

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
April 6, 2021**

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 Wade Luther, 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.

Approval of Minutes

Council Member Carter made a motion to approve the March 2, 2021 Regular Council Meeting minutes and the March 17, 2021 Regular Council Meeting minutes as written. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

Mayor Partin stated that she knew a lot of people were signed up to speak about parking in yards. She stated that as the people who attended the first Council Meeting in March knew, the parking in yards Ordinance came to Council at the request of several of the City's neighborhood leaders wishing to protect the integrity of their neighborhoods. She stated that it was such a concern that one of the neighborhood leaders shared recently that his home's assessed value had decreased by \$5,000. Mayor Partin stated that for the majority of people, their home was the biggest investment they would ever make. She stated that Council had been asked as Council to help protect that investment. She stated that when the Ordinance came before Council at the March meeting, Council asked staff to take another look at it to see if staff

could come up with a best practice that would address the issue while not being overly burdensome or expensive for homeowners, not be labor intensive on staff to enforce and would also encourage green options to help prevent further storm drainage issues. Mayor Partin stated that since that meeting there had been many rumors and misinformation on social media. She stated that staff had even heard rumor of a petition but that Council had never been presented with a petition and as thus a petition was not the reason for the updated Ordinance. She stated that any petitions that were circulated were based on outdated information because Council had already asked for changes prior to the petitions being started.

Mayor Partin stated that Council wanted to remind its citizens and let new citizens know that Cayce Council was not like most governments. She stated that City staff and Council constantly focused on creating best practices for the City, so much so that other cities had copied a number of initiatives they had created. She stated that Council and staff were proactive about their municipal responsibilities so much so that several years ago they undertook the largest water line replacement program in the City's history and were the envy of many other municipalities. Mayor Partin stated that Public Comment was at the beginning of each Council Meeting agenda so that Council could hear from their citizens before they took action on items. She stated that public comment should not be the first communication that Cayce citizens should feel they could take. She stated that the City had a number of communication methods that were used to create dialogue such as the monthly neighborhood leaders meetings. She asked everyone to please get involved with their neighborhood group if they weren't already. Mayor Partin stated that Council loved when citizens reached out to them or City staff. She stated that it happened all the time and a lot of feedback they received was appreciation being relayed for how awesome City staff was but they also received questions and concerns. Mayor Partin stated that Council prided themselves on communicating in many different ways and on being approachable. She stated for those in attendance that she had not met yet, she was Elise Partin. She stated that the Council Members were Mayor Pro Tem Skip Jenkins and Council Members Ann Bailey-Robinson, Phil Carter, and Tim James. She stated that the City Manager was Tracy Hegler and the Assistant City Manager was Jim Crosland. She stated that the City had awesome department heads that could always help with questions or needs that arose. She stated anyone on Council or staff would love to connect and communicate. She stated that Council and staff were purposeful in not only posting the agenda before every Council Meeting but also the entire agenda packet so the public had the same information that Council had on each agenda item. Mayor Partin stated that everyone who had signed up to speak, Council was excited that they had. She stated that the proposed Ordinance being presented had dramatically changed from the one first presented in early March. She stated that those changes were made to address the three (3) areas she mentioned before: to create an Ordinance that would not be overly burdensome to the property owner, be easy for staff to enforce and would encourage green solutions that would be good for the environment. She asked that everyone

make sure that their presentation corresponded with the current ordinance that was on the agenda and not the outdated one.

Ms. Johnetta Riley, Gantt Street, Item III. A. – Ms. Riley thanked Council for allowing the opportunity for citizen input. She stated that the Ordinance had changed drastically. She stated that the section that read “Any and all violations will be subject to section 10-86 of the City of Cayce Code of Ordinances. Failure to correct the deficiencies will result in revocation of the registration and are subject to penalties as outlined in Section 10-96 of the City of Cayce Code of Ordinances.” She stated that Section 10-96 actually addressed confidentiality, not penalties. She stated that she felt that any fine that had to be issued should be issued to the tenant and not the property owner since the tenant was the one in violation. Ms. Riley asked that the City keep the property owners in the loop so they could update the requirements in their leases as needed.

Ms. Mildred Corbitt, N. Eden Drive, Item III. A. – Ms. Corbitt thanked Council for allowing her to speak on the proposed Ordinance and stated that she would like Council to pass the Ordinance so there could not be so many cars parked across front yards. She stated that there was a house in her neighborhood that she counted seven (7) cars parked in the front yard. She stated that if someone was coming into Edenwood to look for a house to purchase they would not want to buy a house in a neighborhood that had what looked like a used car lot in it. She stated that she was also concerned about the property values of homes depreciating.

Mr. Joe Gladney, Allen Street, Item III. A. – Mr. Gladney thanked Council for the opportunity to speak. He stated that many of his concerns were greatly relieved after seeing the revised Ordinance. He stated that he believed that government should not get involved in his business unless it was a health, safety or welfare issue. He stated that he did not have an issue with the revised Ordinance but did feel that it was an over reach. He stated that he thought a little bit more could be done to refine what the Ordinance was really saying.

Ms. Karen Fitch, Holland Avenue, Item III. A. – Ms. Fitch stated that she organized the petition against the former proposed Ordinance. She stated that she did not start the petition to be anti-government or divisive but to see how many residents were not in support of the initial proposed Ordinance. She stated that her intent was to present it that night but after reading the new proposed Ordinance she stated that she was relieved and happy with it and many of the residents she had talked to were as well. She thanked Council for revising the proposed Ordinance. She stated that she was a landlord and was concerned that people would start parking on the streets which would be a hazard. Ms. Fitch stated she also had concerns with penalizing the landlord by revoking their registration. She stated that she felt the tenants should be fined, not the landlords to the degree of revoking their registration. She stated that

she thought the City should hold a public hearing with the landlords in the City to discuss the issue, give people a chance to voice their concerns and resolve the issue.

Mr. Clyde Stokes, N. Eden Drive, Item III. A. – Mr. Stokes stated that he felt that burdening the community during a pandemic was financially irresponsible. He stated that he had multiple drivers in his household and did not have enough room in his front yard to put extra parking. He stated that many of the homes in his neighborhood had small yards with limited parking capabilities. He stated that he felt the Ordinance was an over reach of City government. He stated that he moved into his neighborhood because it did not have an HOA. Mr. Stokes stated he would strongly recommend that Council revisit; if not eliminate, the proposed Ordinance.

Ms. Tammy Ridgeway, Sunnyside Drive, Item III. A. – Ms. Ridgeway stated that a good number of the homes in her neighborhood did not have ample parking. She stated that when her son turned fifteen she had to create a third parking spot for him on the front lawn. She stated that she recently got an estimate to pave that spot and it was \$10,000. She stated that she could not afford that on a fixed income. She stated that the majority of the people on her street were retired and lived on a fixed income and could not afford to pave an additional driveway. She suggested that the City do a phase in plan where existing residents could work towards paving an additional driveway and new residents would have to meet the Ordinance.

Ms. Tracy Spires, M Avenue, Item III. A. – Ms. Spires stated that she was very thankful for the opportunity to speak. She stated that she and her husband intentionally did not purchase a home in a neighborhood with a HOA and restrictions. She stated that since moving to the 200 block of M Avenue in 2015 the ditch in her backyard known as the "Cayce canyon" had continued to decline along with her property value. She stated that her two (2) daughters could not play safely in her backyard. Ms. Spires stated that the proposed Ordinance went against what she felt it meant to live in a City and the freedom that was granted to each person that owns their own property. She stated that many of the permitted materials in the proposed Ordinance would continue to allow runoff to occur and would continue the stormwater issues that were already occurring. She voiced concern about anyone going onto the City's property behind her home and falling into the ditch.

Ms. Karen Dawkins, M Avenue, Item III. A. – Ms. Dawkins stated that Cayce had all kinds of people with different likes and dislikes and opinions. She stated that she did not believe that people were all meant to be the same with the same likes and dislikes and opinions. She stated she found it hard to believe that the City of Cayce had nothing better to do than monitor the yards of its residents to make sure they were all uniform. She stated that she felt that if the proposed Ordinance was passed it would have huge ramifications for the people that live downstream. Ms. Dawkins stated that the City already had a failing infrastructure and adding more impervious material would only add to the issue leaving the City ultimately responsible for bigger

issues down the road. She stated that each foot of soil that was covered up would have negative effects on people living downstream. She stated that when she contacted her Council Member in March he told her that the proposed Ordinance would focus on rental properties placing an obligation on the landlords to advise their tenants of the Ordinance to make sure that legal parking was available for the amount of tenants rented to. Ms. Dawkins stated that she had a rental property that she was renting to three (3) people and she did not care where they parked. She stated that many of the City's residents were elderly and disabled and parked near their front doors. She asked if Council was willing to discriminate against them to make a neighborhood more appealing. She stated that the 14th Amendment guarantees all citizens equal protection under the laws.

Mr. Matt Carroll, Blake Drive, Item III. A. – Mr. Carroll stated that he appreciated the opportunity to speak. He stated that he was a real estate agent and ran two (2) of the five (5) biggest offices in the Columbia area. He stated that he was on the City of Columbia's Code Enforcement Task Force that helped pass a very similar Ordinance in the City of Columbia. He stated he would strongly encourage Council to look at Columbia's Ordinance. He stated that he thought he was going to be strongly in favor of the City's Ordinance but wasn't and felt there was a solution to the issue but did not think the proposed Ordinance was the solution. He stated that the Ordinance was not equitable since it only applied to non-owner occupied homes. Mr. Carroll stated that he did not think that only applying the Ordinance to rental homes made the Ordinance easier for City staff to enforce. He stated that he did not think what qualified as a tenant was defined in the proposed Ordinance. He stated that the proposed Ordinance did state that grass could be used as a material for designated parking so he felt that the Ordinance was directed at where parking happens and not on what surface was used. He stated that building a \$10,000 driveway was not necessary per the Ordinance. He stated that whether someone was parking four (4) cars in the front yard of a home that they either own or rent should not matter since regardless it would affect the property values. He stated that the City of Columbia created a task force to revise its code book that consisted of one (1) business representative and one (1) community representative from each Council district. He stated that City staff worked with the task force two (2) days a month for two (2) years. He stated that he recommended Council look into creating a similar task force so when issues like the proposed Ordinance came up they could get a lot of community input. Mr. Carroll stated that there was a typo in the Ordinance. He stated that it read between but it was supposed to be bedroom.

Mr. Ken Young, Holland Avenue, Item III. A. – Mr. Young stated that the proposed Ordinance did not address multiple lots or parcels that function as one (1) to be considered as a single lot or parcel that was privately owned in an occupied property. He stated that the rental registration list and its associated application process should be updated to reflect that information. He stated that the drawing in the Ordinance outlined the permissible area for parking at a residential unit but he felt

it would be beneficial to include a reference to the location in the Zoning Ordinance Article 5 where each of the parts of the drawing were labeled and clearly defined. Mr. Young stated that the Ordinance did not address a temporary situation where parking multiple cars in a yard might be required for safety reasons for at least a specified temporary amount of time. He stated that he appreciated being allowed to express his concerns and thanked Council for their time taking them into consideration.

Ms. Jennifer Pownall and Ms. Barbara Wessinger signed up to speak but were not in attendance.

Ordinances

- A. Discussion and Approval of Ordinance 2021-07 Amending Chapter 10 (“Building and Building Regulations”), Article IV (“Rental, Non-Owner Occupied and Unoccupied Property Regulations”) of the City Code of Ordinances concerning the allowable locations for parking on rental, non-owner occupied and unoccupied properties (previously discussed as Amending Article 9 of the Zoning Ordinance to Add a New Section 9.11 Concerning Vehicular Parking in Yards in Residential Zoning Districts) – First Reading

Ms. Hegler stated that staff initially presented the Ordinance to Council at the beginning of March. She stated that at the request of neighborhood leaders and others in the community, staff drafted an Ordinance to regulate parking in residential yards. She stated that the City received a large number of complaints about vehicles parked in residential front yards. She stated that the draft Ordinance was based on principles from Ordinances in neighboring City of Columbia and Town of Irmo.

Ms. Hegler stated that on March 2, 2021 Council deferred First Reading of the draft Ordinance to April 6, 2021, asking staff to work on revisions that would encourage greener solutions, be less onerous on the property owner and be as simple as possible for code staff to enforce. She stated that the revised Ordinance had been changed to apply the new standards to non-owner occupied residential units only, through the City’s registration process. The proposed Ordinance, then, would be placed within Chapter 10, Article IV of the City’s codes related to “Buildings and Building Regulations,” for “Rental, Non-owner Occupied and Unoccupied Property Regulations.”

Ms. Hegler stated that the owner of a non-owner occupied unit would be responsible for ensuring adequate parking was provided for the number of tenants in the unit, as indicated on the property registration form, not to exceed four (4) unrelated persons. Further, the owner would be required to inform tenants of parking requirements.

Ms. Hegler stated that the new proposed Ordinance stipulated where parking could not occur – within the buildable area of the lot or yard, between the setbacks and residence. She stated that staff wanted to address the concerns voiced about cost so another major change from the original proposal was removing the requirement for material upgrades in identifying parking areas, either in the setback or as part of a driveway, as long as it was obvious the area was parking and was not within the main part of the front yard. She stated that the first Ordinance did not require paving one's yard but staff did want to address greener solutions. Ms. Hegler stated that if a property owner wished to upgrade their parking areas, a long list of materials was provided and pervious, low impact design solutions were encouraged. Ms. Hegler stated that the proposed Ordinance further stated that parking in the setback or on the street must be parallel, not perpendicular. She stated that the Ordinance would not affect owner-occupied units and did not require any added expense, as long as it was clear to City staff where parking areas were provided. She stated that the Ordinance also proposed becoming effective 180 days after Second Reading approval from Council. During that time, Staff would work to educate property owners (from the City's property registration list) on the regulations and work with them to help them comply. She stated that staff realized after driving throughout the City that the majority of properties were already able to comply with existing spaces on their property.

Mayor Pro Tem Jenkins made a motion to approve Ordinance 2021-07 on First Reading but stated he would like staff to do further studies. Council Member Bailey-Robinson seconded the motion. She stated that she agreed with Mayor Pro Tem Jenkins that there were some issues that needed to be resolved. Mayor Partin asked Council for more direction on what they wanted staff to look into. She asked if it was for staff to follow up on the comments made during the Public Comment period. Council Member Bailey-Robinson answered yes. Council Member Carter thanked everyone that spoke during Public Comment. He stated that it was very enlightening and was interesting commentary. He stated that it gave him some different perspectives. He stated that he had been on Council for five (5) years and the number one issue he had heard from day one was the appearance of the City and that the City needed to be cleaned up. He stated that he heard that the City's corridors, neighborhoods and commercial districts needed to be cleaned up. He stated that the proposed Ordinance was an attempt to do that. Council Member Carter stated he too worked in real estate and understood the effect parking cars in yards had on property values and resale ability of houses. He acknowledged that real estate was currently booming in the City but stated that real estate was cyclical in nature and the boom would not last forever. He stated that the landlord aspect of the Ordinance was selective, troublesome and problematic for him. He stated that one of the speakers mentioned the drainage issue which is an important issue for everyone. He stated that when he rode around looking at cars parked in yards he noticed that there were yards that had been parked in for a long time that had turned into an impervious surface because there was no longer any grass. Council Member Carter stated that if the City was going to have a parking in yard Ordinance then it should apply to everyone. He stated that he could not support

the current Ordinance as it was currently written. Council Member James stated that he appreciated the speakers as well. He stated that several items came to his attention during the Public Comment that as Mayor Pro Tem Jenkins stated in his motion needed to be investigated and looked at between First and Second Reading. He stated he was sure staff would come back with some good direction or information on that. He stated that the City Manager and staff did a yeoman's job in their review of what Council asked them to look into and bringing forward best practices and answer the complaint that Council and staff had heard from its citizens. Council Member Bailey-Robinson stated that she agreed with her fellow Council Members and stated that she knew improvements could be made to the proposed Ordinance. She stated that some of the issues that were brought up during Public Comment she had not considered. For example, one resident stated that her property did not have enough space in the front yard to park her household's cars. Council Member Bailey-Robinson stated that some people did not have a backyard so they could not park their cars in their backyard. Mayor Partin asked if that comment was made by an owner occupied homeowner or non-occupied. Council Member Bailey-Robinson stated it was owner occupied. Mayor Partin stated that the proposed Ordinance would not affect them then. Council Member Bailey-Robinson stated that one speaker stated that she had three (3) tenants in her rental property. Mayor Partin stated that that speaker did not state that she did not have enough parking spots, she just stated that she did not mind where they parked. Council Member James asked the City Clerk what exactly the motion was. Mayor Partin stated that the motion was to pass it and Mayor Pro Tem Jenkins and Council Member Bailey-Robinson asked for staff to review all the comments that were made during Public Comment to see if there was anything mentioned that would make the proposed Ordinance better. Mayor Partin asked Mayor Pro Tem Jenkins and Council Member Bailey-Robinson if that was correct. Mayor Pro Tem Jenkins stated that was correct. He asked if the proposed Ordinance would affect churches. Mayor Partin stated that it only applied to residences. Mayor Partin called the question. Council Members Bailey-Robinson and James, Mayor Pro Tem Jenkins and Mayor Partin voted yes. Council Member Carter voted no. The motion passed four (4) to one (1).

City Manager's Report

Ms. Hegler stated that she did not have anything to report at that time.

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. Discussion of negotiations incident to proposed contractual arrangement concerning affordable housing
- C. Discussion of appointment of persons to a public body

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 Bailey-Robinson 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 Actions by Council in follow up to Executive Session

Committee Matters

- A. Approval to Enter the following Committee Approved Minutes in the City's Record
 - Museum Commission Meeting – February 3, 2021
 - Events Committee Meeting – February 11, 2021

Council Member Bailey-Robinson made a motion to enter the Committee approved minutes into the record. Council Member James seconded the motion which was unanimously approved by roll call vote.

- B. Appointments and Reappointments
 - Museum Commission – Three (3) Positions

Council Member James made a motion to not consider at that point to appoint the Museum Commission positions. Council Member Carter seconded the motion. Mayor Partin stated that the motion was that Council would not take any action on making three (3) appointments to the Museum Commission from the five (5) applications that were before them on their Council agenda. Mayor Partin called the question. Council Members Bailey-Robinson, Carter and James voted yes. Mayor Pro Tem Jenkins abstained from the vote. Mayor Partin voted no. The motion passed three (3) to two (2).

Adjourn

Council Member James made a motion to adjourn the meeting. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 8:22 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 *April 6, 2021*

Name	Address	Agenda Item
Johnetta Riley	Gantt Street	Item III. A.
Mildred Corbitt	N. Eden Drive	Item III. A.
Joe Gladney	Allen Street	Item III. A.
Karen Fitch	Holland Avenue	Item III. A.
Clyde Stokes	N. Eden Drive	Item III. A.
Tammy Ridgeway	Sunnyside Drive	Item III. A.
Jennifer Pownall	M Avenue	Item III. A.
Barbara Wessinger	Haynes Lane	Item III. A.
Tracy Spires	M Avenue	Item III. A.
Karen Dawkins	M Avenue	Item III. A.
Matt Carroll	Blake Drive	Item III. A.
Ken Young	Holland Avenue	Item III. A.

***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.