



Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Ann Bailey-Robinson
Phil Carter
Tim James

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland

**City of Cayce
Regular Council Meeting
November 10, 2020**

A Regular Council Meeting was held this evening at 6:00 p.m. via Zoom video and conferencing software. Those present included Mayor Elise Partin and Council Members Ann Bailey-Robinson, Phil Carter, Tim James and James Jenkins. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, Planning Director Carroll Williamson, IT Director Jamie Beckham and City Attorney Danny Crowe were also in attendance.

Mayor Partin asked if members of the press and the public were duly notified of the meeting in accordance with the FOIA. Ms. Corder confirmed they were notified. Mayor Partin stated that the meeting was being recorded through Zoom. She stated that the public was provided a call in number to be able to follow all of the City business as normal. She asked any caller to mute their audio so there would not be any feedback. She stated that the meeting organizer was also able to mute calls. Mayor Partin stated that the public could speak on any item on the agenda if they prearranged speaking with the City's Municipal Clerk.

Call to Order

Mayor Partin called the meeting to order and Council Member Bailey-Robinson gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance. Mayor Pro Tem Jenkins made a motion to amend the agenda to move Item VIII. A. to before Item III. C. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Approval of Minutes

Council Member James made a motion to approve the October 6, 2020 Regular Council Meeting minutes, the October 21, 2020 Public Hearing and Regular Council Meeting minutes and the November 2, 2020 Special Council Meeting minutes as written. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

Mayor Partin asked if anyone was signed up to speak on an item on the agenda. Ms. Corder stated eight (8) people were signed up. Mayor Partin stated that each person was currently muted so as to cut down on audio echo and audio feedback. She stated that as each person was called individually to speak City IT staff would unmute them. She stated that if anyone had changed their mind and no longer wished to speak to please indicate so. She stated that each person had a maximum of five (5) minutes to speak. Mayor Partin encouraged each speaker to be concise and to avoid duplication

speak. Mayor Partin encouraged each speaker to be concise and to avoid duplication that would disrupt the flow of the meeting. She stated that rules of order provided this section of the meeting so members of the public could present to Council their concerns or comments on a particular subject as provided in City Code. She stated that this portion of the meeting was not a question/answer period between the speaker and Council or the speaker and City staff. Mayor Partin stated that Council and staff were available to residents at other times for those types of communication. She stated that with that said, Council was interested in what was said at the meeting during Public Comment and certainly appreciated their input. She asked Ms. Corder to call the first speaker.

Mr. Matt Carroll signed up to speak to Council regarding Item III. C. He stated that he was the realtor for people that purchased homes in Congaree Bluff which backs up to the lot on Slann Drive. He stated that Congaree Bluff and the property on Slann Drive had been zoned PDD for a long time and people bought property in Congaree Bluff knowing that. He stated that people bought in Congaree Bluff knowing that most likely the lot on Slann Drive would not be built on since it was zoned a PDD. He stated that he felt that when Congaree Bluff was rezoned to RS-4 the lot on Slann Drive should have been rezoned to RS-3 so everyone who purchased a lot in Congaree Bluff would have known what that zoning established. He also stated he understood the current zoning created a hardship for the owner. He stated that he thought the City should look at other options for the lot on Slann Drive. He suggested that the City could buy the lot and put it back into the HOA of Congaree Bluff and it could be a common area.

Mr. Brett Rickert signed up to speak on Item III. C. but did not speak.

Ms. Roxanne Corbitt signed up to speak to Council regarding Item III. C. She stated that she recently purchased a lot in Congaree Bluff and chose the lot because of the trees and thick vegetation behind it. She stated once she moved into her home she discovered she had water issues. She stated that she was concerned that if the City did not address the water issues then once the lot on Slann Drive was developed she would have more water issues.

Ms. Regina Bush signed up to speak to Council regarding Item III. C. She stated that there were runoff issues with water when there were large storms similar to other areas in the City that experience water issues. She stated that at times the Congaree River is quite high and seems as though it's coming towards the homes in Congaree Bluff. She stated that she was concerned that developing the lot on Slann Drive would worsen the water issues and hoped that if that happened the City would assist with mitigating the issues.

Mr. Jake Crowe signed up to speak to Council regarding Item III. C. He referred to a map on a screen behind him and stated that he owned the property at 111 Riverhill Court which backs up to the Riverwalk. He stated that his property had stormwater issues. He stated that there was currently a project under way to upsize certain

stormwater pipes that were bringing water in from Indigo Creek into the Congaree River. He stated that there were two (2) issues with the stormwater. He stated that the current pipes were in horrible shape and were not taking on enough stormwater and the stormwater was spilling over. Mr. Crowe stated that the other issue was there was a 12" cross drain pipe that stops at Congaree Bluff's common area and spills water there. He stated that the only pipe that tied into this pipe was the one associated with the catch basin at the front of the lot on Slann Drive. He stated that the property owner of that lot would be responsible for the stormwater runoff once they built on the lot. Mr. Crowe stated that there were also sewer issues in the area and City staff had to jet the lines quite often.

Mr. Hector Nava signed up to speak to Council regarding Item III. C. He stated that he urged Council to listen to the audio from the Zoning Board meeting so they could understand the issues before them. He stated that the issue should be whether or not a house should be built on the lot on Slann Drive. He stated that one of the Zoning Board members took the initiative to visit the lot on Slann Drive. He stated that there were not any documents pertaining to the PDD zoning destination. He stated that one of the Commissioners stated that he remembered when the PDD zoning was done and based on that the rezoning request would be determined by one person's memory. He stated that he thought it was very myopic to state that the only issue was whether or not the lot should be rezoned. He stated that developing the lot would affect the homes in Congaree Bluff. He stated that intellectual infertility should be avoided by the City.

Ms. Rita Nava signed up to speak to Council regarding Item III. C. She stated that only one (1) of the seven (7) Commissioners took the time to walk the lot in question. She stated that she bought the recording of the meeting and wanted to quote one of the Zoning Board members. She stated that he stated that he saw substantial stormwater issues on the street in front of the lot as well as on the lot. She stated that the Commissioner stated that there was a huge ravine between Slann Drive and Congaree Bluff and that it was pretty clear that there was a lot of water pooling in that area. Ms. Nava stated that the Commissioner stated that he could not see himself voting to allow a house to be built on the lot when there were a dozen homes downstream that would be affected. Ms. Nava stated that no one else had seen the lot in person, only on paper or on a screen. She stated that no one could find the definition of the PDD.

Ms. Peggy Ann Burr signed up to speak to Council regarding Item III. C. She stated that her home backed up to the lot on Slann Drive. She stated that they did have running water and runoff issues. She stated that she was very concerned about the river rising even more at times than it already did. She stated that she appreciated Council listening to their concerns.

Ordinances

A. Discussion and Approval of Ordinance 2020-35 Amending the City Business License Ordinance to Provide a Specific Business License Tax for Certain Special Event Promoters - Second Reading

Council Member James made a motion to approve Ordinance 2020-35 on Second Reading. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

B. Discussion and Approval of Ordinance 2020-36 Amending, Repealing, and Replacing Section 28-81 of the City Code Concerning Noise - Second Reading

Ms. Hegler stated that there was a change in the Ordinance before Council. She stated that a 48 hour clause for a waiver request was meant to be included in the First Reading of the Ordinance and was inadvertently left out. Council Member Carter made a motion to approve the Ordinance with the changes noted by the City Manager. Council Member Bailey-Robinson seconded the motion. Mayor Partin stated that she wanted to add the word "fireworks" to Section A of the Ordinance. Council Member Carter amended his original motion to add the word "fireworks" to Section A. Council Member Bailey-Robinson seconded the amended motion. Council Member James asked Ms. Hegler to clarify the 48 hour allowance. Ms. Hegler stated that there was a waiver provision in the Ordinance for certain technology to assist with noise. She stated that it was a request process and she felt it should be clarified that the request had to be submitted at least 48 hours before the event. Mayor Partin called the question which was unanimously approved by roll call vote. Council Member Carter made a motion to approve Ordinance 2020-36 to include the amendments made in the previous motion. Council Member James seconded the motion which was unanimously approved by roll call vote.

Executive Session

A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by attorney-client privilege

Mayor Pro Tem Jenkins made a motion to enter into Executive Session to discuss Item VIII. A. Council Member James seconded the motion which was unanimously approved by roll call vote.

Reconvene

After the Executive Session was concluded, Council Member Bailey-Robinson made a motion to reconvene to reconvene the Regular meeting. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

C. Discussion and Approval of Ordinance 2020-37 Amending Zoning Map and Rezoning Property Located on Slann Drive (TMS-004652-08-024) from PDD to RS-3 – First Reading

Mayor Partin stated she wanted to make a few comments before Council made a motion on the rezoning. She thanked all the residents who attended the Council Meeting and shared their thoughts on the matter. She stated that some members of Council and staff had walked and seen the property. She stated that she wanted to address the most prominent issue first which was stormwater issues. Mayor Partin stated that the City had prioritized stormwater issues for quite a while. She stated that the City had tried to make it clear in educating its residents that the stormwater issue was a multijurisdictional issue including the county, state and federal levels. But newer residents like the ones who lived in Congaree Bluff might not know that. She stated that the City had made it more than clear that Council and staff were happy to coordinate the solution to the problem but the City was the lowest tax collecting entity involved in the issue. The City does not own any streets or roads and a large amount of runoff comes from County or State roads. She stated that there were Federal issues involved with the runoff.

Mayor Partin stated that there were historic stormwater issues throughout the City. She stated that the City paid to have an engineering plan done for the area starting from the Congaree River and working its way back up which is how one effectively addresses stormwater runoff and then the City went after funding. She stated that the City is the lowest taxing entity involved and has worked with its partners. She stated that Senator Setzler and Rep. Caskey had been good partners at the State level. She stated that Lexington County was currently looking at adding a stormwater fee and stated that any resident interested in paying towards that for a solution should call their County Council Member. Mayor Partin urged everyone to reach out to Rep. Wilson and Sen. Graham because we finally were close to having federal support for storm drainage and everyone's call would make a big difference with that.

Mayor Partin stated that one residential lot should not be held hostage by historic stormwater issues. She stated that as Council balanced the rights of property owners and their concern for community interest, the question of stormwater, or even whether someone can build or not, is not a part of a zoning request as many of the people attending the meeting identified. She stated that the one decision before Council that night was whether to rezone the property from a PDD to an RS-3. She stated that City staff could have chosen a zoning that was more dense like Congaree Bluff but decided to go with RS-3 which is less dense than what was surrounding the property on all other sides. Mayor Partin asked the assembly to note that just because a property was

rezoned did not mean that the property would be developed. She stated that was not something that the City had a say over. She stated that the only issue before Council was whether or not to rezone from a PDD to a RS-3.

Mayor Partin stated that even knowing the history of why the property was zoned prior to the current rules about PDD's, because those rules had evolved over decades, would not change where they were at that point. PDD's have changed over history to its current state. She stated that it is not correct to say that just because a property is zoned PDD that it is not buildable. She stated that any due diligence that felt like it was left out there would also not change the PDD. It was legally the only question before Council, not how we got here but where do we go from here. Mayor Partin stated it was also incredibly important for everyone that lived in Congaree Bluff to know that Congaree Bluff was a PDD before the current developer bought it and zoned it.

Mayor Partin stated that while the City had no authority to make it nothing or to not have it developed, or to preserve the lot, the developer of Congaree Bluff did have that opportunity. She stated that if the developer had taken that opportunity like they had with other buffers behind the property on Congaree Bluff no one would have been there that night.

Mayor Pro Tem Jenkins made a motion to rezone the property from PDD to RS-3 as recommended by the Planning Commission. Council Member Bailey-Robinson seconded the motion. Council Member James stated that as the representative of the District of the rezoning request he appreciated everyone's attendance at the meeting. He stated that after hearing Mayor Partin's thorough comments one could recognize that Council had intently discussed the matter. He stated that it was important to Council, Mayor Partin and City leadership that everyone know that they did take it into serious consideration. He stated that the one decision before Council that night was a zoning issue. He stated that moving to a RS-3 zoning was much easier for the City leadership to manage a project then if it was a PDD. Council Member James stated that he heard several comments about drainage that night. He stated that Council recognized that drainage was an issue and Mayor Partin explained the many steps the City had taken to address the issue. He stated that a RS-3 zoning allowed the City to better manage the issue. He stated that the building restrictions and building approval would come at a later date, not at the zoning date. Mayor Partin called the question which was unanimously approved by roll call vote.

**D. Discussion and Approval of Emergency Ordinance 2020-38 Amending
Emergency Ordinance 2020-31 Concerning Electronic Meetings and Related
Measures for City Boards and Commissions so as to Extend the Ordinance
Expiration Date**

Council Member James made a motion to approve Ordinance 2020-38. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

Discussion items

A. Discussion and Approval of Bid Award for a Dump Truck for the Utility Department

Ms. Hegler stated that the Utilities Department was seeking approval for a bid award for the purchase of a new Dump Truck as included in the FY 2020-2021 budget. She stated that the FY 2020-2021 budget included an appropriation for a capital purchase of a new Dump Truck to replace the 1998 Chevrolet 6500 dump truck. She stated that the truck being replaced would be transferred to Public Works to assist Parks and Sanitation. A Request for Bids was issued, which listed the desired truck specifications and was sent to various equipment dealers. Three (3) sealed bids were received and opened October 13, 2020. Staff reviewed each bid and compared them against the specifications to ensure responses were thorough. Ms. Hegler stated that Staff recommended that the bid be awarded to the lowest bidder, Carolina International, at \$84,760 for the 2020 International HV607 dump truck.

Mayor Pro Tem Jenkins made a motion to award the bid to Carolina International. Council Member James seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that the new Administrative Coordinator for the City Manager's office was starting that week. She stated that her name was Amanda Rowan and she would be filling the position that was opened when Ms. Katinia Taylor transferred to the Utilities Department.

Committee Matters

- A. Approval to enter the following Committee Approved Minutes into the City's Record
 - Planning Commission - February 24, 2020
 - Planning Commission – June 15, 2020
 - Planning Commission – July 20, 2020
 - Zoning Board of Appeals – February 25, 2020
 - Zoning Board of Appeals – June 15, 2020
 - Zoning Board of Appeals – September 21, 2020
 - Museum Commission – October 7, 2020

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

- B. Appointments and Reappointments
 - Museum Commission - Two (2) Positions
 - Public Safety Foundation – Four (4) Positions

Council Member James made a motion to reappoint Mr. AG Dantzler and Mr. Archie Moore to the Museum Commission. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

Council Member Bailey-Robinson made a motion to appoint Ms. April Blake, Ms. Regina Bush, Mr. Cecil Hash and Ms. Rebecca Lorick to the Public Safety Foundation. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

Council Comments

There were no Council comments.

Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Personnel Matter – Discussion of City Manager’s Annual Evaluation and Salary Review

Mayor Pro Tem Jenkins made a motion to move into Executive Session to discuss Item VIII. B. Council Member James seconded the motion which was unanimously approved by roll call vote.

Reconvene

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

Possible Actions by Council in follow up to Executive Session

Mayor Pro Tem Jenkins made a motion to have the City Attorney draft a contract for the City Manager to include the items discussed in Executive Session. Council Member James seconded the motion which was unanimously approved by roll call vote.

Adjourn

Council Member James made a motion to adjourn the meeting. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 8:25 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 November 10, 2020

Name	Address	Agenda Item
Matt Carroll		III. C.
Brett Rickert	(Mr. Rickert did not speak)	III. C.
Regina Bush		III. C.
Roxanne Corbitt		III. C.
Jake Crowe		III. C.
Hector Nava		III. C.
Rita Nava		III. C.
Peggy Ann & David Burr		III. C.

***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. At the discretion of the mayor or presiding officer, the length of time for any speaker's presentation may be limited and the number speakers also may be limited.