



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
Public Hearing and Regular Council Meeting
September 7, 2021
Cayce City Hall – 1800 12th Street
caycesc.gov

A Regular Council Meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Mayor Pro Tem James Jenkins and Council Members Ann Bailey-Robinson, Phil Carter and Tim James. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, Finance Director Kelly McMullen, 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 Public Hearing in accordance with the FOIA. Ms. Corder confirmed they were notified.

PUBLIC HEARING REGARDING HOUSING AUTHORITY OF THE CITY OF CAYCE, SOUTH CAROLINA MULTIFAMILY HOUSING REVENUE BONDS (ABBOTT ARMS PROJECT), SERIES 2021

I. Opening Statement

Mayor Partin stated that notice of a Public Hearing regarding the Housing Authority of the City of Cayce, South Carolina multifamily housing revenue bonds (Abbott Arms Project), Series 2021, was hereby given, that, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the City Council of the City of Cayce, South Carolina ("City") will hold a public hearing ("Public Hearing") on its own behalf and on behalf of the Housing Authority of the City of Cayce, South Carolina (the "Authority"), regarding the above-referenced bond issuance by the Authority. The Authority, a city housing authority organized under and pursuant to the provisions of Title 31 Chapter 3 Article 5 of the Code of Laws of the State of South Carolina, as amended intends to issue its Multifamily Housing Revenue Bonds (Abbott Arms Project) Series 2021 in an aggregate principal amount not to exceed \$11,000,000 (the "Bonds") to finance a loan to DGA Cayce LP, a Tennessee limited partnership (the "Borrower"). The proceeds of the Bonds will be used to (i) provide funds to finance the costs of acquiring and rehabilitating of a 100-unit multifamily development located in the City known as Abbott Arms ("Project"), and (ii) pay the costs of issuance of the Bonds.

II. Public Testimony

Mr. Ray Jones stated he was the attorney for the developer and would speak on his behalf. He stated that Abbott Arms Apartments were quite old and the improvements being made to them would be wonderful for the community. He stated

that the longtime manager of the property, Nikki Lykes, was in the assembly, and was very excited about the improvements being made. He thanked Council for holding the Public Hearing and considering the Resolution for approval.

III. Close Hearing

There was not any further public testimony therefore Mayor Partin closed the hearing.

Regular Council Meeting

Mayor Partin asked if members of the press and the public were duly notified of the Council 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 Bailey-Robinson gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Approval of Minutes

Council Member Bailey-Robinson made a motion to approve the August 3, 2021 Regular Council Meeting minutes and the August 18, 2021 Regular 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

Ms. Nancy Stone-Collum, 1222 H Avenue, signed up to speak on Item III. C. She stated that she checked the City's website for the September 7, 2021 Council Meeting agenda the Friday before the Council Meeting and the day before the Council Meeting and it was not there. She stated that the FOIA Act requires notification of meetings to be posted 24 hours before the meeting. She stated that she thought the Council Meeting violated that stipulation. She stated that the July 14, 2021 and the August 3, 2021 Council Meetings were held virtually due to the COVID numbers. She stated that the current COVID numbers were significantly higher than they were six (6) weeks ago so one could only conclude that the reason the meetings were held virtually then was to avoid the large, mostly disapproving, public that participated on commenting on the Cookout rezoning. Ms. Stone-Collum stated that she was at the current meeting to support Item III. C. pertaining to the Ordinance limiting cross access. She stated that it was appreciated that some of the concerns the residents of H Avenue had expressed were heard and were being addressed.

Mayor Partin asked Ms. Corder if the meeting notice was put up 24 hours before the meeting. Ms. Corder confirmed that it was. Mayor Partin stated that correct meeting notification was something that Council and staff take very seriously.

Resolutions and Ordinances

A. Consideration and Approval of Resolution Approving Affordable Housing Bond Issue as Required Under Federal Tax Regulations

Ms. Hegler stated that the Public Hearing held that evening was in reference to the Resolution. She stated that the Resolution from Council stated that Council supported the bond for the developer to upgrade Abbott Arms.

Council Member James made a motion to approve the Resolution. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

B. Consideration and Approval of Resolution Designating an Authorized Representative and Contact Person for Purposes of the American Rescue Plan Act of 2021

Ms. Hegler stated that the City was a nonentitlement City which qualified the City to receive funding for COVID relief through the American Rescue Act Plan of 2021. She stated that the State had requested that draw down for its Cities. She stated that a point of contact was needed to proceed as well as an authorized representative for the City. Ms. Hegler stated that she was the Representative and Ms. McMullen, the City's Finance Director, would be the point of contact.

Council Member James made a motion to approve the Resolution appointing Ms. Hegler the point of contact and Ms. McMullen as the authorized representative. Mayor Pro Tem Jenkins seconded the motion. Ms. Hegler stated that technically she was the authorized representative and Ms. McMullen was the point of contact. Council Member James amended his motion to reflect that. Mayor Pro Tem seconded the amended motion which was unanimously approved by roll call vote.

C. Discussion and Approval of Ordinance 2021-18 Amending Section 5.7 of the Zoning Ordinance and Sections 5-4.7 and 6-17 of the Land Development Regulations to Address Cross Access between Commercial Uses and Residential Uses – First Reading

Ms. Hegler stated that Council's approval was needed for the First Reading of an Ordinance to amend text of the Zoning Ordinance Section 5.7 and Land Development Regulations Article 5 Minimum Design Standards 5-4.7 and Article 6 Required Improvements 6-17 to include language regarding cross access between commercial

and residential uses. She stated that the text amendments were developed as a result of Council's request to staff to investigate protecting residential areas from encroachment by adjacent commercial uses, following a 90-day deferral of a rezoning request of a split zoned double frontage lot with frontage on Knox Abbot Drive and H Avenue from C-4/RS-3 to all C-4 for the purposes of a drive-thru restaurant.

Ms. Hegler stated that currently, the City did not have a means to prohibit a commercial use from using a cross access easement through an adjacent property to gain ingress/egress to a minor street or residential subdivision. She stated that traditionally, design standards for commercial uses promoted shared and cross access as a way to alleviate traffic issues by distributing access across multiple points on and around the property. In some cases, that could provide an encroachment into residential areas and create a distribution of traffic volumes onto residential streets, in which the roads were not constructed to handle the increased traffic counts. The increased traffic volumes to residential streets could deteriorate pavement conditions at a higher rate, as well as pose vehicular and pedestrian safety conflicts on minor streets, thereby detracting from quality of life.

Ms. Hegler stated that the amended language would prohibit cross access to adjacent parcels in a commercial zone, whereby subsequent access could be obtained to adjacent residential areas and minor streets. Moreover, the amended text would further prohibit rear access from double frontage lots to residential areas and minor streets from "the lot itself." She stated that the language served to separate traffic activities between commercial and residential uses and would be most beneficial when used in concert with existing landscape and bufferyard requirements of the zoning ordinance.

Ms. Hegler stated that staff had proposed additional language to Section 5.7 of the Zoning Ordinance, regarding street access to property, explicitly stating that "Cross access is prohibited where it creates driveway access to residential areas through adjacent lots." She stated that staff had also proposed additional language to Section 5-4.7 of the Land Development Regulations to amend the definition of Double Frontage to include that "Access from double frontage lots in commercial zones to residential subdivisions or minor streets shall not be granted from the lot itself or through cross access to adjacent lots." Ms. Hegler stated that the bolded language "from the lot itself" explicitly prohibited access from the rear of through lots to residential areas or minor streets. She stated that lastly, staff had proposed additional language to Section 6-17 of the Land Development Regulations, expanding the definition of cross access to state, "Any cross access creating an ingress and egress from commercial zones to residential streets through adjacent lots is prohibited."

Ms. Hegler stated that the Planning Commission met on August 23, 2021, to hear public comment and to consider their recommendations for the subject text amendments. She stated that the Planning Commission decided unanimously (6-0) to

approve the recommendation to Council to approve First Reading of an Ordinance amending Zoning Ordinance Section 5.7 and Land Development Regulations Article 5 Minimum Design Standards 5-4.7 and Article 6 Required Improvements 6-17. She stated that staff recommended adoption of the amendments, as necessary to protect residential neighborhoods from encroachment by increasing commercial activity and redevelopment as it occurs in the City.

Mayor Partin stated to clarify the City's buffer rules that were already in effect would have prevented any direct access onto H Avenue therefore staff just added clarifying language to the Ordinance. Ms. Hegler stated that technically it was not the buffer rules that addressed direct access. She stated it was the through lot access. She stated that if a lot had frontage on a major commercial street and then frontage on a residential street staff interpreted it as not allowing it. She stated that it was clearer in the amended sections. Mayor Partin stated that she appreciated staff adding the clarification even though it was already addressed. Mayor Pro Tem Jenkins asked if the amended sections would take care of any access from Knox Abbott Drive to H Avenue. Ms. Hegler stated that it was intended to.

Council Member James made a motion to approve Ordinance 2021-18. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

D. Discussion and Approval of Emergency Ordinance 2021-19 Requiring Individuals To Wear Face Coverings in Certain Circumstances, and Other Matters Related Thereto

Mayor Pro Tem Jenkins made a motion to approve. Council Member James seconded the motion. Council Member Carter stated that he just received a breaking news alert that the City of Columbia was mandating vaccines for all their employees. He stated that he watched golf and football games all weekend where thousands of people were in attendance and no one had masks on. He stated that he got food to-go from restaurants where no one in the restaurants had masks on. He stated that it was obvious that people did not want to wear masks. He stated that the current extremely high COVID numbers were unacceptable. Council Member Carter stated that he certainly supported the Ordinance requiring face coverings to be worn but also hoped that it would serve as a catalyst for people to get vaccinated. Council Member James stated what precipitated the face covering Ordinance was Council receiving a letter from Lexington Medical Center, a nationally recognized hospital, specifically asking for community support in two ways. The first way was for everyone to get vaccinated and the second way for everyone to mask. He stated that he thought it would be a tragedy to not support the community's hospital during these trying times. He stated that he, and he believed the rest of Council, were begging people to recognize that masks were not an alternative to vaccination.

Ms. Hegler stated that Council had a revised version of the Ordinance in front of them at the dais that extended the effective day from the following day to that Friday. Mayor Partin stated that she asked to change the effective date to give local businesses time to create signs for their doors and put them up. She stated that people not wearing masks and not getting vaccinated was crushing local businesses. She stated that The Kingsman was closed the prior weekend because too many of their staff had COVID so they wanted to close for the weekend and do a deep clean of the restaurant before reopening. Mayor Partin stated that The Kingsman had been so responsible during COVID but still lost a whole weekend of business and revenue. She stated that the Cayce Neighborhood Walmart had to close early every evening because of a shortage of staff. She stated that most people had never experienced anything like COVID but there were a few wise seniors who had experienced a pandemic and they were not having trouble adjusting. Mayor Partin stated that vaccines had been introduced to our repertoire throughout the last 100 years. She stated that only four (4) out of ten people in South Carolina were vaccinated. She stated that we were exactly where we were a year ago if not maybe even worse. She stated that until we did a better job helping people navigate through the pandemic so they could get vaccinated we were stuck with masks.

Mayor Pro Tem Jenkins made a motion to accept the amended version of the Ordinance. Council Member Bailey-Robinson seconded the motion. Council Member James stated that Council did not make the decision to mandate face coverings in a vacuum. He stated that local businesses and area partners were contacted to gather their thoughts on the issue. He stated overwhelmingly the majority asked for a face covering mandate. Mayor Partin called the question which was unanimously approved by roll call vote.

Council Member James made a motion to approve the amended Ordinance. Council Member Carter seconded the motion which was unanimously approved by roll call vote. Mayor Partin stated that the City always placed its Council meeting agendas and agenda packets on the City's website and in the September 7, 2021 Council Meeting packet the letter from Lexington Medical Center signed by the President and CEO, the Chief Medical Officer and the Chief of Staff asking Council to pass the mask mandate was in the packet. She stated that ideally the mandate would be for short term until more people were vaccinated.

Discussion Items

A. Discussion and Approval of the Accommodations Tax Committee's Recommendation for Distribution of Funding for FY21/22

Ms. Hegler stated that Council's approval was needed to proceed with distribution of accommodations tax funds to organizations planning events and activities open to the public that would promote tourism to the City of Cayce during FY21-22. She stated that

funding was provided by Accommodations Tax revenues to qualifying applicants and was based on the percentage of attendees who travel 50 or more miles to attend the event. She stated that funding was contingent upon the City maintaining the estimated funding level. She stated that staff did not do this process last year because it was the height of COVID and staff was not sure how that would impact the City's funding. Ms. Hegler stated that the City's Accommodations Tax Committee met to discuss the requests for funding. The Accommodations Tax Committee recommended eight (8) applications for approval for a total amount of \$84,500.

Mayor Pro Tem asked how staff was able to determine how many people certain events would attract. Ms. Hegler stated that the City's grant application packet included questions pertaining to prior events, if any were held, and requested estimates on expected numbers. She stated that most of the events were held annually so prior numbers were available.

Council Member Carter made a motion to approve the Accommodations Tax Committee's recommendations. Council Member Bailey-Robinson seconded the motion. Council Member Carter asked if the businesses that collected accommodations tax pay it directly to the City or through the State. Ms. Hegler stated that the money went to the State first. Council Member Carter asked what the remaining balance was in the account and how much could be carried over from year to year. Ms. Hegler stated that it was not encouraged to carry a balance from year to year. She stated that there was a State formula on how the funds must be spent. Ms. Hegler stated that the City received the funds quarterly and \$25,000 was put in the general fund for tourism related functions and operations of the City, then 5% of the remaining balance also went into the City's coffers and the next 30% was allocated to tourism industries and the remaining balance was used for grant opportunities. She stated that there was some fund balance in the account but the City would have to get caught up at some point because the oversight committee really did not like for a balance to be kept. Council Member Carter asked Ms. Hegler to send that information to Council along with information on the Hospitality Tax grant award process. Mayor Partin called the question. Council Member James recused himself from the vote. Mayor Pro Tem Jenkins and Mayor Partin voted yes.

B. Discussion and Approval of Hospitality Tax Grant Funding for 2021

Mayor Pro Tem Jenkins made a motion to approve all of staff's recommendations except the \$24,000 for Tartan Day South. He made a motion to award \$19,000 to Tartan Day South. Council Member Bailey-Robinson seconded the motion. Council Member James recused himself from the vote. Council Member Carter and Mayor Partin voted yes.

C. Discussion and Approval Authorizing the City Manager to Enter into Two (2) Agreements with Republic Services for Waste Disposal Services from the Wastewater Treatment Plant and the Septage and Grease Facility

Ms. Hegler stated that Council approval was needed for the City Manager to execute two (2) new landfill agreements with Republic Services, a landfill in Eastover, SC. She stated that one (1) landfill agreement was for sludge generated from the main WWTP and one (1) agreement was for the sludge generated at the Septage and Grease Facility. The City currently has two (2) sludge disposal contracts with Waste Management Company's Richland Landfill located in Elgin, SC. She stated that one (1) of the existing landfill agreements was for the main WWTP sludge and one was for the sludge generated at the Septage and Grease Facility. Due to new "company" policies implemented by Waste Management Company, the City had been told that its sludge contained too much water (considered a wet waste) and could affect structural stability of the landfill. With the new policies in place, Waste Management would not approve long term contracts with the City. Ms. Hegler stated that they were continuing to take the City's sludge, currently, but that could be terminated at any time.

Ms. Hegler stated that there were processes currently being used at the WWTP and the Septage and Grease Facility to remove a portion of the water content from the sludge. She stated that these processes had been in place the entire time at the sludge generating facilities and had been acceptable to this landfill for many years until their new policy change. She stated that the equipment the City currently had in place, as designed, could not remove the amount of water that the landfill was now requiring. Ms. Hegler stated that if Waste Management prohibited the acceptance of the City's sludge, the temporary solution would be to take it to another landfill that would accept it with its current water content. She stated that staff had researched other local landfill alternatives and there was one within a reasonable distance, Republic Services, a landfill in Eastover, SC.

Ms. Hegler stated that the Council approved FY22 budget contained increases for sludge disposal fees for the WWTP and the Septage & Grease Facility in anticipation of a possible switch in landfills during the fiscal year. She stated that staff recommended that Council approve for the City Manager to execute the agreements with Republic Services to guarantee no disruptions in the City's sludge disposal processes. She stated that by signing the agreements with Republic, the City was not obligated to dispose any amount of sludge to them. She stated that the City would only use the Republic Landfill should Waste Management choose to not accept its sludge.

Mayor Pro Tem Jenkins made a motion to approve the City Manager entering into two (2) agreements with Republic. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

Committee Matters

- A. Approval to Enter the following Committee Approved Minutes in the City's Record
 - Planning Commission – June 21, 2021
 - Museum Commission – July 15, 2021
 - Events Committee – July 15, 2021

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

- B. Appointments and Reappointments
 - Events Committee – One (1) Position
 - Planning Commission – One (1) Position
 - Museum Commission – One (1) Position

Mayor Partin stated that there was one (1) open position on the Events Committee and the City had received a potential member application from Ms. Megan Lightle. Council Member James made a motion to appoint Ms. Lightle to the Events Committee. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Mayor Partin stated that there was one (1) open position on the Planning Commission and the City has received potential member applications from Mr. Danny Creamer and Mr. Michael Mahoney. Mayor Pro Tem Jenkins made a motion to appoint Mr. Mahoney to the Planning Commission. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Mayor Partin stated that Mr. Marion Hutson's term on the Museum Commission expired in September and he would like to serve again. She stated that Mr. Hutson had served on the Commission since 1999. Council Member James made a motion to reappoint Mr. Hutson to the Museum Commission. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that staff was well underway with the business license standardization process and were on track to have the Ordinance before Council by the end of the year. She stated that she often received compliments on staff and wanted to start sharing those with Council in her Report. She stated that one of the haulers who brings septage and grease to the City's facility wrote that he was so impressed with Neal Klimek's improvements to the facility and the process. One senior resident wrote about Officer Jeffrey Strum assisting her with an injured bird and commented on Officer Strum's professionalism and kindness. Ms. Hegler also received an email about Officer

Daniel Green stopping to help two (2) young people who had a flat tire and did not have the correct tools to change it. Officer Green got them the correct tools and stayed with them while they changed the tire and made sure they were safe. A local school principal wrote that School Resource Officer Daniel Green does an outstanding job daily of being visible and working with the students. He stated that Officer Green's attentiveness and attention to detail did not go unnoticed. He stated that Officer Green recently met with a student who had been in foster care and had a negative history with Law Enforcement. Officer Green listened to the young girl and her family and provided feedback and was able to turn some negative feelings into positive ones. The family left feeling confident in the school and considerably more comfortable with Law Enforcement. Ms. Hegler stated that the next email stated that this person's parents were Cayce residents and were both in failing health. Her Father had COPD and emphysema and was bed ridden but often found excuses to get out of bed. Often he would fall and her Mother was too weak to help him up so they would have to call the Cayce Fire Department. She stated that usually Fire Fighter Michael Jordan was the one who responded to the call and he was always patient, kind and caring. She stated that her Mother fell as well and Fire Fighter Jordan responded and treated her with respect and kindness. Her mother was hesitant to go to the hospital but Fire Fighter Jordan convinced her to go. She was very ill and received the care she needed and was able to return home.

Council Comments

Mayor Pro Tem Jenkins asked everyone to stay safe with the increasing COVID numbers.

Council Member James introduced the Greater Cayce West Columbia Chamber's Chairperson Ms. Hayley Bowers. He stated that she was Vice President of M.B. Kahn.

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

There were not any items to be discussed in Executive Session.

Adjourn

Mayor Pro Tem Jenkins made a motion to adjourn the meeting. Council Member James seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 6:38 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

RECUSAL STATEMENT

Member Name: Timothy M. James

Meeting Date: September 7 2021

Agenda Item: Section IV Number A & B

Topic: Accommodations Tax Distribution
Hospitality Tax Grant Funding

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37). A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: _____

Employed by CWC chamber, who has requested funding

Date 9-7-21

Member Signature 

Approved by Parliamentarian:
