

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Phil Carter
Tim James
Hunter Sox

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland



**City of Cayce
Regular Council Meeting
February 16, 2022**

The February Regular Council Meeting was held this evening at 6:00 p.m. via Zoom video and conferencing software. 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 Jim Crosland, Municipal Clerk Mendy Corder, IT Director Jamie Beckham, Finance Director Kelly McMullen, Human Resources Director Lynn Dooley 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.

Public Comment Regarding Items on the Agenda

Mayor Partin stated that anyone who wished to speak under Public Comment would need to use the raise hand function on Zoom and the City Clerk would call on them one at a time so they could share any comments regarding items on the agenda.

Mr. Daniel Tubbs, 11121 Broad River Road, Item IV. D. Mr. Tubbs stated that he was the owner of the property at 1400 Lucas Street that he had requested be rezoned from C-4 to RS-3. He stated that he was told by the Planning Commission that there had to be a meeting stating that he was trying to get the zoning changed and it needed a zoning map change. He stated that he hoped they would consider that he had been struggling for three (3) years to try to get that meeting in progress. He stated that he hoped that it would go in a way that would please the neighborhood and get the home where it could be lived in because it was not really an ideal location for the commercial purposes that it was apparently zoned at when he bought it in a blind sale. Mr. Tubbs stated that he was pleading to Council to please strongly consider allowing him the option to live in the house and make it where it was one less vacant property in the City of Cayce.

Nancy Drew, 921 M Avenue, Item III. A. Ms. Drew stated that she was going to give a reference for Dr. Colette Townsend's presentation regarding dogs and animal code. Ms. Corder stated that was not what Dr. Townsend-Chambers had requested to speak on. Ms. Drew stated that her comments were in direct relation to what happened to Dr. Townsend-Chambers and what Police Chief Cowan wrote to her about the attacks. She stated that she was asking that the State codes be better already on the

attacks. She stated that she was asking that the State codes be better already on the records concerning dangerous dogs. Mayor Partin stated that the City had a rule that Public Comment was specifically for items on the agenda. She stated that if Ms. Drew had something to reference that was on the agenda then that was what that time period was for. She stated that it did not sound like what Ms. Drew was speaking about was on the agenda. Mayor Partin stated that she knew Ms. Drew had emailed Council about the topics she brought up and was welcome to communicate with Council in those ways. She stated that Ms. Drew could sign up to do a presentation on the next agenda. She stated that Council would love for her to do that but they also needed to make sure that the rules of the business meeting of the City of Cayce were followed.

Ms. Drew stated that she could address Dr. Townsend-Chambers presentation for that night. Mayor Partin stated that she was welcome to do that if that was Ms. Drew's goal. She stated that however the rules were to have Public Comment regarding items on the agenda. Ms. Drew stated that she would like to support Dr. Townsend in what she was trying to do in what she had brought before Council, not just that night, but other nights that she had brought things before Council. She stated that it was very difficult to try to explain what was going on or what had happened when there were no section codes to point to and rely on. She stated that there were things that happened to Dr. Townsend-Chambers that were not addressed and she had pointed that out in the City Codes. She stated that she had asked for law enforcement to look into that and complained about it. She stated that she had complained about Animal Services and the reason Animal Services could not do what was needed was because they did not have access to the codes that were needed. Ms. Drew stated she would like to encourage Council to hear Dr. Townsend with an open mind.

Presentations

- A. Presentation by Dr. Colette Townsend-Chambers re assessment and concerns of implicit and racial bias in Cayce and how to move towards healing the community

Dr. Townsend-Chambers thanked Ms. Drew for her support. She stated that she had hoped to share a slide with everyone. She stated that she was a diversity equity inclusion expert and worked with several national nursing committees about it. She stated that she was very passionate about biases and trying to educate people on unconscious bias. She stated that the reason she was still trying to push this issue forward was because as Ms. Drew had said, she really had not had much resolve with regards to being attacked by a dog in Churchill Heights and she believed a lot of it had to do with unconscious bias.

Dr. Townsend-Chambers stated that everyone had seen the picture of an iceberg and how the top of the iceberg was very hard and looked very innocuous but beneath the surface, there could be miles and miles of ice that was dangerous. She stated that

everyone knew the Titanic ran into an iceberg. She asked Council to consider as people move about in their community, how many of the community had biases. She stated that people even say things that they think are positive, but they are actually negative and that is what is called macro aggression, when one says it out loud. She stated for example, a macro aggression would be someone saying to her that she was a credit to her race or they could not be racist, because they had black friends or minority friends.

Dr. Townsend-Chambers stated that one could go online to Harvard.edu to read about the Harvard implicit bias test and to see where they might fall on the range of biases. She stated that public servants came into contact with different diverse people and they needed to be conscious of their verbal and nonverbal cues when interacting with people so things were not escalated. She stated that just that week in the Olympics, a young Black woman spoke out about the fact that a Russian girl who from all intents and purposes was white or light skin, was allowed, even after being found to be guilty of doping, to run her race in the Olympics where the Black woman was not.

Dr. Townsend-Chambers stated that everyone saw on January 6, the insurrection and hundreds of people went in the Capitol and did all kinds of horrible things. She stated that there was not enough police presence, but during Black Lives Matter protests there was hundreds of Police and National Guard. She stated she was trying to show that there were differences in the way the country handled race and bias. She stated that she believed she was experiencing that bias with regards to her situation with the dog attack. She stated that she often thought about what Mayor Partin said when they were trying to get the commissioner who made racist remarks off the Museum Commission. She stated that Mayor Partin said what does it look like, what does it make us look like if we don't act. Dr. Townsend-Chambers stated that she was asking the same thing that night. She stated that with that situation, it was a white female employee who reported this racist Commissioner and everyone believed her even though there was no witnesses or audio or video, but everyone believed her. She stated that it was swift, public condemnation, action by the Council, and media coverage and the Commissioner resigned. Dr. Townsend-Chambers stated that in her case, she was a black female attacked by a dog in Churchill Heights. She stated that the neighbors said something racist to her in telling her to go back to her neighborhood. She stated that she had audio and video and witnesses. She stated that she had a 911 dispatch call. She stated that no media coverage was given on what was a public safety issue. She stated that her neighbors needed to know that there was a dangerous, vicious animal in the neighborhood. Dr. Townsend-Chambers stated that the code was not being followed. She stated that code section 8 states and this is where she was bringing in the bias because the dog owner was a white female. She asked why had she not been given the proper citation of a dangerous animal. She stated that Cayce City Code in code 8 stated that an animal at large is the animal that has gotten out and gotten loose but it also stated that a dangerous animal was one that attacked somebody unprovoked. She stated that all she was doing was walking her

dog. Dr. Townsend-Chambers stated that since getting injured, she could not walk her dog. She stated she had been in physical therapy, had to have surgery, and was not getting just recourse or justice and she believed it was because she was a Black person living in America. She stated that the City refused to issue the dog's owner the proper citation of a dangerous animal and she was being gaslighted and told she was approached by a dog. She stated that she knew the difference between being approached and being attacked. Dr. Townsend-Chambers stated that this was her lived experience as a Black woman in America. She stated that she had two (2) Black sons and every day was her concern when they came in contact with police and public servants. She stated that she was asking everyone to take a look at their biases to see if they were really handling things fairly and equitably or were they just doing things the same old way because that is what was comfortable for us.

Ordinances and Resolutions

A. Discussion and Approval of Ordinance 2022-01 Amending the Business License Tax Class Schedule in Appendix B of the 2022 City Business License Ordinance – Second Reading

Council Member James made a motion to approve Ordinance 2022-01 on Second Reading. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

B. Discussion and Approval of Ordinance 2022-02 Amending Section 2-144 of the City Code So As to Clarify and Approve the City Manager's Authority to Appoint Deputy and Assistant City Managers – First Reading

Ms. Hegler stated that the amendment was partly clarification of the authority of the City Manager to appoint the Assistant City Manager, which the City currently had. She stated that it also created the term of a Deputy City Manager as it is stated in the amendment.

Council Member James made a motion to approve Ordinance 2022-02 on First Reading. Mayor Pro Tem Jenkins seconded the motion. Council Member Carter stated that when talking to Ms. Hegler earlier that day he had a couple of questions which she answered to much of his satisfaction. He asked if he needed to repeat his questions before Second Reading or Ms. Hegler could talk to each Council Member about them. He stated that they were not dramatic concerns but were just more for clarification. He asked Ms. Hegler her thoughts. She stated she could do either, whatever his preference was. Council Member Carter stated he asked what the financial impact would be and how that affected the relationship between Council and the Assistant City Manager or Deputy. He stated that if the rest of Council would need to know perhaps Ms. Hegler could get with them at the appropriate time and just clarify those two little

minimum items. Mayor Partin called the question which was unanimously approved by roll call vote.

C. Discussion and Approval of Ordinance 2022-03 to Establish a Consent Fee or Franchise Fee for Certain Uses of Public Streets or Public Places in the Absence of a Consent Agreement or Franchise Agreement with the City – First Reading

Ms. Hegler stated that the State Constitution recognized municipalities' authority and consent for certain utilities to use public streets and property rights of ways. She stated that those general powers that the State set forth, conferred upon the municipality the power to grant franchises the use of those streets and to make charges for them. She stated that the City currently had an agreement with Dominion and Mid Carolina Electric and traditionally those were how those fees and rules and regulations were set. She stated that the City had been asked by both utilities to update those agreements and staff had been talking to them in negotiating those for several years. She stated that there were a couple remaining concerns. She stated Council had been advised by the City Attorney on this ordinance. Ms. Hegler stated that the proposed Ordinance would set forth default fees for electric energy, natural gas and for the communication lines and facilities for unspecified purposes that are described in the latest franchise agreement that was presented to staff and the City Attorney recommended Council give first reading to this Ordinance.

Mayor Pro Tem Jenkins made a motion to approve Ordinance 2022-03 on First Reading. Council Member Sox seconded the motion which was unanimously approved by roll call vote.

D. Discussion and Approval of Ordinance 2022-04 to Rezone 1400 Lucas Street also Known as 2220 Vine Street from C-4 Highway Commercial to RS-3 Single Family Residential – First Reading

Ms. Hegler stated that the property at 1400 Lucas Street was located at the corner of Vine Street and Lucas Street. She stated that the owner who spoke earlier in the meeting was requesting that the property be rezoned from a highway commercial zoning district to RS-3, single family residential. She stated that would allow for the use of the single family residential structure that was located on the property and had not been in use with so that meant it had lost its grandfathering clause. She stated that the Planning Commission did meet on the matter at the end of January and unanimously approved the rezoning.

Ms. Hegler stated that recently Council adopted a Comprehensive Plan update and the rezoning would not comply with the future land use map of that update. She stated if Council wanted to support the rezoning staff would need to make some amendments to the future land use map. She stated that was not uncommon. She stated it was a new map and had some kinks that staff needed to work out. Ms. Hegler

stated that the Planning Commission did unanimously recommend that Council approve First Reading of the rezoning and then staff could make the necessary changes that were needed to the future land use map upon Second Reading.

Mayor Pro Tem Jenkins made a motion to approve Ordinance 2202-04 on First Reading. Council Member James seconded the motion which was unanimously approved by roll call vote.

E. Consideration and Approval of Resolution Supporting the City's Safety Policy Statement

Ms. Hegler stated that the City's Safety Policy Statement was a statement the City had on file that had to be updated after a new council member was elected. She stated it was in the agenda for approval as a formality to update the names of Council since an election was held in November.

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

F. Consideration and Approval of a Resolution Approving Memorandum of Understanding for Law Enforcement Services with the Beaufort Police Department

Ms. Hegler stated that the City had a number of mutual aid agreements with other agencies around the state. She stated that the Beaufort Police Department requested the City be a part of this agreement. She stated this would particularly allow for Cayce Police to share information and evidence and work with Beaufort. Ms. Hegler stated that State law allowed the City to enter into these type of agreements.

Council Member James made a motion to approve the Resolution that would approve the memorandum of understanding for law enforcement services with the Beaufort Police Department and authorize the City Manager and the Chief of Police to sign the appropriate agreement that went with it. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

Items for Discussion and Possible Approval

A. Discussion and Approval Investigation of School Resource Officer Agreement and Memorandum of Understanding

Ms. Hegler stated that the School Resource Officer (SRO) Agreement, if approved, would create two new full-time school resource officers. She stated that the City along with the Lexington Two School District had been awarded a State grant for those two officers. She stated that it was 100% funded by that grant which included

salary for the officers, vehicles, equipment and training. She stated that one of the additional officers would be assigned to Airport High School, giving them a total of 2. She stated this would allow for a true floating supervisor over the City's SRO's that could be more in the field and assisting them throughout the district.

Ms. Hegler stated that in the event that the State withdrew that grant funding, the School District had also agreed to 100% funding for at least 36 months and then the City and School District could discuss their typical 75-25% agreement that was currently held with them for all the other SRO's. She stated that this would create both high schools having two (2) SRO's and have the City filled in every school along with the floating supervisor. Ms. Hegler stated this would be a real benefit to the City.

Council Member James made a motion to approve the two new resource officer positions and authorize the City Manager to sign the related agreement with Lexington School District 2. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

Committee Matters

A. Appointments

Beautification Foundation – One (1) Position

Council Member Carter made a motion to appoint Ms. Ann Bailey-Robinson to the Beautification Foundation. Council Member Sox seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that the tours in the 12,000 Year History Park were starting again and there was a full lineup for the Spring. She stated that the dates would be posted soon. She stated that the tour that weekend was at 1pm and would discuss the 157th anniversary of the Civil War Battle at the earthworks that occurred there in the park. She stated that the Police Department was holding the 5-0 fade Friday program. She stated Officers were going to local barbers on Friday afternoons just to start conversations and to be seen. She stated that the Public Safety Foundation sponsored those haircuts. She stated that the City's Parks Safety Officers had created a cool educational program that would be held March 12, from 9am to 11am in the Timmerman Trail at the trailhead. Ms. Hegler stated that the Officers had set up educational geocaching sites along the trail and those sites would educate people about safety and some of the history in the area. She stated that the geo sites would be ongoing, but during the event Dialed Bikes would be there to inspect bikes as kids brought them to them. DNR would be there with a simulator to discuss better safety and the City's Fire Department would be there as well. She stated that the City was in

receipt of a grant from the South Carolina Forestry Commission and the Commission was going to work with City staff and give technical support to map the tree canopy in the City and to plan future plantings to meet some goals for trees throughout the City moving forward. She stated that there were two (2) new water bottle stations at the Naples entrance to the Riverwalk and the Timmerman Trail entrance past the Tennis Center. She stated that they were donated by the Lexington Medical Center and the City's Parks Department installed them.

Ms. Hegler stated that she had two (2) staff kudos. Staff member Kay Hutchinson said that resident Mr. Shealy called her with a "boatload" of praise for a number of people in the City's Utility Department - Aaron Roof, Kayla Malloy and Al Smalls and said they were very helpful to him. He said he was treated really well by young men as an old man himself and he had a good time. He stated that it went above and beyond so he was happy to share that news. Ms. Hegler stated that Mayor Partin was contacted by former Mayor Wilkerson who provided kudos for Robert Haynes, a staff member in the Utility Billing Department. Ms. Hegler stated that she heard Mr. Haynes speak to customers every day and he was the most customer service oriented person she thought she had ever had the pleasure of working with. She stated that former Mayor Wilkerson made a point to call Mayor Partin and share that news.

Council Comments

Council Member James stated he would like to continue with the staff accolades. He stated COVID had presented a lot of challenges and there were certain things that helped Council and staff work through it like getting together by Zoom. He stated that this was no easy task for the City's IT group but Mr. Beckham and his team pulled it together so well every single meeting. He stated he wanted to say thank you to those guys for doing that and keeping everyone connected. He stated that yesterday some neighbors in the Blake Drive area were a little concerned about a project going on there and called Ms. Hegler and Mr. Crosland and Mr. Crosland immediately came down and met with a great deal of them and did an awesome job explaining to them exactly what was going on and calmed a lot of fears. He stated that he appreciated Ms. Hegler responding so quickly and Mr. Crosland meeting with them right away. Council Member James welcomed the City's brand new ladder truck 501 which as Mayor Partin said was a wonderful piece of apparatus that came to the City with little to no impact on taxes whatsoever. He stated that the safety that is was going to be able to create for the City's fire department men and women as well as to the City was wonderful.

Mayor Partin asked Councilmember Carter and Councilmember Sox, that the next time the City paid for a seat for them at an event and if they were not going to use that seat, she would just respectfully ask that they communicate that ahead of time so that maybe one of the City staff members could have enjoyed that seat. She asked

them if that was something they could do. Council Member Carter stated he was not sure what Mayor Partin was talking about. Mayor Partin stated she was referring to the seat that was paid for, for Council Member Carter and Councilmember Sox at the BC High School Education Foundation Gala. Council Member Carter stated that he attended the gala and sat with his wife. He asked if that was a problem. Mayor Partin stated that it was not at all and what she was asking for was just to communicate that he was not going to use the seat that the City paid for, for him, so staff could enjoy it. Council Member Carter stated that he did not know there was going to be a seat there but he would not sit with his wife anymore. Mayor Partin stated that she was pretty sure Council Member Carter RSVP'd to Ms. Corder to reserve that seat.

Council Member Sox stated that he was not going to get into a back and forth with it but he had set some food down and the program started and he did not want to get up and move across the whole place and cause a disturbance. He stated that he did apologize if there were any seats that could have been filled by anyone else. He stated that he appreciated the City having Council there and it was a great event to represent a great teacher at Brookland Cayce High School and her legacy. Mayor Partin thanked him and stated that all she was asking was if something was paid for, for them and they were not going to use it to let staff get the benefit of it. Council Member Carter stated to please send him a bill and he would be glad to have it. He stated that he did not want to burden the taxpayers.

Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of possible contractual arrangements concerning sewer rates

Mayor Pro Tem Jenkins made a motion to enter into Executive Session. Council Member James 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. Mayor Pro Tem Jenkins 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 action by Council in follow up to Executive Session

No action was taken in follow up to Executive Session.

Adjourn

Council Member James made a motion to adjourn the meeting. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 6:51 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

