

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Phil Carter
Tim James
Hunter Sox

City Manager
Tracy Hegler

Deputy City Manager
Jim Crosland
Assistant City Manager
Michael Conley



**City of Cayce
Regular Council Meeting
Wednesday, November 15, 2023
6:00 p.m. – Cayce City Hall – 1800 12th Street
www.caycesc.gov**

**To Access Council Meeting Livestream, click
<https://www.youtube.com/@cityofcayce1137/streams>**

I. Call to Order

- A. Invocation and Pledge of Allegiance
- B. Oath of Office Administered by Judge Bryan Jeffries
Mayor
Oath of Office Administered by Judge Bryan Jeffries
Council Member District 2
Oath of Office Administered by Council Member Tim James
Council Member District 4
- C. Nomination and Election of Mayor Pro Tem
- D. Approval of Minutes
October 3, 2023 Regular Council Meeting

II. Public Comment Regarding Items on the Agenda

III. Proclamation

- A. Approval of Proclamation – Declaring November 2023 as National American Indian Heritage Month

IV. Ordinance

- A. Discussion and Approval of Ordinance 2023-13 Adopting a Revised Business License Ordinance in Accordance with the Business License Standardization Act (2020 Act No, 176) – First Reading

V. Item for Discussion and Possible Approval

- A. Discussion and Approval of Award for Fire Station Vehicle Exhaust Removal System as Approved by Council in the 2023-2024 American Rescue Plan Funding Budget

VI. Committee Matters

- A. Approval to Enter the following Committee Approved Minutes into the City's Record
Cayce Housing Authority – June 20, 2023
Cayce Housing Authority – August 17, 2023
Events Committee – September 14, 2023
Museum Commission – October 4, 2023
- B. Reappointments
Museum Commission – Three (3) Positions
Public Safety Foundation – Two (2) Positions
- C. Appointment of Council Members to Boards and Foundations

VII. City Manager's Report

VIII. Council Comments

IX. 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 and appointment to fill the vacant City Prosecutor's position and approval of contract

X. Reconvene

XI. Possible actions by Council in follow up to Executive Session

XII. 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
Phil Carter
Tim James
Hunter Sox

City Manager
Tracy Hegler

Deputy City Manager
Jim Crosland
Assistant City Manager
Michael Conley

**City of Cayce
Regular Council Meeting
Tuesday, October 3, 2023**

The October 3, 2023 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 Phil Carter, Tim James and Hunter Sox. City Manager Tracy Hegler, Deputy City Manager Jim Crosland, Municipal Clerk Mendy Corder, Assistant Police Chief Shawn Grant, Assistant Fire Chief Ryan Gates, Finance Director Kelly McMullen, Utility Director Betsy Catchings, 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 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 Sox gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Approval of Minutes

Council Member Carter made a motion to approve the September 5, 2023 Regular Council Meeting, September 20, 2023 Regular Council Meeting and September 26, 2023 Special 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

No one signed up for Public Comment.

Proclamation

- A. Approval of Proclamation – Declaring October 15, 2023 as South Carolina Latino/Hispanic Business Day

Council Member James made a motion to approve a Proclamation declaring October 15, 2023 as South Carolina Latino/Hispanic Business Day. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

Presentation

- A. Presentation by Ms. Kimberly Hinder with Stantec on the Findings for the City of Cayce African American Cemeteries Survey Grant

Ms. Hinder stated that the City was awarded a Federal Historic Preservation Grant for the African American Cemeteries Preservation project and hired Stantec to perform the work. She stated that she was a senior historian with Stantec and her presentation would review the results of their work. She stated that they identified seven (7) African American cemeteries and four (4) which may have had some African American burials within the City's limits. She stated that they recorded them on archaeological and architectural survey forms and submitted them to the Department of Archives and History along with photographs.

Ms. Hinder stated that the site visit of St. Ann's I Cemetery identified 34 marked interments historically associated with St. Ann's Mission and the property on which this cemetery was located was acquired by the Episcopal Church from Harriet Arthur in 1886. She stated that the church was meeting there by 1891, but the marked graves spanned the years from 1927 to 2005. She stated that death certificates identified an additional 28 burials ranging from 1915 to 1977. Ms. Hinder stated that nearby there was a cemetery referred to as St. Ann's II. She stated that the Earle Cemetery was heavily obscured by brush, but the site visit identified 24 marked internments. She stated that historic research indicated that at least nine (9) additional people were buried there. Ms. Hinder stated that due to confusion over many members belonging to the St. Ann's Church some of the death certificates marked as St. Ann's Cemetery may be interred in the Earle Cemetery. She stated that the known death date's ranged from 1915 to 2007 and oral history indicated that this cemetery might have been used by those enslaved on the Arthur Plantation. She stated that an 1839 plat showed this cemetery near the homes of Henry Arthur and his sisters who jointly owned 125 enslaved people in 1860.

Ms. Hinder stated that in 1885, Harriet Arthur conveyed 10 acres to David and Lavinia Earle in consideration of faithful services rendered to her deceased husband General Henry Arthur. She stated that in 1899, a widowed Mrs. Earle conveyed right-of-way to the Carolina Midland Roadway, the deed noted that it would not run through the graveyard on the Earle property. She stated that this was the first mention of St. Ann's II Earle Cemetery. She stated that after Mrs. Earle's death, the property passed to her son, but he and his wife had no children so there were no clear owners after they passed away. Ms. Hinder stated that currently St. Ann's II Earle Cemetery was nestled in a grove of mixed growth trees adjacent to commercial development and an active railroad. She stated that the eastern half of the parcel could not be accessed because of dense vegetation but it was possible there were additional graves in that section. She stated that grave depressions were also observed in the open area there.

Ms. Hinder stated that another cemetery associated with St. Ann's Church was identified along Wilkinson Street. She stated that the Episcopal Church had just over 22 acres by 1927 when a plat was filed, subdividing their land and dedicating a cemetery parcel along Wilkinson Street. She stated that although the site visit did not reveal any markers or depressions indicating a cemetery, property records still indicated it as such.

She stated that she was told earlier that day that it was known as the Hart Cemetery. She stated that the Taylor's Cemetery only had three (3) marked graves and the two (2) legible markers were for World War One Veteran Abraham Taylor and his sister Ruthie Taylor. She stated that a search of death certificates revealed that their mother and 14 other individuals were buried there between 1906 and 1932.

Ms. Hinder stated that the Seaboard Cemetery was noted at the same location during the public meeting but the only records found indicating its existence were the death certificates of 12 individuals entered between 1928 and 56. She stated that the Taylor Seaboard Cemetery was not maintained with grass growing taller than the grave markers at the time of their visit. She stated that this cemetery was a particular risk of headstone breakage due to the adjacent road and parking area. She stated that due to the proximity and possible tie between the two burial grounds, they also looked at the Arthur Cemetery which consisted of 14 known internments spanning from 1817 to 1906. She stated that most of the existing markers belonged to members of the Arthur family, as shown by geo referencing the 1839 plat. Ms. Hinder stated that this cemetery was near the plantation of Hargrove and Mary Author and although it was primarily a family cemetery, a burial ground for those enslaved on their plantation might ay have been nearby, and two burials in the cemetery had unknown ties to the family.

Ms. Hinder stated that after the Authur family died out, the Cayce Land Company sold a 72-acre parcel to the American Agricultural Chemical Company in 1910. She stated that the deed noted the existence of a cemetery at the southeastern corner of the property extending along the right-of-way of the Seaboard Airline Railway 225 feet. She stated that the current length of the cemetery parallel to the railroad was approximately 72 feet, possibly indicating that the Taylor Seaboard Cemetery was considered part of the same cemetery in 1910. She stated that in 1956, Foreman Street was extended through the area possibly cutting through the eastern portion of the cemeteries. Ms. Hinder stated that residents at the January meeting reported that plats showed a cemetery on property historically owned by the Guignard family who started a brick works on the west bank of the river around 1801. She stated that when the family decided to subdivide their land, they hired the Tomlinson Engineering Company to file a plat in 1936. She stated that it depicted "a colored cemetery" south of the brickworks. Ms. Hinder stated that while there was no above ground evidence of this cemetery, death certificates indicated that at least 12 African American people with ties to the brick works were interred there between 1916 and 1944 and that cemetery continued to appear on plats until 1967 but was developed with houses after 2001.

Ms. Hinder stated that Mount Pisgah AME Church Cemetery was located on a three-acre parcel incorporating over 200 marked graves, a few of which were south of the parcel boundary. She stated that death certificates or obituaries identified an additional 19 burials in the cemetery. She stated that Andrew Davis sold the land for this cemetery to Mount Pisgah AME Church in 1891 and in 1914, the church received two (2) acres about seven tenths of a mile southeast of the cemetery and relocated their

meeting space but still use the cemetery. She stated that although the church acquired this property in 1891, the oldest remaining marked grave date to 1905 and the cemetery was still in use and well maintained. Ms. Hinder stated that some of the graves exhibited the purposeful scraping of the ground surface, but there was evidence of erosion in the northern portion of the cemetery. She stated that many damaged markers were observed and some likely were victims of vandalism. She stated that military bronze plaques were possibly stolen, leaving only blank stones. She stated that most of the graves with temporary funeral home markers tend to be concentrated at the western end of the cemetery, with about half of those missing the information of those interred.

Ms. Hinder stated that local residents at the January meeting identified an area along Six Mile Creek as a possible cemetery site. She stated that their visit did not reveal the exact location, but research did indicate its existence. She stated that Rosetta Morigan donated a quarter of an acre of land with a church and graveyard on Six Mile Creek to the Mount Pleasant Colored Church in 1887. She stated that death certificates were found for a dozen burials between 1918 and 1951. She stated that according to the current Mount Pleasant Baptist Church, their organization was an offshoot of the Mount Pleasant Baptist Church in the West Columbia area, and they were unaware of the existence of a cemetery at this location.

Ms. Hinder stated that the final cemeteries which were researched were affiliated with the Granby Community. She stated that the Siebel and the Hane's Cemeteries were small family cemeteries for early residents of Granby, whose census records indicated had enslaved people in their household. She stated that the Cayce Granby Cemetery appears to have started as a community cemetery and all three (3) were located on the Martin Marietta Materials Quarry property. She stated that Granby was the primary trading center along the Congaree River at the time and was occupied roughly between 1754 and 1818. She stated that African Americans played a significant, if unappreciated, part in the community. Ms. Hinder stated that in 1800, more than half of Granby's population was enslaved with a total of 178 blacks and 162 whites. She stated that it was unknown if those who died while enslaved were interred in a separate section of the cemetery or at a different location. She stated that the cemetery incorporated 21 known burials with death dates ranging from 1804 to 1956. She stated that the cemetery was located approximately 180 feet east of mining activity and was entirely covered with gravel with evidence of recent bleeding. She stated that there were numerous grave markers with broken elements within the cemetery. She stated that considering the recent disturbance as well as the abundance of gravel covering the area, the probability of there being additional sunken and lost markers was high. She stated that pieces of field stone and marble were evident throughout the area.

Ms. Hinder stated that both the Hane and Siebel cemeteries had been impacted by quarry operations with a monument erected for the Hane's Cemetery and the Granby

Cayce Cemetery and the original monuments in the Siebel Cemetery relocated. She stated that considering the past vandalism and disturbance in the general quarry area there might be additional burials in the vicinity of the original family plots. She stated that it was unclear if the enslaved members of the households might have been buried nearby. She stated that although her presentation focused primarily on the identification and conditions in each cemetery, the report provided a brief history of the community, discussed burial traditions and made recommendations for maintenance, stabilization and interpretation. She stated that two (2) of the earliest cemeteries, the Arthur and Granby Cayce Cemeteries were identified by the State Historic Preservation Office as eligible for listing in the National Register. She stated that with most of the other cemeteries requiring some additional testing or research they were recommending ground penetrating radar for most of the sites in order to determine the number of burials and the boundaries of the cemetery.

Mayor Pro Tem Jenkins asked Ms. Hinder if she said they were unable to find the Seaboard Cemetery. She stated that based on the January meeting, she understood that cemetery was adjacent to the Taylor Cemetery. Mayor Pro Tem Jenkins stated that he believed the Seaboard Railroad Cemetery was right beside Steel Hands Brewery. He asked how many graves they found there. Ms. Hinder stated that for the Taylor's Cemetery, they found three (3) markers there and 14 other individuals buried there. She stated that no markers were found in the Seaboard Cemetery but 12 individuals were buried there.

Mayor Pro Tem Jenkins stated that he and Mayor Partin, along with archaeologists from the University of South Carolina, used penetrating equipment and found 20 graves. He stated that they probably would have found more but the driveway had three (3) layers of impact and the machine could not pick up anything through so many layers. He stated that there were areas that were missed that had graves. Ms. Hinder stated that her information was based off the death certificates that she found that reference the burial in the Seaboard Cemetery or the Taylor Cemetery. She stated that she did not doubt that there were a lot more burials there. Council Member James asked if graves were found in the area off of Axtel Drive and Slann Drive. Ms. Hinder stated that they did not find any evidence of a cemetery there but it did appear in plats until 1967. She stated that she found a dozen death certificates that indicated burial in the Guignard Cemetery. She stated that all of the people that she found death certificates for had some tie to the brick works. She stated that she suspected, like the Seaboard Cemetery, there were a lot of burials there that were not recorded, and there was nothing left on the ground. Ms. Hinder stated that they geo-referenced the plat but there could have been burials outside of that boundary as well. Mayor Partin thanked staff for putting together a great grant and getting the survey done. She stated that it was meaningful and it mattered.

Items for Discussion and Possible Approval

- A. Discussion and Approval to Reschedule the November 14, 2023 Council Meeting to November 15, 2023

Council Member James made a motion to approve rescheduling the November 14, 2023 Council Meeting to November 15, 2023. Council Member Sox seconded the motion which was unanimously approved by roll call vote.

Committee Matters

- A. Approval to Enter the following Committee Approved Minutes into the City's Record
Museum Commission – August 2, 2023
Events Committee – August 10, 2023

Council Member Sox made a motion to enter the Committee approved minutes into the record. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

- B. Appointments and Reappointments
Beautification Foundation – One (1) Position

Mayor Partin stated that the Beautification Foundation currently had one (1) open position and the City had received a potential member application from Mr. Rembert William Jr. Council Member Carter made a motion to appoint Mr. Williams to the Foundation. Council Member Sox seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that the upcoming Saturday was the City's Fall Fest put on by the Events Committee and held in Granby Gardens Park. She stated that the Cayce Beautification Foundation's Brick Works fundraising dinner was October 25. She stated that the City's Christmas Tree Lighting Ceremony would be Thursday, November 30. She stated that it was decided to go back to the Tree lighting Ceremony and not do the drive thru this year. She stated that the City's Events Committee would be hosting Carols Along the Riverwalk on Friday, December 1 and the Cayce Historical Museum Christmas Open House would be held Saturday, December 3. She stated that the Museum Commission had made some changes to the program. She stated that this year it would be similar to a European-style Christmas Market with five (5) or six (6) vendor stalls created by the Commissioners selling food and crafts. Ms. Hegler stated that there would also be lantern tours that were fully scripted. She stated that the City's

Police Department would be helping the Richland County Sheriff's Department as they laid their fallen Deputy to rest. She stated that they certainly shared in their grief.

Council Comments

There were no Council comments.

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

Mayor Pro Tem Jenkins made a motion to move into Executive Session. Council Member Sox 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 Sox 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 in follow up to Executive Session

Council Member James made a motion to authorize the City's Attorney, Mr. Brandon Taylor, and his firm to pursue settlement of the currently litigated claims for the City that was discussed during Executive Session. Council Member Sox seconded the motion which was unanimously approved by roll call vote

Adjourn

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

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk



Mayor Elise Partin	Mayor Pro-Tem James E. Jenkins	Council Members Phil Carter Tim James Hunter Sox	City Manager Tracy Hegler	Deputy City Manager Jim Crosland Assistant City Manager Michael Conley
------------------------------	--	--	-------------------------------------	---

**Proclamation
National American Indian Heritage Month
November 2023**

Whereas, the history and culture of our nation and the City of Cayce have been significantly influenced by American Indians and indigenous people; and

Whereas, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America and the City of Cayce today; and

Whereas, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

Whereas, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned;

Now, Therefore, I, Elise Partin, Mayor of the City of Cayce and on behalf of Council, do hereby proclaim November 2023 as National American Indian Heritage Month in the City of Cayce and encourage all our citizens to observe this month with appropriate programs, ceremonies and activities.

Dated this 15th day of November 2023.

ATTEST:

Elise Partin, Mayor

Mendy Corder, CMC, Municipal Clerk

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Rochelle Smith, Business Services Administrator

Date: November 15, 2023

Subject: Business License Amendment and New Classification Schedule

ISSUE

Council approval is needed to approve the necessary Business License Ordinance amendments.

DISCUSSION

South Carolina's Act 176, the Business License Standardization Act, requires every municipality and county government with a business license tax to update its business licensing class schedule every odd-numbered year to go into effect the following year. As such, 2023 is the time we need to update the ordinance to be in compliance with the law.

As required by ACT 176, the class schedule updates use the latest statistical data on business profitability from the IRS, which then receives approval from the SC Revenue and Fiscal Affairs Office.

The amendments are shown in the redlined version of the attached ordinance, and are summarized below as:

Amendments to Appendix A -

- a) Telephone Companies Class 8.3 - current NAICS codes are to be replaced with NAICS 517111, 517112, 517122.
- b) Billard or Pool Tables Class 8.6 – A business that has billiard or pool tables must now separate their gross income. One business license will be issued for the business using its total gross excluding the gross from the billiard or Pool tables. An additional business license will be issued for the billiard or pool tables.
- c) The NAICS code for 9.41 and 9.42 (peddlers) have been eliminated. Businesses that were previously classified in those classes shall be required to apply and pay for a business license in their natural class.

Amendments to Appendix B –

Current Business License Ordinance, the "Business License Rate Schedule," is hereby amended as follows:

- a) Classes 1 through 8 are to be amended and restated as set forth in Appendix A changes.
- b) Class 9 will remain in full force and effect as set forth in the current Business License Ordinance.
- c) NAICS codes corresponding to classes 9.41 and 9.42 have been eliminated.

RECOMMENDATION

Staff recommends Council give First Reading approval to Ordinance 2023-13 amending the Business License Ordinance to update the class schedule as required by Act 176 of 2020.

STATE OF SOUTH CAROLINA)	ORDINANCE 2023-13
)	AMENDING THE BUSINESS LICENSE
COUNTY OF LEXINGTON)	ORDINANCE TO UPDATE THE CLASS
)	SCHEDULE AS REQUIRED BY ACT 176
CITY OF CAYCE)	OF 2020

WHEREAS, the City of Cayce (the “Municipality”) is authorized by S.C. Code § 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code §§ 6-1-400 to -420 (the “Standardization Act”), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the “Association”) and adopted by the Director of the Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 2021-23 on November 9, 2021, in order to comply with the requirements of the Standardization Act (the “Current Business License Ordinance”);

WHEREAS, the City Council of the Municipality (the “Council”) now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act, and to make other minor amendments as recommended by the Association;

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

SECTION 1. Amendments to Appendix A. Appendix A to the Current Business License Ordinance, the “Business License Rate Schedule,” is hereby amended as follows:

- (a) Class 8.3 is hereby amended by deleting the NAICS Codes and replacing them with NAICS 517111, 517112, 517122 – Telephone Companies.
- (b) Class 8.6 is hereby amended and restated in its entirety to read as follows: “**8.6 NAICS Code Varies - Billiard or Pool Tables.** A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to S.C. Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3-1/2 feet wide and 7 feet long, and \$12.50 per table longer than that.”
- (c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to

apply and pay for a business license in their natural class. Applicants for a license to sell on private property must provide written authorization from the property owner to use the intended location.

SECTION 2. Amendments to Appendix B. Appendix B to the Current Business License Ordinance, the “Business License Rate Schedule,” is hereby amended as follows:

- (a) Classes 1 through 8 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” are hereby amended and restated as set forth on the attached Exhibit A.
- (b) Class 9 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” shall remain in full force and effect as set forth in the Current Business License Ordinance.
- (c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

SECTION 3. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective with respect to the business license year beginning on May 1, 2024.

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

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2023.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

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

~~2022-2024~~ 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

RATE CLASS	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
	BASE RATE	RATE PER \$1,000 OR FRACTION THEREOF
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.

<u>Gross Income in \$ Millions</u>	<u>Percent of Class Rate for each additional \$1,000</u>
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~~ – 517111, 517112, 517122 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~~

8.6 NAICS Code Varies – Billiard or Pool Tables. A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a 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.”

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.~~

The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

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

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

APPENDIX B		
2023 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE		
NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1.00
21	Mining	2.00
22	Utilities	1.00
31-33	Manufacturing	3.00
42	Wholesale trade	1.00
44-45	Retail trade	1.00
48-49	Transportation and warehousing	1.00
51	Information	4.00
52	Finance and insurance	7.00
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	3.00
61	Educational services	3.00
62	Health care and social assistance	4.00
71	Arts, entertainment, and recreation	3.00
721	Accommodation	1.00
722	Food services and drinking places	2.00
81	Other services	4.00
Class 8	Mandatory or Recommended Subclasses	
23	Construction	8.10
482	Rail Transportation	8.20
517111	Wired Telecommunications Carriers	8.30
517112	Wireless Telecommunications Carriers (except Satellite)	8.30
517122	Agents for Wireless Telecommunications Services	8.30
5241	Insurance Carriers	8.40
5242	Insurance Brokers for non-admitted Insurance Carriers	8.40
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.60
Class 9	Optional Subclasses	
423930	Recyclable Material Merchant Wholesalers (Junk)	9.10
522298	Pawnshops	9.20
4411	Automobile Dealers	9.30
4412	Other Motor Vehicle Dealers	9.30
713290	Bingo Halls	9.50
711190	Other Performing Arts Companies (Carnivals and Circuses)	9.60
722410	Drinking Places (Alcoholic Beverages)	9.70
711310/711320	Special Events Promoter. 2 or more days	9.91
711310/711320	Special Events Promoter. One Day on Gross Income up to \$2000.00	9.92
711310/711320	Special Events Promoter. One Day on Gross Income Between \$2,001 and \$10,000	9.93
711310/711320	Special Events Promoter. One Day on Gross Income over \$10,000	9.94
2023 Class Schedule is based on a three year average (2017-2019) of IRS statistical data.		

2024 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

RATE CLASS	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
	BASE RATE	RATE PER \$1,000 OR FRACTION THEREOF
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	\$5.00 -OR- \$12.50 per table	
9.1	\$60.00	\$2.50
9.2	\$400.00*	\$1.75*
9.3	\$20.00	\$1.00*
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.

<u>Gross Income in \$ Millions</u>	<u>Percent of Class Rate for each additional \$1,000</u>
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— 517111, 517112, 517122 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 Code Varies – Billiard or Pool Tables. A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a 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.”

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.

The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

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.

APPENDIX B

2023 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1.00
21	Mining	2.00
22	Utilities	1.00
31-33	Manufacturing	3.00
42	Wholesale trade	1.00
44-45	Retail trade	1.00
48-49	Transportation and warehousing	1.00
51	Information	4.00
52	Finance and insurance	7.00
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	3.00
61	Educational services	3.00
62	Health care and social assistance	4.00
71	Arts, entertainment, and recreation	3.00
721	Accommodation	1.00
722	Food services and drinking places	2.00
81	Other services	4.00
Class 8	Mandatory or Recommended Subclasses	
23	Construction	8.10
482	Rail Transportation	8.20
517111	Wired Telecommunications Carriers	8.30
517112	Wireless Telecommunications Carriers (except Satellite)	8.30
517122	Agents for Wireless Telecommunications Services	8.30
5241	Insurance Carriers	8.40
5242	Insurance Brokers for non-admitted Insurance Carriers	8.40
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.60
Class 9	Optional Subclasses	
423930	Recyclable Material Merchant Wholesalers (Junk)	9.10
522298	Pawnshops	9.20
4411	Automobile Dealers	9.30
4412	Other Motor Vehicle Dealers	9.30
713290	Bingo Halls	9.50
711190	Other Performing Arts Companies (Carnivals and Circuses)	9.60
722410	Drinking Places (Alcoholic Beverages)	9.70
711310/711320	Special Events Promoter. 2 or more days	9.91
711310/711320	Special Events Promoter. One Day on Gross Income up to \$2000.00	9.92
711310/711320	Special Events Promoter. One Day on Gross Income Between \$2,001 and \$10,000	9.93
711310/711320	Special Events Promoter. One Day on Gross Income over \$10,000	9.94

2023 Class Schedule is based on a three year average (2017-2019) of IRS statistical data.

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: November 15, 2023

Subject: Award for Fire Station Vehicle Exhaust Removal System

ISSUE

City Council's approval is needed to award a contract for a Fire Station Vehicle Exhaust Removal System.

DISCUSSION

The purchase of a Fire Station Vehicle Exhaust Removal System was approved for purchase by Council in the 2023-2024 American Rescue Plan Budget Allocations. The total value for this project was estimated at \$56,000 and Council approved the allocation for this project.

The City of Cayce Fire Department has a need to remove cancer causing particulates found in diesel exhaust to provide a safer working environment for employees working in and around fire apparatus each day. A Request for Proposals (RFP) was issued by the City for this project and three bids were received from Air Cleaning Specialists (ACS), Ward/No Smoke and MagneGrip.

After thorough discussions by the RFP Committee, it is recommended that the award be given to Air Cleaning Specialists (ACS) for a total project cost of \$56,443, as they were found to be the most responsive, responsible responder.

The ACS proposal includes in labor, installation, freight, sales tax, electrical wiring, and ductwork to install the exhaust removal system. The proposal also includes a five-year warranty with two periodic scheduled maintenance visits per year.

RECOMMENDATION

Staff recommends that City Council give approval for the City Manager to negotiate and enter into an agreement with Air Cleaning Specialists (ACS) for this project in an amount not to exceed \$56,443 for the purchase of a Fire Station Vehicle Exhaust Removal System. This project will be funded by (1) the approved American Rescue Plan allocation not to exceed \$56,000 and (2) the Fire Department's operating budget in the amount of \$443.



**Minutes for the August 17, 2023
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, August 17, 2023 at Cayce City Hall.

Chairman Jack Sightler called the meeting to order at 5:05 pm. A copy of the agenda was posted on the Housing Authority’s website.

Roll call was conducted, and attendance was as noted below:

CH Board Members			Columbia Housing Authority Staff Present
Chairman	Jack Sightler	Present	Yvonda A. Bean, Chief Executive Officer
Vice-Chairman	Bruce Smith	Present	Barry Hall, Chief Operating Officer
Commissioner	Johnetta Riley	Present	Marisa Stanley, Chief Financial Officer
Commissioner	Silvia Sullivan	Present	Lee McRoberts, Chief of Staff (virtual)
Commissioner	Cheryl Seymour	Present	Cherilyn McCoy, Assistant Property Manager
			Damian White, Community Safety Manager
			Visitors:
			Mike Conley, City of Cayce

APPROVAL OF AGENDA

Commissioner Smith opened with prayer.

Chairman Sightler made a motion to approve the Agenda for the August 17, 2023 meeting, the motion was seconded by Commissioner Riley. Mrs. Bean asked that the Agenda be amended to include the Financial Report, Upon motion of Chairman Sightler, seconded by Commissioner Sullivan, the Agenda was approved as amended.

APPROVAL OF MINUTES:

Mrs. Bean apologized for the Board Packets being distributed so late but staff have been out of the office unexpectedly recently leading to the delay. There was a general discussion regarding there not being enough time to review the included information adequately. Commissioner Riley made a motion to defer the approval of the minutes of the June 20, 2023 meeting until October so the Board could have more time to review them, seconded by Commissioner Sullivan it was approved to defer approval of the June 20, 2023 minutes.

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

DISCUSSION ITEMS:

Mrs. Bean introduced Resolution 2023-003: Approval of Signatory Changes for Deposit Accounts

Mrs. Bean said that the Resolution updates the approved signatories for the agency’s banking accounts by updating her title from “Interim CEO” to “CEO” and also adds COO Barry Hall to the list of approved signers. Upon motion of Commissioner Riley, seconded by Commissioner Seymour it was approved.

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

CEO REPORT:

Mrs. Bean gave an update on the Cayce Housing bylaws. A committee to review the bylaws was appointed at the June meeting; the committee includes Chairman Sightler, Commissioner Riley, Mrs. Bean and Attorney Bo Campbell. A meeting of the committee has been scheduled for September to begin the process of reviewing the bylaws to ensure their compliance with state law and suggest changes if needed. Mrs. Bean said that she hopes to be able to present the updated bylaws at the October meeting.

Mrs. Bean said that replacement values for Cayce Housing units has been increased to the appropriate amounts and are now valued at accurate replacement costs ranging from \$108,000 - \$254,000 depending on the size of the unit.

Mrs. Bean gave an update on the proposed tree work to be completed. A grounds maintenance Request for Proposals is currently open with bids due in September. Previous bids for the tree work were high and staff hopes to receive more cost effective bids during this round of bids. Capital funds will be used to pay for the work when a contractor is identified.

Mrs. Bean reported that notification was received from HUD on July 18, 2023 that Cayce Housing was graded a substandard performer based on the annual Public Housing Assessment Score (PHAS), vacancies and the audited financials. A letter was sent to the Mayor and the Board to inform them of the rating. A corrective action and recovery plan was submitted to HUD by the end of July and many of the noted issues have already been corrected. The Corrective Action and Recovery Plan response is included in the packet. Vacancies were problematic due to units not being coded correctly during the renovations; all units are currently filled and staff does not anticipate any further issues.

There was a general discussion regarding the tree work to be done based on an arborist’s review and report in 2022. Mrs. Bean said the work will be prioritized based on the arborist's report and trees posing safety concerns will be addressed first. Mrs. Herrera said that the Capital Funds received for 2023 are not targeted as in the previous year for renovation work and will be used to complete the tree service and conversion of the community building at Poplar & Wilkinson to a residential unit. Mrs. Herrera said that the Capital Funds received for this year total \$139,821 and estimates to convert the community building range from \$60,000 - \$70,000. Staff is hopeful that a better price will be received on tree work during this current round of submissions for grounds maintenance. Mrs. Herrera said that a proposal should be ready to present to the Board at the October meeting, all Capital Funds will have to be expended prior to the final RAD conversion.

Commissioner Seymour said that she continues to experience issues with work done to her unit during renovation. Some things were not done well or finished completely, she circulated pictures of examples in her unit and said that other residents at Spencer Place are having similar problems. Mrs. Herrera apologized and said that she thought that the issues had been resolved but would have someone come out to the property to follow-up.

Commissioner Seymour said that the paint in the units is not sticking to the walls, the storage rooms are not keyed correctly and that water is leaking in the kitchens of several units. Additionally, the washer and dryer units placed in the apartments have had numerous issues and CH maintenance cannot fix due to them being under warranty. Mrs. Herrera said that the paint problem has been difficult to resolve as oil paint was applied to the units at some point and is hard to cover. Mrs. Herrera said that she will have another contractor come assess the situation and will follow up with Commissioner Seymour the next week. Mrs. Herrera said that staff is holding retainage for the contractor that completed the renovations due to the outstanding issues with the project. Commissioner Seymour asked when “No Trespassing” signs would be installed at the property; Mrs. Herrera said that Property Management staff is responsible for that signage and will follow up with the appropriate personnel to have them ordered.

FINANCIAL UPDATE:

Mrs. Bean asked Mrs. Stanley to present the financial statement to the Board.

Public Housing	Current Period June 2023	Year-toDate Actuals	Year-toDate Budget	Variance
<u>Operating Income</u>				
Tenant Revenue	7,146	79,188	84,400	(5,212)
HUD Operating Grant Revenue	11,900	155,697	149,529	6,168
COVID Operating Grant Revenue	-	-	-	0
CFP Operating Revenue	-	251,001	251,001	0
Other Revenue	97	1,835	3,350	(1,515)
Total Operating Income	19,143	487,721	488,280	(559)
<u>Operating Expenses</u>				
Administrative Expenses	4,083	74,185	98,712	(24,527)
Tenant Services	606	80,851	5,864	74,987
Utilities	1,151	15,954	5,900	10,054
Maintenance	8,876	152,524	95,988	56,536
Protective Services	438	5,805	6,626	(821)
Insurance Expense	929	11,151	10,930	221
Real Estate Taxes-PILOT	490	5,878	5,878	0
Other General Expenses, Collection Losses	157	(712)	-	(712)
Equipment Replacements	-	-	-	0
Total Routine Operating Expenses	16,731	345,637	229,898	115,739
Cash Flow (Deficit) from Operations	2,411	142,084	258,382	(116,298)

Mrs. Stanley said the financial report included in the August Board Report reflects budgeted and actual amounts through the end of the fiscal year, June 30, 2023. Per the Board’s request a separate line item for Travel expenses will be included in the budget for the new fiscal year starting July 1, 2023.

Expense variances occurred in Tenant Services due to relocation costs, utilities due to higher temperatures and energy costs in July and August and in Maintenance due to termite inspections and the purchase of new appliances. Overall Cayce Housing finished the year with a positive cash flow of \$142,084.

Chairman Sightler asked how much is the reserve account, Mrs. Stanley said that there is approximately \$75,000 still in the Cayce reserves. Commissioner Riley asked what the difference is between the net income and cash flow, Mrs. Stanley said that the cash flow number reflects income after all operating expenses have been paid.

There was a discussion regarding Cayce Housing’s bank accounts and where they are located. Commissioner Sullivan asked if the accounts are all checking accounts and why there are multiple accounts at different banks. Mrs. Bean said that the agency is required to periodically issue solicitations for banking services to ensure the best rates are being received and that it results in multiple accounts based on the responses at the time of the solicitation; staff is preparing a solicitation for banking services now that will be issued within the next few months.

Commissioner Riley asked if work at Abbot Arms has been completed and if the Board can tour the property. Mrs. Herrera said that she will reach out to the owner to see if they can schedule a tour; Cayce Housing does not hold any interest in the property but acted as the conduit issuer for the bonds used to renovate the property.

Mrs. Bean asked Ms. Cherilyn McCoy to give the Operations Report.

Ms. McCoy reported the following:

	June	July	August
Accounts sent to Magistrate	0	1	0
Account more than 30 days	1	3	4
Work Orders received	0	38	12
Work Orders Completed	0	36	4
Work Orders Remaining	0	2	8
Emergency Work Order	0	14	0

**Magistrate Update:

June- zero cases sent to the magistrate.

July- one causes sent to the magistrate

August- zero cases sent to the magistrate.

Ms. McCoy stated that of the 4 accounts over 30 days old in August, 2 have been paid in full and the remaining 2 have made payment arrangements. Commissioner Riley asked how many times an account can be sent to the Magistrate before additional steps are taken, Ms. McCoy said that residents are given 2 times. Commissioner Seymour asked if all outstanding rent issues have been resolved from the COVID period; Mrs. Bean said they have all been addressed and some residents were evicted due to non-payment of rent during that time.

Mrs. Bean asked Mrs. Herrera to give an update on development activities.

Mrs. Herrera said that Cayce began the conversion from public housing to RAD a year ago based on HUD’s encouragement for housing authorities to leave the public housing program. RAD will allow greater flexibility and earning capacity as assistance becomes project based and rents can be increased to fair market values. Mrs. Herrera directed the Board to the handout regarding the conversion process that was included in the report.

HUD SECTION 18 CONVERSION PROCESS <50 UNITS

The chart below outlines the process to complete the conversion of the public housing units which estimated to be approved by HUD by the end of the 2023 calendar year.



PROPERTY OWNER

- Non-profit affiliate of Cayce Housing Authority.
- Cayce Re Development Corporation (CRDC) or other such name as desired.
- Preserve Control - Cayce PHA Commissioners serve as Directors of non-profit only while Commissioner.

PROPERTY MANAGER

- Cayce Housing Authority enters into Property Management Agreement with owner entity.
- Earns Property management fee on a monthly basis.
- Continues other activities such as issuance of bonds.
- Columbia Housing continues to act on behalf of Cayce Housing under the original agreement.

RESIDENTS

- Automatically convert from public housing to project based voucher subsidy.
- Execute a new lease agreement.
- After one year, have the option to request a tenant-based voucher to move to another location of their choice.
- If voucher available residents receive upon request provided in good standing with lease; if not available, placed on Choice Mobility waiting list and receive a voucher when available prior to applicants on waiting list.

Staff is currently waiting on environmental clearance from HUD and needs to obtain a letter of support from the City of Cayce. After those steps are complete, a new non-profit affiliate of Cayce Housing will be formed to own the property as the owner cannot be the same entity that will be managing the property. An organizational meeting of the newly formed non-profit will be held to ratify the formation documents for the entity and to approve a Resolution approving the conversion. Once complete, those documents will be submitted to HUD with final approval coming in approximately 60 days. Once complete, there will be less HUD oversight, increased revenue potential and tenants will have the ability to request choice mobility vouchers after a year. Mrs. Herrera said that staff hopes to submit this information to HUD in October with HUD approval being issued in December and the process totally completed by June, 2024.

Chairman Sightler asked if the changes will impact the upcoming discussions regarding the bylaws. Mrs. Herrera said that the bylaws for the non-profit will establish the Cayce Housing Commissioners as the Directors of that Board and its relationship as an affiliate non-profit.

There was a discussion regarding how HUD will not be as involved post-conversion. Mrs. Herrera said that leaving the public housing program and converting the units to project based assistance gives the non-profit control of the units as they are the new owners and no Declaration of Trust will exist on the property going forward. HUD will require an affordability provision at the time of conversion, ensuring the property remains affordable to income qualified families. Rents will be

based on fair market values and Cayce Housing will manage them and collect the rents. In the past, the public housing program has been funded at much lower levels than units receiving project based assistance. Commissioner Riley asked how rents are structured and who receives the rents. Mrs. Herrera said that the rents are based on fair market rents established by HUD on an annual basis, rental income is paid to the owner entity (the newly formed non-profit affiliate) and management fees paid to Cayce Housing for managing the properties.

Chairman Sightler asked how the conversion will impact tenant rents. Mrs. Herrera said that tenant portions will still be based on 30% of the tenant's income and the remainder paid by subsidy. Mrs. Herrera stated that the property pays all expenses related to the operations of the community, including the management fee paid to Cayce Housing for property management. Mrs. Herrera said that no public housing funds can remain post-conversion and that all reserves and capital funds must be spent before the conversion is finalized. Staff plans to expend those funds over the next 6 months and those proposed expenditures will be brought to the Board for approval before work begins.

Chairman Sightler asked if Cayce Housing's inventory could be expanded post conversion. Mrs. Herrera said that Cayce will have that flexibility and will add to its inventory with the conversion of the Community Building at Poplar and Wilkinson bringing its total unit count to 42.

Chairman Sightler asked if Cayce Housing could administer Housing Choice Vouchers in the City; Mrs. Herrera said that the State Housing Authority has jurisdictional authority for the HCV program in Lexington County including the City of Cayce.

Mrs. Bean invited the Board to attend the 2023 NAACP Annual Awards Gala in September. HUD Secretary Marcia Fudge will be the keynote speaker and Columbia Housing has purchased tables.

ADJOURNMENT

There being no further business and upon motion of Commissioner Sullivan, seconded by Commissioner Smith, it was unanimously approved to end the meeting at 6:29 pm.

Prepared by:

Yvonda A. Bean
Secretary/Chief Executive Officer

**Minutes for the June 20, 2023 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 20, 2023 at Cayce City Hall.

Chairman Jack Sightler called the meeting to order at 5:05 pm. A copy of the agenda was posted on the Housing Authority’s website.

Roll call was conducted and attendance was as noted below:

CH Board Members			Columbia Housing Authority Staff Present
Chairman	Jack Sightler	Present	Yvonda A. Bean, Chief Executive Officer
Vice-Chairman	Bruce Smith	Present	Barry Hall, Chief Operating Officer
Commissioner	Jhonna Riley	Present	Marisa Stanley, Chief Financial Officer
Commissioner	Silvia Sullivan	Present	Lee McRoberts, Chief of Staff
Commissioner	Cheryl Seymour	Present	Brianna Weston, Property Manager
			Damian White, Community Safety Manager
			Visitors:
			Mike Conley, City of Cayce
			Ken Walters, City of Cayce

APPROVAL OF AGENDA

Chairman Sightler moved that an opening prayer be added to the Agenda, upon motion of Commissioner Sullivan, seconded by Commissioner Seymour the Agenda was approved as amended.

Commissioner Smith opened with prayer.

APPROVAL OF MINUTES:

Mr. Sightler called for approval of the minutes for the Regular Meeting held February 21, 2023. Upon motion of Chairman Sightler, seconded by Commissioner Sullivan, they were approved.

Board Member		Aye	Nay	Absent
Chairman	Jack Sightler	X		
Vice-Chairman	Bruce Smith	X		
Commissioner	Jhonna Riley	X		
Commissioner	Silvia Sullivan	X		
Commissioner	Cheryl Seymour	X		

Mr. Sightler called for approval of the minutes for the Regular Meeting held April 11, 2023. Commissioner Sullivan moved approval and Commissioner Riley seconded the motion. Chairman Sightler asked if the designation for Cayce Housing noted on page 4 of the minutes was correct? Mrs. Bean said that the designation is correct, Cayce scored a 76 on the most recent assessment and staff has filed an appeal to try and recapture some of the points lost due to invoices not being processed and units not being coded correctly as offline. Chairman Sightler asked what an unfavorable score is, Mrs. Bean said that a score below 60 is substandard. A response from HUD has not yet been received but updates will be provided to the Board as they become available.

Commissioner Riley asked what families were being notified of twice as referenced under the Proposed Policy Changes for Strategic Goal 1. Mrs. Bean said the reference was to rent changes for families over income limits to qualify for public housing assistance; those families will receive notification at 12 and 24 months of being converted to non-public housing leases at fair market rents. Commissioner Riley suggested changing the formatting to make the section clearer and include all income limits under one section. Commissioner Seymour asked how people living in CH units that are not on the lease are addressed. Mrs. Bean said that everyone living in a unit should be on the lease and that residents who are aware of situations where this is not the case should contact their property manager. Ms. Weston said that a household’s makeup is reviewed annually during the recertification process.

There being no further discussion regarding the minutes and a motion with a second on the floor, Chairman Sightler called for a vote and the April 11, 2023 minutes were approved.

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

DISCUSSION ITEMS:

Mrs. Bean introduced Resolution 2023-002: Approval of Fiscal Year 2023 Operating Budget.

Mrs. Stanley presented the proposed operating budget.

Public Housing	Annual Budget 6-30-2024	Annual Budget 6-30-2023	Variance
Operating Income			
Tenant Revenue	89,920	84,400	5,520
HUD Operating Grant Revenue	149,410	149,529	(119)
COVID Operating Grant Revenue	-	-	-
CFP Operating Revenue	139,821	112,224	27,597
Other Revenue	3,580	3,400	180
Total Operating Income	382,731	349,553	33,178
Operating Expenses			
Administrative Expenses	104,634	99,012	5,622
Tenant Services	12,468	5,864	6,604
Utilities	11,283	6,189	5,094
Maintenance (see below detail)	99,557	98,180	1,377
Protective Services	9,671	9,573	98
Insurance Expense	11,270	10,930	340
Real Estate Taxes-PILOT	7,864	7,821	43
Other General Expenses, Collection Losses	1,724	1,724	-
Equipment Replacements	-	-	-
Total Routine Operating Expenses	258,471	239,293	19,178
Cash Flow (Deficit) from Operations	124,260	110,260	14,000

Property Maintenance	Annual Budget 6-30-2024	Annual Budget 6-30-2023	Variance
Maintenance			
Maintenance Salaries and Benefits	45,322	44,983	339
Maintenance Materials	1,510	1,570	(60)
Garbage	2,790	3,980	(1,190)
Contract Cost - Other Misc Repairs	13,175	13,005	170
Plumbing-Electrical	1,160	890	270
Mowing	24,200	24,200	-
Pest Control	11,400	9,552	1,848
Sub-Total Maintenance Expenses	99,557	98,180	1,377

Mrs. Stanley said that the proposed 2024 budget is shown in relation to the 2023 budget. An increase of \$33,178 is planned for total operating income due to an increase in tenant income and Capital Fund revenue, expenses are being projected as flat and an increase of \$14,000 is projected in overall cash flow for CH. Mrs. Stanley said that additional funds were added to the Administrative Expense line to accommodate travel and training. The tenant services line item was also increased to include possible temporary housing costs in case of an emergency situation. A slight increase was planned in utility costs and an increase was built into pest control. A positive cash flow of \$124,260 should be realized at the end of the fiscal year which will be an increase of \$14,000 over FY 2023.

Chairman Sightler stated that he would like to see travel as a separate line item and Commissioner Riley agreed and asked that it be added to the budget as its own category. Chairman Sightler said that it would be good for the Board to see what is available during the year. Mrs. Bean said that it was included under the Administrative Expenses but could be tracked separately and reported accordingly going forward.

Commissioner Smith asked if property values are being reviewed to ensure replacement values are correct and adequate for Cayce Housing’s inventory. Mrs. Bean said that staff had scheduled a meeting with the Insurance Reserve Fund to discuss the matter and that she would report back at the next meeting with the outcome.

There being no further discussion regarding the proposed budget, Chairman Sightler called for a motion to approve Resolution 2023-002: Approval of Fiscal Year 2023 Operating Budget. Commissioner Riley motioned that the budget be approved with the amendment that a separate line item be added to reflect a \$5,000 travel budget, seconded by Commissioner Sullivan the budget was approved as amended.

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

CEO REPORT:

Mrs. Bean briefed the Board on recent news coverage of Columbia Housing. A representative from Appleseed Legal Justice made a statement at the June Columbia Housing Board meeting asserting claims regarding living conditions at several Columbia Housing properties. Press attended the meeting and conducted interviews with the Appleseed representative during and following the meeting. Columbia Housing responded to interview requests via a written statement the evening of the meeting and is working diligently to ensure the story is reported fairly.

There was a general discussion regarding the allegations and situations reported in the news. Commissioner Seymour expressed concern that evictions might be stopped if legitimate lease violations due to housekeeping and non-payment of rent were involved. Mrs. Bean said that Columbia Housing is working with each family to appropriately address each situation.

Commissioner Smith asked about a story regarding the relocation of residents at Bayberry Mews and what type of assistance was being provided to those families. Mrs. Bean said that Bayberry Mews and Capital Heights are tax credit properties and currently need approximately \$250 million in renovations and repairs. IRS guidelines govern how tax credit properties are managed and those guidelines dictate income limits and family size which must be followed per the tax credit regulations. Families at both properties are being notified of upcoming renovations and plans to relocate them to appropriately sized units if needed. As these properties are not under the public housing program they do not receive the level of relocation assistance but Columbia Housing will work closely with the property management company to ensure all families that have to relocate receive as much help as possible.

Commissioner Seymour said that there continues to be issues with the work done during renovation at Spencer Place. A number of items remain unfinished in her unit as well as others at the property. Mrs. Bean said that she is aware that a punch list of outstanding work was compiled and is still being worked through. All work is still under warranty and she will request an update on the progress of the repairs. Commissioner Smith asked if the lowest bid has to be accepted in bid requests. Mrs. Bean said that it could be the lowest or best to give the agency flexibility. There was a general discussion regarding the overall work of the contractor that completed the renovations and concerns were voiced about the quality of their work. Mrs. Bean thanked the Board for their input and bringing the concerns to her attention.

Chairman Sightler asked about the status of setting up a meeting to review the Cayce Bylaws. Mrs. Bean said that the current Cayce and Columbia bylaws had been distributed following the April meeting and that a meeting needs to be scheduled with Attorney Campbell in attendance. Mrs. Bean will coordinate with Attorney Campbell and members of the Committee to determine availability.

Mrs. Bean gave a development update. Stogner Architect is currently working on a plan to convert the community room at Poplar and Wilkinson to residential space; this would add additional rental income to Cayce Housing’s budget. Staff is still waiting on the HUD environmental review needed to move forward with RAD conversion but hope to have for the August meeting. Tree work as identified by an arborist last year is being rebid in hopes of getting better prices as the initial bids were high.

Mrs. Bean asked Ms. Weston to deliver the Operations Report. Ms. Weston reported the following:

Status Report for The Months of April 2023 Through June 2023

	April	May	June
Accounts sent to Magistrate	0	0	0
Account more than 30 days	1	1	1
Work Orders received	1	25	0
Work Orders Completed	0	24	0
Work Orders Remaining	1	1	0
Emergency Work Order	0	5	0

****Magistrate Update:**

April- zero cases sent to the magistrate.

May- zero cases sent to the magistrate.

June- zero cases sent to the magistrate.

Commissioner Smith asked what the emergency work orders had been, Mrs. Bean said that per the maintenance policy HVAC calls in temperatures over 80 degrees stipulate that the work order be treated as an emergency and resolved within 24 hours.

Chairman Sightler asked Commissioner Riley to give the Board a briefing on the CCHRCO Commissioners Conference she attended earlier this year the next meeting.

ADJOURNMENT

There being no further business and upon motion of Chairman Sightler, seconded by Commissioner Sullivan, it was unanimously approved to end the meeting at 6:17 pm.

Prepared by:

Yvonda A. Bean
Secretary/Chief Executive Officer

Events Committee Minutes
September 14, 2023

Present: Danny Creamer, Maxine Creamer, Johnathon Moore, Alexis Moore, Carrie Ridgeway, Megan Lightle, Dave Capps, Evony Reed, Dwede Dennis, Byron Thomas, Alyssa Daniel

City Representatives: Mendy Corder, James Denny

Mr. Moore opened the meeting with prayer.

The Committee reviewed the August 10, 2023 minutes. Ms. Lightle made a motion to approve. Ms. Ridgeway seconded, and motion was unanimously passed.

The Committee met in Granby Gardens Park to discuss the upcoming Cayce Fall Fest and to review current vendors and where they would be placed. Ms. Corder, Ms. Rowan and Mr. Denny walked through the park earlier that day to map out placement. Ms. Corder and Mr. Denny stated that all the vendors would fit in the park and were separated into categories: food and craft vendors. There are currently 54 vendors signed up to participate. Ms. Corder advised that all vendors and volunteers would need to meet at Granby Gardens Park at 9:00 am on October 7, 2023 to set up for Fall Fest.

Ms. Corder stated that the City has started contacting bands for Caroling in the Riverwalk. She stated that bands had requested that the Committee consider an increase in donations for their performance. Mr. Capps made a motion to increase the donation to bands for the 2023 Caroling event from \$200.00 to \$250.00. Mr. Creamer seconded. The motion was unanimously passed.

It was suggested that moving forward the City's Plant Exchanges be marketed at the Cayce Events Committee Plant Exchange.

Ms. Corder advised that the Fall Nature Tour would be November 5, 2023. There will be more information at the October meeting.

With no further business, Ms. Lightle made a motion to adjourn, and Mr. Creamer seconded. Motion carried and the meeting was adjourned.

The next Events Committee meeting will be October 12, 2023, at 5:30 PM in Council Chambers.

Cayce Historical Museum Commission October 4, 2023, Meeting Minutes

The October 4, 2023, meeting of the Cayce Historical Museum Commission (CHMC) was held in the Cayce Visitors Center. The meeting was convened at 4:00 by Chair James Stewart. The following individuals attended the meeting:

Name	Status
James Stewart	Chair
Pamela Sulton	Vice Chair
Marcy Hayden	Secretary
A.G. Dantzler	Commissioner (absent)
Charlita Earle	Commissioner
Pamela Sulton	Commissioner
Garrett Creasman	Commissioner
David Brinkman	Commissioner
Andy Thomas	Cayce Museum Curator
Elizabeth Lumsden	Cayce Museum Assistant
Jeff Wilkinson	Volunteer

Upcoming Events:

10/7-Cayce Fall Fest

10/7-Fall Field Day-Archeology Society of South Carolina

10/11-Cayce Historical Museum Commission Strategic Planning Session

10/19 and 11/2-Historic Preservation of African American Sites Event (WeGOJA) at Brookland Lakeview Center

11/1-Christmas Traditions Volunteer Meeting

11/30-Tree Lighting and Cayce Cares

12/2 Christmas Traditions

12/9 Christmas Parade

Invocation: Vice Chair Pamela Sulton

Action Items:

September Meeting Minutes:

The Commission reviewed the previous meeting minutes. Commissioner Creasman motioned that the meeting minutes be accepted with that correction. Commissioner Sulton seconded the motion, and the minutes were approved by unanimous vote.

Museum Staff Report

Electrical repairs to the Public Safety building are in progress. October 17th is scheduled for repairs on the ceiling tiles. A RFP has gone out for a sealed bid to repair the Museum windows which need to be replaced with wooden windows.

The Museum staff is working to develop the updated Confederate Money exhibit to include the newly donated items, floating panels, and movement of items for better display. Staff is also working to develop a schedule for next year to develop “kids day” programs for homeschoolers and schools to attend with the idea that they occur once a month starting March through June. Staff is moving forward with appraisals for Catawba Pottery Collection which is currently scheduled for October 9th.

“Sweet Night” has been developed by Mr. Thomas to serve as a fundraiser, introduction to the Cayce Historical Foundation and Museum and is being planned for February. Five local bakeries are invited to attend and will have silent auction baskets, speakers and additional activities.

The changing exhibit that is currently the Columbia Raceway exhibit will be changing to an exhibit on the Columbia Airport. Commissioner Hayden mentioned that this was a good opportunity for sponsorship and they should get a rocking chair from the Airport as part of the exhibit as well.

Mr. Thomas shared that Jeff Wilkerson has written a great white paper from the Old State Road NRHP Nomination and could be a good point for an exhibit on the subject which could include the 12,000 year history of Cayce. Mr. Thomas mentioned that this could be turned into a publication or article in the future as well as digitized.

The African American exhibit completed and has been on display. Chair Stewart would like the African American Committee to decide on the time and date they would like the reception for the official opening of the museum. Staff is working to develop a press release with the City as soon as the date is identified.

Historic Preservation

The WeGOJA foundation is hosting a listening session for historic preservation on October 19 and November 2 from 6:00 to 8:00. Commissioners plan to attend.

Survey of African American Cemeteries has been completed and presented to the City. Many of these cemeteries need preservation work and maintenance. Chair Stewart said that the Commissioners should consider the opportunity for the Museum to move into the space of history preservation by taking a role in the upcoming work to preserve these locations.

Donations

A community member has offered to donate a large fire-proof safe for the Museum to use. Commissioners voted to accept the donation.

Old State Road NRHP Nomination

Commissioner Moore needs additional photographs of the road for the application.

Christmas Events

The Christmas Committee has designed stalls for the European-Style Christmas Market and is currently confirming vendors for the event. The lantern tour scripts have been completed and Commissioners have been given a copy to review. A call for volunteers will also be circulated throughout Cayce in October through the website and newsletter, but the slips did not go out on the trash cans due to an administrative issue. On November 1st, the Commissioners will host a volunteer meeting after the scheduled Commission meeting. Each Commissioner has volunteered to bring a dish. Additionally, Commissioners will meet again on October 18th at 4:30pm to finalize planning for the Christmas Traditions activities. Ms. Hayden will meet with Mr. Thomas regarding decorations for the indoors on Tuesday or Thursday of next week. Commissioner Moore has secured poinsettias for porch decorations.

Strategic Planning

The Commissioners will take place in a strategic planning retreat on October 11 with StopGap Solutions.

With no other business on the meeting agenda, Commissioner Creasman motioned to adjourn the meeting. Commissioner Earle seconded the motion and the Commission voted unanimously to adjourn the meeting at **5:19 PM**.

COUNCIL ACTION REQUIRED

MUSEUM COMMISSION – THREE (3) POSITIONS

Mr. David Brinkman's term expires in November and he would like to serve again. He has served on the Museum Commission since 2020 and consistently attends the meetings. His reappointment application is attached for Council's review. Mr. A.G. Dantzer's term expires in November and he would like to serve again. He has served on the Commission since 1998 and consistently attends the meetings. Mr. Archie Moore's term expires in November as well and he would like to serve again. He has served on the Museum Commission since 2008 and consistently attends the meetings. His reappointment application is attached for Council's review.

PUBLIC SAFETY FOUNDATION – TWO (2) POSITIONS

Mr. Miles Fisher's term on the Foundation expires in November and he would like to serve again. He has served on the Foundation since 2022 (he was filling an unexpired term) and consistently attends the meetings. His reappointment application is attached for Council's review. Ms. Rebecca Lorick's term expires in November and she would like to serve again. She has served on the Foundation since 2020 and is currently the Vice President. Her reappointment application is attached for Council's review.

NO COUNCIL ACTION REQUIRED

The following positions remain open until receipt of potential member applications.

ACCOMMODATIONS TAX COMMITTEE – TWO (2) POSITIONS

The Accommodations Tax Committee advises Council on the expenditure of local accommodations tax funds for the purpose of promoting tourism, the arts and cultural affairs in the community. Members are selected from the hospitality and lodging industries, as well as from the community at large. The Committee currently has two (2) open positions that must be filled by someone who works at a Cayce restaurant.

CAYCE MUNICIPAL ELECTION COMMISSION – TWO (2) POSITIONS

Commissioners observe the voting process on Election Day that is handled by Lexington County.

PUBLIC SAFETY FOUNDATION – ONE (1) POSITION

The Public Safety Foundation is a 501 C (3) that raises funds to provide equipment and supplies to the Cayce Police and Fire Departments which are not available through other means.

STANDARD TECHNICAL CODES BOARD OF APPEALS – ONE (1) POSITION

Meets as needed. Reviews citizen appeals to ensure building codes, property maintenance codes and fire codes are properly interpreted and implemented fairly. Members who serve on this Board must be either an Engineer, Contractor, Architect or Design Professional.

BOARD OF ZONING APPEAL – ONE (1) POSITION

Reviews zoning appeals and makes final determination as to whether appeals are denied or upheld.

APPOINTMENT PROCESS

Cayce citizens have an opportunity to actively participate in the City through their services on a number of advisory boards, commissions, foundations and committees. These groups help shape and carry out policy.

Applications are accepted at any time for all City of Cayce boards, commissions, foundations and committees. Cayce citizens wishing to apply for appointment may submit a potential member application to the Municipal Clerk, P. O. Box 2004, Cayce, SC 29171. More information and a copy of the application can be found on our website at caycesc.gov or by calling City Hall at 803-796-9020.

City Council considers received applications at a meeting immediately following an opening.



CITY OF CAYCE
COMMITTEE MEMBER REAPPOINTMENT APPLICATION

Name: David Brinkman

Home Address: Riverland Dr, Cayce, SC, Zip 29033

Telephone: E-Mail Address:

Resident of Cayce: { Yes XX { No Number of Years: 13

Please check the Committee for which you are applying for reappointment:

- { Accommodations Tax Committee { Beautification Board { Event Committee
{ Cayce Housing Authority { Museum Commission XX { Planning Commission
{ Consolidated Board of Appeals { Board of Zoning Appeals

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation? [] Yes [] XX No If yes, specify below:

Work Address

Company: Intel Corp Position Computer Engineer

Address: 154 Castle Rd

City, State, Zip Columbia, SC Telephone: 803-210-7604

Fax: E-Mail David.brinkman@intel.com

Work Experience: Electrical/Computer Engineer: NCR(1987-2000), Intel(2000-2017), Avtec/Motorola(2017-2020), Intel(2020-)

Educational Background: A.S. Electronics Engineering Technology, Midlands Technical College Tech, 1984. B.S. Electrical and Computer Engineering, University of South Carolina, 1988.

Membership Information (Professional, Neighborhood and/or Civic Organizations):

Greater Piedmont Chapter of the Explorers Club (2020-)

Volunteer Work: Local history and archaeology work (2005-.), Midlands Technical College Industry Advisory Board (2016-2017)

Hobbies: Exploration and history. Computer (electronics) and software (apps) projects. Writing books (Miracles To Yesterday (2017), Crossverse (2020), Attack Transport – Iwo Jima (2022).



CITY OF CAYCE POTENTIAL MEMBER APPLICATION

Name: Arthur G Dantzer
Home Address: Dunbar Rd City, State, Zip Cayce, S.C. 29033
Telephone: _____ E-Mail: _____
Resident of Cayce: Yes No Number of Years: 60

Please indicate the Committee(s) for which you are applying:

- Accommodations Tax Committee
- Cayce Housing Authority
- Events Committee
- Consolidated Board of Appeals
- Municipal Election Comm
- Museum Commission
- Planning Commission
- Board of Zoning Appeals

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?
 Yes No If yes, specify below.

Work Address

Company: Retired Position: _____
Address: _____ City, State, Zip _____
Telephone: _____ E-Mail: _____

Work Experience: City of Cayce public safety 39 years
Cherokee Kenworth

Educational Background: 12th grade

Membership Information (Professional, Neighborhood and/or Civic Organizations):

FBI NAA, S. Chic Assoc, SCLERA, hclca, Cayce Masonic Lodge
Volunteer Work: Immanuel Temple

Hobbies: Gardening

Return to:
Mendy Corder, Municipal Clerk
City of Cayce, PO Box 2004, Cayce, SC 29171-2004
Telephone: 803-550-9557 ♦ Fax: 803-796-9072 ♦ Email: mcorder@caycesc.gov



CITY OF CAYCE
COMMITTEE MEMBER REAPPOINTMENT APPLICATION

Name: Miles J. Fisher
Home Address: N. Eden Dr. City, State, Zip Cayce, SC 29033
Telephone: _____ E-Mail Address: _____
Resident of Cayce: Yes No Number of Years 4

Please check the Committee for which you are applying for reappointment:

- Accommodations Tax Committee Beautification Foundation Event Committee
- Cayce Housing Authority Museum Commission Planning Commission
- Consolidated Board of Appeals Board of Zoning Appeals Public Safety Foundation

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation? Yes No If yes, specify below:

Work Address

Company: Sandlot Power Systems LLC. Position Owner
Address: 3413 Augusta Rd.
City, State, Zip West Columbia, SC 29170 Telephone: _____
Fax: _____ E-Mail _____

Work Experience: _____

Educational Background: _____

Membership Information (Professional, Neighborhood and/or Civic Organizations):

Volunteer Work: _____

Hobbies: _____

Return to:
Mendy Corder, Municipal Clerk
City of Cayce, P.O. Box 2004, Cayce, SC 29171-2004
Telephone: 803-550-9557 • Fax: 803-796-9072 • mcorder@cityofcayce-sc.gov



CITY OF CAYCE
COMMITTEE MEMBER REAPPOINTMENT APPLICATION

Name: Rebecca Lovick
Home Address: Poplar Street City, State, Zip Cayce, SC 29033
Telephone: E-Mail Address
Resident of Cayce: [X] Yes [] No Number of Years 4

Please check the Committee for which you are applying for reappointment:

- [] Accommodations Tax Committee [] Beautification Foundation [] Event Committee
[] Cayce Housing Authority [] Museum Commission [] Planning Commission
[] Consolidated Board of Appeals [] Board of Zoning Appeals [X] Public Safety Foundation

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation? [] Yes [X] No If yes, specify below:

Work Address

Company: Pathways to Healing Position Executive Director
Address: 3830 Forest Drive
City, State, Zip Columbia, SC 29204 Telephone: 803-771-7273
Fax: E-Mail rebecca@pathwaystohealing.com

Work Experience: 20+ years of leadership experience in non-profits.
Work with victims of crime and high-risk communities.

Educational Background: Associates in Criminal Justice, Bachelors in Sociology, Masters in Public Administration

Membership Information (Professional, Neighborhood and/or Civic Organizations):
Current VP of Public Safety Foundation

Volunteer Work: " " "

Hobbies: Exercise, volunteering, spending time with family & friends

Return to:
Mendy Corder, Municipal Clerk
City of Cayce, P.O. Box 2004, Cayce, SC 29171-2004
Telephone: 803-550-9557 • Fax: 803-796-9072 • mcorder@cityofcayce-sc.gov



CITY OF CAYCE
COMMITTEE MEMBER REAPPOINTMENT

APPLICATION

Name: ARCHIE G. MOORE

Home Address: HOLLAND AVE City, State, Zip CAYCE, S.C. 29033

Telephone: _____ E-Mail Address _____

Resident of Cayce: Yes { No Number of Years 54

Please check the Committee for which you are applying for reappointment:

- { Accommodations Tax Committee
- { Beautification Board
- { Event Committee
- { Cayce Housing Authority
- Museum Commission
- { Planning Commission
- { Consolidated Board of Appeals
- { Board of Zoning Appeals

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation? Yes No If yes, specify below:

Work Address

Company: RETIRED Position _____

Address: _____

City, State, Zip _____ Telephone: _____

Fax: _____ E-Mail _____

Work Experience: 28 YEARS S.C. DEPT. OF PARKS, RECREATION & TOURISM
25+ YEARS LICENSED REALTOR

Educational Background: PALMER COLLEGE - ACCOUNTING MAJOR
ARCHITECTURAL/ENGINEERING - MIDLANDS TECH.

Membership Information (Professional, Neighborhood and/or Civic Organizations):

COLUMBIA CIVITAN CLUB PAST PRESIDENT, RIVER ALLIANCE BOARD

Volunteer Work: CIVITAN INTERNATIONAL, CAYCE MUSEUM

Hobbies: STUDY OF HISTORY, ARCHEOLOGY, WOOD WORKING
GENEALOGY, FISHING, CANOESING, HIKING, HORSEBACK RIDING.

Return to:

Mendy Corder, Municipal Clerk
City of Cayce, P.O. Box 2004, Cayce, SC 29171-2004