

**City of Cayce
Special Council Meeting
Wednesday, August 29, 2018
5:00 p.m. – Cayce City Hall – 1800 12th Street
www.caycesc.gov**

I. Call to Order

- A. Invocation and Pledge of Allegiance

II. Public Comment Regarding Items on the Agenda

III. Ordinances and Resolutions

- A. Discussion and Approval of Ordinance 2018-10 Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act – First Reading
- B. Consideration and Approval of Resolution to Authorize the Municipal Association of South Carolina to Act as Claimant Agency for the Collection of Debt on Behalf of the City of Cayce in Accordance with the Setoff Debt Collection Act

IV. Other

- A. Discussion of Possible Ordinance Regarding Mobile Food Vending

V. City Manager's Report

VI. Committee Matters

- A. Appointments and Reappointments
Municipal Election Commission – One (1) Position

VII. Council Comments

VIII. Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to proposed contractual arrangements

regarding proposed redevelopment of 800 Lexington Avenue (Cayce Grammar School)

IX. Reconvene

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

XI. Adjourn

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

ITEM III. A.

TO: Setoff Debt Collection Program Main Contacts and Coordinators
FROM: Wayne George, Executive Director
DATE: August 2018
SUBJECT: 2018 Setoff Debt Collection Program

New Year Processing has been performed in the Setoff Debt application. You may begin adding and editing claim and bill information for the 2018 Tax Year. You may download the 2018 Participant User's Guide from the Setoff Debt system under Administration, Download Resources & Forms.

NOTE: The Association recently conducted a thorough review of the Setoff Debt ordinance, agreement and resolution and made some contextual changes needed for participants to stay complainant with the Setoff Debt Collection Act and allow the Association to act on their behalf to submit debts to the South Carolina Department of Revenue.

In order to continue to participate, it is imperative your entity adopts the enclosed ordinance, resolution and agreement **exactly as written**. These documents can be found on the Association's website (www.masc.sc – keyword: collections ordinance) in Word or PDF format.

The Association must have a copy of your amended ordinance to recover collection costs, and the original signed agreement and resolution by Thursday, November 15, 2018. We will send you a signed copy of the agreement for your file. If you require an original signed agreement for your files, provide two signed agreements to the Association.

Enclosed are the following documents to assist you with the 2018 Tax Year:

- Participation Form
- Steps to Participate in the 2018 Setoff Debt Collection Program
- Timeline
- Initial Letter Certification Form
- Agreement, Resolution to participate in the program, Ordinance to recover collection costs
- Methods for Identifying Social Security Numbers
- Appeal Procedures/Process
- SC Department of Revenue Forms
- Information on Records Retention
- Information on Disabling Pop-up Blocker

If you have questions concerning this request or the documents, contact Caitlin Cothran, Manager of Collection Programs at 803.354.4786.

Encl: as

<p>STATE OF SOUTH CAROLINA</p> <p>COUNTY OF LEXINGTON</p> <p>CITY OF CAYCE</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>ORDINANCE 2018-10</p> <p>Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act</p>
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WHEREAS, the City of Cayce is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the City of Cayce;

WHEREAS, “delinquent debt” is defined in the Act to include “collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;”

WHEREAS, the City of Cayce has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the SC Department of Revenue pursuant to the Act;

WHEREAS, the Municipal Association of South Carolina charges an administrative fee for the services it provides pursuant to the Act;

WHEREAS, the administrative fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the City of Cayce that arises through contract, and is therefore properly considered as a part of the delinquent debt owed to the City of Cayce as that term is defined in the Act;

WHEREAS, the City of Cayce also incurs internal costs in preparing and transmitting information to the Municipal Association, which costs are also collection costs that are a part of the delinquent debt owed to the City of Cayce;

WHEREAS, the City of Cayce may desire to recover its internal costs of collection by adding such costs to the delinquent debt;

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

1. The City of Cayce may impose a collection cost of up to \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-5610 et. seq. This cost is hereby declared to be a collection cost that arises by operation of law and shall

be added to the delinquent debt and recovered from the debtor.

2. The City of Cayce hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the City, which shall also be added to the delinquent debt and recovered from the debtor.

3. All Ordinances in conflict with this Ordinance are hereby repealed.

4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

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

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2018.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

RESOLUTION
To Authorize the Municipal Association
of South Carolina to Act as Claimant
Agency for the Collection of Debt on
behalf of City of Cayce in Accordance
with the Setoff Debt collection Act

WHEREAS, the Setoff Debt Collection Act (S.C. Code Ann. §12-56-10) allows the South Carolina Department of Revenue to render assistance in the collection of debt owed to political subdivisions of the State; and

WHEREAS, the Municipal Association of South Carolina will act as a claimant agency as provided by S.C. Code Ann. §12-56-10 for political subdivisions in South Carolina; and

WHEREAS, the City of Cayce desires to participate in the Setoff Debt Collection Program of the Municipal Association,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Cayce, in Council duly assembled, that the City of Cayce authorizes the Mayor to enter into an agreement with the Municipal Association of South Carolina for the collection of debt owed the City of Cayce

BE IT FURTHER RESOLVED, that the City of Cayce indemnifies the Municipal Association of South Carolina to the extent permitted by law against any injuries, actions, liabilities or proceedings arising from performance under the setoff debt provision

ADOPTED this _____ day of August 2018.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

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

AGREEMENT

To Authorize the Municipal Association of South Carolina to Act as Claimant Agency In Accordance With the Setoff Debt Collection Act

State of South Carolina

This agreement made and entered into this _____ day of _____ 20____,
between the Municipal Association of South Carolina and the City of Cayce
(the Participant).

Witnesseth: That for the consideration hereinafter set forth, the Association and the
Participant agree that:

1. The Association will act as claimant agency in accordance with the Setoff Debt Collection Act (§12-56-10 et seq.).
2. The Participant will send a postage prepaid letter to each debtor at the address provided to the participant when the debt was incurred or to the debtor's last known address to inform the debtor of its intention to have the Association collect the debt owed under the Setoff Debt Collection Act. The debtor will be given thirty (30) days' notice to pay the debt or file a written protest before it is submitted to the Association. The notice to the debtor shall contain all information and be in the form required by S.C. Code Ann §12-56-62, as currently in effect or as it may be subsequently amended.
3. The Participant will establish a procedure for review of a protest in accordance with the S.C. Code Ann. §12-56-65, as currently in effect or as it may be subsequently amended.
4. The Participant will provide the Association, in a form prescribed by the Association, a certified list of claims before a designated date in December of each year.
5. The Association will compile these claims, including applicable costs and fees as charged by the Participant or by the Association, and submit them to the South Carolina Department of Revenue on or before the date required by the South Carolina Department of Revenue.
 - The South Carolina Department of Revenue will retain \$25 for each successful setoff to defray its collection cost. This fee is in addition to the original debt amount and to the extent such a fee is authorized by law.
 - The Association will retain \$25 for each successful setoff to defray its collection cost. This fee is in addition to the original debt amount and to the extent such a fee is authorized by law.
 - The Association will return all monies including any Participant cost, minus the SCDOR and MASC fee to the Participant.
6. The Participant indemnifies the Association to the extent permitted by law against any injuries, actions, liabilities or proceedings arising from performance under the S.C. Setoff Debt Collection Act, S.C. Code §12-56-10, et seq. or otherwise relating to this agreement.

7. This agreement shall remain in full force and effect until terminated by either party upon giving at least ninety (90) days' notice in writing to the other party. Any claims being processed shall remain covered by this agreement until canceled by the South Carolina Department of Revenue. The Participant shall annually certify to the Association that the Participant has complied with all requirements of the Setoff Debt Collection Act, and that the claims submitted to the Association are valid debts not subject to any pending protest or appeal.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

By: _____
J. Wayne George
Executive Director

Name of Participant: City of Cayce

By: _____

Title

Date: _____

7/18/18: Fee- No fee, but business license should be class 2.

Food Truck: A fully enclosed mobile kitchen that may be used to prepare, cook, or serve time/temperature control for safety foods.

Conditions: A vendor may operate a food truck on private property under the following conditions:

- A. Food truck must be permitted by the South Carolina Department of Health and Environmental Control (“SCDHEC”).
- B. Food truck vendor shall prominently display SCDHEC letter grade;
- C. Maintains within the food truck proof of written permission from the private property owner or authorized lease holder of the private property of each vending location.
- D. Maintains a current Food Truck Permit, which shall be renewed annually, along with a business license, by April 30th. The license year runs from May 1st to April 30th.
- E. When not in operation, the food truck must be removed from the property and the vendor must remove from the property all materials associated with the food truck operation. No food truck shall operate between the hours of 10 p.m. and 6:00 a.m. if the property upon which the food truck is located within 400 feet of residential property.
- F. The use of any sound amplification is prohibited regardless of the intended purpose.
- G. The sale or service of alcoholic beverages is prohibited.
- H. Signs affixed to the food truck advertising the name of the truck and a menu of items of sold are permitted. All other signs, balloons, banners, streamers, or other similar items to attract customers are prohibited.
- I. The food truck vendor shall not operate the food truck as a drive-in window.
- J. The noise level from the food truck motor and generator must comply with the City’s Noise Ordinance.
- K. A garbage receptacle shall be provided for customers in a convenient location that does not impede pedestrian or vehicular traffic. All litter or debris generated within a minimum of a 25-foot radius of the food truck shall be collected and removed by the vendor.
- L. Any extemporaneous service items, tables, etc. that a food truck operator may place outside of the vehicle shall not extend further than a 15-foot radius of the food truck.
- M. No temporary lighting shall be provided on site where the food truck is operating, except that localized lighting may be used on or in the mobile food truck for the purpose of inside food preparation and menu illumination.
- N. Mobile food truck operators must provide hand sanitation for customers.

Application: In order to operate a food truck within the City, a food truck vendor must apply to the City for a Food Truck Permit and a business license by submitting to the Zoning Administrator the following:

- A. An application for a Food Truck Permit;
- B. An application for a business license;

- C. Proof of general liability insurance for operation of the vehicle as a motor vehicle, and conduct of the business if the business is to be conducted on public property, in amounts reasonable determined by the City in consultation with its risk manager; and
- D. Documentation of approval from SCDHEC to operate.

Operation

- A. Food trucks may operate on city-owned property or private property, but cannot be parked within any right-of-way or access easement. The following conditions must be met:
 - a. Located only within a zoning district that would otherwise permit the business, unless otherwise approved by Planning Director to locate in a different zoning district;
 - b. The food truck must be located at least 100 feet away from the customer entrance of a lawfully established restaurant during the hours of its operation unless the owner of the restaurant provides a letter of consent, a copy of which shall be kept within the food truck;
 - c. The food truck shall not occupy any handicap accessible parking space or block ADA access to public facilities;
 - d. The food truck shall not occupy a parking space or spaces that would negatively affect the parking for the businesses on the property or the movement of motor vehicles;
 - e. The food truck shall be positioned so as not to block the visibility triangle or emergency access and fire lanes;
 - f. The food truck must be positioned at least 15 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, handicapped parking spaces, sidewalks, tree trunks and vegetation.
 - g. Collect and pay hospitality tax as required by the City of Cayce.
- B. Special Events. Nothing in this section should be read to prohibit the City from conducting special events that feature food trucks. Food truck vendors may operate as part of special events if approved by the City to operate within that capacity.

Suspension and Revocation of Permit

- A. The permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in Section ____ above or if the food truck vendor's SCDHEC permit to operate as a Mobile Food Unit is suspended or revoked.
- B. The Zoning Administrator may revoke a permit if he or she determines that the food truck vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

**City of Cayce
Committee Appointments/Reappointments
August 29, 2018**

All open positions will be advertised on the City's website and Facebook page.

COUNCIL ACTION REQUIRED

CAYCE MUNICIPAL ELECTION COMMISSION – ONE (1) POSITION

There is currently one open position on the Municipal Election Commission. The City has received a potential member application from Mr. Frank Dickerson. His potential member application is attached for Council's review.

NO COUNCIL ACTION REQUIRED

The following positions have been postponed by Council until receipt of potential member applications.

ACCOMMODATIONS TAX COMMITTEE – THREE (3) POSITIONS

Mr. John Hert resigned at the March Accommodations Tax Committee meeting. He filled an at large position. Dr. Pete Cassidy was the Chairperson of the Accommodations Tax Committee, he passed away in August 2018. The other open position must be filled by someone from the motel industry in Cayce.

CONSOLIDATED BOARD OF APPEALS – ONE (1) POSITION

Members who serve on this Board must be either an Engineer, Contractor, Architect or Design Professional. There are no recommendations at this time.

EVENTS COMMITTEE – ONE (1) POSITION

Mr. Vi'Dual Futch no longer lives in the City. There is currently one open position on the Events Committee. The Committee has no recommendations at this time.

PUBLIC SAFETY FOUNDATION – FOUR (4) POSITIONS

The Foundation has no recommendations at this time.

CITY OF CAYCE
POTENTIAL COMMITTEE MEMBER APPLICATION



Name: FRANK DICKERSON

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

Resident of Cayce: Yes No Number of Years 15 yrs Telephone: 803- E-Mail Addr _____

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

- Accommodations Tax Committee
- Beautification Board
- Event Committee
- Cayce Housing Authority
- Museum Commission
- Planning Commission
- Housing/Constr Board of Appeals
- Board of Zoning Appeals
- Municipal Election Commission

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

Work Address

Company: SCE&E Position Tech TL

Address: 188 OLD WIRE RD

City, State, Zip WEST COAST SC. Telephone: 803-

Fax: 803- E-Mail _____

Work Experience: 40yr @ Scana,

Educational Background: AS degree electrical Engineering

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

Julius Felder for change GNF Board,

Volunteer Work: AAPE, Breast Cancer, United way, Janneclark Sicknap, Urban League

Hobbies: dancing, Jazzerize, Sheg, photography, Antiques Vintage Car Shows, Basket ball, Foot Ball. political news

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