

Mayor
Elise Partin

Mayor Pro-Tem
Tara S. Almond

Council Members
Phil Carter
Eva Corley
James E. Jenkins

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland



**City of Cayce
Regular Council Meeting
Tuesday, May 5, 2020 at 6:00 p.m.**

Cayce City Hall is currently closed to the public.

Please use the following method to attend the Council Meeting:

Telephone: 1-929-205-6099

Meeting ID: 609 379 1878

Password: 847410

caycesc.gov

I. Call to Order

- A. Invocation and Pledge of Allegiance
- B. Approval of Minutes
April 7, 2020 Regular Meeting
April 22, 2020 Regular Meeting

II. Public Comment Regarding Items on the Agenda

Special Note: Anyone wishing to speak on an item on the Agenda will need to call the City Clerk at 803-550-9557 by 10am Tuesday, May 5, 2020. Please leave a voicemail and your call will be returned before the Council Meeting.

III. Other

- A. Discussion and Approval of Emergency Ordinance 2020-08 Authorizing Electronic Meetings of City Boards and Commissions, Quorums, and Voting By Electronic Means, and Other Related Measures for Meetings of City Boards And Commissions
- B. Discussion and Approval of Emergency Ordinance 2020-09 Amending Emergency Ordinance 2020-04 to Extend the Ordinance Expiration Date
- C. Discussion and Approval of Ordinance 2020-10 Clarifying and Declaring the City's Authorization of Liens Including for the Demolition and Repair of Structures and for the Repair of Structures and for the Repair and Upkeep of Property, Ratifying Any Previously Filed Liens of the City for Such Purposes, and Adding a New City Code section 1-11 on Liens – First Reading

IV. City Manager's Report

V. Council Comments

VI. 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

VII. Reconvene

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

IX. Adjourn

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

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**City of Cayce
Regular Council Meeting
April 7, 2020**

A Regular Council Meeting was held this evening at 6:00 p.m. via Microsoft Teams video meeting software. Those present included Mayor Elise Partin, Council Members Tara Almond, Phil Carter, Eva Corley and James Jenkins. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, IT Director Jamie Beckham and City Attorneys Danny Crowe and Lawrence Flynn 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. Mayor Partin stated that the meeting was being recorded through Microsoft Teams program. She stated that the public was provided a call in number to be able to follow all of the City business as normal. She asked any caller to mute their audio so there would not be any feedback. She stated that the meeting organizer was also able to mute calls. Mayor Partin stated that the public could speak on any item on the agenda if they prearranged speaking with the City's Municipal Clerk.

Call to Order

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

Approval of Minutes

Council Member Almond made a motion to approve the March 3, 2020 Regular Council Meeting minutes, the March 18, 2020 Regular Council Meeting minutes and the March 27, 2020 Special Council Meeting minutes as written. Council Member 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.

Ordinances

A. Discussion and Approval of Emergency Ordinance 2020-06 Declaring and Imposing a Daily Curfew

Ms. Hegler stated that the City Attorney drafted the proposed Ordinance and revised it that day with language that strengthens it. She stated that the intent of the curfew is to provide an extra layer of security and safety for the City's residents during the evening. She stated that the curfew would also help Public Safety to enforce the

Governor's orders. Mayor Partin stated that she asked staff to reach out to the City's large industries that may have staff that work shift work to see how the curfew may affect them. Ms. Hegler stated that staff contacted Nephron, Dominion, CMC, Martin Marietta and Southeastern Concrete to make them aware of the proposed curfew and to see if they had any concerns about it. She stated that the Ordinance exempts anyone that is traveling to or from work between the times of 11pm and 5am. Mayor Partin stated that the proposed curfew Ordinance supports Governor McMaster's work or home Order. She stated that if the City's Ordinance passed it would start the following evening at 11pm.

Council Member Almond made a motion to amend the Ordinance to conform with the version as revised and circulated by the City Attorney earlier that day. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote. Council Member Almond made a motion to approve the Ordinance as amended. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Discussion and Approval of Ordinance 2020-07 Providing for the Issuance and Sale of Water and Sewer System Refunding Revenue Bonds of the City of Cayce, South Carolina, in an Amount Not Exceeding Twenty-Seven Million Dollars (\$27,000,000) and other Matters Relating Thereto – First Reading

Ms. Hegler stated that at its meeting on March 18, 2020, City Council authorized the City Manager to accept and negotiate a term sheet for refunding certain of the City's outstanding water and sewer system revenue bonds - particularly, the Series 2009 SRF Loan & the Series 2015 SRF Loan. She stated that the City plans to redeem one or both of these outstanding bonds, if a bank offers a low enough interest rate to realize a savings.

Mr. Flynn stated that interest rates were at historic lows and there was a real opportunity for savings. He stated that the proposed Ordinance would give the City flexibility to take advantage of the savings quickly since the market was moving around so much.

Council Member Almond made a motion to approve Ordinance 2020-07 on First Reading. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that staffing was working well and everyone was staying healthy. She stated that City services were still being provided with the excellence the City's residents were used to receiving. She stated she continues to be proud and awed by staff.

Council Comments

Council Member Jenkins encouraged everyone to stay safe. He stated everyone needs encouragement during trying times.

Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to proposed contractual arrangement for a sewer line project and Town of Lexington Utility Service

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

Reconvene

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

Possible Actions by Council in follow up to Executive Session

Council Member Almond made a motion to approve the proposed sewer line project with the Town of Lexington and authorize the City Manager to proceed with negotiation of an agreement. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

Mayor Partin stated that the Council Meeting started promptly at 6pm and Council later went into Executive Session and then reconvened. She stated that the City's Council Meeting agendas are on the City's website along with the White Papers that Council receives as part of the agenda packet for anyone that would like to see them.

Adjourn

Council Member Almond made a motion to adjourn the meeting. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 6:39 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

Mayor
Elise Partin

Mayor Pro-Tem
Tara S. Almond

Council Members
Phil Carter
Eva Corley
James E. Jenkins

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland



**City of Cayce
Regular Council Meeting
April 22, 2020**

A Regular Council Meeting was held this evening at 5:00 p.m. via Microsoft Teams video meeting software. Those present included Mayor Elise Partin, Council Members Tara Almond, Phil Carter, Eva Corley and James Jenkins. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, 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. Mayor Partin stated that the meeting was being recorded through Microsoft Teams program. She stated that the public was provided a call in number to be able to follow all of the City business as normal. She asked any caller to mute their audio so there would not be any feedback or background noise. She stated that the meeting organizer was also able to mute calls. Mayor Partin stated that the public could speak on any item on the agenda if they prearranged speaking with the City's Municipal Clerk.

Call to Order

Mayor Partin called the meeting to order and Council Member Almond gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Public Comment Regarding Items on the Agenda

No one signed up for Public Comment.

Ordinances and Other

- A. Discussion and Approval of Ordinance 2020-07 Providing for the Issuance and Sale of Water and Sewer System Refunding Revenue Bonds of the City of Cayce, South Carolina, in an Amount Not Exceeding Twenty-Seven Million Dollars (\$27,000,000) and other Matters Relating Thereto – Second Reading

Ms. Hegler stated that there were a few changes made to Ordinance 2020-07 between First and Second Reading. She stated that the main change was to open the refinancing up to capital markets.

Council Member Almond made a motion to amend the bond ordinance to conform the version given at First Reading to the version provided by bond counsel after First Reading and contained in the Council packet. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote. Council Member Almond made a motion to approve Ordinance 2020-07 on Second Reading as

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

B. Discussion and Approval of Change Order and Additional Funding for the Knox Abbott Drive Pedestrian Safety and Traffic Calming Project

Ms. Hegler stated that Council approval was needed to authorize a Change Order with TNT, Inc. for the Knox Abbott Drive Pedestrian Safety and Traffic Calming Project and to allocate additional TIF funding for undergrounding utilities to certain businesses and additional landscaping. As part of the Knox Abbott Drive Pedestrian Safety and Traffic Calming Project, utilities were buried underground. In most cases, adjacent properties are being serviced by new poles that were consolidated to reduce the overall number of overhead poles within the project area. There are several properties where poles cannot reach and service will need to be buried.

Ms. Hegler stated that a change order was approved by Council on November 5, 2019 to prepare the design drawings for burying utilities to those businesses. These drawings were then used to estimate construction costs of \$84,096.80. Additionally, improved landscaping is desired for the median on Knox Abbott Drive, which is beyond the original design cost of \$19,313.60. She stated that the total change order request for utility construction and additional landscaping was \$103,410.40. However part of the change order could be covered by existing TIF funds already allocated to the project.

Council Member Almond made a motion to approve the change order and authorize the City Manager to sign the related agreement with TNT, Inc. and spending up to \$19,142.60 in TIF funds for the additional work on the Knox Abbott Drive Pedestrian Safety and Traffic Calming Project. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

C. Bid Award – Harvesting Timber on City-owned Property

Ms. Hegler stated that Council's approval was needed to proceed with the process of selecting a timber company from the recommendation of Epting Forestry and Resources to harvest City-owned property along Old State Road and near the area of the Cayce Riverwalk Phase Four and Timmerman Trail. She stated that on November 20, 2019, City Council approved a contract with Epting Forestry and Resources (Epting) for the purposes of managing the sale of timber on City-owned property along Old State Road and near the area of the Cayce Riverwalk Phase Four and Timmerman Trail. Since that time, Epting has been working with City staff to identify and properly mark timber for harvesting. She stated that this effort was done to preserve special hardwoods and ensure adequate buffer remained for the City's Riverwalk, Timmerman Trail and 12,000 Year History Park. In researching the property, Epting also identified a mitigation area previously marked by the Corps of Engineers - this part of the property will not be harvested and will remain untouched in perpetuity.

Ms. Hegler stated that sustainability was Epting's main goal for the timber sale. In addition to protecting the City's recreational and historical resources, the sale area was laid out specifically by Epting where the land/ground will allow the harvesting without causing disturbance to the soil, while also abiding by the South Carolina BMP guidelines. She stated that Epting was also contracted to manage the selection process for a harvesting vendor. Epting solicited bids and received three. After consideration of the bids, Epting recommends Log Creek Timber Company due to the best pricing and their great reputation. Epting has worked with them successfully on a previous timber sale. Log Creek Timber Company merchandise and sort the wood products professionally to ensure the best return on the City's investment. Log Creek Timber Company was also agreeable to the extra precautions that were stressed due to the trails and history of the area to be harvested.

Council Member Corley made a motion to approve the selection of Log Creek Timber Company and allow the City Manager to proceed with appropriate contractual agreements for harvesting approximately 120 to 125 acres of City-owned property along Old State Road and near the area of the Cayce Riverwalk Phase Four and Timmerman Trail. Council Member Almond seconded the motion. Mayor Partin stated that the Department of Natural Resources recently harvested timber in the same area. Mayor Partin called the question which was unanimously approved by roll call vote.

D. Discussion of Proposed FY2020-2021 Utility Fund Budget

Ms. Hegler stated that the 2020-2021 Utility Fund Budget was balanced with Projected Revenues of \$20,741,194.00 and Projected Expenditures of \$20,739,470.00. She stated that the Utility Department was able to remove several Capital items from the requested budget for FY 20/21, using existing cost savings to purchase those items in the current fiscal year. She stated that the Utility Fund Budget includes Capital Expenditures totaling \$570,447; included in this are the following:

- \$125,000 for membrane upgrades at the Wastewater Plant.
- \$100,000 Pole Building at the Wastewater Plant for Equipment.
- \$90,000.00 Replacement Dump Truck in Wastewater Collection. The one being replaced will be transferred to Sanitation.

Ms. Hegler stated that two new positions were included in the Utility Fund budget, a Clerk II position in the Billing Department and an Assistant Superintendent in Water Distribution. She stated that the City's health insurance increased by 6.73% and there was a transfer of \$1,800,000 to General Fund for Indirect Costs. Ms. Hegler stated that the City's 15% debt coverage for the City's utility fund debt was included as well as the bond payment for all bonds. She stated that the proposed budget did not include a cost of living adjustment for City staff.

City Manager's Report

Ms. Hegler stated that the City continues to operate on a two-team system. She stated that staff was remaining healthy and the City was operating efficiently and effectively. She stated that the City was properly registered with FEMA for public assistance related to the declared emergency, COVID-19. She stated that she was not sure what that would amount to, but staff was tracking expenses and the City was in the system to submit charges when applicable. Ms. Hegler stated that the City's agreement with Lexington County allowing the City to participate in CDBG and HOME funding was automatically renewed for fiscal years 2021-2023.

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
- B. Discussion of possible contractual arrangements concerning Lexington County water rates

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

Reconvene

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

Possible Actions by Council in follow up to Executive Session

No action was taken in follow up to Executive Session.

Adjourn

Council Member Almond made a motion to adjourn the meeting. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 5:56 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

STATE OF SOUTH CAROLINA	)	EMERGENCY ORDINANCE 2020-08
	)	Authorizing Electronic Meetings of
COUNTY OF LEXINGTON	)	City Boards and Commissions,
	)	Quorums and Voting by Electronic
CITY OF CAYCE	)	Means, and Other Related Measures
	)	for Meetings of City Boards and
	)	Commissions

WHEREAS, S.C. Code section 5-7-250(d) authorizes Council to adopt emergency ordinances (with certain limitations not applicable to this Ordinance) for a limited period of sixty days; and

WHEREAS, the current coronavirus pandemic has created an emergency for our City and our Nation, such that the Council, in the exercise of its statutory authority, believes it to be in the public interest, and in the interest of the effective operation of the City government, to provide City boards and commissions with the ability to meet electronically when needed,

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

1. All City boards and commissions, including the Planning Commission and the Board of Zoning Appeals, are authorized to meet, if necessary or beneficial, by electronic means (defined as telephonic, broadcast video, computer-based, or other electronic media, or any combination thereof).
2. All City Code provisions and any rules or practices that require the physical presence of City board or commission members to constitute a meeting, or for purposes of determination of a quorum, or for purposes of voting, are suspended.
3. Meetings of City boards and commissions by electronic means, the presence of a quorum by electronic means, and voting by electronic means, are specifically authorized as the permitted alternative for physical presence of members for any meeting of a City board or commission.
4. To the extent determined by the City Manager, or her designee, to be feasible and in accord with public safety and the safety of City employees, members of the public may monitor an electronic meeting of City boards and commissions (except for executive sessions) by audio or video if available and functioning.

This Ordinance, as an emergency ordinance, shall become effective immediately upon Council approval on one reading, and shall expire automatically as of the sixty-first day following the date of enactment.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2020.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

Reading and Adoption: _____

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

STATE OF SOUTH CAROLINA	)	EMERGENCY ORDINANCE 2020-09
	)	Amending Emergency Ordinance
COUNTY OF LEXINGTON	)	2020-04 to Extend the Ordinance
	)	Expiration Date
CITY OF CAYCE)	

WHEREAS, S.C. Code section 5-7-250(d) authorizes Council to adopt emergency ordinances (with certain limitations not applicable to this Ordinance) for a limited period of sixty days; and

WHEREAS, the current coronavirus pandemic has created an emergency for our City and our Nation, such that the Council, in the exercise of its statutory authority and in the public interest, enacted Ordinance 2020-04, on March 18, 2020, as an emergency ordinance to, among other things, authorize electronic meetings and related measures for Council meetings; and

WHEREAS, the Council believes that, due to the continuation of the public health emergency presented by the pandemic, it is in the public interest to extend the expiration date of the emergency ordinance previously adopted so that it remains in force and effect for an additional emergency time period,

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

1. Ordinance 2020-04 is hereby amended to provide that it shall expire automatically on the sixty-first day following the date of this amending ordinance, which is the date of July 5, 2020, unless further amended.
2. Except as amended by this amending ordinance, all remaining provisions of Ordinance 2020-04 shall continue and remain in full force and effect.

This Ordinance, as an emergency ordinance, shall become effective immediately upon Council approval on one reading, and shall expire automatically as of the sixty-first day following the date of enactment.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2020.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

Reading and Adoption: _____

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

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: May 1, 2020

Subject: Approval of Ordinance Clarifying and Declaring the City's Authorization of Property Liens and Adding a New City Code Section on Liens

Issue

Council's approval is needed for an Ordinance that clarifies and declares the City's authorization to impose property liens and to ratify all property liens previously filed. Additionally, approval of this Ordinance will create a new City Code Section 1-11 that will further clarify this authority in one central place in the Code and in clear terms in order to avoid any legal challenges to code enforcement.

Discussion

The City is currently authorized to impose liens on property for the purpose of upkeep of property, abatement of nuisances, and the repair, alteration, improvement, vacating, closing, removal, and demolition of structures. However, the authority is expressed in the adopted technical codes as well as in City Code Chapter 20, not in a single location in the Code. The purpose of this Ordinance is to clarify this authority, ratify all property liens that the City has already filed, and to create a new City Code Section 1-11 that reads

"The City hereby authorizes and provides for liens upon real property for all purposes allowed by State law and allowed by the State-approved standard technical codes, for the filing of such liens with the appropriate public recording offices, and for the collection on such liens by all means allowed by law including collection in the same manner as municipal taxes."

The hope is that, in declaring this authority in one central place, this Ordinance will assist in avoiding any legal challenges to code enforcement.

Recommendation

Staff recommends City Council approve this Ordinance clarifying and declaring the City's authorization of property liens and adding a new city code section on liens on First Reading.

STATE OF SOUTH CAROLINA	)	ORDINANCE 2020-10
	)	Clarifying and Declaring the City's
COUNTY OF LEXINGTON	)	Authorization of Liens Including for
	)	the Demolition and Repair of
CITY OF CAYCE	)	Structures and for the Repair and
	)	Upkeep of Property, Ratifying Any
	)	Previously Filed Liens of the City for
	)	Such Purposes, and Adding a New
	)	City Code Section 1-11 on Liens

WHEREAS, municipalities in this State are expressly authorized by State law to impose liens on property for various purposes, including the upkeep of property, the abatement of nuisances, and the repair, alteration, improvement, vacating, closing, removal, and demolition of structures; and

WHEREAS, municipalities in this State also are expressly authorized to adopt by ordinance certain State-approved standard technical codes that provide for such liens; and

WHEREAS, the City previously has adopted ordinances providing for liens in various situations and for various purposes, and has filed liens for such purposes; and

WHEREAS, the City desires to clarify, to the full extent necessary, and formally declare, by this ordinance and by this amendment of the City Code, its past, present and future intent to authorize and provide for liens upon real property for all purposes allowed by State law and allowed by the State-approved standard technical codes, to provide for the filing of such liens with the appropriate public recording offices, and to provide for the collection on such liens by all means allowed by law including collection in the same manner as municipal taxes; and

WHEREAS, the City further desires to ratify, to the full extent necessary, all liens on real property previously filed by the City for the purposes of code enforcement and under the standard technical codes, and all collections sought and obtained thereon,

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

1. The City hereby declares its past, present and future intent to authorize and provide for liens upon real property for all purposes allowed by State law and allowed by the State-approved standard technical codes, to provide for the filing of such liens with the appropriate public recording offices, and to provide for the collection on such liens by all means allowed by law including collection in the same manner as municipal taxes. The City hereby ratifies all liens on real property previously filed by the City for the purposes of code enforcement under the standard technical codes.

2. Chapter 1 ("General Provisions") of the Cayce City Code is hereby amended to add a new Section 1-11 ("Liens") to read:

"The City hereby authorizes and provides for liens upon real property for all purposes allowed by State law and allowed by the State-approved standard technical codes, for the filing of such liens with the appropriate public recording offices, and for the collection on such liens by all means allowed by law including collection in the same manner as municipal taxes."

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

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2020.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

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