

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

IF YOU WOULD LIKE TO SPEAK ON A MATTER APPEARING ON THE MEETING AGENDA, PLEASE COMPLETE THE INFORMATION BELOW PRIOR TO THE START OF THE MEETING.* *THANK YOU.*

COUNCIL MEETING SPEAKERS' LIST

Date of Meeting March 22, 2023

I.V.A.

Name	Address	Agenda Item
Daniel Tubbs Jr	2220 Vine St	2023-03

***Appearance of citizens at Council meetings - City of Cayce Code of Ordinances, Sec. 2-71.** Any citizen of the municipality may speak at a regular meeting of the council on a matter pertaining to municipal services and operation, with the exception of personnel matters, by notifying the office of the city manager at least five working days prior to the meeting and stating the subject and purpose for speaking. Additionally, during the **public comment period** as specified on the agenda of a regular meeting of the council, a member of the public may speak on a matter appearing on the meeting agenda, with the exception of personnel matters by signing a speakers list maintained by the city clerk prior to the start of the public comment period. The number of speakers at a council meeting may be limited in the discretion of the mayor or presiding officer, the length of time for any speaker's presentation is limited to a maximum of five minutes, and a presentation may be curtailed if determined to be uncivil, contentious, or disruptive in the discretion of the mayor or presiding officer or by majority of vote of council.