

Mayor
Elise Partin

Mayor Pro-Tem
Tara S. Almond

Council Members
Phil Carter
Eva Corley
James E. Jenkins

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland



**City of Cayce
Regular Council Meeting
November 20, 2019**

A Regular Council Meeting was held this afternoon at 5:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council Members Phil Carter, Eva Corley and James Jenkins. Mayor Pro Tem Tara Almond was out of town on a business trip and unable to attend. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, Planning and Development Director Carroll Williamson, Director of Public Safety Byron Snellgrove, 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 Corley gave the invocation. Mayor Partin led the assembly in reciting the Pledge of Allegiance.

Public Comment Regarding Items on the Agenda

Ms. Corder stated no one had signed up for public comment.

Presentations

A. Presentation by Ms. Karen Dawkins re Storm Drains Behind her Property

Please see Ms. Dawkins comments attached.

Proclamations

A. Approval of Proclamation – Small Business Saturday

Council Member Jenkins made a motion to approve a Proclamation proclaiming November 30, 2019 Small Business Saturday. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

Ordinances

A. Discussion and Approval of Ordinance 2019-20 Amending Zoning Ordinance Article 6 District Regulations to Add Language Concerning Infill Development – Second Reading

Council Member Corley made a motion to approve Ordinance 2019-20 on Second Reading. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

B. Discussion and Approval of Ordinance 2019-21 Amending Section 12-157 of the City Code to Broaden the Geographic Area of the Incentive Reimbursement Grant Program for Façade Improvement for Commercial Buildings, Amending the Provisions for Program Funding, and Approving an Updated Program Policy – First Reading

Ms. Hegler stated that in May 2015, Council approved the establishment of the Façade Improvement Grant Program for commercial buildings on Knox Abbott Drive and State Street. Then in May 2017, Council approved an expansion of the area to include Frink Street from State Street to 12th Street. She stated that due to the interest of the program outside of these areas, staff recommends that the program be expanded to the principal gateways of the City, to include all commercial properties along Frink Street, Charleston Highway, and Airport Boulevard.

Ms. Hegler stated that currently the program provides up to \$4,000 in reimbursable grant funds to finance exterior improvements to a property owner or tenant's commercial building that will be aesthetically pleasing and complimentary to local design guidelines or concepts acceptable to the City. This program is a 50/50 match reimbursement program and is administered on a first come first serve basis, until available funding is expended. She stated that staff was recommending an increase from \$4,000 to \$5,000 per commercial building to entice more façade improvements across the City. To date, \$60,000 has been allocated to fund the program and twelve commercial properties have been approved for grants. \$41,075 has been awarded or is pending an award. Staff is recommending an increase of funding for this program of \$40,000 from the Fund Balance.

Council Member Carter made a motion to approve Ordinance 2019-21 on First Reading. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

C. Discussion and Approval of Ordinance 2019-22 Amending Section 38-37 of the City of Cayce Code of Ordinances Relating to Through Trucks Traveling on Certain Streets – First Reading

Ms. Hegler stated that as a result of State Street's continued revitalization, the newly created Art District overlay and the development of the Art Lot at 1908 State Street, the City anticipates an increase in the presence of pedestrians and bicyclists on State Street. She stated that to complement these efforts and to enhance the visual appearance of the area, the City also intends to develop on-street parking, bicycle lanes, Art Lot access, and crosswalks. She stated that the current speed limit on State Street is 30 MPH which staff plans to try to lower through the SCDOT in the future.

Ms. Hegler stated that another concern affecting safety is the number of large, commercial trucks traveling the corridor daily, to and from the rock quarry. She stated that with the expected increase in pedestrian traffic, this could create a dangerous atmosphere. City staff proposes amending City Ordinance 38-37 to officially prohibit commercial trucks on State Street to make the corridor a safer place for pedestrians and bicyclists. The amendment would clearly define the types of trucks prohibited and specifically name the streets where those trucks are not allowed, consistent with SCDOT policy. She stated that City staff proposes also adding Axtell Drive to the list due to the increased number of residential units, multiple park entrances and character of the area. The trucks still would be permitted to travel on Frink Street as an entrance to and exit from the Martin Marietta Rock Quarry, who has been made aware of this proposal. Ms. Hegler stated that the SCDOT would support the Ordinance, if adopted as proposed, while the City would be responsible for its enforcement.

Council Member Corley made a motion to approve Ordinance 2019-22 on First Reading. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Other

A. Discussion and Approval to Authorize the City Manager to Sign a Contract with Epting Forestry and Resources to Manage the Sale of Timber on City Property

Ms. Hegler stated that Council's approval is needed to proceed with the process of selecting a consultant for harvesting the timber along Old State Road and in the area of the Cayce Riverwalk Phase Four and Timmerman Trail. She stated that on August 21, 2019, City Council agreed to start the process of selecting a procedure to harvest the timber in the described area. City staff contacted Mr. Will Epting, who is very familiar with the area and currently manages other similar properties for Dominion. Ms. Hegler stated that Epting Forestry and Resources LLC can manage all aspects of the project starting from general mapping to clean up after the harvest.

Ms. Hegler stated that as the City's consultant, Mr. Epting will conduct and carry out a timber sale in the sale area of the parcel of real estate owned by the City in Lexington County, South Carolina and denominated by tax map number: 006900-01-009. The exact acreage of the sale area is to be specified to the City by Mr. Epting after the sale area is calculated with GPS. She stated that Mr. Epting agrees to handle the sale process with the City's best interest as top priority and will abide by best management practice (BMP) guidelines, as adopted by the South Carolina forest community and all other Federal, State or County regulations that pertain to woodlands and the removal of timber products from the sale area.

Ms. Hegler stated that the fee for this service is 7% of the gross timber sale amount, payable after the City receives final payment of the bid amount and an invoice

for 7% of such amount from Mr. Epting. If the City decides against selling the timber after all work to prepare the timber sale has been completed by Mr. Epting, the City agrees to pay for time, equipment, tools and materials utilized in the performance of his work up to that point and not to exceed the amount of \$3,000.

Council Member Jenkins made a motion to authorize the City Manager to sign a contract with Epting Forestry and Resources to manage the sale of timber on City property. Council Member Corley seconded the motion. Council Member Carter asked if City staff would be involved in marking which trees would be timbered and which trees would not be cut. Ms. Hegler stated that the contract specifies that the City has to approve the delineation. She stated that the City's Parks Manager James Denny would be closely involved in the project. Mayor Partin called the question which was unanimously approved by roll call vote.

B. Discussion and Approval of Hospitality Tax Fund Request from the Cayce Arts Guild

Ms. Hegler stated that on July 23rd, Council approved funding for the grant requests for fiscal year 2019-20. She stated that the Cayce Arts Guild had requested funds for a use that was not permitted to be paid by hospitality tax funding. At that time, Council agreed to accept an application from the Cayce Arts Guild at a later date that would be eligible for hospitality tax grant funding. Cayce Arts Guild is requesting \$3,000 to hold a Holiday Market from November 29th to December 14th at 1803 State Street. This request is eligible for hospitality tax grant funding.

Council Member Jenkins made a motion to approve \$3,000 of hospitality tax grant funds to the Cayce Arts Guild for their Holiday Market. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that construction had started on the City's Art Lot. She stated that the first piece of art for the Art Lot had been commissioned. She stated that Mr. Roy Paschal was chosen to create a sculpture. She stated that currently the City has a Call for Artist out in reaction to the City receiving a grant from the Knight Foundation for public art in the City's Art District area. Ms. Hegler stated that City Treasurer Garry Huddle was retiring soon and she wanted to thank him for his service and wish him well.

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 possible contract negotiations for economic development concerning the City of Cayce
- C. Personnel Matter – City Manager’s Annual Evaluation and Salary Review

City Attorney Crowe stated that he did not have any items to discuss under Item IX. A. Council Member Carter made a motion to move into Executive Session to discuss Items IX. B. and C. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

Reconvene

After the Executive Session was concluded, Council Member Carter made a motion to reconvene the Regular meeting. Council Member 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

No action was taken in follow up to Executive Session.

Adjourn

Council Member Carter made a motion to adjourn the meeting. Council Member Corley seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 7:42 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

Good Evening. My name is Karen Dawkins. I'm here this evening on behalf of my family, the Spires family, and the Mathias family. We all live on the 200 block of M Avenue, located right in front of the Cayce Riverwalk entrance on Naples Avenue. Mr. Mathias is one of the original homeowners on our street. My Husband and I have had our home for 34 years, and the Spires have been our terrific neighbors for six years now. We have all either grown up in Cayce, raised our children in Cayce, work in Cayce or do all three. You could say that our tiny block really lives up to the new brand "Cayce Time For Life" or does it? The answer to that question is why I am here tonight.

The area between our backyards and the entrance to the Riverwalk is a wooded area. A privacy barrier. There is also a stream that runs parallel to the entrance to the Riverwalk road all the way down to the wetland that goes into the Congaree River. This stream was relocated to its present location in the early 1980's and stormwater drain pipes were placed to empty into the stream.

By 1995 the stormwater runoff had already caused a significant amount of erosion problems for the homeowners. At that time, in September of 1995, a team from the SC DNR, Land Resources and Conservation Districts Division, including Hal Clarkson, P.E.(Professional Engineer), Rich Scharf, Soil Scientist, Greg Mixon, Planner, Wayne Shuler and John Hicks from the City of Cayce, and Leigh Anne Morgan, Assistant Coordinator for the National Flood Insurance Program came out to investigate possible causes and perhaps identify remedies

for the erosion problems. The consensus at that time in 1995, was due to the stream relocation which diverted the water through an environment that was much less suited to streamflow, the stream had been adapting and creating a new flow pattern by eroding its banks. The team agreed at that time that any changes in the infiltration rates of the drainage area must be carefully planned because the increased runoff to this small stream could have detrimental effects. Careful stormwater management planning should be incorporated to account for any changes in the runoff characteristics affecting this obviously sensitive stream. Also, the Cayce Flood Damage Prevention Ordinance requirements for stream modifications must be adhered to by city planners.

On October 14,2019 The City of Cayce received a FOIA request for any information and documentation having to do with the stream. To this present date I have received none. Therefore, I can only assume that there has been no required maintenance done or documented Flood Damage Prevention Ordinance requirements for stream modifications followed by the City of Cayce.

A few years later construction began and the Cayce Riverwalk was opened. After that, more land was cleared and Parkside Cottages subdivision was built creating even more stormwater runoff.

In October 2015 we had the great flood.

In 2016 we had Hurricane Matthew.

In December of 2017 then City Manager Rebecca Vance sent out an email to several Cayce citizens that the City staff would be requesting funding from the SC State Legislature to perform some or all of the improvements that were recommended in the 2016 Avenues Area Drainage Study. She requested that residents with problems send in photos and stories of their issues. I sent her an email and told her about our advancing stream. We never got a reply or heard any more about it. I was also never given any information on the 2016 Avenues Area Drainage Study per my FOIA request as it has to do with the stream behind our home.

In April, 2018 I spoke with Carroll Williamson. He assured me that he knew about the problem and that his office was currently working on a solution.

In May 2019 I spoke with Carroll Williamson again. He came to evaluate the stream and saw the amount of erosion, the damage to our property, the potential hazard of the utility pole falling, and the severe threat now to human life.

American Engineering has given a price of \$450,000 to fix this problem.

Mr. Williamson has told me and continues to this very day to tell me that the city will be applying for a FEMA grant to help offset some of the cost to repair this problem. These storm drains are pointed directly at our property. This is a twenty five year old problem that doesn't need to wait one more day! It's not

safe to have children or pets in the backyards that we own! If Mr. Mathias should forget and accidentally lean on his own back fence, the consequences would be catastrophic.

I have done extensive research and spoken with numerous people from local, state, and federal government agencies. Since the DOT does not have an easement to the property and much of the runoff does come from state owned roads adjoining the property, then the DOT would need to be financially responsible for part of this project. Mr. Williamson has been made aware of this.

The August 26,2019 Governors Task Force Report findings of SC Floodwater Commission Infrastructure and Shoreline Armoring Task Force states the following:

- * Deferred maintenance on any of the elements of the drainage system may impact the overall performance of the drainage system. Removal of debris, replacement of crushed pipes and re-establishment of proper slopes on ditches are typical maintenance items encountered with drainage infrastructure.
- * These areas may be found along the coast or the states inland waterways and could involve areas of considerable development or critical infrastructure.
- * The goal for shoreline armoring for flood hazards is to promote public health, safety and general welfare by minimizing public and private losses due to flood

conditions in specific areas and by maintaining and restoring natural flow patterns.

Lexington County Flood Damage Prevention Ordinance states:

- * It is the purpose of this ordinance and the Lexington County Land Development Manual to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize property losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- * Maintain written reports of maintenance to show that maintenance has been provided within the altered or relocated portion of stream so that the flood carrying capacities are not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance performance. Records shall be kept on file for FEMA inspection. (I have never seen any of these records)
- * Lexington County Land Development Manager Sheri Armstrong spoke with Mr. Williamson about our issue and suggested that we continue working with the City of Cayce to find a resolution.

* The Department Of Natural Resources says this is no longer their problem.

They say it now falls back on The City of Cayce.

* SCDHEC says that the City of Cayce would have had to have issued the original permit but again, those records are unknown but could be housed in the State Archives.

* The Congaree Riverkeeper came out and evaluated the situation back in October. He agreed at the time that the situation was dire and promised to bring it up at several meetings in the future. So far, nothing.

* In September I was once again assured by Mr. Williamson that the City would be applying for a \$25,000 grant from FEMA on September 30,2019. According to months of previous council minutes, this issue has never even been brought up to have a grant approved!

* In October Tara Almond told me in an email that "Because of the cost involved, we have begun the process of seeking grants and other funding sources to address the damage. One such option is a Pre Disaster Mitigation (PDM) Grant from FEMA. We have confirmed with the Department of Natural Resources that they think addressing this erosion would qualify for a PDM grant (i.e., property does not have to be in the floodplain to qualify). Our Grants Manager is working on a pre-application form this week to get an official determination of whether this project will qualify. A response is expected to take 2-3 weeks. The full application is due in January 2020. We would expect to be notified of the award

sometime in June 2020.”. She also encouraged me to reach out to my county representatives, state house reps and federal government reps as well.

* I then spoke to Lexington County Representatives Beth Carrigg and Todd Cullum. Todd agreed to contact Cayce to offer any assistance.

I spoke with Atty John Carrigg. He served on County Council for 16 years and Central Midlands Council of Government for 25 years.

* I have spoken with Representative Micha Caskey.

* I have spoken with and received records from the Army Corps of Engineers.


So I am bringing this to you this evening in an attempt to bring awareness to you of how urgent this situation has now become. There are two precious little girls in the Spires home ages one and three. They are unable to run and play in their own backyard. The risk of them falling into a 20 ft deep hole isn't worth it.

Our two grandsons can't play in our backyard for the same reason. The ground under the back fence is completely missing. The utility pole is barely hanging on.

If the power goes out, the power company refuses to climb the pole. Mr.

Mathias is getting older. I pray that he never forgets and grabs the fence to steady himself.

So yes, once we all dreamed that Cayce would be a “Time For Life”, However, up until this point Cayce has set a trap for death and hasn't done a thing about it in 25 years. How much longer do we have to wait? How many more promises do we have to listen to? How many more times are we going to hear We are



working on it, when really you aren't? What has to happen before you finally take this serious? How many more grants for the Art District, dog statues, new trash truck, etc do we have to watch while Cayce does nothing to repair the damage they have done?

