



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
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**City of Cayce
Regular Council Meeting
March 17, 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, 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 James gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Public Comment Regarding Items on the Agenda

Ms. Johnetta Riley, Gantt Street, Item III. D. – Ms. Riley thanked Council for allowing the community to be involved and have a voice. She stated that she had concerns about the proposed amendment to Section 9.8 of the Zoning Ordinance. She stated that paragraph three (3) of the Ordinance stated that trailers containing mounted equipment such as portable generators, welding equipment, mortar or cement mixer would be prohibited. She stated that to her it seemed exclusive of certain professions and favoring others over another. She stated that a lot of businesses in the City that may have that kind of equipment on their trailer have to pay a business license fee to have their home used as their home base for their business. Ms. Riley stated that it seemed to be bordering on discrimination type issues. She stated that if the word permissible was removed from the first sentence of the Ordinance and the restrictions on what materials could be on a trailer than it would take care of possible liability issues in regards to favoring one profession over another. She stated that she did not like the proposed limiting of boats and recreational vehicles from two (2) to one (1). She stated that as long as they were stored in the rear or side of one's property they should not be limited.

Ms. Karen Fitch, Holland Avenue, Item III. D. – Ms. Fitch stated that she thought it would be in the best interest to keep the amount of allowable boats and recreational vehicles at two (2) so as not to upset people. She stated she also thought all trailers should be allowed so that no one's profession or choice of profession was discriminated against or affected especially during the current time of economic hardship. Ms. Fitch stated she wanted to remind Council of the 14th Amendment and to not deny citizens of their liberty and opportunity by encroaching on their property.

Ordinances

- A. Discussion and Approval of Emergency Ordinance 2021-09 Amending Emergency Ordinance 2021-03 to Further Extend the Expiration Date on the Suspension of Certain Prohibitions on Temporary Signs

Council Member James made a motion to approve Emergency Ordinance 2021-09. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

- B. Discussion and Approval of Emergency Ordinance 2021-10 Amending Emergency Ordinance 2021-04 to Extend the Expiration Date on Requiring Individuals to Wear Face Coverings in Certain Circumstances, and Matters Related Thereto

Council Member James made a motion to approve Emergency Ordinance 2021-10. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote. Mayor Partin thanked Council for being mindful of supporting businesses with the prohibition on temporary signs and also with the face covering Ordinance so everyone could operate with safety, sensibility and responsibility.

- C. 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 006897-01-070, Formerly 06897-01-042) – Second Reading

Council Member Bailey-Robinson made a motion to approve Ordinance 2021-06 on Second Reading. Mayor Pro Tem Jenkins seconded the motion 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 Campers or Recreational Vehicles and Boats in a Lot or Parcel in Residential Zoning Districts – Second Reading

Mayor Partin asked staff, assuming Ordinance 2021-08 passed, if it would make sense to have a six month educational period before the Ordinance went into effect since there was so much confusion in regards to the Ordinance. Ms. Hegler stated that she thought that the educational period made a lot of sense and would give residents time to comply. Council Member Carter made a motion to accept the proposed amendment to Ordinance 2021-08 which would cause it to become effective 180 days after Council approval on Second Reading. Council Member James seconded the motion. Mayor Partin called the question and Council Member Bailey-Robinson stated that she did not agree with limiting the allowable number of recreational vehicles and boats in the backyard. She stated that small businesses might have business related items in their backyard so she did not agree with limiting those types of items. Mayor Partin stated that Council was currently voting on the enactment date and would then discuss the actual Ordinance. Mayor Partin called the question which was unanimously approved by roll call vote.

Council Member Carter made a motion to approve Ordinance 2021-08 as amended. Mayor Pro Tem Jenkins seconded the motion. Mayor Partin stated that Council Member Bailey-Robinson's comments were noted. She asked her if she had any other comments to add. Council Member Bailey-Robinson stated that she did not believe items in the backyard should be limited. Mayor Partin stated that there was a question of liability issues brought up in public comment and asked Mr. Crowe to clarify if there were any liability issues with the way the Ordinance was written. Mr. Crowe stated that in his view there were not any liability issues. He stated that the Ordinance prohibited commercial equipment in a residential district unless it was in conjunction with a building permit or construction permit. He stated that it would be within the appropriate consideration of a zoning of a residential district to prohibit such equipment. He stated it would not be an equal protection question but instead a residential zoning question. Mr. Crowe stated that the Ordinance that was before Council was not amending the second sentence of the third paragraph therefore the section that stated that trailers containing mounted equipment such as portable generators, welding equipment, mortar or cement mixer would be prohibited was already law. He stated that the amendment did not touch that and it had been law since the Ordinance was originally enacted.

Mayor Partin stated that she appreciated Mr. Crowe pointing that out. She stated that there was some confusion about the amendment and she would always encourage anyone to call staff if they had any questions and if they were concerned an amendment to an Ordinance might affect them. She stated that she recently had someone call her and after looking into the issue it was discovered that they were in compliance and the Ordinance did not affect them. She stated that she asked staff to have the six month time period to do some education since there was so much confusion surrounding the Ordinance amendment.

Council Member James stated that he did not know of many people that had five (5) of anything parked in their yard. He stated that if the amendment passed Council would only be reducing that number to three (3). He stated that he felt the key word was "mounted" equipment. The Ordinance listed examples but he stated that it was not inclusive or exclusive since the Ordinance then stated "or any other equipment that could be considered."

Council Member Bailey-Robinson asked Mr. Crowe if someone had a business at their home if that was considered a commercial business. Mr. Crowe stated that he would have to review the City's Ordinance but not all businesses can be conducted out of someone's home. He stated that there were a number of criteria for what constituted a home occupation. Mayor Partin called the question. Mayor Pro Tem Jenkins and Council Members Carter and James voted yes, Council Member Bailey-Robinson voted no.

Discussion Items

A. Discussion and Approval to Enter into Agreement with Two Engineering Firms to Serve for "On Call" Engineering Services for the City

Ms. Hegler stated that as part of the City's efforts to update contracts and ensure best practices for procurement of services, the City issued an engineering RFP to select a firm or firms to serve as the City's "on-call engineer." Five firms responded to the RFP: American Engineering Consultants, Foth Infrastructure and Environment, Hanna Engineering, Highfill Infrastructure Engineering, and Rogers and Calcott Environmental. An Evaluation Team was selected from City staff and consisted of five team members.

Ms. Hegler stated that after review of the proposals and a team discussion, the Evaluation Team recommended to enter into an agreement with two (2) firms. She stated that staff recommended American Engineering Consultants as the most responsible and responsive firm that could address all design needs associated with the Water Treatment Plant, Wastewater Treatment Plant, Septage and Grease Facility and Stormwater-related work. Staff also recommended the City contract with Hanna Engineering for any design needs for the water distribution and wastewater collection systems. She stated that it was recommended these agreements offer a two-year term.

Council Member Bailey-Robinson made a motion to give approval for the City Manager to negotiate and enter into an agreement, separately, with American Engineering Consulting and Hanna Engineering for "on-call" engineering services, per the work distribution previously outlined. Mayor Pro Tem Jenkins seconded the motion. Mayor Pro Tem Jenkins and Council Member James both asked for clarification on what exactly "on-call" meant. Ms. Hegler stated that American Engineering Consultants would be the on-call engineers for all design needs associated with the Water Treatment Plant, Wastewater Treatment Plant, Septage and Grease Facility and Stormwater-related work.

She stated that they were the on-call vendor and would get the project. She stated they were on-call in the sense that staff did not know what type of projects might arise over the two years that the City engaged them but they would be the vendor.

Ms. Hegler stated that currently staff did a lot of pump repair work and small water line replacement work in house but it would be more efficient to give that work to Hanna Engineering. She stated that staff was impressed with Hanna Engineering's expertise in the in-ground work. Council Member Carter asked if the contract was just for engineering services or would the engineering firm do the repair and maintenance work as well. Ms. Hegler stated that Hanna Engineering was equipped to do the repair work as well as the engineering work. Mayor Partin called the question which was unanimously approved by roll call vote.

Committee Matters

- A. Approval to Enter the Following Committee Approved Minutes into the City's Record
Cayce Housing Authority Annual Meeting – December 15, 2020

Council Member Carter made a motion to enter the Committee approved minutes into the record. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that staff had issued a RFP for professional landscaping, architecture, engineering and planning services. She stated that staff would be bringing that before Council soon. She stated that staff was working on revenue projections for the budget. She stated that staff was still training on the new automated sanitation truck. She stated the truck should be on the road in the next few weeks. She stated it would make its debut in Hunters Mill and Concord Park initially.

Council Comments

Council Member Carter stated that recently a constituent contacted him regarding a sanitation issue and before he even had a chance to contact Ms. Hegler about it the Sanitation Department has resolved the issue. He stated that Sanitation Manager Thomas White was on site immediately and handled the issue. Mayor Partin agreed that the Sanitation Department was outstanding.

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 matter relating to the proposed location of businesses in the area served by the City
- D. Discussion of negotiations incident to proposed contractual arrangement concerning 800 Lexington Avenue
- E. Discussion of possible appointment and employment of Municipal Court Judges

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 James 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

- A. Discussion and Approval of Appointment of Municipal Court Judges
- B. Other

Council Member James made a motion to authorize the City Manager to negotiate continued employment for the City's Municipal Court Judges. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Adjourn

Mayor Pro Tem Jenkins made a motion to adjourn the meeting. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 7:05 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

