



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
October 5, 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 ON AMENDMENT TO THE LAND USE MAP WITHIN THE CITY OF CAYCE COMPREHENSIVE PLAN

I. Opening Statement

Mayor Partin stated that notice was hereby given that members of Council of the City of Cayce would hold a Public Hearing for the purpose of obtaining public comment on the adoption of an amendment to the Land Use Map within the City of Cayce Comprehensive Plan to revise the Future Land Use Map classification for the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial-Business/Industrial) to RD (Residential Density Flex).

II. Public Testimony

There was no public testimony.

III. Close Hearing

Mayor Partin closed the hearing at 6:30 p.m.

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 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 September 7, 2021 Public Hearing and Regular Council Meeting minutes and the September 22, 2021 Public Hearing and Regular Council Meeting minutes as written. Council Member Bailey-Robinson seconded the motion. Council Member James stated that the September 7, 2021 minutes needed one correction. He stated that he recused himself from Items IV. A. and IV. B. and the minutes did not reflect that that he recused himself from Item IV. A. Mayor Pro Tem Jenkins amended his motion to only approve the September 22, 2021 minutes. Council Member Bailey-Robinson amended her second which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

Mr. David Slyman, 7 Town Center Drive, signed up to speak on Item IV. E. He stated that he and his partners wanted to build a mixed use residential project at Otarre Pointe on 12th Street Extension. He stated that they built cottages all over the Southeast. He stated that the project consisted of townhomes and cottages for rent and had more of a residential feel. He stated that he understood that the 12th Street corridor was an entry way to the City and that the City wanted a mix of uses and the overlay did not allow for residential. He stated that he and his partners were there to ask Council to allow them to do the residential project mixed with retail. Mr. Slyman stated that the property had been sitting for quite some time and he and his partners thought it was time for it to be developed. He stated that it would be an over 40 million dollar project and would bring a lot of tax dollars to the City. He stated that the project would have sidewalks and pocket parks. He stated that the retail aspect would consist of neighborhood retail like bike shops and a running and apparel shop. Mr. Slyman stated that they planned on spending over 2 million dollars on the amenities for the development. He stated that it would be a high end development.

Ms. Kelly Wuest, 1501 Abbott Road, signed up to speak on Item IV. D. She thanked Council and staff for the work and consideration that was put into the lot at 1407 Dunbar Road over the past few months. She stated that she thought a RG-3 zoning would be a better option for the property rather than the RG-2 zoning designation. She stated that she understood that as the City grew it needed various housing options but she and her neighbors did not think townhomes were the best fit for the property. She stated that she felt single family homes would be the best option but patio homes could be an option as well.

Ms. Janet Burke, 1234 H Avenue, signed up to speak on Item IV. A. Her comments, which she read, are attached.

Mr. Josh Rabon, 3740 Fernadina Road, signed up to speak on Item IV. D and Item IV. E. He stated that he was formally requesting a 30 day deferment on the first reading of Item IV. D. since the potential developer and the school district were still in negotiations regarding a product that works for both parties within the context of the new zoning text. Mr. Rabon stated that he wanted to speak in support of Item IV. E. He stated that the proposed project would bring some vitality to the City. He stated that the proposed planned unit development that was being requested was identical to the existing City design standards and guidelines.

Ms. Augusta Thompson, 2119 Middleton Street, signed up to speak on Item IV. D. She stated that she was requesting that the property at 1407 Dunbar Road be considered for single family homes. She stated that high density housing was not the best fit for the surrounding neighborhood.

Ms. Nancy Stone-Collum, 1222 H Avenue, signed up to speak on Item IV. A. She thanked Mayor Partin and Council Member James for meeting with several H Avenue residents on the site of the proposed Cook Out Restaurant. She stated that the meeting led to the understanding of the potential of indirect access to H Avenue from businesses on Knox Abbott Drive. She stated that the Ordinance that staff proposed and Council approved in September would protect H Avenue and other residential streets in the City from increased commercial traffic. She stated that the fact that Cook Out withdrew its purchasing contract after the Ordinance was given First Reading indicated that that was an unspecified part of their plan that would have had very detrimental effects on the residents of H Avenue. Ms. Stone-Collum stated that since Cook Out did withdraw their offer to purchase 1204 Knox Abbott Drive she had hoped that it would negate the rezoning application Cook Out submitted and it would not come up for Second Reading. She stated that she and her neighbors were asking that Council deny the application and leave in place the split zoning. She stated that this would afford the neighbors an opportunity to comment on the impact when a new rezoning application was submitted.

Mr. Marc Weil, 460 Cascade Road, signed up to speak on Item IV. E. He stated that he was one of the original developers of Otarre Pointe Apartments. He stated that he worked very closely with SCANA at the time on their architectural and design requirements that were in line with their vision for the development. He stated that he had been in discussions for the potential use of the adjoining property for six (6) to seven (7) years. He stated that once the overlay was put in place he and his partner had spent money on studies and done their due diligence to see if commercial use would work on the property. He stated that they found a lot of commercial users would find the site very difficult to work with mostly due to the lack of visibility from 12th Street Extension and the fifty foot setback. Mr. Weil stated that he and his partners wanted to

bring a vibrant community to the site. He stated that he knew the commercial component of the project was not as much as everyone would want but he felt that more retail would come once the project was built and they would love to be a part of it. He stated that he felt that before retail would come to the area more residents needed to be there first.

Presentations

A. Presentation by Ms. Jean Boiteau regarding Improving Roads and Signage and Speeding on the Avenues

Ms. Boiteau stated that when she walked the Avenues and the surrounding area she noticed the many cars that sped down the roads daily. She stated that she created a petition and a Facebook page to address the speeding and the needed improvements to the neighborhood's road signage as well as improvements to the roads. Ms. Boiteau read the petition that she drafted. It stated "The Cayce Avenues between Frink Street, Knox Abbott Drive, Axtel Drive, and Twelfth Street are beautiful places to stop. This residential area has many beautiful options for pedestrians like sidewalk-lined streets, parks, coffee shops, walking trails, restaurants, art galleries, colorful train cars, murals and more. Unfortunately, many of the residential streets are experiencing unprecedented and unchecked speeding. There are no visual reminders of the residential nature of the Avenues. We have an abundance of wide and long through-streets with double solid lines. We need additional stop signs immediately on all north-south Avenues which will create three and four-way stops. Additionally, crosswalks and repaired or replaced signage are needed for additional pedestrian safety. This petition serves as a formal request from the residents of the Cayce Avenues mentioned above for City Council to serve as a united voice to the SC Department of Transportation and request immediate placement of stop signs to create three and four-way stops, and to request crosswalks and new street signs. City Council, help make our Cayce River Arts District an ever safer place to Stop". Ms. Boiteau stated that she would keep Council updated on the petition.

Ordinances

A. Discussion and Approval of Ordinance 2021-17 Amending Zoning Map and Rezoning Split Zoned Property Located at 1204 Knox Abbott Drive (TMS#004633-06-009) from RS-3 (Single Family Residential) and C-4 (Highway Commercial) – Second Reading

Mayor Partin stated that staff had been advised by the applicant that they no longer had an option on 1204 Knox Abbott Drive and wished to withdraw their request to rezone a part of the parcel. She stated that if Council was inclined she would ask for a motion to approve the applicant's request to withdraw and defer the second reading indefinitely. Council Member James stated that as noted by Ms. Stone-Collum earlier in

the meeting Council had worked extremely hard over the past few months visiting sites and working with their neighbors to ensure that their best interests were taken into consideration. Council Member James made a motion to accept the withdrawal of the request and defer the second reading indefinitely. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

B. Discussion and Approval of Ordinance 2021-20 Amending Section 6.5 Table I, Section 6. 7 Table 3 of the Zoning Ordinance to Revise Requirements for the RS- 4 Zoning District and Amending Section 7.1 of the Zoning Ordinance to Revise Requirements for Townhouses -Second Reading

Ms. Hegler stated that this item was a result of the deferral that Council proposed related to the rezoning of 1407 Dunbar Road. She stated that the applicant had asked that Council defer the rezoning. Council Member Carter made a motion to defer the item for 30 days. Council Member Bailey-Robinson seconded the motion.

Council Member Carter stated that he made the motion in light of what he would term confusion, misunderstandings and misinterpretations between the applicant and the City's definition and scope of the project. He stated that night they heard the words townhouse and duplex. Council Member Carter stated they could debate the definitions of those items. He stated the definition of a townhouse came from England several centuries ago. He stated that the wealthy people lived in the country and had a place in the City, mainly London, and it was coined a townhouse. He stated that the City's Ordinance stated that townhouses were joined together and there could not be no more than eight (8) or less than three (3). He stated that this project was linked to other items on the agenda and it was his understanding that the project was going to be similar to a project called Stillwater in West Columbia which is a two (2) unit attached project. He stated that Stillwater was listed and marketed as townhomes. Council Member Carter stated that according to the City's standards that would not be allowed. He stated that he was not saying that was right or wrong. He stated that he felt some confusion. He stated that he had done his due diligence and talked to the rest of Council and other people about it. He stated that he really was not sure what the development wanted and perhaps misunderstood the City's direction and that was why he was promoting to table the item. He stated that perhaps the applicant misread or did not read it correctly or they were just sloppy in their application process.

Council Member Carter stated that he did not know what the applicant was calling the buildings or if they were calling them townhomes or patio homes. He stated with that being the case he did not want the vote by Council to be punitive towards this project. He stated that would certainly not be Council's intention but it might be the result. He stated that it was not a matter of being right but it was a matter of doing the right thing. He stated that he thought the right thing to do was to stand down for 30 days to get City staff together with the applicant again because they had met before and make sure the applicant had a clear understanding of the City's rules and regulations.

He stated that staff would advise Council if they needed to take a second look at any rules or regulations. He stated that he personally thought Council might need to do that but stated that was up to the rest of Council.

Mayor Partin stated that she wanted to clarify for staff's behalf that Council did appreciate all they had done and she did not think Council Member Carter was suggesting they had done anything but the best work. She stated that the City's Ordinances had not changed. She stated that Council took one zoning to be really responsive to the residents and made it a less broad zoning and made it more clear that only certain things would be allowed in that area out of great respect for that neighborhood. Mayor Partin stated that was all that changed and if there had been a misunderstanding she certainly did not think it was on City staff's part. Mayor Partin called the question which was unanimously approved by roll call vote.

C. Discussion and Approval of Ordinance 2021-21 Amending the Land Use Plan (2019) Map of the City of Cayce Comprehensive Plan: 2010-2020 for the Area Bounded by Wilkinson Street, Dunbar Road and Frink Street - Second Reading

Council Member Carter made a motion to defer this item for 30 days. Council Member James seconded the motion. Ms. Hegler stated that if this item was brought back forward as a Comprehensive Plan change then State law required a 30 day notice and a Public Hearing. Council Member Carter amended his motion to place this item on the agenda for the second Council Meeting in November. Council Member James amended his second. Mayor Partin called the question which was unanimously approved by roll call vote.

D. Discussion and Approval of Ordinance 2021-18 Amending Zoning Map and Rezoning Property Located at 1407 Dunbar Road (TMS#005766-03-006) from C-1 (Office and Institutional) to RG-2 (General Residential, High Rise) - First Reading

Mayor Partin stated that this was the same language that was on the agenda 90 days prior. She stated that it was the title of the Ordinance that Council postponed therefore it came back before Council with the same title. She stated had Council moved forward then the title would have changed at second reading to the appropriate zoning designation that Council had gone through. She stated that there was public comment earlier from a representative for the applicant who asked for a deferral of 30 days.

Council Member Bailey-Robinson made a motion to defer the item for 30 days. Council Member James seconded the motion. Mr. Crowe asked if for clarification the motion could refer to a particular council meeting date rather than a number of days. Council Member Bailey-Robinson amended her motion to defer the item to the second

Council Meeting in November. Council Member James amended his second. Mayor Partin called the question which was unanimously approved by roll call vote.

- E. Discussion and Approval of Ordinance 2021-22 Amending the Zoning Map and Rezoning Property Located at the Southeast Corner of 12th Street Extension and Clovis Pointe Way (A Portion of Tax Map Number 006897-01-042, Plat Book 15227, Page 176) - First Reading

Ms. Hegler stated that the applicant spoke on this rezoning request during Public Comment. She stated that the applicant requested the zoning of the property change from (M-1) Light Industrial to a Planned Development District (PDD). She stated that the purpose of the PDD was to allow for a mix of uses. She stated that the applicant was particularly interested in residential which had been removed from the overlay. Ms. Hegler stated that the Planning Commission voted 3-2 in favor of recommending the requested re-zoning from M-1 to PDD. She stated that reasons for recommending approval included that it was a good development concept; that residential development was best suited for the area; and that it would be good for the City. She stated that reasons for denial included that the application did not meet all of the PDD requirements and the application violated the I-77 Gateway Overlay District Requirements.

Council Member James stated that the presentation earlier by the applicant was a good presentation and he felt that the City had a need for that type of housing but did not think the City's welcoming corridor was the best place for it. He stated that Council had evaluated the best and highest use for the I-77 gateway and the particular economic vitality it would be used for. He stated that at that time Council recognized that several things would need to be removed to include residential. He stated that the PDD before Council did not seem to comply with that intention. Council Member James stated that he recognized that it was a wonderful project but did not believe with the current restrictions in place and the overlay restrictions as well as the Planning Commission's vote that this was the right place for it.

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

Discussion Items

- A. Discussion and Approval of an Extension to the 2018 Lease Agreement between Martin Marietta Real Estate Investments, Inc. and the City of Cayce

Ms. Hegler stated that Council's approval was needed to approve and authorize the City Manager to sign an amendment that would extend the duration of a lease agreement for the Kelley Jones Park property from twenty-five (25) years (ending in 2038) to twenty-eight (28) years (ending in 2041). She stated that the 2013 agreement

established the terms for which Martin Marietta leased the Kelley Jones Park property to the City. The agreement currently runs another seventeen (17) years (to 2038) and includes two (2), five (5) year extensions. Ms. Hegler stated that the City was awarded a grant to improve the park and provide additional facilities. She stated that the granting agency required the City to either have ownership of the property for which the improvements would be made or have a lease agreement of at least twenty (20) years. She stated that Martin Marietta was in favor of the additions and had provided the first amendment to extend the lease period to 2041 to meet the grant requirements. She stated that all other provisions of the original agreement remain unchanged and in effect.

Mayor Pro Tem Jenkins made a motion to approve the first amendment to the lease agreement with Martin Marietta Materials Real Estate Investments, Inc. and authorize the City Manager to execute the agreement. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Committee Matters

- A. Appointments
Public Safety Foundation Committee – One (1) Position

Mayor Partin stated that the Cayce Public Safety Foundation had two (2) open positions and the City had received a potential member application from Mr. Russel Shumard. Council Member James made a motion to appoint Mr. Shumard to the Public Safety Foundation. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler congratulated Police Chief Cowan and Fire Chief Bullard on their new positions with the City. She stated that staff was very busy with the City's ARPA proposal and should have it ready to present to Council soon. She stated that Parks staff were in full swing preparing for Christmas in Cayce. She stated that the headwall was installed on Blake Drive and the contractors were moving forward with the repairs. She stated that this project was going to create wonderful improvements for the Avenues and for stormwater. Ms. Hegler stated that the City's new Assistant Utilities Director/City Engineer Ms. Betsy Catchings hit the ground running and everyone was excited to work with her. She stated that Ms. Catchings was unable to attend that night's meeting but would be at the next Council Meeting.

Council Comments

Council Member James welcomed Chief Cowan and said Council was so excited to have him on staff.

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 potential agreement between Broad Brook and City of Cayce Regarding 800 Lexington Avenue

Mr. Crowe stated that he did not have any legal advice matters to discuss under Item IX. A. Mayor Pro Tem Jenkins made a motion to enter into Executive Session to discuss Item IX. B. Council Member Bailey-Robinson 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. Council Member Bailey-Robinson 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

There was no action in follow up to Executive Session.

Adjourn

Council Member James made a motion to adjourn the meeting. Council Member Carter seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 7:16 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

October 5, 2021

To: Mayor Partin and City Council Members,

Re: Not Rezoning of Residential Lot on H Avenue from Residential to Commercial

We the group of citizens of H Avenue and adjacent Avenues request that the City Council please reconsider the approval of the rezoning of the property at 1204 Knox Abbott Drive, Cacye SC. Please leave the residential lot fronting on H Avenue in its current residential mixed use designation. We want to retain our right to speak into the rezoning of the residential lot if it should come up in the future. If you approve the commercial designation now we will lose our right to speak into the situation for our neighborhood in the future. It is our understanding that the Cook Out Restaurant has withdrawn their contract to buy the Krispy Kreme property so there is no need for the lot to be made commercial. Please keep the residential lot on H Avenue Residential and do not make it commercial.

Thank you for your time and support.

Sincerely,

Janet Baker

Brian P Williams

Nancy Stone-Calk

Nancy Dew

Steven E Collins

Rob Law 1
1220 H Ave

October 5, 2021

To: Mayor Partin and City Council Members,

Re: Not Rezoning of Residential Lot on H Avenue from Residential to Commercial

We the group of citizens of H Avenue and adjacent Avenues request that the City Council please reconsider the approval of the rezoning of the property at 1204 Knox Abbott Drive, Casey SC. Please leave the residential lot fronting on H Avenue in its current residential mixed use designation. We want to retain our right to speak into the rezoning of the residential lot if it should come up in the future. If you approve the commercial designation now we will lose our right to speak into the situation for our neighborhood in the future. It is our understanding that the Cook Out Restaurant has withdrawn their contract to buy the Krispy Kreme property so there is no need for the lot to be made commercial. Please keep the residential lot on H Avenue Residential and do not make it commercial.

Thank you for your time and support.

Sincerely,

[Handwritten signatures and names, including "James P. ..." and "Thomas ..."]

1204 H Ave