

**City of Cayce
Regular Council Meeting
March 2, 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 Carter gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Approval of Minutes

Mayor Pro Tem Jenkins made a motion to approve the February 2, 2021 Regular Council Meeting minutes and the February 17, 2021 Regular Council Meeting minutes as written. Council Member James seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

Mr. Mark Brazell, Item IV. C. – Mr. Brazell stated that he felt that the proposed Ordinance amendment regarding vehicles parking in yards was an encroachment of government since it was telling people what they can and cannot do at their private residence. He stated that he seemed to him that the intent of the amendment was to have a more cosmetically appealing way for people to park cars at their residence and the other intent might be to have cars off the street. He stated that Public Safety could handle ensuring that cars did not park on the street. He stated that his interpretation of the Ordinance amendment was that someone with a home in the City of Cayce that did not have a paved or landscaped parking area and currently park adjacent to the road or near the home would be required to incur an expense that in his opinion would not

accomplish anything other than having a place in their yard paved. Mr. Brazell stated that the residents that installed concrete or asphalt parking would increase water runoff issues.

Presentations

A. Presentation by Mr. Ray Jones regarding Affordable Housing Bond and Upgrades for Abbott Arms Apartments

Mr. Ray Jones stated that he was a lawyer with Parker, Poe in Columbia. He stated that his client, Mr. Craig Cobb, was also in attendance and was the developer of the Abbott Arms Apartment project. He stated that in order to purchase and rehabilitate Abbott Arms Apartments the Cayce Housing Authority's assistance was needed in the issuance of bonds. He stated that Abbott Arms was the only privately owned Section 8 housing in the City of Cayce. Mr. Jones stated that the developer planned to keep the apartments as Section 8 affordable housing.

Mr. Jones stated that Abbott Arms was almost fifty years old. He stated that the developers plan was to significantly upgrade the apartment community through the proceeds of a bond issue and tax credits. He stated he and the developer had already met once with the Cayce Housing Authority to ask for their assistance in the issuance of bonds which the Authority was permitted to do so under State statute. He stated that the Authority asked that he and Mr. Cobb discuss the matter with Cayce City Council as well since Council would be required to hold a Public Hearing and get an approving Resolution from the City since the project is within Cayce's jurisdiction.

Mr. Jones stated that in a couple of weeks he and Mr. Cobb would ask Council to hold a Public Hearing regarding the issuance of bonds. He stated the bonds would be issued by the Cayce Housing Authority, not by the City. He stated they would also ask Council to pass a Resolution as required by the Federal Tax Regulations called a host approval. He stated that neither of these actions would cause the City to incur any liability but they were required by Federal law.

Mr. Cobb stated that Abbott Arms was the privately owned Section 8 housing in the City that serves families. He stated that he planned to spend approximately 7.5 million dollars to completely renovate the interior and exterior of the apartments. He stated that the renovations included all new flooring, all new appliances and new kitchen countertops. He stated that approximately 2/3 of the units did not have central heat and air but would receive it with the renovations. He stated that the ancillary building was going to be extended and renovated to become a community space for activities. Mr. Cobb stated that he would install a business center with computer stations and space to hold community events. He stated the space could also be used to bring outside non-profit groups in to hold services for the residents. He stated that they had a lot planned to continue to keep the apartments affordable and bring it up to date for the residents.

Mr. Jones stated that the project would remain affordable which means that it would be reserved for people with income below a certain limit as it was currently. Also the rents would be capped at a certain limit as they were currently.

Council Member James asked if the guidelines for affordable housing fell within the guidelines of HUD or were they different guidelines. Mr. Jones stated that it did fall into the guidelines of HUD. He stated that there was a Section 8 contract on the entire project but those guidelines lined up with the State Housing guidelines as well for affordability. Council Member Carter asked for the math to be explained. He stated that the 7.5 million dollar cost of the renovation, the cost of the land and the 38 million dollars of bonding did not add up to him. Mr. Jones stated that because of the HUD contract on the property one had to do an income based evaluation so the purchase price of the property was actually 23.5 million dollars based not on the taxed value but on the appraised value which was based on the income it would generate.

Mr. Jones stated that the nature of the renovations were substantially regulated. For example, the kind of HVAC that would be installed had to be in compliance with HUD guidelines. He stated that the flooring had to be within guidelines as well. Council Member Carter stated that in the Cayce Housing Authority's meeting minutes someone asked how this project would benefit the City of Cayce and there was mention of \$175,000 plus a \$5,000 annual fee. He asked what the \$175,000 was for. Mr. Jones stated that if one did a bond issue through the State the State would charge .75% as an upfront issuance fee as well as an ongoing compliance fee. He stated that it was his understanding that the City of Cayce Housing Authority would charge the same fee the State charges. The .75% multiplied by the bond amount was where the upfront fee would come from that would be paid by the developer as part of the bond deal and the ongoing fee relates to assurance that the project continues to comply with State and Federal guidelines and those fees would also be paid to the City of Cayce Housing Authority.

Mayor Pro Tem Jenkins asked if Abbott Arms currently had a sprinkler system and if not, would it be equipped with one during the renovations. Mr. Cobb stated that since the apartments were only two stories Code did not require a sprinkler system. He stated that one of the improvements that would be made during the renovations was that each unit would be equipped with a stove top firestop. He stated it would be located under the microwave above the stove and would help extinguish any kitchen fires. He stated that every unit would also be equipped with its own fire extinguisher at no cost to the tenant. Mayor Pro Tem Jenkins asked if fire rated doors would be installed during the renovations. Mr. Cobb stated that if there was any code requirement for fire rated materials than those would be followed and implemented into the renovation.

B. Presentation by Mr. Robert Milhous of the City of Cayce FY19/20
Comprehensive Annual Financial Report

Mr. Robert Milhous, the City's auditor, presented the FY19/20 Comprehensive Annual Financial Report to Council. Mr. Milhous went over the financial statement with Council and stated it was a great audit and report. He stated that based on good fiscal management there was a positive fund balance in the General Fund. The Water and Sewer Utility Fund also had a positive fund balance and the City met its debt coverage ratio, therefore the City is in compliance with its bond covenants.

Mayor Partin thanked Mr. Milhous and stated that Council appreciates him being part of the team. She stated that the city was very careful with what it does with its finances and always strives to make smart and cautious decisions.

Ordinances

- A. Discussion and Approval of Emergency Ordinance 2021-05 Amending Emergency Ordinance 2021-02 Concerning Electronic Meetings and Related Measures for City Boards and Commissions so as to Extend the Ordinance Expiration Date

Council Member James made a motion to approve Emergency Ordinance 2021-05. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

- B. Discussion and Approval of Ordinance 2021-06 Amending the Conditions and Restrictions for the Previous Rezoning to Planned Development District, Mixed Use (PDD-MU) of Certain Property at the Southwest Corner of Saxe Gotha and 12th Street Extension (Tax Map Number 006897-01-07, Formerly 06897-01-042) – First Reading

Ms. Hegler stated that Council approval was needed for the First Reading of an Ordinance to amend the previously approved PDD for the property located at the southwest corner of Saxe Gotha Road and 12th Street Extension (TMS#006897-01-070 (formerly known as TMS#06897-01-042)). She stated that any major changes to an approved PDD, must be approved by City Council after being considered by the Planning Commission.

Ms. Hegler stated that the applicant wished to amend the current PDD's approved regulations. She stated that the property was approximately 36 acres and was currently located in the I-77 Gateway Design Overlay District. She stated that properties surrounding the property were all zoned M-1 Light Industrial and were also in the I-77 Gateway Design Overlay District. She stated that the applicant was proposing to remove an access point nearest the intersection of Saxe Gotha and 12th Street Extension. Further, they were proposing to amend the phasing of the project and certain design provisions of the previously approved plan. Modifications, including

removing an access point, to the previously approved site plan had become necessary because of revisions to the site by FEMA. She stated that a phasing outline was included in the request but due to retail market conditions, certain elements of phasing may occur sooner or later than expected.

Ms. Hegler stated that the development would still be mixed use with restaurants, retail and housing. She stated that the developers had assured her that the retail interest was still there but were just struggling to make commitments during the pandemic. She stated that the requested re-zoning was in compliance with the Zoning Ordinance and was permitted as a compatible zoning district according to the criteria of the Future Land Use Map. She stated that the Planning Commission voted on the requested re-zoning from PDD to PDD and amended regulations at the Planning Commission meeting on February 22, 2021.

Mayor Pro Tem Jenkins made a motion to approve Ordinance 2021-06 on First Reading. Council Member Bailey-Robinson seconded the motion. Council Member Carter asked which entrance to the project was being taken out of the plans. Ms. Hegler stated that it was the entrance closest to 12th Street Extension. Mayor Partin called the question which was unanimously approved by roll call vote.

C. Discussion and Approval of Ordinance 2021-07 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

Mayor Partin stated that for quite some time Council had been asked by residents to pursue an amendment regarding parking vehicles in yards. She stated that she could not think of anything that exemplified a democratic government more than one that listened to its residents. She stated that the amendment did not originate with the City but with the City's neighborhood leaders and residents calling with concerns about it. She stated that staff looked at neighboring communities Columbia and Irmo's Ordinances so staff could model the City's Ordinances from one's already established. Mayor Partin stated that Public Safety and Code Enforcement followed Ordinances that Council wrote so everyone worked as one unit.

Mayor Partin asked Council if they would be agreeable to delaying First Reading of Ordinance 2021-07. She stated that Council tried to always implement best practices and model Ordinances. She stated that the proposed Ordinance would do the job but she wanted to make sure the City's Ordinance went above and beyond. She stated that she would like staff to research greener ways to create parking spots so less pavement would be used. She stated she would also like for the Ordinance to be drafted so it was as low burdensome on staff as possible and the implementation of it while following resident's requests.

Mayor Partin asked Ms. Hegler how much time she thought staff needed to research greener options. Ms. Hegler stated that staff could have it ready for the next Council Meeting but she would like time to work with Mr. Wade Luther, the new Planning Director, on the Ordinance amendment so the April 6, 2021 Council Meeting would be ideal.

Mayor Pro Tem Jenkins made a motion to delay discussion of Ordinance 2021-07 to the April 6, 2021 Council Meeting. Council Member Bailey-Robinson seconded the motion. Council Member James stated that he believed delaying the First Reading so staff had more time to look into it was the right thing to do and to also make sure that it would not be too burdensome on staff. Mayor Partin called the question which was unanimously approved by roll call vote.

D. Discussion and Approval of Ordinance 2021-08 Amending Section 9.8 of the Zoning Ordinance Concerning Allowable Locations for Trailer Storage and the Allowable Number of Trailers, Campers, Recreational Vehicles and Boats in a Lot or Parcel in Residential Zoning Districts – First Reading

Ms. Hegler stated that the City received a lot of calls regarding the parking of trailers on residential lots. She stated that Council approval was needed for the First Reading of an Ordinance amending Zoning Ordinance Article 9 to amend the allowable location for storage of a towable trailer and the allowable number of campers or recreational vehicles and boats in a residential zoned district. She stated that the amended Ordinance would require towable trailers in a residential zoned lot to be located in the side or rear yard - the same as recreational vehicles or campers and boats. The amended Ordinance would also reduce the allowable number of recreational vehicles or campers to one (1) and boats to one (1).

Ms. Hegler stated that currently, the Ordinance permitted towable trailers of a certain size to be stored anywhere on a lot in a residential zoned district and at least two (2) boats and two (2) campers or recreational vehicles to be parked or stored in the side or rear yard of a residential zoned lot. She stated that City Code Enforcement staff regularly received complaints about these issues. She stated that staff believed the amendment would be a good response to the number of complaints they received. The Planning Commission voted unanimously on amending the Zoning Ordinance Article 9 Supplemental Off-Street Parking and Loading Regulation on February 22, 2021.

Ms. Hegler stated that she had one minor amendment she would recommend be made to the current amendment. She stated that it currently stated that all trailers, campers, etc. She recommended adding permissible to the language so it would read all permissible trailers, campers, etc.

Council Member Bailey-Robinson made a motion to accept the recommended amendment to Ordinance 2021-8. Council Member Carter seconded the motion which

was unanimously approved by roll call vote. Council Member Carter made a motion to approve Ordinance 2021-8 with the amendment on First Reading. Mayor Pro Tem Jenkins seconded the motion. Council Member James asked Mayor Partin if Ordinance 2021-08 was similar to Ordinance 2021-07 in regards to possibly being burdensome on staff in enforcing it. Mayor Partin stated that it would not require any more staff time to regulate one versus two. She stated that staff was receiving complaints from residents who were unhappy with trailers being parked in front yards. Mayor Partin called the question which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that the new Planning Director, Mr. Wade Luther, started with the City that Monday. She stated that Mr. Luther had wonderful planning, transportation and economic development background in both private and public sector and in both state and local governments. She stated that he was very familiar with Cayce, as he grew up visiting his grandmother on M Avenue. Mayor Partin welcomed Mr. Luther. Mr. Luther stated that he had a long history with the City and had been wanting to join the team for quite some time. He stated that he was very excited to start contributing to the City. Mayor Partin stated that she knew Ms. Hegler and Mr. Crosland had told him how the City strives to set model Ordinances and was unique in the way they take care of its citizens with excellent customer service.

Committee Matters

- A. Approval to Enter the following Committee Approved Minutes into the City's Record
 - Cayce Housing Authority – August 15, 2020
 - Cayce Housing Authority – October 20, 2020
 - Cayce Housing Authority – December 15, 2020
 - Cayce Housing Authority Annual Meeting – December 15, 2020
 - Planning Commission – January 25, 2021
 - Cayce Housing Authority Special Called Meeting – February 3, 2021

Council Member Carter stated that the August 15, 2020 Cayce Housing Authority minutes stated that three (3) potential member applicants who were interested in filling the one open position on the Authority were present at the meeting. He stated that the agenda listed the December 15, 2020 Cayce Housing Authority Annual Meeting but he did not see those minutes in the agenda packet. He also stated that Council was not given all three applications for the Cayce Housing Authority for consideration. They were only given the one potential member application. He stated he needed clarification on the process because he thought Council was presented all potential member applications for an open position on a City Board or Committee. Council Member Carter asked if the City's Committees, Commissions and Foundations all operated under the same set of guidelines. He stated that he did not see any minutes

where the Cayce Housing Authority discussed the potential member applicants and asked if other Committees, Commissions and Foundations operated the same way. He asked if it was Council's charge to screen the potential members or were they only presented the Committee recommended applicant. Mayor Partin stated that typically there was not more than one potential member for an open position so it was an unusual case. She stated that Council Member Carter brought up a valid question. She stated that she thought it made sense for staff to give Council all the potential member applications for an open position along with that Committee's recommendation.

Mr. Crowe stated that Boards and Commission, specifically the Technical Codes Board of Appeals, the Zoning Board of Appeals and the Planning Commission, are agencies of the City. Foundations are a separate entity that are not part of the City but the City has some formal relationship to the Foundations including appointments of some of the board members. He stated that the Cayce Housing Authority was created by State law and influenced by Federal law. He stated that the relationship of the City to the Housing Authority was that the City appointed members to its Board.

Mayor Pro Tem Jenkins stated that the Cayce Housing Authority needed to submit their meeting minutes once they were approved instead of submitting five (5) months of meeting minutes at once. Ms. Corder stated that typically the Housing Authority did submit their minutes once they were approved. She stated that perhaps they were backed up due to COVID.

Council Member James made a motion to approve entering into the record all Committee approved minutes except the December 15, 2020 Cayce Housing Authority Annual Meeting minutes which were postponed for approval until the next Council Meeting. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

Council Comments

There were no Council comments.

Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of Appointment of City Attorney
- C. Discussion of negotiations incident to proposed contractual arrangement concerning affordable housing

Mr. Crowe stated that he did not have any matters to discuss under Item VIII. A. Mayor Pro Tem Jenkins made a motion to enter into Executive Session to discuss Items VIII. B and C. 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. Council Member James seconded the motion which was unanimously approved by roll call vote. Mayor Partin announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

Possible Actions by Council in follow up to Executive Session

A. Discussion and Approval of Appointment of City Attorney

Council Member James made a motion to approve the reappointment of the City Attorney. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

B. Other

There was no action in reference to Item X. B.

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 7:55 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

