

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, April 4, 2023
6:00 p.m. – Cayce City Hall – 1800 12th Street
www.caycesc.gov**

I. Call to Order

- A. Invocation and Pledge of Allegiance
- B. Approval of Minutes
March 7, 2023 Regular Council Meeting
March 22, 2023 Regular Council Meeting

II. Public Comment Regarding Items on the Agenda

III. Items for Discussion and Possible Approval

- A. Consideration of Fireworks Exemption Request for Hidden City Music Festival
- B. Acceptance of Donation of the Thomas A. Newman Boat Landing from Dominion Energy

IV. Committee Matters

- A. Approval to Enter the following Committee approved Minutes into the City's Record
Museum Commission – February 1, 2023
Events Committee – February 9, 2023

V. City Manager's Report

XI. Council Comments

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

XIII. Reconvene

IX. Possible actions in follow up to Executive Session

- A. Appointment of a City Prosecutor

B. Other

X. 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
Tuesday, March 7, 2023**

The March 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, Assistant City Manager Michael Conley, Municipal Clerk Mendy Corder, Police Chief Chris Cowan, Fire Chief Steven Bullard, Finance Director Kelly McMullen, Human Resources Director Lynn Dooley, 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 Carter 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 February 7, 2023 and February 22, 2023 Regular Council Meetings as written. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

Ms. Mary Winter Teaster – Item IV. A. Ms. Teaster stated that she had lived in Cayce for almost eight (8) years. She stated that she was a Commercial Realtor with Colliers International and had been in the business about 24 years and prior to that spent 20 years in banking. She stated that she was speaking in favor of the proposed fee. She stated that it was very important that some type of fee be implemented to create some type of movement on properties that were neglected and unoccupied long term. Ms. Teaster stated that these properties were a blight. She stated that in the business she was in she was certainly pro development and the right type of uses for properties and tenants and neighbors. She stated that what was best for the constituency and the entire community needed to be done.

Ms. Teaster stated that the proposed \$100 a year fee was not something that should be pervasive, or an impediment to someone like a developer who, if she understood the proposed Ordinance correctly, that fee would be refunded to them if they then went forward with a construction project. She stated that sometimes it took six (6) to 12 months to get everything put together for a project. She stated that it was a

timely process but it was important that a quality job was done with that. Ms. Teaster stated that the proposed \$100 fee broke down to \$1.92 a week to put it in perspective. She stated that it was far less a price to pay than to have the City's Police Officers patrol an area that could be unsafe. She stated that visitors would take up residence when there's not any activity on a property. She stated that the fee was a small price to pay when someone did take up residence in an empty building and throws bricks through windows or destroys the property or unfortunately, on some occasions start a fire to stay warm. Ms. Teaster stated that she was a big advocate for homeless individuals that were looking for help and she had been involved with the Mental Illness Recovery Center for 25 years. She stated that she was all about helping those that need to be helped and felt that was what Christians were called to do but she did not support letting people destroy property and be very disrespectful of someone else's property. She stated that the proposed fee was a small price to pay, was refundable and it was not in place to penalize someone that was going to do something positive with a property but more to try to create a catalyst so that someone would sell the property or upgrade it and keep it clean and maintained.

Presentation

A. Presentation of a Check to the Special Olympics SC by the Cayce Public Safety Foundation

Ms. Pamme Eades, President of the Public Safety Foundation, stated that the Cayce Public Safety Foundation's role was to help support Cayce Police and Fire Departments with items and programs that might not be in the City's budget. She stated that the City's Officers had big hearts and were always looking for ways to support other local and state organizations. She stated that in those cases it was the Foundation's role to help facilitate that support. She stated that one of the Cayce Police Department's favorite organizations to help was the Special Olympics of South Carolina. Ms. Eades stated that every year Cayce Police Officers participated in events such as Cops and Lobsters, and Cops on The Coop. She stated that in fact, the Foundation had \$205 in tip money, donations from this year's Cops and Lobsters, that they were also giving the Special Olympics.

Ms. Eades stated that in 2022 the Police Department wanted to do something unique. She stated that Police Chief Cowan put together a pickleball team that consisted of Captain Jason Merrill, Edwin Gerace, who is a pickleball representative and Mike Still with the Special Olympics South Carolina to create the first pickleball tournament, the Pickleball Challenge in South Carolina. She stated that the Cayce Police Department hosted the first event that not only benefited Special Olympics, but also included the unified athletes of Special Olympics versus law enforcement in a match on May 1, 2022, at the Cayce Tennis and Fitness Center. She stated that during the Pickleball Challenge, there were 42 pickleball players, plus six (6) unified athletes in Special Olympics and six (6) Police Officers that participated in the event.

Ms. Eades stated that the Special Olympics unified athletes were awarded a custom design pickleball paddle with the Cayce Police Department, Special Olympics South Carolina and City of Cayce logos on them. She stated that medals were awarded for the advanced matches for the top three (3) finishers in each division. She stated that the event provided community engagement with the City, Cayce Police Officers and further enhanced the bond between Cayce Police and the Special Olympics. She stated that City Manager Tracy Hegler, Police Chief Cowan and Deputy Police Chief Grant also enjoyed picking up a paddle and getting in the game. She stated that Captain Merrill and Officer Jeffcoat cooked hamburgers and hotdogs and other foods and drinks were provided by the Foundation. She stated that Freddy's Frozen Custard and Steamburgers provided frozen yogurt and Highway 55 provided the hot dogs. Ms. Eades stated that WLTX did a remote from there as well. She stated that the Foundation was pleased to present \$3,123.17 to Special Olympics South Carolina to assist athletes with equipment and travel to their events.

Special Olympics athlete Travis stated that he wanted to speak from his heart and that what the Public Safety Foundation and Chief Cowan and his Officers did for Special Olympics and for him was so special and he wanted to thank them very much for doing that. He stated that each and every person was a huge help to athletes of all different ages and it showed that each one of them cared for the athletes. Travis stated that each one of them were the heroes of Special Olympics of South Carolina. He stated that each person had been nice and each person was special to him.

Mr. Mike Still, with Special Olympics South Carolina, thanked the Foundation, and Ms. Kay Hutchinson and Mr. Edwin Gerace for all their help with the pickleball tournament. He stated that the mission of the Law Enforcement Torch Run for Special Olympics was to raise funds and raise awareness for Special Olympics. He stated that Special Olympics South Carolina served 30,707 athletes in South Carolina. He stated that the really special thing about the Law Enforcement Torch Run was that when they raised money for Special Olympics, every penny went to the athletes. He stated that Police Chief Cowan and the Cayce Police Department deserved all the credit.

Mr. Still stated that he wanted to tell Council how special Chief Cowan was. He stated that he and Chief Cowan were at the Cops on the Coop shortly after Chief Cowan started with the City and he went up to him and told him that he would love to get Cayce Police more involved. He stated that Chief Cowan stated that he had an idea and wanted to do something special. Mr. Still stated that Chief Cowan brought up a pickleball tournament. He stated that what was so special that day was that Chief Cowan and his Officers played with the Special Olympic athletes. He stated that fostered inclusion and acceptance of people with intellectual disabilities and made a very special day for them and they made friends for life.

Ordinances

A. Discussion and Approval of Ordinance 2022-17 Amending Chapter 10 (“Buildings and Building Regulations”) of the Cayce City Code to Add a New Article V (“Vacant Commercial and Industrial Building Registration”) – Second Reading

Ms. Hegler stated that the proposed Ordinance had been before Council before but as a reminder for the public, over the last few years, the City and staff had worked to revitalize areas in the City and address community issues related to vacant properties. She stated specifically the empty and underutilized commercial and industrial buildings that often led to blight. She stated that staff researched best practices and received advice on this issue from industry experts and what resulted was the recommendation to adopt a registration program that could help the City to better address these types of properties. She stated that Council gave First Reading to this item at the November 16, 2022, Council Meeting and asked staff to defer Second Reading for two (2) months. Ms. Hegler stated that staff held multiple meetings, reached out to those vacant properties that staff knew of several times and tried to certainly engage the community in understanding what the proposed Ordinance would do.

Ms. Hegler stated that at the January 25, 2023, Council Meeting Council did take up the Second Reading and at that time deferred to clarify a few things and to make sure all questions were addressed which brought this item before Council at the March 7, 2023 Council Meeting. She stated that the staff recommendation in Council's agenda packet was actually a repeat from the last time so the first sentence needed to be disregarded. She stated that at this point staff recommended Council give Second Reading approval to the version that was in their packet.

Mayor Pro Tem Jenkins made a motion to accept staff's recommendation. Council Member James seconded the motion. Council Member Sox stated that he appreciated staff's work on the proposed Ordinance over the past few months and did not want to see any of it go to waste. He stated that he did not think that anything good came fast or easy. He stated that he thought based on some conversations, it had been tough for staff to gauge where all of Council was on this matter over such a large period of time and incorporate all of that without stepping on each other's toes. Council Member Sox stated that he moved to table Second Reading until after an unscheduled work session on the item and for that work session to occur no later than April 4, 2023. Mayor Partin stated that there was already a motion on the table. Council Member Sox stated that then Council would vote on that unless anyone had anything to say. Council Member Carter stated that they had to take a vote before they could act. Mayor Partin asked if there was discussion on motion. Council Member Carter stated that there was discussion. He stated that he certainly appreciated staff and everyone's interest and that the proposed Ordinance was a great initiative to address vacant commercial buildings and properties. He stated that he thought Council was so far apart on the issue. He stated that he thought the objective was the same but how one got there was the challenge along with the issues that Council had. Council Member Carter stated

that considering what he had heard up until that moment he still really believed it was more of a code enforcement issue than a new Ordinance issue. He stated that the effort to dispose and address properties was sound and valid and he wanted to continue. He stated that the way the proposed Ordinance was written with a punitive nature of fines and timeframes involved, he personally would not be able to support it. He thanked staff for their effort and stated that he did not want the issue to die that night and he wanted to move forward with some sort of City initiative to address the properties in question.

Mayor Pro Tem Jenkins stated he appreciated what staff had done. He told Council Members Sox and Carter that he would like to know what they really wanted and needed in the Ordinance. He stated that Council had discussed the proposed Ordinance three (3) separate times. He suggested that Council just give the proposed Ordinance a try. He stated that he did not see any other way of doing it. He stated that the Ordinance would die that night if Council did not take an action. He stated Council sent it back to staff without giving them direction on what they wanted done with it. He stated that Council should tell staff what they wanted done with the Ordinance since they had constantly been going over it for going on three (3) months. Mayor Partin stated that the discussions started in November so it had been five (5) months.

Council Member James stated that he thought what was important for those who attended the Council Meeting that night about this issue was to not think that these things are done in a vacuum. He stated that there had been a lot of work and a lot of discussions about this issue. He stated that it was probably one of the Ordinances that he had heard the most from his constituency on. He stated that when you do hear a great deal from people, pro and con, you have to make sure that you're getting it right when you move forward with it. He stated that to his colleagues point about staff, Council never wanted to waste staff's time and he did not think their time had been wasted in the fact that Mayor Pro Tem Jenkins just made a comment about telling staff what you wanted. He stated that he had communicated a great deal with the City Manager, but it really put her in a pickle too, because she could not put in an Ordinance for proposal what he thought. He stated that City Manager Hegler could not just create an Ordinance for him, and one for Mayor Pro Tem Jenkins and one for Council Member Carter.

Council Member James stated that he agreed with Council Member Carter that they were moving in the right direction to strike something good but it was not there currently. He stated that he spoke to Mayor Partin earlier and told her he was not there that night about this particular Ordinance. He stated that he thought the proposed Ordinance had some merit to it for what Council needed to do within the community. He stated that he did not think the Ordinance strikes what he believed that the constituency had spoken to him needs to be done. Council Member James stated that he did not want to see the Ordinance die either. He stated that he thought it had some good

pieces to it. He stated that he would say do not let it die, but go back and have some type of work session to where each Council Member could be heard.

Mayor Partin stated that the Council Meeting was their work session so Council needed to talk about it. She stated that was what Council was charged with from the citizens of the City of Cayce. She stated that the proposed Ordinance had been discussed in three (3) separate Council Meetings. She suggested Council talk through it and start from the top. She stated that she knew Council Member Carter was philosophically opposed altogether to the Ordinance but stated for him to jump into the discussion where he wanted to.

Council Member James stated that he was adamantly opposed to 120 days and had been from the onset. Mayor Partin asked if he meant 120 days for the vacancy. Council Member James stated vacant commercial or industrial building meant a commercial or industrial building that was not occupied by its owner, lessee or other person in lawful possession, or at which, for more than 120 days. He stated that it was so hard to occupy a building right now and you did not need to be in that type business to recognize that was a quick turnaround. He stated that he knew the proposed Ordinance did give leeway in that if you get it going one would get their money back. Council Member James stated that Cayce was not that kind of City. He stated that Cayce wants to help you to move forward with what's going on, not at 120 days when the violation begins. Mayor Partin asked him what his proposal was. He stated a year. She asked Council Member Sox what his opinion was on the vacancy issue. He stated that he did not understand why it was necessary to impose fines that were so minute. He stated that he did not think there should be any fines or fee imposed on this. He stated that he agreed with Council Member James that the vacancy should be more than 120 days.

Council Member James stated that the proposed Ordinance listed categories and when it came to a category one or two it stated no code violations in Category One, and minimal code violations in Category Two. He stated that he was concerned of an overreach of government in the fact of if there were no code violations in a building and it was not dilapidated why would the City become involved. Mayor Partin stated that her suggestion would be to take out the categories altogether. She said that the categories came after meeting with Council Member James' Chamber Board. She stated that it was one of their suggestions. She stated that the proposed Ordinance was about vacant buildings, not about code enforcement. She stated that the City had other ways to address code enforcement.

Council Member Sox asked if just the first two (2) categories were being taken out of the Ordinance. Mayor Partin stated all three (3) categories were being taken out. She stated that she was never really on board with the categories and they were not in the Ordinance in the beginning. She stated that they wanted property owners to have fun and to make money. She stated that there were small businesses interested in

vacant buildings that could not get people to return their phone call when they called about the building. She stated that there were commercial real estate agents who had told staff that a particular real estate agent never returned calls. Mayor Partin suggested removing the categories because it was not about codes and code enforcement but about the buildings being vacant. She stated that all the City was trying to do was get energy and more small businesses, ideally, more Chamber members into those spaces.

Council Member Sox asked what the difference was in vacant commercial buildings and vacant rental property. He asked if the City was going to fine people that had rental properties that were vacant for a year. Mayor Partin stated that was residential and they were discussing commercial and industrial properties. Council Member Sox stated that constituted very similar outcomes at this point. He stated that if the City was going to fine a business or building owner for not having someone in their rental property why would the City not consider doing that for someone in a residential rental property. He stated that he thought both needed to be addressed at the same time if the City was going to impose a fee on someone who owns a piece of commercial property but not a residential person who was using that or are attempting to use it as a business, but it was considered vacant.

Mayor Partin stated that Council had before them an Ordinance that staff pulled from best practices from other places and did not invent, and it was looking at commercial and industrial vacant spaces. She stated that if Council wanted to add residential down the line, they could absolutely do that but they currently had a different Ordinance before them. Council Member Sox asked how many municipalities in South Carolina had a similar Ordinance in place. Ms. Hegler stated that just a handful did. Mayor Partin asked what that was germane to. Council Member James stated that if staff was looking at best practices of two (2) municipalities compared to 20 he would be concerned. Ms. Hegler stated that there were plenty of similar Ordinances around the country and in the Midwest. She stated that Columbia and Sumter both had one so staff started with theirs.

Mayor Partin asked if Council was good with dropping the categories. Council Member James stated that was fine. She asked what the next sticking point was. Council Member James stated that he had been contacted by realtors who said if a no trespassing sign is required for vacant properties and they have that listing and have a for sale sign there as well people were not going to go and be able to look at the piece of property because it says no trespassing. Mayor Partin stated that it made sense to take that wording out of the proposed Ordinance.

Council Member James stated that the penalties and the fines associated with the proposed Ordinance were an issue as well. He stated that he knew the Ordinance had to have some teeth to it however when the City was trying to encourage people to put their buildings up for sale or for rent versus when a building falls under a code

violation. He stated that he was talking about two (2) completely separate things. He stated that as Mayor Partin had said they were talking about a vacant building Ordinance, not about the codes and the violation of an Ordinance of the building falling down or being dangerous. He stated that property owners should be fined for things like that but to fine someone because they had not been able to rent their building he was not comfortable with.

Mayor Partin stated that if someone was not willing to invest \$1.92 a day on their property than the \$100 fee was not a disincentive to them. She stated that Council and staff knew that the proposed Ordinance, even without making it past Second Reading, has spurred good things to happen already. She stated that someone had been calling a building owner, one the City had been working with for a long time to try to move some of that forward, we would bring customers to this building owner and there was no interest or movement from the property owner. She stated that this building owner received the letter from the City regarding the proposed Ordinance passing on First Reading and Second Reading was delayed because the City really wanted to make sure that all vacant commercial property owners were informed. She stated that the next time this property owner received a call from an interested buyer he sold. Mayor Partin stated that the problem was because the building was allowed to be vacant for so long the roof was now falling in.

Mayor Partin stated that she had shared with Council that she would do everything she could to fight an Ordinance that did not have a fee in it, because it was not needed. She stated that staff already had a list of buildings and staff had been working with the owners for 10 or 15 years. She stated that the City did not need big government or these building owners to have to fill out something for no reason. She stated that staff received calls from small businesses all the time saying they wanted to bring a bakery or some other small business to the City and staff tried to connect them with vacant building owners and nothing happened. Mayor Partin stated that the City had done an amazing job of revitalization and the vibrancy of things that were happening in the River Arts District was so phenomenal. She stated that those business owners were being penalized. She stated that if Council did not like fees they needed to know that they were saying it was okay for a fee to be on those current businesses because they had to be right next door to a dilapidated building or they had to be right next door to a building that could be bringing customers that created synergy for their business. She stated that the fee was on the current business owners who were trying their best to bring vibrancy to the City and create business and have cool things for customers. Mayor Partin stated that the City did not want anyone to have a fee. She stated that the City wanted them to move forward. She stated that now some of Council wanted to give vacant commercial building owners another year to be vacant.

Council Member Sox stated that it continued to sound like a code issue to him. He stated that whenever one talked about roofs that were dilapidated, the City could currently go into the building and check that so why would the City not do that.

Mayor Partin stated that because doing that would cause the situation that the City currently had. She stated that the owners of Cayce Family Dentistry had talked to her and asked for help because they had people calling them all the time wanting to go into the building beside them but they could not get anything to happen and they were thrilled that the building had finally been sold. Mayor Partin stated that even if the City had made the property owner fix the roof it would not have addressed Cayce Family Dentistry's problem of having a big vacant space next to them. She stated that it was worse if the building was dilapidated because not every potential building owner would want to invest in that. Council Member Sox stated that it would not have to be dilapidated if it were inspected.

Mayor Partin stated that even if none of the vacant buildings were dilapidated, current business owners would still have businesses that were next door to them boarded up and they would not have the synergy of extra customers creating cross traffic. She stated that it was never about code issues but was about putting a viable business into these spaces. She stated that would give the City more places to eat, it would give the school kids a place to go to get a smoothie after school, all of these things that were not currently happening because the City had building owners who are not motivated.

Council Member James asked what was the difference between a commercial building structure and a residential structure, when the people throughout the city had to live beside something that may be of concern to them. He stated that if the City was moving at this pace about commercial buildings then what about the residents. He stated that staff could name some of those too throughout the community that probably needed some attention. Mayor Partin stated that she would say what she said to Council Member Sox which was to not add that on to the proposed Ordinance right now. She stated that Council and staff did not do that. She stated that they had been discussing the proposed Ordinance for five (5) months because they were deliberate and thoughtful. She stated that if Council wanted to direct staff moving forward with the Ordinance for vacant and commercial and industrial spaces but would also like them to bring back to Council information about residential that would be fine. Mayor Partin stated that was what the City did well and it would be really contrary to the thoughtfulness of the way that Council acted as a body to just throw something new on the current proposed Ordinance.

Council Member James stated that Council did talk about whether residences should be included as well and continued on without it. He stated that he could only imagine living in a neighborhood that maybe there was a structure that needed repairing and it was being ignored. He stated that if Council was going to go with an Ordinance for businesses was that not the time to include residences. Mayor Partin stated if he wanted to do that, without having staff give Council any information on that then go ahead but she did not think that was how Council typically operated.

Ms. Hegler stated that Council had brought up whether or not the proposed Ordinance should be a code enforcement policy. She stated that staff already had that in their tool belt and had the ability to enforce dilapidation to a point. She stated that the example of the building with the roof falling in, the City's code would require the roof be repaired but she thought the real point was that it was in bad shape because it had been vacant for so long. She stated that to the degree that staff would address code enforcement violations, even at the residential level, they did the best they could. She stated that staff had a list of properties on a demolition list and knew they were problems and eyesores in those communities. Ms. Hegler stated that she thought it was easier to say that the proposed Ordinance needed to be about vacancy in total and not code enforcement because code enforcement was a fine hair to slice.

Ms. Hegler stated that staff was required through code enforcement to board up what people would consider dilapidated properties that, did in fact, create blight and break down property values. She stated that staff would not necessarily have need to go into the building to notice the roof nor would City code require it to be repaired even if staff did see it. She stated that staff was only required to make sure the structure was soundly secured and it met certain basic principles of openness. Ms. Hegler agreed that the categories in the current proposed Ordinance were confusing. She stated they had been in there all along in the sense that a lot of people typically add additional structured fees. She stated that after meeting with the Greater Cayce West Columbia Chamber of Commerce's Board staff added the additional review because they said that part of the motivation for moving some of these property owners would be having to get additional inspections. She stated that obviously something in category three (3) would require the additional inspections. Ms. Hegler stated that she knew that it was confusing but it was not intended to be a definition of Code Enforcement. She stated that it just described that not all vacant buildings were treated the same. She stated that some were in great shape and were perfectly capable of being rented, while others needed some work done to them. She stated that what staff put in the Ordinance was a structure of additional inspections just to help get those Category Three (3) structures back up to something better so that they would be better for their neighbors. She stated that if that language got removed, then Council would be staying pure to the point of the Ordinance which was their objective to fill vacant buildings. She stated that was the objective all along. She stated that it could be dealt with through code enforcement, but that would not always do what you wanted it to do. Ms. Hegler stated that it was a never-ending battle, but it was not going to turn all of these vacant buildings into something beautiful. She stated that there would still be boarded up buildings and buildings with roofs that were just simply collapsing on the inside, because they were not being used and maintained. She stated that did not make it a code enforcement violation.

Council Member James stated that he did not want to assume that he was speaking for everyone but he felt like all of Council agreed with the spirit of what they were trying to do. He stated that when one was looking at eight (8) pages of legalisms it

was hard to make sure that they were doing what it said and was right for the people. He stated that he felt that through their discussions Council had gotten a lot closer to their objective. He asked Ms. Hegler if she would go back with Council's discussions. Mayor Partin stated that she did not see why that was necessary if the philosophical question was never going to be agreed upon regarding having a fee.

Council Member Sox stated that he thought he was anti-fee. He asked Ms. Hegler if Council would ever get any sort of answers or any other information on buildings that were on properties that were being used, but were vacant because there were buildings that were on properties that were in use but were vacant buildings, but were on a piece of property that had an active business license. He asked how that was addressed. He stated that there were a couple of properties like that. Ms. Hegler stated that there was one in particular that was a separate address and there was not a business license for that address. She stated that in that instance according to the proposed Ordinance it would be considered vacant. She stated that in the circumstance where two (2) buildings were on the same parcel, but were different addresses one (1) building might have a business license and the other one did not. She stated that staff would look purely as best as they could at that as their first cut of determining vacancy whether or not it had an active business license indicating it had an active business in it. Ms. Hegler stated that beyond that, one would have to use some logic.

Council Member Carter stated that if a piece of property, had five (5) buildings, and he leased the parcel from the property owner, granted, building number five had an address, a separate address but he was not utilizing that property and there was no business license attached to it. He stated that the business license was for the parcel, for a business, and he chose to use four (4) out of the five (5) parcels would that subject parcel number five, to the proposed Ordinance. Ms. Hegler asked if there were examples of this type of parcel within the City. Council Member Carter stated there was one that had four (4) buildings. Ms. Hegler stated that logic would get applied to these situations and it might be in that case, that it would not make sense to do. She stated that she knew the parcel Council Member Carter was referring to and it was a viable building that was simply not being utilized and it was not fulfilling its commercial use. She stated that one (1) building out of five (5) the commercial viability may be a different question. Mayor Partin stated that the building Council Member Carter referenced was the building that people were begging to use. Council Member Sox asked if that was why Council started looking into the proposed Ordinance. Mayor Partin stated that would never be why Council would do something.

Mayor Pro Tem Jenkins stated that Council was arguing over a \$100 fine or fee but when someone's home or yard was not in compliance with the City's code they were given a \$1,500 violation ticket if they did not come into compliance. He stated that some of Council was suggesting to not charge a commercial building owner but there were fines for residential. He stated that you could not do one and not the other.

Mayor Partin stated just to be clear, some Council Members had heard from building owners who would be upset about paying a \$100 fee because they did not want to do anything with their business and did not plan to build anything. Council Member James stated that he had not heard from anyone in reference to the fine being \$100 or \$500. He stated that he had heard from people who did not feel that the City should enforce something like that on a building they owned. He stated that it was not about the \$100.

Mayor Partin stated that the current businesses were being penalized. She stated that Council had five (5) months that they could have put forth some ideas to create a good Ordinance that could move forward and would address the vacant building issue. She stated that by not doing that they were currently enforcing a penalty on the current businesses. Mayor Pro Tem Jenkins stated that one way to look at it was if one went to Main Street to dinner at a restaurant and the restaurant was dirty then one would not eat there. He stated similarly if one was moving into Cayce and wanted to open a business or purchase a house and the surrounding area or properties was nasty they would not move there. He stated that a lot of times one had to do things one did not want to do but in the long run, it would work better.

Mayor Partin asked Council what their proposal was for the fee. She asked if they were saying they did not want a fee at all. She stated that they had five (5) months with the proposed Ordinance. Council Member James stated that he was not opposed to anything. Mayor Partin stated then there was no reason to kick the can down the road. Council Member Sox stated that he would move to vote then. Council Member Carter stated call for the question. Mayor Partin stated that they were voting whether or not to pass the proposed Ordinance. She called the question and the motion failed. Mayor Partin and Mayor Pro Tem Jenkins voted yes. Council Members Carter, James and Sox voted no. Mayor Partin stated that was a disappointing waste of five (5) months.

Resolutions

A. Consideration and Approval of Resolution Approving the Process for 2020 Redistricting

Ms. Hegler stated that the 2020 census data was released a little later than usual and in response to that, cities were obligated to undertake a redrawing of its districts if it was deemed necessary. She stated that the City had to redraw its districts and staff would work with the South Carolina Revenue and Fiscal Affairs Office to complete that process. She stated that they had completed an initial review of the census data and identified the target population for each district to have 3,445 individuals. She stated that they recommended a population deviation of 5%, meaning the district could be 5% below or above that 3,445. She stated therefore at least two (2) of the City's districts needed some attention. Ms. Hegler stated that District Two needed to increase in

population and District Four needed to decrease. She stated that to continue with the redistricting process, the Fiscal Affairs Office had recommended that the City adopt a Resolution that outlined the standards by which it wanted to achieve its redrawn district boundaries. She stated that these were mostly principles that fell in line with the legal requirements that are put forth for redistricting.

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

Items for Discussion and Possible Approval

A. Discussion and Approval for Submitting a SAFER Grant through FEMA for Two Firefighter Positions and a Fire Marshal Position

Ms. Hegler stated that calls to the City's Fire Department had increased over the last few years and were expected to continue to increase. She stated therefore, the Department would like to fully staff two apparatus at one time. She stated that the Fire Department had enough staff currently, to very safely, during the three (3) shifts have firefighters on each shift with split between the two apparatuses. She stated that there was a supervisor for each vehicle. She stated that having the two (2) additional firefighters would allow the City to move staffing to eight (8) per shift, with seven (7) being the minimum. She stated that the City had an opportunity to apply for grants that were not possible before as the City was a joint Public Safety Department. She stated that what was before Council was a grant through FEMA that would allow the City, if awarded, to add those two additional firefighters. Ms. Hegler stated that it would also allow, per staff's request, to include a dedicated Fire Marshal. She stated that currently the Fire Chief was performing that role. She stated that the grant, if awarded, would be fully funded for the first year, and then it decreased by 20% each year thereafter. She stated that the request before Council was to enable staff to apply for the grant through FEMA. She stated that if it was awarded, then staff would bring that back to Council as it would be an addition of full time employees and staffing.

Mayor Pro Tem Jenkins made a motion to approve staff submitting a request for that funding application. Council Member James seconded the motion. He asked if the grants were approved, would they then come back before Council. Ms. Hegler stated that if the City was awarded then yes, they would come back before Council because she would want Council to actually accept the grant and then accept the additional positions. She stated that before staff went through the application process, she wanted Council to have a conversation before approving it. Council Member James stated Council was committing to an additional \$225,000 dollars in the budget in six (6) years if the City was awarded the grant.

Council Member Carter stated that he really appreciated the breakdown of the numbers from year to year that M.s Hegler put in the White Paper. He stated that it was

very informative. He stated that he had been in situations in other places before, where he did not receive that kind of breakdown and really did not know what they were up against when the grant ran out. He stated that this grant was incremental but that being said, since the City was entering into budget time of the year, he thought it would be a really good time for all the City departments to let Council know where they were going staffing wise. He stated that the department heads always did that but he wanted them to continue to let Council know where they would be staffing-wise in five (5) or six (6) years. He stated that Council had a work session years ago about long term revenue and expenditures. Council Member Carter stated that Council and staff had to look five (5) to 10 years down the road so they needed to find out where the City would be staffing- wise, which was the main crux of the budget, in those years down the road, and where the City would be money-wise down the road. He stated that he really appreciated the White Paper. Ms. Hegler stated that the credit went to Fire Chief Bullard. Mayor Partin called the question which was unanimously approved by roll call vote.

B. Discussion and Motion to Ratify Action of City Manager entering into a Contract for Emergency Repairs to Sewer Line in Parkwood Subdivision

Ms. Hegler stated that she had to execute an agreement with McClam and Associates on March 1 for the emergency pipe burst that was necessary to repair a collapsed line in the Parkwood Drive area. She stated that the sewer line collapse was detected on Monday, February 27, and staff immediately put in a bypass line so there was no overflow. She stated that it had to be addressed immediately because it was in a major roadway. She stated that staff did look at other options and a typical option would be to dig up and replace the pipe, which would have been expensive and time consuming. Ms. Hegler stated that the Utility Department wisely sought the other option, which would be to burst the pipe and get it corrected. She stated that the issue was already fixed and the cost was \$35,500. She stated that McClam and Associates had the needed equipment, materials and the labor to do the job. She stated that this occurred in between Council Meetings so she did have to execute and use her emergency powers to sign the agreement.

Council Member Sox made a motion to approve and ratify the prior actions of the City Manager concerning the agreement with McClam and Associates as described in the emergency certificate for a total of \$35,500. Council Member James 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
Cayce Housing Authority Meeting – December 13, 2022
Cayce Housing Authority Annual Board Meeting – December 13, 2022

Museum Commission – January 11, 2023
Events Committee – January 12, 2023
Planning Commission – January 23, 2023

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

**B. Reappointment
Accommodations Tax Committee – One (1) Position**

Mayor Partin stated that Mr. Neal Patel's term expired in March. She stated that he was filling the position of someone that worked in the lodging industry that was required for the Committee. She stated that Mr. Patel did want to serve again. Council Member Carter made a motion to reappoint Mr. Patel. Council Member Sox seconded the motion which was unanimously approved by roll call vote.

**C. Discussion and Approval of Proposed Amendments to Planning Commission
By-laws**

Council Member Carter made a motion to approve the proposed amendments to the Planning Commission's by-laws. Council Member Sox seconded the motion which was unanimously approved by roll call vote.

**D. Discussion and Approval of Proposed Amendments to the Board of Zoning
Appeal By-Laws**

Council Member Sox made a motion to approve the proposed amendments to the Board of Zoning Appeal's by-laws. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that SCMIRF and SCHMIT through MASC did complete the City's 2023 risk self-assessment with the HR Department. She stated that they assessed 30 focus areas and the City did very well. She stated that the City did receive comments on four (4) opportunity areas that could be improved. She stated that a local Boy Scout completed his Eagle Scout project on an arbor bench that he built and placed by the creek near the City's Museum. She reminded Council and the assembly that the SCDOT would be closing I-77 for bridge repair work in the coming weeks. She stated that they would start first on the northbound approach on March 24 and anticipated it taking nine (9) days. She stated SCDOT would close southbound lanes on April 14, however both sides would remain open during Easter. Ms. Hegler

stated that SCDOT was working on how to get the information out about rerouting and City staff would do the same on social media to make sure people understood where to go.

Ms. Hegler stated that at the last Council Meeting Council asked staff to follow up with the Planning Commission to determine what the basis was for them denying a rezoning applicant's request for withdrawal at their January 23 meeting. She stated that staff did follow up and inquired at the Planning Commission's last meeting which was on February 27. She stated that the reason that staff was given for the withdrawal denial was that the Commission chose to hear the case because they knew how they were going to vote and they did not want the case to be brought back up again. Ms. Hegler stated that members of the Planning Commission then asked why Council would inquire about this and directly wondered if their decision to not accept the withdrawal was considered to not be customer friendly. She stated that Assistant City Manager Conley relayed what Council's question was and why. She stated that she understood that Council recently received an email from the Planning Commission Chairman in which he gave a different response. She stated that his email did not match the record that was reflected in the Planning Commission's minutes. Ms. Hegler stated that she was not sure what Council would like her to do with that, if anything. She stated that the City's spring plant exchange was Saturday, April 11, at City Hall starting at 10. She stated that staff was in full planning swing for the Soiree on State that would be held at its new date, March 25 starting at 2pm.

Council Comments

Mayor Partin asked Council if they would like staff to do anything regarding the Planning Commission straightening up their records. Council Member Carter stated that it was Ms. Hegler's purview and she would handle it accordingly. He stated that if Ms. Hegler had any problems she could come to Council but stated that she should do whatever she needed to do. Mayor Partin stated that she was concerned about things being said about City staff in open session that were disparaging. She stated that the City had some of the best planning staff of any city around and Council was proud of them. She asked that Ms. Hegler share that with Ms. Monique Ocean as well.

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 Carter 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.

Adjourn

Council Member Carter made a motion to adjourn the meeting. Council Member James seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 7:55 p.m.

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

**City of Cayce
Regular Council Meeting
Wednesday, March 22, 2023**

The March Regular Council Meeting was held this evening at 5:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Mayor Pro Tem James Jenkins and Council Members Phil Carter, Tim James and Hunter Sox. City Manager Tracy Hegler, Deputy City Manager Jim Crosland, Assistant City Manager Michael Conley, Municipal Clerk Mendy Corder, Police Chief Chris Cowan, Fire Chief Steven Bullard, Finance Director Kelly McMullen, Human Resources Director Lynn Dooley, 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 James gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Public Comment Regarding Items on the Agenda

Mr. Daniel Tubbs – Item IV. A. Mr. Tubbs stated that he lived on Vine Street and he was there to speak on behalf of the family that requested the rezoning of the property on Frink Street. He stated that he attended the Planning Commission meetings when the Commission discussed the possible rezoning. He stated that the property on Frink Street needed life. He stated that during their meeting the Commissioners stated that there might be traffic issues with trucks driving down Frink Street. Mr. Tubbs stated that the area was primarily residential and if a truck went down the street they knew they had to slow down because people were turning off the road. He stated that most of the side streets off of Frink Street were residential. He asked Council to give the family that requested the rezoning a chance to finally be able to improve that property and turn it into a home. He stated it would help with having more neighbors and less squatters. He stated that the home right behind his had squatters and he and his neighbors did not want to see all their neighboring homes turned into squatter homes.

Presentations

- A. Recognition of City Employee, Chris Orpilla, being awarded the Water Environment Association of South Carolina Capital District Water Treatment Plant Operator of the Year

Mayor Partin stated that in January, Mr. Chris Orpilla the Water Treatment Plant Operator for the City, was recognized as the Water Environment Association of South Carolina's Capitol District's Water Treatment Plant Operator of the Year. She stated that just the prior week at the South Carolina Environmental Conference, Mr. Orpilla received the Water Treatment Plant Operator of the Year Award for the entire state. Mayor Partin stated that the WEASC Water Treatment Plant Operator of the Year was awarded annually to a water treatment plant operator for excellent achievement and the direct operation of a water treatment system in South Carolina. She stated that Mr. Orpilla had worked for the City of Cayce for 24 years and had a vast knowledge of the City's water treatment plant operation and used that knowledge to train new operators. Mayor Partin stated that his water treatment experience had been a major help to the water plants supervision as well as the water distribution system. She stated that Mr. Orpilla volunteered for extra work when it was needed to cover shifts, did his share of maintenance and was always ready to assist in any repairs or emergencies that might arise. She stated that Mr. Orpilla even filled in for the laboratory tech position when it was vacant. He is an invaluable component in the operation of the City's water plant and his positive attitude made the work experience even better.

B. Presentation by Mr. Tommy Stringfellow on the Riverbanks Zoo and Gardens

Mr. Stringfellow stated that he appreciated the opportunity to give Council a mid-year update on the Riverbanks Zoo and Gardens. He stated that he also had a video that he wanted to show Council that discussed the Zoo's plans for the future. He stated that to date, the Zoo and Gardens had a little over 670,000 visitors, and were still on track to have a little over 1.2 million visitors in their current fiscal year. He stated that the Aquarium Reptile Conservation Center just opened up two weeks ago. He stated that it was a \$10 million investment of private monies from donors and some individuals. Mr. Stringfellow stated that Phase 1 of the master plan was complete. He stated that four (4) years ago, the Zoo started a new master plan to see what the next 10 years would look like. He stated that the first part of Phase 1 was the rhino exhibit that opened in 2020. He stated that there were three (3) or four (4) more projects that were about to be opened to the public.

Mr. Stringfellow stated that the tiger and lion exhibit was one of the oldest exhibits and was original to the Zoo. He stated that the Komodo Dragon exhibit was going to get a little facelift as well. He stated that the Zoo's 50th anniversary was coming up and the Zoo's infrastructure was showing its age. He stated that the bulk of the future work would be updating restrooms and food stands and everything that they could possibly do to accommodate the guests when they get to the park. He stated that they would be asking both Richland and Lexington County, since the Zoo was a government entity, to issue a bond to help pay for a percentage of Phase 2 of the master plan that they would try to match with public and private funds.

Mr. Stringfellow stated that for nearly 50 years, Riverbanks Zoo and Gardens had been feeding a love of nature. He stated that the Zoo was a point of pride for those of us who lived in Columbia or called the Midlands, this region home. He proceeded to show a video that depicted the Bridge to the Wild. This next phase of the Zoo's master plan would include a primate forest on the banks of the lower Saluda River with an observation deck offering views of orangutans and other primates. Close by, a nature preserve will be home to some of the region's native and endangered species like American black bears, bald eagles, and red wolves. An enhanced tram system also will provide bird's-eye views of the Saluda River and surrounding skyline.

Mr. Stringfellow stated that he hoped the video gave a glimpse of what was to come. He stated that it was a four (4) or five (5) year build out and if the bond passed in the next year, then they could get started. He stated that they called it Bridge to the Wild for a few reasons. He stated that everyone was excited about the river and the riverwalk and the Zoo was on both sides of the river in Lexington and Richland Counties. He stated that the Zoo never had any way for visitors to get down to the river but with the Saluda Riverwalk opening that allowed visitors to access the river. Mr. Stringfellow stated that adding a rental venue space and restaurant would drive attendance not only to the Zoo, but also locals that would want to visit the restaurant would have the opportunity to do that via the Riverwalk. He stated that the Zoo still had Free Fridays for all the residents of Lexington and Richland and they held those eight (8) times a year because of the support the Zoo got from county residents. He thanked Council for the support the City had given the Zoo.

Ordinances

- A. Discussion and Approval of Ordinance 2023-03 Amending the Zoning Map and Rezoning Property Located at 1235 Frink Street (Tax Map Number 005727-02-027) from C-4 to RS-3 – First Reading

Ms. Hegler stated that the applicant wished to rezone the property from highway commercial to single family residential. She stated that the property was currently the site of a dilapidated structure and had been unoccupied for several years. She stated that Frink Street was a commercial corridor and the majority of zoning districts found on Frink Street were commercial and industrial in nature. She stated that the subject property was bounded by commercial on Frink Street and residential properties to the rear as there were more neighborhood areas behind it. Ms. Hegler stated that the requested rezoning of RS-3, residential single family, was not in compliance with the City's comprehensive plan that was adopted a year ago. She stated that the subject property was located in a transition area of the comprehensive plan's future land use map and the purpose of the transition area land use classification was to enhance environmental conditions and improve property values. She stated that some of these areas might be deteriorating, while others might be under economic pressure for higher and better and more intensive development.

Ms. Hegler stated that proposed zoning changes by Council should be considered carefully to determine the causes and impacts of that transitional process to surrounding areas. She stated that staff currently did not recommend approval because the requested zoning was not compatible with the comprehensive plan. She stated that staff felt that a residential zoning at this location would change the commercial character of zoning along Frink Street.

Ms. Hegler stated that the Planning Commission met on January 23, 2023 to receive public comment and vote on the rezoning request and at that time four (4) members of the public spoke in favor and no one spoke against the request. She stated that a motion was made by the Planning Commission at that time to deny the request stating that the request was not compatible with the comprehensive plan and that the area was commercially zoned. She stated that motion was seconded but did fail as they took the vote of the whole Planning Commission. She stated that the reasons given for voting against the motion were that the area was in need of beautification and the subject property was adjacent to residences and the residential zoning did not cause undue burden to the area. Ms. Hegler stated that by a majority vote of five (5) to two (2), the motion to deny the rezoning failed. She stated that a subsequent motion was made to recommend approval of the rezoning which was seconded and the vote was made five (5) to two (2) in favor of the rezoning and that was the recommendation from the Planning Commission that was before Council.

Mayor Pro Tem Jenkins made a motion to deny the rezoning of the property because it did not meet the City's comprehensive plan. Council Member James seconded the motion. Council Member Carter asked since they were voting on the First Reading, if the motion was to deny it and that motion passed, would there be a Second Reading. Ms. Hegler stated that it would not come back before Council.

Council Member James stated that Council and staff had worked extremely hard on creating a comprehensive plan. He stated that the plan was very strategic and for the betterment of the City for the next 10 years. He stated that he truly believed that the City needed to adhere to the strategic plan unless there was some anomaly that they did not understand. He stated that he believed the City Manager would come to Council if that was to ever exist and in this situation the City Manager did not feel the proposed rezoning was in line with the strategic plan. Mayor Partin called the question which was unanimously approved by roll call vote.

Items for Discussion and Possible Approval

A. Consideration of Fireworks Exemption Request for Hidden Valley Music Festival

Council Member Sox made a motion to approve the exemption. Council Member Carter seconded the motion. Mayor Partin stated that there was a motion to approve

the firework exemption and a second and asked if there was any discussion. She asked Ms. Hegler if she had an update. Ms. Hegler stated that per City Ordinance it was unlawful to fire, shoot, or discharge fireworks within the corporate limits of the City. She stated that there were only a few exceptions. She stated that the exceptions would be in conjunction with a special event to the extent allowed and approved by Council as well as some other policies the City had in place. She stated that Hidden Valley Music Festival was currently working on their special events permit to host a concert on April 22 at the Historic Columbia Speedway located on Charleston Highway. She stated that the event would start at 2pm and last until approximately 10:30pm, if approved. She stated that they were requesting an exemption under the listed Ordinance to have fireworks at their event. She stated that fireworks that consisted of sparklers were intended to be launched from the stage area and also mortars from the baseball fields behind the track. She stated that the event organizer had received their permit through the State, which was sent to the City's Fire Department. Ms. Hegler stated that this event occurred the previous year around the same time and at that time, the organizers indicated to staff that they would not discharge fireworks and only use sparklers. She stated that for that reason, staff did not bring the formal request to Council. She stated that the event organizer did discharge fireworks, and the City received upwards of 40 noise complaints. She stated that there was not a staff recommendation on this matter.

Council Member Sox stated that from what he understood the event organizer had been in contact with staff a good bit and was looking to go about it the right way this year. He stated that hopefully, they did not go past that time. He stated that he did not think Council should withhold the exemption since they had taken all the right avenues. He stated that considering their artists lineup, it looked to be a pretty awesome show and would showcase the City and the venue as well.

Mayor Pro Tem Jenkins stated that last year, the event organizers were told to comply with the City's Ordinance and they did not comply. He stated there was no way to know if they would comply this year either. Ms. Hegler stated that there were a number of City Ordinances that the event organizers violated last year. She stated that staff asked to meet with the event organizers immediately following last year's event and expressed their displeasure. She stated that staff asked the event organizers to work with them better this year. She stated that they had been meeting with them and there was better communication, but they had not given staff all the required information that was needed. Ms. Hegler stated that staff was still reviewing whether or not to approve the event to proceed. She stated that the firework exemption request was a piece of the request and had to come before Council. She stated that she could not answer what might happen on April 22 if the event organizers did proceed.

Mayor Partin stated that she could not support approving the fireworks exemption request. She stated that the City had a fireworks Ordinance in place because it was a city and not out in the country where it was a little more wide open and the noise did not travel as wide. She stated that there were a lot of residents who worried about their

pets the two (2) times of year that fireworks were allowed in the City. She stated that it posed issues with veterans as well and the City tried to be thoughtful about that. She stated that it could be a great event without the fireworks. Mayor Partin stated that as long as the event organizer complied with what they needed to do for local and state laws she would be fully supportive of the event but she could not support the fireworks piece of the event.

Council Member James asked Ms. Hegler what the Ordinance stated regarding Council giving an exemption. She stated that the Ordinance stated that Council could grant exceptions for special events. She stated that Council was not permitting the event itself, they were only considering whether or not they could have fireworks outside of the two nights that fireworks were allowed in the City.

Mayor Pro Tem Jenkins asked if there was a way for the event organizer to demonstrate how the fireworks were going to sound. He stated that way Council could gauge the sound before the event. Mayor Partin stated that there was not a mechanism in place to do that. Ms. Hegler stated that if the event organizer went beyond the limits of the City's approval and began to no longer comply with the City's Ordinance, then staff would shut the event down. Mayor Partin asked what would be the level of the approval. Ms. Hegler stated that if it was after hours or beyond the scope of the timeline of the event that had been approved. She stated that she thought it would be mainly if it went beyond the timing. Mayor Partin asked if the only limiting factor would be if it was after 10pm, not how loud it was. She stated that the City received 40 noise complaints last year and that happened without the City's approval. She stated that her assumption was it was not what would happen during the normal ongoing course of the concert, because they were told to stop. Ms. Hegler stated that the event had a timing issue last year, and were asked to stop as well because it was louder than anticipated.

Ms. Hegler stated that the City worked to try to contain the sound to the Speedway. She stated that during the Cola Concert Series, which was held during COVID at the Speedway, staff worked with the event organizers very well to establish a sound system that attempted to contain, and for the most part it did, the sound towards the Speedway and not to the surrounding neighborhoods around it. She stated that strange things could happen with noise. She stated that it could carry in a different breeze because the air pressure could change that, but staff was able to work with the event organizers before every event and felt comfortable that it would comply with the City's noise ordinance. She stated that last year the City did request that the event organizers turn the music down and were denied. Mayor Partin asked if it was the City's Police who were denied. Ms. Hegler stated that when asked it did not occur. She stated that the Police did issue citations, which was the City's process. She stated that staff had been much clearer with the event organizer this year that should City Police Officers have need to speak to them again about any violation of City Ordinances, whether it was noise or timing or anything else, that they would comply immediately, or there would be stiffer penalties, which the City was allowed by law.

Ms. Hegler stated that the concert could effectively be shut down by the City not allowing them to continue to operate their permit since it was after hours and the permit was no longer valid. She stated that sound noise was somewhat subjective and it was a concert. She stated that concerts had been held there before and staff did attempt to work with the promoter of the events to best integrate the sound into the neighborhood that surrounds it. Ms. Hegler stated that staff always expect some noise complaints from anything that went on there but last year's concert complaints were really high and was exacerbated by the fireworks.

Mayor Partin stated that there was a difference in noise from music and noise from fireworks. She stated that it was more sudden and could be alarming for people. She stated that if the City was considering allowing fireworks then standards needed to be looked at, which was the noise and how loud it would be. She stated that fireworks were louder than music and the repetition was a constant burst of noise. She stated that if that was going on throughout the concert it could be concerning for the surrounding area. Ms. Hegler stated that staff did not know for sure the timing of the fireworks but that it was at the end of the concert. Mayor Partin asked if Council was being asked to grant fireworks for the entire concert or just 30 minutes at the end of the concert. She asked if the fireworks exemption was granted then it could apply to the entire show. Ms. Hegler stated that theoretically that was correct.

Council Member Sox asked if the exemption were to pass, would the City put something out on social media or in a press release stating there would be fireworks this day, time and place and would promptly stop at a certain time. Mayor Partin stated that was the event promoter's job, not the City's job to do. Council Member Sox stated that the City was granting the event organizer access to shoot fireworks and the event promoter probably should promote the fireworks but the City could let people know that it was not gunshots and it was approved for just one (1) night.

Ms. Hegler stated that she did not know if the City had ever received a request before for a fireworks exemption. She stated that she could prepare the staff that would be receiving the complaint calls to have an answer stating that it was legally approved. She stated that was not the question that staff normally was asked. She stated that typically people would ask "Why did you let this happen?" Ms. Hegler stated that it was something that could be discussed further, if that was Council's will.

Council Member James stated that anything that was causing so much conversation, was causing that much conversation for good reason. He stated that Council possibly needed to review that fireworks or events Ordinances again. He stated that Mayor Partin brought up the point in reference to veterans and animals being adversely affected by fireworks and he stated that he understood that but in the City's Ordinance, it stated that Council could grant the exemption so they could or they could not.

Mayor Partin stated that there was a motion on the table and called the question. Council Member Sox asked if he could add one (1) more thing first. He stated that Council had another Council Meeting before the concert and the event organizer still had to submit a full plan so was Council able to ask the event organizer how long they were going to have the firework show rather than granting it for an extended period of time. Council Member James stated that Council could just say that was what they wanted. He asked the City Attorney if that was possible.

Mr. Crowe stated that under the terms of the Ordinance, the Public Safety Director could issue and Council could approve a permit for the discharge of fireworks for a special event. He stated that the Ordinance actually stated that the discharging or shooting of fireworks in conjunction with a special event to the extent allowed under the terms of the permit issue therefore the answer was in the permit. He stated that he was not aware of a pre-printed permit form so the Public Safety Director could set reasonable terms for the permit, including a provision that the event could be shut down if it failed to comply with the terms of the permit in the discretion of the Public Safety Director. Mr. Crowe stated that there were measures that Council could take to ensure it was not an unbridled use of fireworks and was subject to Council's reasonable terms under the permit. He stated that Council could approve it on certain conditions that they specified and those could be incorporated into the permit. Council Member Sox stated that he would like to do that. Mayor Partin suggested that Council could vote down his first motion and he could make a new motion. She called the question which was unanimously voted down.

Council Member Sox made a motion to table Item V. A. until the April 4, 2023 Council Meeting. Council Member James seconded the motion and requested that staff bring back specifics about the timeframes to Council. Ms. Hegler asked for clarification and asked if staff was being asked to ask the event organizer what they were requesting in terms of their firework timeline. Council Member James stated that was correct. Council Member Sox amended his motion to include asking staff to get the specifics from the event organizer. Council Member James seconded the motion.

Mayor Partin stated that for the record, that having the specific time frame would not change it for her based on staff's interaction with this particular event in the past. She stated that it was concerning to her that they would not listen to the City's Police. She stated that if the City's Police told someone to stop doing something, especially if they did not have permission to do it, that is concerning to her. She stated that a smaller timeframe on the fireworks probably would not change her opinion for the City's citizens who were going to be concerned about the noise. Mayor Partin stated that it would not change her support of it, but she would always support getting more information.

Mayor Pro Tem Jenkins asked if a permit could be created before the next Council Meeting since Mr. Crowe stated that the Ordinance stated that a permit was

given. Ms. Hegler stated that the City had an event permit. She stated that she thought Mr. Crowe was saying there was not a standard one. She stated that both the Fire Chief and Police Chief would weigh in on their review of that permit. She stated that there was another little nuance to add to that permit that was going to be based on what Council wished to add to it. Council Member Carter asked if Council would dictate the terms of the permit with the wording of the motion at the April 4, 2023 Council Meeting as it related to fireworks and the rest of the permit would fall under staff's normal purview. Mayor Partin asked that Council keep in mind that Council's decision might be different than what the promoter asked for. She stated that they might ask for one thing and Council might only want to grant it for a different amount of time which then Council would be dictating how an event organizer did their show which might or might not work. She called the question which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that the City's application submittal for Accommodations and Hospitality tax grants was open and they were due April 10. She stated that would allow staff to keep it in schedule with budgeting this year. She stated that everyone, particularly Administration and Parks had been working very hard on getting Soiree ready for the coming weekend. She stated that the City's Sanitation Crew participated in National World Down Syndrome Day the prior day with local celebrity resident, Luke, and they wore funky socks to celebrate that which was the theme. She stated that Lexington Urgent Care on Knox Abbott Drive officially broke ground that week and they were hoping to be completed by December which would bring much needed life to that corner. She reminded everyone about the DOT closing of I 77 for their work on the bridges. She stated that she had seen a lot about that in the media and the City was trying to get out the information and inform the public. Ms. Hegler stated that SCDOT would be closing northbound I 77 for nine (9) days, take a week off during Easter and then close southbound. She stated that the City's Public Safety was aware and on alert and ready to ask for assistance if it was needed to bring in Highway Patrol or State Highway Police. She stated that staff was prepared if there was an increase in traffic.

Council Comments

Council Member Sox stated that he hoped to see everyone at the City's Soiree on State that Saturday. Council Member James stated that it was event not to be missed.

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.

Adjourn

Council Member James 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 6:28 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

Memorandum

To: Mayor and Council
From: Tracy Hegler, City Manager
Date: April 4, 2023
Subject: Fireworks Exemption for Hidden City Music Festival

ISSUE

Council's approval is needed to grant the Hidden City Music Festival an exemption from Ordinance Sec: 20-46 Discharge of fireworks and Sec: 20-47 Exceptions.

DISCUSSION/BACKGROUND

Per City Ordinance, it is unlawful to fire, shoot or discharge fireworks within the corporate limits of the City, with a few exceptions.

Ordinance Sec: 20-47 Exceptions states that: Notwithstanding the provisions of section 20-46, the discharge or shooting of fireworks may be permitted under the following circumstances:

(4) The discharging or shooting of fireworks in conjunction with a special event to the extent allowed under the terms of the permit issued by the public safety director and approved by council.

Hidden City Music Festival is currently working on their special events permit to host a concert on April 22 at the Historic Columbia Speedway located on Charleston Highway. The event will start at 2:00PM and last until approximately 10:30PM. They are requesting an exception under the listed ordinance to have fireworks at their event. Fireworks consisting of sparklers will be launched from the stage area and mortars from the baseball fields behind the track. They have already received their permit through the State which was sent to our Fire Department (See Attached). The approved permit through the state allows for the fireworks to begin at 7:00PM and to conclude after 2 hours.

Update:

On March 22, 2023, City Council deferred the approval of fireworks for the Hidden City Music Festival requesting additional information from the City or promoter. City Council also wished to consider stipulations that may applied to the firework permit (sample attached). Council deferred the request to April 4, 2023.

RECOMMENDATION

Hidden City Music Festival is requesting Council approve the Exception (4) under ordinance Sec 20-47.



South Carolina Department of Labor, Licensing and Regulation

Office of State Fire Marshal

141 Monticello Trail • Columbia, S.C. 29203. Phone: (803) 896-9800

www.statefire.llr.sc.gov



PERMIT APPLICATION

Permit Type PYROTECHNIC DISPLAY/PROXIMATE AUDIENCE DISPLAY PERMIT/30 DAY MAXIMUM		Record Number P-23-000189	Status APPROVED
Authority Having Jurisdiction CAYCE FIRE DEPARTMENT	Acknowledged By STEVEN BULLARD	Acknowledgement Date 03/14/2023	To be Valid During 04/22/2023 to 05/22/2023
Location Name COLUMBIA MOTOR SPEEDWAY PROX AUDIENCE		Location Address 2001 CHARLESTON HWY, CAYCE, SC 29033	
Location Phone (803) 791-0520		Directions to Site MANUFACTURER RECOMMENDS 220 FT ON COMETS/MINES WHEN USED FROM A LOW POINT. ZERO FALLOUT ON PRODUCT USED. FALLS RECOMMEND 10 FT DISTANCE	
Firm Name MUNNERLYN PYROTECHNICS		Firm Address 255A CHARTER OAK RD, LEXINGTON, SC 29072	
Contact Person RENEE CANNON	Phone (504) 470-6383	Alt Phone (803) 261-8615	Email RENEE@MUNNERLYNPYRO.COM

Operators/Suppliers			
License Type	License #	Name	Firm
Pyrotechnic Operator Unrestricted	619	CHRISTOPHER B MUNNERLYN	

Dates of Display					
Date of Display	Alternate Date	Display Time	Display Duration	Date Receiving	Inspection Ready Date & Time
04/22/2023	04/23/2023	7:00PM	2 HOURS	04/22/2023	04/22/2023 2:00PM

Pyrotechnics to be Used						
Size	Mortar Type	Rack Construction	Number of Shells	Chain Fuse	Salutes	Method of Firing
1.5 INCH	HDPE	WOOD FRAME	52	NO	NO	ELECTRONIC
2 INCH	HDPE	WOOD FRAME	72	NO	NO	ELECTRONIC
1.5 INCH	HDPE	WOOD FRAME	21	NO	NO	ELECTRONIC



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PERMIT APPLICATION

Appeal Notice:

This permit is only valid at the location applied for and when in compliance with South Carolina Code of Laws, Code of Regulations R.71-8305.5, currently adopted IFC, NFPA 1126, NFPA 160 and shall only be amended with a "Request to Modify an Existing Pyrotechnic Display Permit" application.State Fire may revoke, suspend, or deny a permit because of, but not limited to:a. The display operator does not possess the correct license classification for the display; orb. Not complying with any order written by the OSFM; orc. Violating the terms of the permit or essential changes in the conditions under which the permit was issued without prior approval of the OSFM; ord. Giving false information or making a misrepresentation to obtain a permit.Permits must be posted at the display site. All pyrotechnics shall be purchased from a pyrotechnic manufacturer or distributor licensed by the Board of Pyrotechnic Safety. A licensed Public Display Operator shall be present and supervise firing of all public fireworks displays. The operator shall have their license in their possession when conducting a display and shall exhibit their license on request of any AHJ.Public Liability Insurance in the amount of \$1,000,000 shall be maintained through the event. The policy must list as an additional insured the display sponsor, as well as the State of South Carolina, and its agents. The coverage company must be an insurer which is either licensed by the DOI in this State or approved by the DOI as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the OSFM.Magazine logs shall be available for inspection during normal work hours, 1 hour before, and 1 hour after each performance. Operators must notify the OSFM within 24 hours of any fires or thefts involving fireworks. The operators shall provide the OSFM with a copy of the report filed with the police department or the incident report from the fire department. Operators must also provide the OSFM with a copy of ATF Form 5400.5.Any person who violates any provision of these laws and regulations will purchase the appropriate permit, pay the appropriate license fee, if any are required, and be subject to the following penalty provisions:a. S.C. Code Ann. Section 23-36-170, 1976, as amended.b. S.C. Code Ann. Section 23-35-150, 1976, as amended.Confiscation, storage, or disposal of fireworks, pyrotechnic and explosive materials used for proximate audience or public firework displays by the SFM shall comply with S.C. Code Ann. Section 23-36-110, 1976, as amended.The licensed pyrotechnic operator is responsible for the storing, handling, supervision, discharge, and removal of all pyrotechnic devices and materials based on their license classification and the terms of theirpermit. The licensed pyrotechnic operator is responsible for supervising and training of their assistants in the safe handling and discharge of all pyrotechnic devices.A copy of the permit package shall be kept at the control site used to initiate the display. An audible announcement shall be made not more than 10 minutes before the display to notify personnel of the use of proximate audience pyrotechnics.Motion Picture productions shall display one permit package at the production office, and maintain the second permit package on the film site through the First Assistant Director. Before the start of any effect,verbal notification of Proximate Audience Pyrotechnic use shall be required before each camera roll.The AHJ may inspect the Proximate Audience Display. As a minimum, the inspection shall cover the requirements in Annex B of NFPA 1126.The permittee shall furnish a fire watch during the times the special effects materials have been removed from storage and/or magazines and the conclusion of the performance. This person shall be identified by an orange shirt or vest (or other color approved by the AHJ) with three-inch white letters on the front and back stating FIRE WATCH. For motion picture productions, the method for identifying the FIRE WATCH shall be a mutually agreed means of designation between the OSFM, the permittee, and the First Assistant Director.Indoor facilities used for Proximate Audience Displays must be equipped with an automatic fire alarm system and a public address system. The fire alarm system shall be zoned so that the areas affected by special effects smoke can be overridden during the event. An override switch shall be provided at the firing point and a second switch in the control room to shut off stage sound and make the public address system available for evacuation instructions. These switches must be labeled and visible throughout the show. The fire alarm system must be returned to normal operation before the fire watch and the display operator may leave the facility.

SPECIAL EVENT FIREWORKS PERMIT
(Pursuant to City Code section 20-47(4))

EVENT APPLICANT NAME _____

PYROTECHNIC COMPANY _____

EVENT LOCATION _____

EVENT DATE _____

TERMS OF FIREWORKS PERMIT

1. Event applicant and pyrotechnic company agree to comply with any and all Federal, State and municipal regulations and requirements as to licensing, insurance, and permits, including the terms of any Permit issued by the Office of State Fire Marshal.

2. Event applicant and pyrotechnic company agree to cease use of fireworks immediately upon direction and in the sole discretion of the Cayce Fire Chief or his designee or the Cayce Police Chief or his designee.

3. Event applicant and pyrotechnic company agree that this Permit may be revoked immediately for violation of any term of this Permit as determined in the sole discretion of the Cayce Fire Chief or his designee or the Cayce Police Chief or his designee.

4. Hours of use or display of fireworks shall be 7:00 p.m. to **[8:00 or 8:30 or 9:00]** p.m.

5. No later than 24 hours prior to the commencement of the event, applicant shall post cash or check in the amount of \$2,500 with the City Clerk as a bond against any violation of the terms of this Permit or any failure to comply with the terms of this Permit. The bond shall be refundable in the event of no violation of terms in the determination of both the Cayce Fire Chief or his designee and the Cayce Police Chief or his designee.

ISSUED BY CAYCE FIRE CHIEF

APPROVED BY CITY COUNCIL

By _____

By _____

ACCEPTED BY EVENT APPLICANT

ACCEPTED BY PYROTECNIC COMPANY

By _____

By _____

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: April 4, 2023

Subject: Acceptance of donation of the Thomas A. Newman Boat Landing from Dominion Energy

ISSUE

Council approval is needed to accept a donation of property, which includes the Thomas A. Newman public boat landing off of Old State Road, from Dominion Energy.

DISCUSSION/BACKGROUND

The City of Cayce first entered into an agreement with SCE&G in 1983 to maintain the public boat access located on the Congaree River, and once historically known as Granby Landing. Throughout the years, the City of Cayce has made significant upgrades to the landing which includes paving, lights, cameras, new gangways, and attaching our famous Riverwalk to both sides.

Dominion Energy has offered the City of Cayce a very generous donation of the outright ownership of the now Thomas A. Newman Boat Landing (Portion of Lexington County Tax Map# 5800-03-004). By the City owning the landing, it can now qualify for grants to maintain and upgrade the facility.

RECOMMENDATION

Staff recommends Council accept the donation of land (known as the Thomas A. Newman Boat landing located on Granby Landing Road off of Old State Road). Further, Council is asked to approve the Agreement of Gift of Property document prepared by Dominion and to authorize the City Manager to execute the Agreement and any related closing documents and take such further actions as recommended by the City's attorneys.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON) AGREEMENT OF GIFT OF PROPERTY

THIS AGREEMENT is made this _____ day of _____, 2023, between Dominion Energy South Carolina, Inc., a South Carolina corporation (“DESC”), and the City of Cayce, a body politic (“the City”). DESC and the City may be individually referred to herein as “Party” or jointly as the “Parties.”

RECITALS

WHEREAS, DESC is the owner of certain real property hereinafter described, which the City desires to acquire, and DESC desires to make a charitable contribution to the City upon the terms and conditions set forth below; and

WHEREAS, the City is qualified to receive charitable contributions and intends to use the property to further its tax-exempt purposes;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of One Dollar (\$1.00) in hand to each Party paid by the other and in further consideration of the mutual covenants and agreements hereinafter set forth, the Parties do agree as follows:

1. OFFER. For and in consideration of mutual promises and obligations specified herein, the City agrees to acquire, and DESC agrees to donate, that certain parcel of land with improvements (hereinafter called the “Property”), which is more fully described in *Section 2- Description* below, subject to the terms and conditions hereinafter set forth.

2. DESCRIPTION: Said Property is situated in the City of Cayce, County of Lexington, State of South Carolina (the “Property”) and is described as follows:

All that certain piece, parcel or lot of land containing 3.89 acres, more or less, commonly known as Congaree Boat Landing, shown on a plat prepared for DOMINION ENERGY, by SURVEY ONE, LLC, R.L.S. No. 19404, dated MARCH 6, 2023 (the "Plat"). The City shall have the Plat approved and recorded either prior to or at Closing. (the "Property").

Derivation: This being a portion of the same property conveyed to SCE&G by deed of Energy Subsidiary, Inc., dated December 31, 1978, recorded February 9, 1979 in the RMC Office for Lexington County in Record Book 318 at Page 30 (1/2 interest); and by deed of Otarre Development Company, dated December 31, 1978, recorded February 9, 1979 in the RMC Office for Lexington County in Book 318, at Page 26 (1/2 interest).

NOTE: SCE&G is now known as Dominion Energy South Carolina, Inc.

Tax Map Number: Portions of 5800-03-004

TOGETHER WITH, a non-exclusive, perpetual easement for ingress, egress, and regress, on foot or motor vehicle, over and across those public and/or private roadways, improved and unimproved, known as Old State Road and Granby Landing Road as more particularly shown on the Survey.

3. CLOSING. The Parties hereto agree that the Closing of the above-described Property shall occur on or before April 14, 2023. If Closing is not able to occur by this date, then the Closing may be extended upon the written agreement of the Parties.
4. TITLE/DEED RESTRICTIONS. This conveyance is made subject to any and all existing reservations, easements, encroachments, restrictions, covenants, zoning, governmental regulations, land use regulations, and rights-of-way or servitudes of record in Lexington County which may affect the Property or as may be revealed by an inspection of the Property. DESC agrees to convey insurable fee title and to deliver a limited warranty deed in proper form for recording, free and clear of liens and encumbrances except as here in stated. This conveyance is further subject to any and all easements or servitudes which now exist for the benefit of DESC and its affiliated companies, inchoate or perfected, and shall further reserve to DESC and its affiliated companies, their successors and assigns, right of ingress, egress and access in, to, over,

across, and out of the above described Property for corporate purposes associated with the existing easements or servitudes, if any.

5. RESERVATION. The Parties agree that DESC shall reserve unto itself an electric and gas right-of-way easement for itself, its successors and assigns. The City agrees to execute the distribution easement agreement, substantially similar to DESC's template attached hereto as Exhibit "B", at the Closing. This conveyance is also made subject to all covenants, restrictions, easements, rights-of-way and other matters of record or shown on the plat referred herein and other plats of record, or which may be revealed by a visual inspection of the property, as affecting the within-described property.

6. CONSIDERATION. DESC and The City hereby acknowledge and agree that this transfer is a gift conveyance of the Property. In connection with this transfer, The City agrees to cooperate with DESC by executing, providing, and/or filing all documentation and information required to qualify this transaction for a charitable contribution deduction, pursuant to applicable current provisions of the Internal Revenue Code and the *South Carolina Code of Laws*; provided, however, that the City's cooperation and actions taken pursuant to this *Section* shall not expand or enlarge its obligations or liabilities, nor unreasonably increase its costs and expenses under this Agreement and shall not make The City a guarantor of or otherwise be deemed to be a representation by the City to the amount of the allowable charitable contribution deduction available to DESC.

7. RIGHT OF ENTRY AND ENVIRONMENTAL. The City has access by virtue of the existing lease agreement between the Parties. The City and/or its agents shall be permitted to have access to the Property for the purpose of making inspections, surveys or other tests, making measurements, conducting environmental tests, and otherwise making such additional physical inspections, and analysis thereof as the City shall deem necessary. If at any time prior to Closing, the City shall determine for any or for no reason at all that the Property is not suitable for its purposes, then this Agreement shall be terminated and rendered null and void and of no further force or effect against either Party. If, during the performance of environmental testing by the City, the City determines that there are significant environmental, archeological, or other conditions that by law or regulation must be reported to appropriate authorities or otherwise

preserved, the City shall immediately notify DESC. In addition, such findings may not be disclosed to any third party without the written consent of DESC, unless such disclosure is required by law. In the event that the City should deem it necessary to make a report to the South Carolina Department of Health and Environmental Control (“SCDHEC”), or other State or Federal authority, regarding findings on the Property, the City agrees to concurrently supply DESC with a duplicate copy as submitted to SCDHEC, or to such other authority. Notwithstanding anything to the contrary contained herein, prior to any invasive environmental testing of the Property, the City must obtain DESC’s advance written consent to such activities, which may be withheld in its sole and absolute discretion. In the event DESC elects to withhold consent to invasive environmental testing, the City shall have the right to terminate this Agreement upon written notice to DESC given prior to Closing.

8. NO WARRANTY. The City and DESC agree that the PROPERTY IS BEING CONVEYED IN “AS IS” CONDITION WITH NO WARRANTY OR GUARANTEE EXPRESSED OR IMPLIED. DESC makes no representation as to the use or usefulness of the Property for any purpose.

9. TAXES. Property taxes shall be paid by DESC for the current tax year.

10. TITLE DEFECTS.

a. On or before Closing, DESC will do, make, execute and deliver all such additional and further acts, deeds, instruments and documents as may be reasonably required by the City to completely vest insurable title to the Property into the City. In the event of a defect of title that DESC is not aware of as of the date of this Agreement that DESC elects not to cure and the City does not otherwise agree to waive, the City may terminate this Agreement upon written notice to DESC given prior to Closing.

b. DESC will cause the Property to be released from all mortgages, deeds of trust, deeds to secure debt, security agreements, financing statements and all other security interests relating to existing indebtedness that is secured in whole or in part by the Property. The City acknowledges that DESC will not provide releases from mortgages and indenture agreements at Closing, if any, but will provide such releases within a reasonable time after Closing or prior to the issuance of the City’s final title insurance policy, whichever

shall first occur. DESC will provide the City at or before Closing with copies of the proposed release documents.

11. POSSESSION. The City shall have the right of occupancy immediately at Closing.
12. FACSIMILE. Both The City and DESC agree that receipt of a signed Agreement by facsimile shall be the same as receipt of an original signed Agreement.
13. NOTICES. All notices required or permitted to be given pursuant to this Agreement shall be in writing and shall be effective upon: personal delivery to the Party to whom they are addressed; or, upon receipt/confirmation, if sent via e-mail or facsimile to the addresses indicated below; or, if mailed, five (5) days following deposit in the United States mail first class postage prepaid, registered or certified; or, if sent by nationally recognized overnight courier, the date when signed for at addressee's residence or place of business and addressed to each Party at the following address:

DESC:

Ray M. Nix, CCIM
Real Estate Department
220 Operation Way, Mail Code D112
Cayce, South Carolina 29033-3701
Email: ray.nix@dominionenergy.com
Telephone: (803) 217-9289
Facsimile: (803) 933-7417

The City of Cayce

The Honorable Elise Partin
Mayor
1800 12th Street
Cayce, SC 29033
Email:
Telephone: (803) 796.9020
Facsimile: (803) 266-4644

With copy to:

Stuart M. Lee, Esquire
Rogers Townsend, LLC
1221 Main Street, 14th Floor
Columbia, South Carolina 29201
Email: Stuart.Lee@rogerstownsend.com
Telephone: (803) 744-1822

Danny Crowe, Esquire
Crowe & LaFave
PO Box 1149
Columbia, South Carolina 29202

14. GOVERNING LAW. This Agreement shall be governed and construed in accordance with the laws of the State of South Carolina, exclusive of its choice of law rules.

15. COOPERATION OF PARTIES. Both Parties agree that they will cooperate in the negotiation, preparation and execution of all documents required to effectuate the transaction contemplated herein.
16. SURVIVAL OF PROVISIONS. The provisions of this Agreement which are not fully executed by the closing of this transaction, including without limitation the following: *Section 4 – Title/Deed Restrictions; Section 5 – Reservation; Section 9 – Taxes; and Section 12 – Facsimile through Section 18 – Counterparts*, shall survive the Closing and remain in full force and effect, enforceable by the Parties according to such terms.
17. SEVERABILITY. Any term of this Agreement held to be illegal or invalid will be held as if it had never existed, and the remainder of the Agreement will remain legal and valid.
18. COUNTERPARTS. So that each Party may have an original of this Agreement, this document shall be executed in two or more identically worded counterparts.
19. ENTIRE CONTRACT; BINDING CONTRACT. This Agreement expresses the entire agreement between the Parties, and there is no other agreement, oral or otherwise, modifying the terms hereunder and the Agreement shall be binding on the Parties, their principals, successors, and assigns, and the persons signing this Agreement on behalf of the Parties have the authority to do so. This Agreement shall only be amended by a written agreement signed by both Parties.

(Signature page follows)

WITNESS the Parties have entered into this Agreement on the day and year first above written.

**DOMINION ENERGY
SOUTH CAROLINA, INC**

By: _____

Print Name: _____

Its: _____

THE CITY OF CAYCE

By: _____

Print Name: _____

Its: _____

EXHIBIT "A"

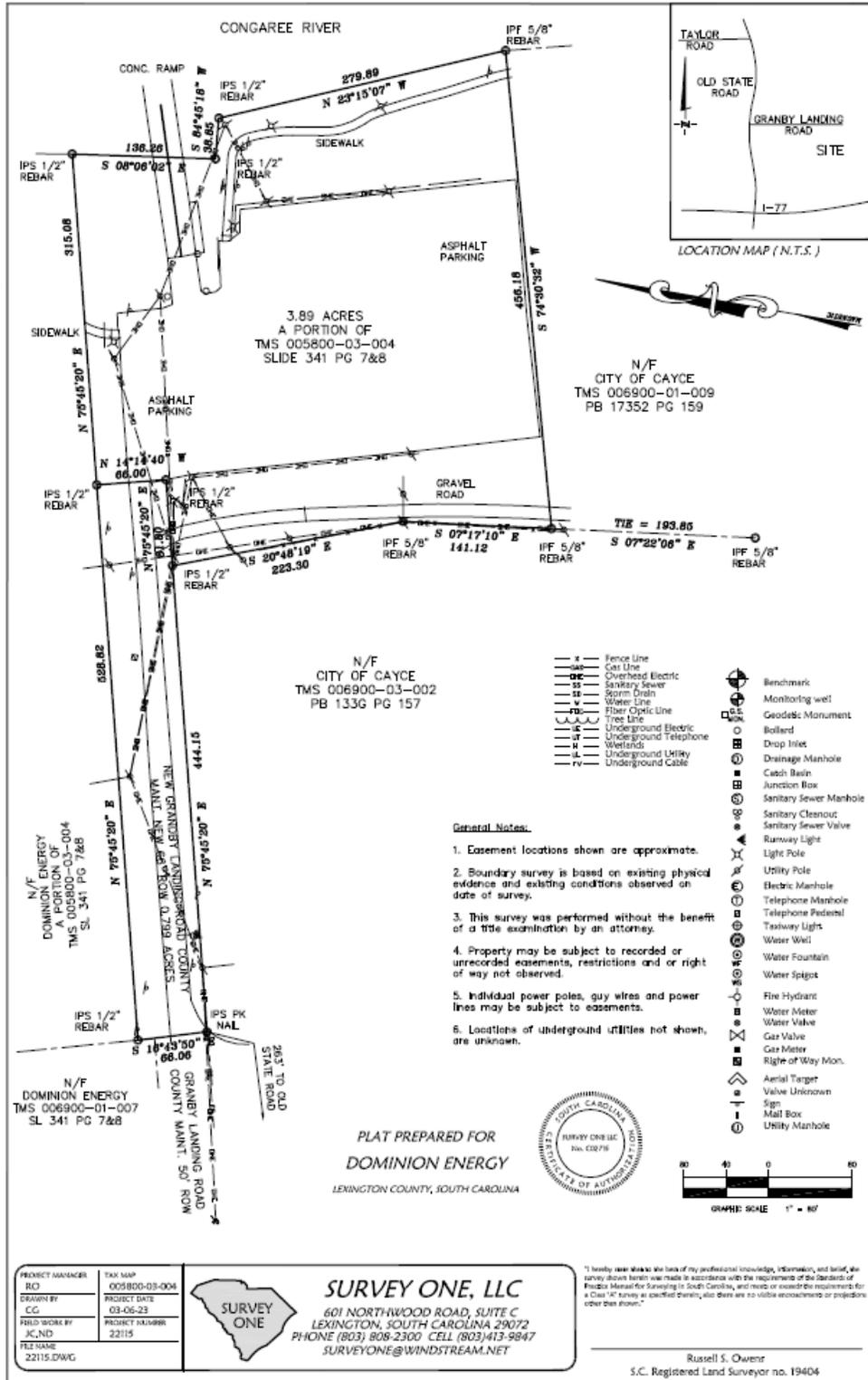


EXHIBIT "B"

INDENTURE, made this _____ day of _____, 20__ by and between _____ of the County of _____ and State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the DOMINION ENERGY SOUTH CAROLINA, INC., a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of _____, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a tract or lot of land containing _____ acres, more or less, and being the same lands conveyed to Grantor by deed of _____, dated or recorded _____, and filed in the Register of Deeds office for _____ County in Book _____ at Page _____ (the "Property").

Easement Description:

TMS:

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right to lay, construct, maintain, operate, repair, alter, replace and remove pipe lines, together with valves, tieovers and appurtenant facilities for the transportation of gas, oil petroleum products or any other liquids, gases or substances which can be transported through a pipe line.

Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Fifteen (15) feet on each side of any pole lines and Five (5) feet on each side of any underground wires or pipe lines and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty-six (36) inches and maximum ground coverage of fifty-four (54) inches over all underground primary electric lines. Grantor further agrees to maintain minimum ground coverage of twenty-four (24) inches and maximum ground coverage of forty-two (42) inches over all underground pipe (gas) lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

**Cayce Historical Museum Commission
February 1, 2023 Meeting Minutes**

The February 1, 2023 meeting of the Cayce Historical Museum Commission (CHMC) was held in the Cayce Visitors Center. The meeting was convened at 4:01 by Vice Chair Pamela Sulton. Acting Chairman, Archie Moore, was absent to attend funeral services. The following individuals attended the meeting:

Name	Status
Archie Moore	Commissioner (Acting Chair) (excused absent)
Mary Sharpe	Commissioner
James Stewart	Commissioner
A.G. Dantzler	Commissioner
Charlita Earle	Commissioner
Pamela Sulton	Commissioner
Garrett Creasman	Commissioner
David Brinkman	Commissioner
Marcy Hayden	Commissioner
Andy Thomas	Cayce Museum Curator
Mike Conley	Assistant City Manager
Jeff Wilkerson	Citizen guest/potential volunteer

Upcoming Events:

2/16 George Wingard Presentation on Dave the Potter's Legacy
 2/18 Sweetgrass Basket Making Class
 3/16 Charles Sumter Battle of 1881-Charles Buxtely
 3/25 Cayce Soiree on State Street
 4/1 Colonial Village at Tartan Day South

Invocation: Commissioner Dantzler

Action Items:

Voting for Chair
 Funding Policy for Markers

January Meeting Minutes:

The Commission reviewed the previous meeting minutes. Commissioner Sulton asked that the minutes be amended to include that both Chair candidates were self nominated and that Commissioner Stewart resigned as Secretary. Commissioner Sharpe motioned that the meeting minutes be accepted with the amendment. Commissioner Stewart seconded the motion, and the minutes were approved by unanimous vote.

Officer Election

Commission Officers are elected for one-year terms that expire at the end of the calendar year. Two candidates were nominated for Commission Chair: Archie Moore and James Stewart. At the January meeting, elections were held for officers, but due to a tie, the Chair election was moved to the February meeting as there was no procedure for breaking a tie. Commissioner Hayden reminded the Commissioners as to the issue surrounding the election and why it was postponed until February. Commissioner Creasman asked the Commissioners to consider updating bylaws to address this issue. Nominations for Chair stand from the last meeting and the Commissioners voted. With a vote of six (6) to two (2), Mr. James Stewart was elected Chairman for 2023. Commissioner Hayden asked the Commissioners to consider an acknowledgement for the outgoing Chair and other officers. Commissioner Creasman agreed and added it would be nice to also have photos of Chairs and/or offices in the Boardroom. Commissioner Stewart suggested that he and Staff review the budget and get pricing for plaques to be discussed at the March meeting.

Museum Staff Report

Updates: The AR/VR project moved forward with filming in January and with weather permitting, additional filming will be conducted in February/March. The cabin roof has been delayed due to the weather, but work is scheduled to start soon. The African American exhibit now has a gas tank from the gas station and will use hospitality funds to make improvements to it for the exhibit. Black History Month is being celebrated through social media posts during February. Catawba Pottery appraisal quotes have been received, but to move forward the “42 Account Funds” will need to be used or sponsorship will be needed. Commissioner Hayden made the motion to use the “42 Account Funds” to conduct the appraisal for insurance (seconded by Commissioner Earle with unanimous vote to approve).

Potential donations and requests were put forward for the Commission’s consideration at the last two meetings. The donation was a collection of twentieth century documents and clothing from Donna Mahoney. Further information was requested to ascertain whether the donation was a good fit for the museum. Ms. Mahoney provided some additional information. Additionally, there is an outstanding requests for funds for a historical marker for St. Paul’s AME Church. Commissioner Sulton made a motion to table this discussion until the March meeting and to postpone accepting donations or requests until these can be addressed in the strategic plan (seconded by Commissioner Hayden, with unanimous vote to approve).

Visitor Center lock and keys have been changed and Mr. Thomas is reviewing rental policy and pricing. After some discussion about local pricing and potential for fundraising, Commissioner Sharpe made the motion to create an ad hoc committee to assist Mr. Thomas is researching options for the Visitor Center usage and pricing (seconded by Commissioner Creasman, with unanimous vote to approve).

Old Business

- The subcommittee for establishing a new Museum foundation 501(c)3 plans to have the nonprofit incorporated in the first quarter of the year. By-laws from several organizations have been reviewed by the subcommittee and a draft will be prepared for the next meeting.
- The subcommittee for strategic planning has had a phone call but no official meeting. They will meet to create a framework/schedule for full Commission's deliberations. Discussion will be table until the next meeting for a more in depth discussion.
- The preservation project for the unpaved and closed section of Old State Road is a concern for the Commission, but will be tabled until the next meeting with the understanding that the Commission will review submitted documents and create a subcommittee to begin preservation work.
- Commissioner Hayden made the motion to request by-law committee review election process and attendance policy to amend to include tie-breaker process and virtual meeting options for attendance (seconded by Commissioner. Stewart with unanimous vote).

New Business

- No new business.

Having no further business, Commissioner Creasman motioned for the meeting to adjourn. The motion was seconded by Commissioner Earle and the meeting was adjourned at **5:17 PM**.

**CITY OF CAYCE
EVENTS COMMITTEE MEETING MINUTES
February 9, 2023**

Present: Dwede Dennis, Megan Lightle, Danny Creamer, Dave Capps, Johnathon Moore, Alexis Moore, Cindy Pedersen, Evony Reed

Absent: Robert Cathcart, Byron Thomas, Maxine Creamer

Guest: Carrie Ridgeway

City Representatives: Mendy Corder, Amanda Rowan

Chairperson Moore called the meeting to order. Ms. Moore said the invocation and Mr. Moore led the group in the Pledge of Allegiance.

Review of January 2023 Minutes:

Ms. Moore noted that Mr. Cathcart's name was incorrect in the January minutes. Ms. Pedersen made a motion to accept the minutes as amended. Mr. Creamer seconded. The motion was passed unanimously.

Old Business:

Chairman Moore stated that he asked Ms. Corder and Ms. Rowan to review Hospitality and Accommodations Tax grants and what the funds could be used for since those funds were used to fund the events the Committee put on. Ms. Corder explained that the Events Committee was originally created to host Christmas events in the City. She stated that over time they began to host other events as well.

Ms. Rowan gave a brief explanation of Accommodations Tax funds and what they could be used for. The Accommodations Tax grant is used to attract and promote tourism in the City of Cayce. Applications submitted for these funds are reviewed once a year by a City committee with the goal of "putting heads in beds." There is an oversight committee through the Department of Revenue that reviews all application and how the funds were used. These funds must be used for advertising and promotion of tourism, promotion of arts and cultural events, construction, maintenance, and operation of facilities for civic and cultural activities, including construction and maintenance of access and other nearby roads and utilities for such facilities, the criminal justice system, law enforcement, fire protection, solid waste collections and health facilities when required to serve tourists and tourist facilities, public facilities, such as restrooms, dressing rooms, parks and parking lots, tourist shuttle transportation, and operating Visitor Information Centers.

Ms. Corder stated that in 2014 the City of Cayce passed a 2% Hospitality Tax. This allows for grants to be awarded annually to non-profits in the form of reimbursements for the following based on South Carolina Law Section 6-1-730: tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums; tourism-related cultural, recreational, or

historic facilities; beach access and renourishment; highways, roads, streets, and bridges providing access to tourist destinations; advertisements and promotions related to tourism development; or water and sewer infrastructure to serve tourism-related demand.

Past Events:

Chairman Moore requested members list some past events. Mr. Capps mentioned the nature walks with Rudy Mancke. Mr. Creamer brought up the Congaree Bluegrass Festival, which at its height had visitors from all 46 counties and 2 other countries. Ms. Pedersen mentioned the weekend long Christmas in Cayce Festival. Ms. Corder brought up Soiree on State and explained that Soiree was originally created by the City during the rebranding of the City as a way to showcase the City's new branding. She stated that while not an Events Committee event, the Events Committee members are always welcome to volunteer or set up a tent at the event. Chairperson Moore spoke of the Fall Fest and the importance of continuity of the events.

New Business:

Chairman Moore asked members to look at the map of the city's parks that was distributed at the beginning of the meeting. He requested members begin to think of events that would create "footprints" (as a theme) for the committee throughout Cayce. Chairman Moore will be attending the next Neighborhood Leaders meeting to meet with the various representatives of the neighborhoods in Cayce.

Chairman Moore would like to create an event that will promote tourism to the City such as a 5K. Ms. Rowan asked the committee to look at partners for these events for funding sources. Mr. Moore brought up the F3 athletic group as a good partner for a 5K and stated that he would like to see the Events Committee become involved in the City's neighborhoods and be more active in the community. Mr. Capps suggested having a different route each year to showcase various parts of Cayce.

Ms. Pedersen requested the Events Committee have their own branded tent for events like Soiree on State. Ms. Rowan stated the committee could have a space at Soiree if desired. Ms. Pedersen made a motion to have a tent created, Ms. Moore seconded. The motion was passed unanimously.

Ms. Moore suggested a magnet be created to list events in Cayce as a reminder to residents.

Chairman Moore asked members to create a list of 5 possible events to bring to the committee. Mr. Creamer suggested a pickleball tournament. Mr. Capps explained the concept of Pickleball and mentioned a disc golf tournament as well.

Chairman Moore suggested a dinner on the Riverwalk. Ms. Corder mentioned shagging on Blossom Street Bridge. Mr. Capps suggested the combination of the two. Mr. Creamer mentioned that in the past DOT would not allow these events, but times may have changed.

Mr. Creamer suggested a cornhole tournament with Steel Hands.

Ms. Ridgeway, a Cayce resident who used to be an Events Planner and was attending the meeting out of interest, suggested a Pickin' and Picnic in the Park as an evening event where people would bring blankets and a picnic for a Bluegrass performance. She also suggested a community table event where tables would be set up end to end on a street and people would purchase a table to decorate and supply with the food. Ms. Corder suggested it be on a street away from the Avenues to bring attention to some other neighborhoods in the City.

Ms. Reed suggested bowling tournaments or a USC day for students of USC who live in Cayce.

Chairman Moore asked staff for the tentative dates for the upcoming events. Ms. Rowan informed the committee that Fall Fest would fall on October 7. Ms. Corder shared that the City has booked a petting zoo for this year. Ms. Rowan also informed the committee that the Carols Along the Riverwalk would be held Friday, December 1. Staff also spoke to the committee about the Steel Paws event in April that will take place as a fundraiser for K9 units and a memorial for Officer Barr.

Chairman Moore suggested an event in May or June. Ms. Corder mentioned her idea for a water event with water soakers and water slides. A combination of that with a 5K was suggested as well as a chili cook-off.

Mr. Creamer asked if the nature walks would begin again. Ms. Corder asked the committee when they would like to have them. March, April and May were accepted. Mr. Capps suggested having them at the Thomas Newman Boat Landing at least twice a year. Mr. Creamer suggested a registration system so there could be a cap. Ms. Rowan offered to reach out to Mr. Mancke.

Chairman Moore asked the committee if they wanted to continue with an opening prayer. Mr. Creamer made a motion to continue. Ms. Dennis seconded. Everyone but Ms. Pedersen voted to keep the invocation. The motion was passed to continue by majority. Chairman Moore stated the committee would add the verbiage "if you would like to join me in prayer" to the prayer.

With no further business a motion was made by Ms. Lightle to adjourn the meeting. Ms. Moore seconded and the meeting was adjourned.

The next Events Committee meeting is March 9, 2023 at 5:30PM