

City of Tega Cay, South Carolina

Regular City Council Meeting Agenda

*Tega Cay Glennon Center - Lower Level
15077 Molokai Drive, Tega Cay, SC*

6:30 p.m. Special Council Workshop With Planning Commission

A. Initial Comprehensive Plan Discussion

7 p.m. Call to Order, Pledge of Allegiance and Moment of Silence

1. Public Comments

2. Approval Of Minutes

Documents:

[DRAFT MINUTES 1.14.19.PDF](#)

3. Unfinished Business

3.a. 2nd Reading Of An Ordinance To Amend The Stonecrest Planned Development District

Documents:

[3A1 ORD __ AMEND STONECREST PDD-RHD DEVELOPMENT
STANDARDS FOR AGE-RESTRICTED COMMUNITIES_FINAL.PDF](#)

3.b. 2nd Reading Of An Ordinance To Relinquish Any Rights Of The City Of Tega Cay To Provide Water And Sewer Service To TMS 644-11-01-111 Which In Inside The Municipal Limits Of The City

Documents:

[3B1 ORDINANCE - RELINQUISH RIGHTS TO PROVIDE WATER AND
SEWER \(FINAL\).PDF](#)

4. New Business

4.a. Resolution Approving The Lease/Purchase Of Golf Course Equipment

Documents:

[4A1 RESOLUTION 2019-01 AUTH LEASE-PURCH OF GOLF COURSE
EQUIPMENT.PDF](#)

4.b. Resolution To Suspend White Goods Collection Fees

Documents:

[4B1 RESOLUTION SUSPENDING FEES FOR WHITE GOODS.PDF](#)

4.c. Intergovernmental Agreement For Recycling Services

4.d. Introduction And 1st Reading Of An Amendment To Ch. 14, Article II Of The Code
(Business Licenses)

Documents:

[4D1 ORD __ TO AMEND CH 14, ART II \(LICENSES\) OF THE CODE.PDF](#)

5. City Manager's Report

6. Council Comments

7. Executive Session

A. Discussion incident to Proposed Contractual Matters as it relates to 4028 Windward Drive and a City-owned Sewer Line Easement

8. Adjournment



Regular City Council Meeting
Philip T. Glennon Center – Council Chambers
15077 Molokai Drive, Tega Cay, SC
Monday, January 14, 2019
7:00 p.m.

Councilmembers Present: Mayor David O’Neal, Mayor Pro Tem Heather Overman, Councilmembers Alicia Dasch, Gus Matchunis and Ryan Richard. A quorum was present.

Staff Present: Charlie Funderburk, City Manager; Susan Britt, Development Services Manager; City Attorney Bob McCleave; Katie Poulsen, Assistant City Manager; and Sylvia Szymanski, Municipal Clerk.

The Press was duly notified of the meeting.

Mayor O’Neal called the meeting to order at 7:00 p.m. He noted it was a Regular Council meeting. He led the Pledge of Allegiance and Moment of Silence.

Mayor O’Neal congratulated Councilmember Ryan Richard for being named the Small Businessman of the Year by the York County Regional Chamber. He also recognized Mayor Pro Tem Overman for her efforts on behalf of recycling.

ITEM 1 PUBLIC COMMENTS

1. Mike Becker, Calming Way, advised Council of the failure of the erosion control measures at the townhouse development off Stonecrest by developers. City Manager Funderburk noted that erosion control measures are in place to monitor such events and enforce remediation, if necessary.

ITEM 2 APPROVAL OF MINUTES

There were no changes to the Regular Council Meeting minutes of December 17, 2018 and they were approved.

ITEM 3 COMMITTEE REPORTS

- A. Planning Commission - Councilmember Dasch announced that the commission is preparing for a Comprehensive Plan workshop with Council followed by meetings through 1st and 2nd quarters.
- B. Tega Cay Forever Foundation - Mayor Pro Tem Overman indicated the Foundation continues to finalize its plans of the March 7 Gala as they seek corporate sponsorships. Most of the marketing is finished and dissemination should happen soon.

ITEM 4 NEW BUSINESS

- A. Acceptance of Streets in Serenity Point

MOTION

Councilmember Matchunis motioned to approve the acceptance of Calming Way, Placid Court, Stonecrest Boulevard and related infrastructure in Serenity Point, seconded by Councilmember Richard and approved unanimously.

- B. Introduction and 1st Reading of an Ordinance to Amend the Stonecrest Planned Development District Standards

MOTION

Councilmember Richard motioned to approve the Introduction and 1st Reading of an Amendment to the Stonecrest Planned Development District Standards, Section 2 is amended as described in Exhibit A hereto, which is incorporated by reference herein, seconded by Councilmember Matchunis.

VOTE 4:1 APPROVED

AYES (4) Mayor O’Neal, Mayor Pro Tem Overman, Councilmembers Matchunis and Richard

NAYS (1) Councilmember Dasch

- C. Introduction and 1st Reading of an Ordinance to Relinquish any Rights of the City of Tega Cay to Provide Water and Sewer Service to TMS #644-11-01-111 which is Inside the Municipal Limits of the City

MOTION

Councilmember Matchunis motioned to approve Introduction and 1st Reading of an Ordinance to relinquish any rights of the City of Tega Cay to provide water and sewer service to TMS #644-11-01-111 which is inside the municipal limits of the City, seconded by Councilmember Richard.

VOTE: 3:2 APPROVED

AYES (3) Mayor O'Neal, Councilmembers Matchunis and Richard

NAYS (2) Mayor Pro Tem Overman and Councilmember Dasch

Councilmember Dasch expressed residents' concerns with growth and stated she felt it was not in the City's best interest to relinquish any rights of the City for residential development. Councilmember Overman added she was not in favor of setting a precedent for developers buying City land but not using City water.

- D. Amendment to Waste Water Agreement with City of Rock

MOTION

Councilmember Dasch motioned to approve the Amendment to the Waste Water Agreement with Rock Hill, seconded by Councilmember Richard and approved unanimously.

- E. Discussion Regarding Crosswalks on Tega Cay Drive

After a brief presentation by City Manager Funderburk and Council discussion, Council asked for additional crosswalk safety options.

PUBLIC COMMENTS

1. Tim Reading, Anchorage Lane, shared with Council that there have been near misses with pedestrians at crosswalks. He would prefer Council not wait for an accident to happen before taking any action.
2. Kathy Sampson, Point Clear Drive, reminded Council that not too long ago there was no elementary school. Children are now using the City's sidewalks. Flashing lights would get her attention more than spotlights or signage.

ITEM 5 CITY MANAGER'S REPORT

City Manager Funderburk announced Hometown Legislative Action Day is February 5 in Columbia with training on the following day. City offices will be closed on Monday, January 21 for Martin Luther King Day, as well as February 18 for Presidents Day. Council and Planning Commission will hold a kickoff meeting prior to the February 19 Council meeting at 6:30 p.m. The City is behind on revenues compared to same time last year due to weather and late tax bills. The City will hold off on replacement and new hires and any new projects until springtime. There have been recent meetings with school and county staff on recycling. The county will give the City a dumpster on a trial basis for sorting glass. The county has also agreed to allow Signature Waste to bring recycle materials to their new recycle center which includes aluminum and plastics to be collected again within the city. The City will make a formal announcement once everything is in place.

ITEM 6 COUNCIL COMMENTS

Councilmember Richard had no comments.

Councilmember Dasch wished all a Happy New Year and noted there is lots of work ahead this year.

Councilmember Matchunis thanked City Manager Funderburk for his work on the runoff and Councilmember Overman for her hard work on recycling.

Mayor Pro Tem Overman added she is very excited about the recycling news. Mayor O'Neal thanked Mayor Pro Tem Overman for her hard work on recycling. He reminded residents of the second drop off location for unserviceable flags at Fire Station 1.

City Manager Funderburk reminded Council of the Polar Plunge taking place at Baxter on February 9.

ITEM 7 EXECUTIVE SESSION

MOTION

Councilmember Richard motioned to go into Executive Session, seconded by Councilmember Matchunis and passed unanimously.

Council entered into Executive Session at 7:51 p.m. and exited at 8:40 p.m. Only those items on the agenda were discussed and no votes or actions were taken other than to return to open session.

ITEM 8 ADJOURNMENT

MOTION

There being no further business, Mayor Pro Tem Overman motioned to adjourn, seconded by Councilmember Matchunis and approved unanimously.

The meeting was adjourned at 8:40 p.m.

[SEAL]

Respectfully Submitted,

Sylvia Szymanski, Municipal Clerk

APPROVED:

David L. O'Neal, Mayor

APPROVAL DATE: February 19, 2019

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK) ORDINANCE ____
)
CITY OF TEGA CAY)

AN ORDINANCE TO AMEND THE STONECREST PLANNED DEVELOPMENT DISTRICT (PDD) DEVELOPMENT STANDARDS TO PERMIT AND REGULATE AGE-RESTRICTED COMMUNITIES IN RHD DISTRICTS

WHEREAS, the current property owners of parcel number 644-11-01-111, designated as The Courtyards at Tega Cay on the Development Master Plan, have petitioned the City to amend the Stonecrest PDD Development Standards to permit and regulate Age-Restricted Communities as a designated use in RHD districts; and

WHEREAS, the City Council of Tega Cay finds that such zoning and land use have been properly applied for and processed pursuant to SC Code and City Ordinance; and

WHEREAS, the City Council of Tega Cay finds that such zoning and land use is in the best interest of the City as well as the property owner:

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Tega Cay, South Carolina, duly assembled:

SECTION I. That the property above described hereby be designated as an Age-Restricted Community under The Courtyards at Tega Cay Master Plan and the Stonecrest PDD Development Standards.

SECTION II. That the Stonecrest PDD is hereby amended to permit “Age-Restricted Communities” as a designated use in RHD districts.

SECTION III. That all other ordinances and standards are amended in a manner that comports with the provisions herein.

SECTION IV. This ordinance shall be effective beginning on the date that the closing of the purchase of the property by NewStyle Communities, Inc. or one of its affiliates. If such closing does not occur within 90 days of the final adoption of this ordinance, this ordinance shall be void *ab initio* without any further action by the City of Tega Cay.

PUBLIC HEARING: December 17, 2018
FIRST READING: January 14, 2019
SECOND READING: February 19, 2019

Enacted this 19th ay of February, 2019, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.

[Signature Page to Follow]

SIGNED:

David L. O'Neal, Mayor

Heather Overman, Mayor Pro Tempore

Alicia Dasch, Council Member

Ryan Richard, Council Member

Gus Matchunis, Council Member

ATTEST:

Charlie Funderburk, City Manager

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the ____ day of _____, 2019.

Sylvia Szymanski

Municipal Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK) ORDINANCE _____
)
CITY OF TEGA CAY)

TO RELINQUISH ANY RIGHTS OF THE CITY OF TEGA CAY TO PROVIDE WATER AND SEWER SERVICE TO TAX MAP NO. 644-11-01-111 WHICH IS INSIDE THE MUNICIPAL LIMITS OF THE CITY.

WHEREAS, Tax Map No. 644-11-01-111 (the “Subject Property”) is inside the municipal limits of the City;

WHEREAS, across the Subject Property when it was annexed into the City were a sewer collector line and a water distribution line owned, operated and maintained by York County, South Carolina (the “County”);

WHEREAS, although the County had utility lines across the Subject Property when it was annexed into the City, the Subject Property was otherwise unimproved and there were no utility customers of County located on the Subject Property, nor are there any such customers as of the date of passage of this Ordinance; and

WHEREAS, City is willing to relinquish any of its rights to provide water and sewer service to any customers located on the Subject Property, provided, however, all improvements on the Property are age-restricted and residential which as of the date of passage of this Ordinance has been accomplished to the satisfaction of Council.

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the City of Tega Cay, in Council duly assembled, after public notice thereof, that:

SECTION 1. Although City has an exclusive right to provide utility service to the Subject Property because such Property is within the municipal limits of City and any utility infrastructure of County on such Property serves customers outside City limits as there are no customers of County on the Property, City hereby relinquishes any of its rights to furnish water and sewer service to any customers who may be located on the Subject Property after the date of passage of this Ordinance. City consents that County is to be the water and sewer provider to any customers that may be located on the Subject Property.

FIRST READING:: January 14, 2019
SECOND READING: February 19, 2019

Following adoption on second reading, this Ordinance _____ shall take effect on _____, 201_.

Enacted this _____ day of _____, 20 ____, by a majority vote of the duly elected City Council of the City of Tega Cay.

SIGNED:

[SEAL]

David L. O’Neal, Mayor

Heather Overman, Mayor Pro Tempore

Alicia Dasch, Council Member

Ryan Richard, Council Member

ATTEST:

Gus Matchunis, Council Member

Charlie Funderburk, City Manager

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the ____ day of _____, 2019.

Sylvia Szymanski

Municipal Clerk

RESOLUTION 2019-01

A RESOLUTION AUTHORIZING THE PURCHASE OF GOLF COURSE EQUIPMENT IN THE FORM OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT NOT TO EXCEED \$51,000

WHEREAS, by the Tega Cay Golf Management Group has presented their FY 2018-2019 Operations Budget for Council comments, the City of Tega Cay does authorize the lease-purchase of golf course equipment for the Tega Cay Golf Club; and

WHEREAS, the Tega Cay City Manager has now presented a proposal for the financing of such equipment.

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The City hereby determines to finance the golf course equipment through BB & T in accordance with the proposal attached hereto. The amount financed shall not exceed \$51,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.10% and the financing term shall not exceed 4 years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the vehicles as contemplated by the proposal and this resolution. The Financing Documents shall include an Equipment Lease/Purchase Agreement, payment schedule, Equipment Acceptance Notice, Essential Use Letter and Resolution by the City of Tega Cay.

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

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

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

Approved this 19th day of February, 2019.

SIGNED:

CITY OF TEGA CAY

[SEAL]

David L. O’Neal, Mayor

Heather Overman, Mayor Pro Tempore

Alicia Dasch, Council Member

ATTEST:

Ryan Richard, Council Member

Charlie Funderburk, City Manager

Gus Matchunis, Council Member

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the resolution passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the 19th day of February, 2019.

Sylvia Szymanski

Municipal Clerk

RESOLUTION 2019-02

A RESOLUTION TEMPORARILY SUSPENDING THE FEE FOR THE COLLECTION OF WHITE GOODS AS ESTABLISHED IN THE FY 2018-2019 FEE SCHEDULES ATTACHED TO THE BUDGET ORDINANCE

WHEREAS, the City Council of the City of Tega Cay did adopt certain fees as part of the annual budget adoption process for fiscal year 2018-2019; and

WHEREAS, included in the fee schedules was a fee to be charged for Public Works staff to collect white goods for a fee and dispose of those goods at the York County landfill or any other facility qualified to accept such material; and

WHEREAS, the Fort Mill High School Band Booster Club has recently begun collecting white goods as a fundraiser for trips that the marching band may participate in; and

WHEREAS, the City of Tega Cay has long supported initiatives and extra-curricular activities and programs of the Fort Mill School District and recognize the importance of such as part of a well-rounded education program; and

WHEREAS, the City Council of the City of Tega Cay does want to assist the Fort Mill High School Band Booster Club in their efforts with this fundraising program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Tega Cay, duly assembled, that the City Manager shall temporarily suspend charging the fees for the collection of white goods and shall instruct pertinent City Staff to work with the Fort Mill High School Band Booster Club to arrange for the white goods collected be transferred to the Booster Club as part of their fundraiser.

BE IT FURTHER RESOLVED that the elimination of this fee is temporary and may be reinstated with the passage of the fee schedules for fiscal year 2019-2020 or by a majority vote of Council at any time.

Approved this 19th day of February, 2019.

[Signature Page to Follow]

SIGNED:

CITY OF TEGA CAY

[SEAL]

David L. O’Neal, Mayor

Heather Overman, Mayor Pro Tem

Alicia Dasch, Councilmember

Ryan Richard, Councilmember

Gus Matchunis, Councilmember

ATTEST:

Charlie Funderburk, City Manager

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the resolution passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the 19th day February, 2019.

Sylvia Szymanski, Municipal Clerk

The following words, terms and phrases, when used in this article, shall have the meaning ascribed herein:

Business means a 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 USC 501(c)(3), (4), (6), (7), (8), (10) or (19).

Charitable purpose means a benevolent, philanthropic, patriotic or eleemosynary purpose which 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 major groups 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.

Gross income means the **gross receipts or gross revenue** ~~total income~~ of a business, received or accrued, for one calendar **or fiscal** year collected or to be collected from business done within the city, excepting therefrom income earned outside of the city on which a license tax is paid **by the business** to some other municipality or a county and fully reported to the city.

- (1) The term "gross income for ~~brokers or agents~~" means gross commissions received or retained, unless otherwise specified.
- (2) The term "gross income for insurance companies" means gross premiums collected.
- (3) The term "gross income for business license tax purposes" shall not include taxes collected for a governmental entity, escrow funds or funds which 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** ~~income~~ for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the **South Carolina state Department of Revenue, the South Carolina state Insurance** ~~commission~~ or other government agency.

License official means a person designated to administer this article.

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 or City* means the City of Tega Cay, South Carolina.**

Person means any individual, firm, partnership, LLP, LLC, cooperative nonprofit 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.

Sec. 14-24. - License tax.

- (a) The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before **the due date of May 1 April 1** in each year, except for those businesses in rate class 8 for which a different due date is specified.
- (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 license tax shall be computed on the combined gross income for the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a 12-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial tax for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

Sec. 14-25. - Registration required.

- (a) The owner, agent or legal representative of every business subject to this article, 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 city, **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 a State alcohol, beer or wine permit or license and will have actual control and management of the business.
- (b) Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the licensee and the business deemed appropriate to carry out the purpose of this article by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross **revenues and receipts** ~~income figures~~.
- (c) The applicant shall certify under oath that the information given in the application is true, that the **gross revenue and receipts** 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 moneys due and payable to the city have been paid.

- (d) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by a company shall be licensed as a broker.

Sec. 14-26. - Deductions; exemptions; charitable organizations.

- (a) No deductions from gross income shall be made except income earned outside of the city on which a license tax is paid **by the business** to some other municipality or a county and fully reported to the city, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. 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 this article by reason of the lack of an established place of business within the city, 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 the North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget. No person shall be exempt from this article 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 article.
- (c) 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 for-profit 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.
- (d) A charitable organization shall be deemed a business subject to a business license tax, on its total gross income, if any net proceeds of operation, after necessary expenses of operation:
 - (1) Inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this article; or
 - (2) Are used for a purpose other than a charitable purpose as defined in this article.

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.

Sec. 14-30. - Inspection and audits.

- (a) For the purpose of enforcing the provisions of this article, the License Official or other authorized agent of the city is empowered to enter upon the premises of any

person subject to this article to make inspections, 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 license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.

- (b) The License Official shall **have the authority to** make systematic inspections and **conduct** ~~random~~ audits of ~~all~~ businesses within the city to ensure compliance with this article. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this article, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

Sec. 14-34. - Denial of license.

- (a) The License Official shall deny a license to an applicant when the license official determines:
- (1) The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or
 - (2) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accident; or
 - (3) The applicant, licensee or prior licensee or the person in control of the business has been convicted, **within the previous ten (10) 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; or
 - (4) The applicant, licensee or 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 city or in another jurisdiction; or
 - (5) The applicant, licensee or prior licensee or the person in control of the business is delinquent in the payment to the city of any tax or fee; or
 - (6) The license for the business or for a similar business of the licensee in the city or another jurisdiction has been denied, suspended or revoked in the previous license year.
- (b) A decision of the license official shall be subject to appeal to council as herein provided. A denial shall be written with reasons stated.

Sec. 14-35. - Suspension or revocation of license.

- (a) When the license official determines a license:

- (1) Has been mistakenly or improperly issued or issued contrary to law; or
- (2) Has breached any condition upon which the license was issued or has failed to comply with the provisions of this article; or
- (3) Has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or
- (4) Has been convicted of an offense, **within the previous ten (10) years, of an office** 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; or
- (5) Has engaged in an unlawful activity or nuisance related to the business; or
- (6) Is delinquent in the payment to the city of any tax or fee;

the License Official shall give written notice to the licensee or the person in control of the business within the city by personal service or certified mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked.

- (b) The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.

FIRST READING: February 19, 2019
SECOND READING: _____

Enacted this ____ day of _____, 2019, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.

[Signature Page to Follow]

SIGNED:

CITY OF TEGA CAY

 David L. O’Neal, Mayor

[SEAL]

Heather Overman, Mayor Pro Tempore

Alicia Dasch, Council Member

Ryan Richard, Council Member

Gus Matchunis, Council Member

ATTEST:

Charlie Funderburk, City Manager

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the _____ day of _____, 2019.

Sylvia Szymanski, Municipal Clerk