt it was too late to change the event to an alternative, and given that the event has always been touted as safe for the family, and would not be this year, he did not want to see the event's reputation tarnished.

Mr. Creamer took a poll of members. 8 members were for canceling the event, 1 was for continuing. Jonathon Moore made the motion to cancel the 2021 Fall Fest, Brianne Siciliano seconded. The motion was passed.

Mendy would bring the Committee's thoughts to the Mayor and City Manager. The committee will begin focusing on the Carols Along the Riverwalk and Drive Through events.

**Christmas Events:**

Jonathon Moore expressed that he was concerned for the Christmas Carols Along the Riverwalk if numbers continue to rise. Alternative plans were discussed. Ms. Siciliano suggested moving the Carols to the Avenues

area, having cars drive through listening to carols. Mendy Corder also suggested State Street as an alternative location. Mr. Creamer felt the committee should research and begin working on the logistics for the Carols in case the Riverwalk was determined to be too close to maintain social distance.

**New Business:**

There was no new business to discuss.

Mr. Creamer reminded the committee the next meeting would be held **October 14, 2021**. Mr. Cathcart made a motion to adjourn, Ms. Reed seconded. The meeting was adjourned.

Respectfully submitted,  
Maxine Creamer

## Cayce Historical Museum Commission August 4, 2021, Meeting Minutes

The August 4, 2021, meeting of the Cayce Historical Museum Commission (CHMC) was held in the Museum Conference Room. The meeting was convened at 4:00 by Chairman Archie Moore. The following individuals attended the meeting:

Name	Status
Archie Moore	Chairman
Mary Sharpe	Commissioner
A.G. Dantzler	Commissioner
Marion Hutson	Commissioner
Charlita Earle	Commissioner
Pamela Sulton	Commissioner
Garrett Creasman	Commissioner
Leo Redmond	Ex-Officio Commissioner
James Stewart	Commissioner/Secretary
Tracy Hegler	Cayce City Manager
Mendy Corder	Cayce Municipal Clerk
Andy Thomas	Cayce Museum Office and Communications Associate

**Absent:** David Brinkman (excused)

### **ACTION ITEMS from the August Meeting:**

Enlist Cayce-West Columbia Chamber of Commerce help in organizing the Christmas Traditions Christmas tree decoration – Commissioners Dantzler and Sharpe coordinating.  
Obtain additional details for the Confederation of South Carolina Local Historical Societies – Mr. Thomas and Commissioner Sulton

### **Upcoming Events:**

September 24, 2021 – Presentation on Eighteenth Century Naturalist Mark Catesby (6:00)  
September 25, 2021 – Archaeology Fall Field Day at the 12,000 Year History Park (10:30-3:00)  
Camden Fire Fest (9:00-1:00)  
October 2, 2021 – Cayce Fall Fest  
October 6, 2021- Docent Appreciation Event and monthly Commission Meeting  
October 7, 2021 – Brickmaking along the Congaree Presentation  
November 21, 2021 – Deadline for Museum Christmas Tree Decoration  
April 28, 2022 – South Carolina Federation of Museums Reception

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**Invocation:** Commissioner Dantzler

### **Election of Commission Secretary:**

James Stewart was nominated to serve as Commission Secretary. The CHMC approved this nomination by voice vote.

### **July 15 Meeting Minutes:**

One clarification was offered for the July 15 Meeting Minutes. The theme of the Museum's Christmas Traditions event was corrected to:

Christmas  
United We Stand

Commissioner Sulton motioned to approve the minutes with this correction. Commissioner seconded the motion, which was approved by the CHMC.

**OLD BUSINESS:**

All documents have been arranged to gift the Civil War gun carriage from the Museum collection to the National Confederate Museum in Columbia, Tennessee.

The decoration of Christmas trees for the Museum will be let out to individuals or businesses seeking to sponsor a tree. All trees should be placed and decorated by November 21, 2021. Commissioner Hutson has lined up entertainment and local arrangements for the Christmas Traditions celebration. Commissioner Sulton has also volunteered for the Christmas Committee. Commissioners Sharpe and Dantzler will coordinate efforts to locate sponsors and promote the event. The CHMC also seeks to collaborate with local businesses to foster community goodwill. A motion to solicit Cayce-West Columbia Chamber of Commerce aid in organizing the event was made by Commissioner Moore and seconded by Commissioner Dantzler. The motion was approved, and Commissioner Dantzler volunteered to serve as a liaison between the CHMC and the Chamber of Commerce.

**NEW BUSINESS:**

At the end of the holiday season, the CHMC plans to turn its focus towards a Museum Strategic Plan and future projects.

**Museum Staff Report**

Mr. Thomas provided a report of several events he has organized for the Museum. He has also made progress in the effort to obtain automobile insurance and license tags for the fire truck. The African American Committee plans to produce a series of 25 cards commemorating the African American Legends of Cayce. The series focuses on long time African American residents of Cayce.

The Confederation of South Carolina Local Historical Societies has permission to use the Museum Visitor's Center for their April 28, 2022, meeting. Commissioner Sulton submitted a motion to collect further details about the event. Commissioner Stewart seconded the motion, which was approved by the Commissioners.

Future Museum events and programs are listed in the Upcoming Events section, above.

Following the Museum Staff Report, Commissioner Dantzler motioned to adjourn the meeting. Commissioner Hutson seconded the motion, and the CHMC voted to adjourn the meeting at

**5:09 PM.**

## Cayce Historical Museum Commission September 1, 2021, Meeting Minutes

The September 1, 2021, meeting of the Cayce Historical Museum Commission (CHMC) was held in the Museum Conference Room. The meeting was convened at 4:06 by Chairman Archie Moore. The following individuals attended the meeting:

Name	Status
Archie Moore	Chairman
Mary Sharpe	Commissioner
A.G. Dantzler	Commissioner
Marion Hutson	Commissioner (Absent)
Charlita Earle	Commissioner
Pamela Sulton	Commissioner
Garrett Creasman	Commissioner
David Brinkman	Commissioner
James Stewart	Commissioner/Secretary
Leo Redmond	Ex-Officio Commissioner
Mendy Corder	Cayce Municipal Clerk
Andy Thomas	Cayce Museum Office and Communications Associate

### **ACTION ITEMS from the August Meeting:**

#### **Upcoming Events:**

September 24, 2021 – Presentation on Eighteenth Century Naturalist Mark Catesby (6:00)

September 25, 2021 – Camden Fire Fest (9:00-1:00)

October 2, 2021 – Cayce Fall Fest

October 6, 2021- Docent Appreciation Event and monthly Commission Meeting

October 7, 2021 – Brickmaking along the Congaree Presentation

November 21, 2021 – Deadline for Museum Christmas Tree Decoration

April 28, 2022 – South Carolina Confederation of South Carolina Local Historical Societies Reception

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**Invocation:** Commissioner Dantzler

#### **August 4 Meeting Minutes:**

Following a review of the minutes from the last meeting, Commissioner Sharpe made a motion to accept them without correction. This motion was seconded by Commissioner Sulton and approved by the Commission.

#### **OLD BUSINESS:**

The transfer of the Civil War gun carriage to the National Museum of the Confederacy has been completed.

The CHMC has decided to host the South Carolina Confederation of South Carolina Local Historical Societies Reception on April 28. Commissioner Dantzler motioned that the Commission allocate up to \$500 in funding to be used for hors d'oeuvres, and pending City

permission, a licensed bartender. The motion was seconded by Commissioner Earle and approved by the Commission.

The plan to develop a sponsorship program for the Museum Christmas Traditions came together too late to be used for this year's event. The program will be set aside until early 2022. Commissioner Stewart made a motion to use the Museum's existing stock of trees and decorations for this year's display. This motion was seconded by Commissioner Creasman and approved by the Commission.

### **Museum Staff Report**

Mr. Thomas provided the Commissioners with copies of the 1989 Gala Preview of the Cayce Museum. He also circulated the current docent list and the text of a letter inviting those individuals to a drop-in on October 6th. That letter should go out in the second week of September.

Mr. Thomas continues to work on obtaining automotive insurance for the Museum's firetruck. The city plans to purchase a policy covering up to 199 volunteers working at designated events. He has also clarified the city's liability coverage did not extend to volunteers working outside of specifically designated events. Volunteers not covered by this policy include those serving as Museum docents or working on displays.

The museum will be closed September 10-18.

### **New Business**

Commissioner Stewart asked for clarification on the high telephone expense line item after reviewing the Museum financial report. Mr. Thomas tracked the change to AT&T raising rates on the commercial phone lines. These rates changes affected all City of Cayce departments and the are paid out of the City's General Fund.

The Commissioners will provide refreshments for the docents attending the October 6th drop-in.

With no additional items on the Agenda, Commissioner Dantzler motioned to adjourn the meeting. Commissioner Creasman seconded the motion, and the CHMC voted to adjourn the meeting at

**5:21 PM.**

## Cayce Historical Museum Commission October 6, 2021, Meeting Minutes

The October 6, 2021, meeting of the Cayce Historical Museum Commission (CHMC) was held in the Museum Conference Room. The meeting was convened at 5:05 by Commissioner Mary Sharpe. The following individuals attended the meeting:

Name	Status
Mary Sharpe	Commissioner
A.G. Dantzler	Commissioner
Marion Hutson	Commissioner
Charlita Earle	Commissioner
Pamela Sulton	Commissioner
Garrett Creasman	Commissioner
David Brinkman	Commissioner
James Stewart	Commissioner/Secretary
Leo Redmond	Ex-Officio Commissioner
Andy Thomas	Cayce Museum Office and Communications Associate
Archie Moore	Chairman (absent – excused)

### **ACTION ITEMS from the August Meeting:**

#### **Upcoming Events:**

November 21, 2021 – Deadline for Museum Christmas Tree Decoration

April 28, 2022 – South Carolina Confederation of South Carolina Local Historical Societies Reception

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**Invocation:** Commissioner Dantzler

#### **September 1 Meeting Minutes:**

Following a review of the minutes from the last meeting, Commissioner Hutson made a motion to accept them without correction. This motion was approved by the Commission.

#### **OLD BUSINESS:**

Commissioner Dantzler expressed concerns for public health and the Christmas Traditions event. His concerns were focused on the proper method for distributing food and drinks for the event.

#### **Museum Staff Report**

Mr. Thomas distributed the month's report and described his meeting with representative of the state's Welcome Center staff and invited the commissioners to the October 7th Museum presentation on historic brickmaking.

Mr. Thomas also sought guidance on how to pay for small expenses accrued during for the Christmas Traditions event. After discussion, Commissioner Creasman motioned that the city provide \$500 in petty cash for the event and additionally that receipts for reimbursement would be accepted up to two weeks after the event ended. This motion was seconded by Commissioner Dantzler and approved by the Commission.

**New Business**

Commissioner Stewart circulated a copy of an American Association of Museums Assessment sheet for the commission's consideration. The sheet will be useful in organizing strategic planning that we plan to take up in 2022. He asked that each commissioner complete the assessment and bring their results to the November 2021 meeting.

The state curation facility, currently operated by the University of South Carolina, has to be moved from its current location. Commissioner Stewart suggested that the Commission explore the possibility of bringing the facility to Cayce. The commissioners were supportive and suggested that he continue to gather information on the move.

With no additional items on the Agenda, Commissioner Sulton motioned to adjourn the meeting to continue preparations for the Docent Appreciation event immediately following. Commissioner Creasman seconded the motion, and the CHMC voted to adjourn the meeting at

**5:50 PM.**