

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 21, 2021**

A Regular Council Meeting was held this evening at 5:00 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, Finance Director Kelly McMullen, 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 Mayor Pro Tem Jenkins gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Public Comment Regarding Items on the Agenda

Ms. Corder stated that Ms. Johnetta Riley was signed up to speak on Item III. B. but had not joined the meeting via Zoom at that time.

Ms. Karen Fitch, Holland Avenue, Item III. B. – Ms. Fitch stated that she felt that the fine of \$1,087.50 associated with the Ordinance was excessive. She asked that Council consider a lesser fine.

Ordinances

- A. Discussion and Approval of Emergency Ordinance 2021-11 Amending Emergency Ordinance 2021-05 Concerning Electronic Meetings and Related Measures for City Boards and Commissions so as to Extend the Ordinance Expiration Date

Mayor Pro Tem Jenkins made a motion to approve Emergency Ordinance 2021-11. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

B. 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) – Second Reading

Ms. Hegler stated that at the April 6, 2021 Council Meeting Council asked staff to review the public comments that were made at that meeting and address each if possible and consider them in regards to the Ordinance. She stated that staff reviewed each comment thoroughly and the scrivener’s errors in the Ordinance were corrected.

Ms. Hegler reviewed the City’s general practice in regards to Code Enforcement. She stated that it was always staff’s goal to achieve compliance before moving to the penalty phase. She stated that it was staff’s objective to work with property owners towards compliance and always go that route first.

Mayor Pro Tem Jenkins made a motion to accept the amended version of Ordinance 2021-07. Council Member Bailey-Robinson seconded the motion. 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).

Mayor Pro Tem Jenkins made a motion to approve Ordinance 2021-07 as amended. Council Member James seconded the motion. Mayor Partin stated that the request for the Ordinance addressing parking cars in yards was brought to Council by the City’s neighborhood leaders and Council’s action was true democracy in action. She stated that she had recently talked to a number of neighborhood leaders and they asked that Council pass the Ordinance in its current form. She stated that one of the leader’s shared with her that their homes assessed value had decreased by \$5,000 because of the impact of people parking in places other than designated parking areas that they already have. Mayor Partin thanked staff for creating an Ordinance that takes care of the issue without being overly burdensome or expensive to homeowners and not being labor intensive on staff to enforce and encourages green options to help prevent further storm drainage issues.

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).

Ms. Corder stated that Ms. Johnetta Riley had joined the meeting and asked Mayor Partin if she could speak under Public Comments. Mayor Partin stated that she could speak.

Ms. Johnetta Riley, Gantt Street, Item III. B. – Ms. Riley apologized for being late and stated that she had issues with the Zoom link so she could not enter the meeting initially. She asked if the rental property regulations and the parking cars in yards Ordinance could be separate. She stated that rental properties and landlords should be treated the same as owner occupied properties. She stated that rental properties paid a higher percentage in taxes. She stated that it seemed more mandates were being attached to the rental registration that should be dealt directly with the tenants. She stated that with the current Ordinance there could be two (2) houses side by side both with cars parked in the wrong place and the owner occupied house would get a pass. Ms. Riley stated that two (2) people committing the same offense should be subjected to the same consequences otherwise it would not be promoting equality.

C. Consideration and Approval of Resolution Approving Memorandum of Understanding for Law Enforcement Services with City of Myrtle Beach Police Department

Ms. Hegler stated that the agreement was a standard agreement that Public Safety had with the City of Myrtle Beach. She stated that the City Attorney had reviewed it as well. Council Member James made a motion to approve the Resolution approving the memorandum of understanding. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that staff was looking forward to presenting their budget to Council at the budget work session.

Council Comments

Council Member Carter asked if the fine associated with an Ordinance was a State law or was it at Council's discretion. Mr. Crowe stated that a fine associated with a violation of a City Ordinance, unless otherwise specified in the Ordinance, is up to \$500 and/or 30 days in jail and the State Court Administration System imposes a fee which goes to the State on top of those fines which takes the fine up to a \$1,087.50. He stated that the City could not control those fees. Mr. Crowe stated that the amount of a fine is in the discretion of Council for the Ordinance but most Ordinances do not specify a fine. Council Member Carter suggested that Ms. Hegler reach out to Ms. Fitch and explain that to her since she mentioned it in her public comments.

Mr. Crowe stated that if a case goes to Court the amount of the fine is in the discretion of Judge the as well. Therefore even if the fine was the general amount of up to \$500 the Judge could set the actual amount then the State Court fee would be added to that. Mayor Partin stated that staff had already spoken to Ms. Fitch.

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

Mr. Crowe stated that he did not have any legal advice matters to discuss 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 5:15 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

