



CITY OF CAYCE

MAYOR
ELISE PARTIN

MAYOR PRO-TEM
JAMES E. JENKINS

COUNCIL MEMBERS
TARA S. ALMOND
PHIL CARTER
EVA CORLEY

CITY MANAGER
REBECCA VANCE

ASSISTANT CITY MANAGER
SHAUN M. GREENWOOD

CITY OF CAYCE Regular Council Meeting October 19, 2016

The October Regular Council Meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council Members Tara Almond, Phil Carter, Eva Corley and James Jenkins. City Manager Rebecca Vance, Assistant City Manager Shaun Greenwood, Municipal Clerk Mendy Corder, Municipal Treasurer Garry Huddle, City Attorney Danny Crowe, and Director of Public Safety Byron Snellgrove were also in attendance.

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. Council Member Jenkins gave the invocation and Mayor Partin led the assembly in the Pledge of Allegiance.

Approval of Minutes

Council Member Almond made a motion to approve the September 6, 2016 Regular Council Meeting minutes and the September 29, 2016 Special Council Meeting minutes as written. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

Mayor Partin stated that the "Public Comment on Items on the Agenda" section of the Council Meeting provides an opportunity to members of the public to present to Council their observations or concerns or comments on a particular subject or subjects as provided in the City Code. She stated that this portion of the meeting is not a question/answer period between the speaker and the Council or the speaker and City staff. She explained that members of the Council or the City staff members may not have the answers to questions or the responses to inquiries at their fingertips. Additionally, there may be more information that would need to be obtained before Council can respond in any meaningful way. She stated that she and Council were interested in what any citizen has to say and appreciate all input. She stated that public comment does help guide Council as they make decisions throughout the meeting.

Ms. Lynn Reinke appeared before Council to discuss Item III. B. Her comments are attached.

Mr. Mike Hughes appeared before Council to discuss Item III. B. He stated that he has attended City meetings where the revitalization of State Street was discussed. He stated these meetings prompted him to look into moving his business to property on State Street. Mr. Hughes stated that rezoning the property to the C-3 zoning classification is important because of the side yard setbacks. He stated that there is a 25 foot setback that has to be met with the C-3 zoning.

Ordinances and Resolutions

- A. Discussion and Approval of Ordinance 2016-16 Amending Section 2-71 of the Cayce Code Relating to Appearance of Citizens for Comments at Council Meetings – Second Reading

Council Member Corley made a motion to approve amending the Ordinance on second reading. Council Member Jenkins seconded the motion. Council Member Carter asked if the proposed amendments to the Ordinance would also affect people that are on the agenda to make a presentation to Council. Mr. Crowe stated that the Ordinance would not apply to anyone that Council has invited to speak at a Council Meeting. For example, a vendor, a City committee member apprising Council of a recent City event, etc. After discussion, the motion was unanimously approved by roll call vote.

- B. Discussion and Approval of Ordinance 2016-17 Amending Zoning Map and Rezoning property Located at 1213 State Street Tax Map Number 004652-04-002 from C-1 to C-3 – First Reading

Ms. Vance stated that Council approval is needed for the first reading of an Ordinance to re-zone 1213 State Street (TMS# 004652-04-002) from C-1 (Office and Institutional) to C-3 (Central Commercial). The applicant wishes to rezone the property from C-1 (Office and Institutional) to C-3 (Central Commercial). The C-3 zoning classification is intended to promote vitality of commercial and business uses in areas of Knox Abbott Drive and State Street. Whereas, C-1 is intended to accommodate office institutional and residential uses and is designed principally for use along major streets dominated by older houses.

Mr. Greenwood stated that the Planning Commission considered the request for re-zoning at its regular meeting on October 17, 2016. The re-zoning request was open for public hearing. He stated that Ms. Lynn Reinke, of 1212 Honeysuckle Street, attended the meeting in opposition to the re-zoning. Ms. Reinke was concerned about the potential future uses allowed in the C-3 district and with required setbacks pertaining to buildings. The Planning Department also received an email from Mr. Bernard Clegg who was unable to attend the meeting, of 1308 Honeysuckle Street, in opposition of the

rezoning request. Mr. Clegg's primary concerns were about how close commercial buildings can be built to each other in the C-3 district. Mr. Greenwood explained that the lot line to lot line only applies to the side lots. He stated that in C-3 zoning one can build all the way to the lot line as long as the neighboring property is a similar commercial enterprise. If the neighboring property is residential then there is a 25 foot landscape buffer. The City's landscaping ordinance does allow one exception to this rule. If an 8 foot tall solid brick wall is built as the buffer then the buffer only has to be 5 foot. Mr. Greenwood stated that no parking or ancillary buildings can be built in the buffer. He stated that it is a vegetative buffer that cannot be infringed upon.

Mr. Greenwood stated that all the other commercial properties on State Street are zoned C-3. He stated that the existing building of the old Union Hall is technically grandfathered in. He stated that the applicant would not be able to build a parking lot all the way to the back residential property line because that would increase his nonconformity. He explained that one can have a legal nonconformity use as long as the nonconformity is not increased in any manner. He stated that if the applicant does not do anything to the building then he does not have to come into compliance with the City's current regulations for landscaping and buffers. Mr. Greenwood stated that the applicant cannot extend his parking lot to encroach upon the required buffers because it would trigger him to have to come into compliance with the specific regulations in the current ordinance.

Mr. Greenwood stated that the rezoning applicant did erroneously tell the Planning Commission that his business of property management would not be an acceptable use in C-1 zoning. He stated that City staff researched the NAICS codes that the applicant was using for his business and discovered that he was using an incorrect code. He stated that staff thinks that the property is currently zoned C-1 because at one time Brookland-Cayce High School was zoned C-1 before it became a PDD and then most recently a DAD.

Mr. Greenwood explained that the difference between C-1 and C-3 zoning has to do with density and the zero setbacks on the side that allows for more businesses on the street frontage. He stated that the alley that runs behind the property is actually a City road and is available for public parking.

Mr. Greenwood stated that the Planning Commission voted unanimously to approve the requested re-zoning to a C-3 zoning designation at the regularly scheduled meeting on October 17, 2016. He stated that the property is contiguous to other C-3 zoning districts and the requested zoning is in compliance with the Comprehensive Plan.

Council Member Almond stated that in light of the fact that there is a setback and a buffer she would make a motion to approve first reading of Ordinance 2016-17 to re-zone 1213 State Street (TMS# 004652-04-002) from C-1 (Office and Institutional) to C-3 (Central Commercial). No one seconded the motion therefore the motion failed.

Other

- A. Discussion and Approval of Acceptance of a Surety Bond and Contractual Agreement in Lieu of Completion of Required Improvements for the Congaree Bluff Subdivision

Ms. Vance stated that Council approval was needed for acceptance of a surety bond and contractual agreement in lieu of completion of required improvements for the Congaree Bluff subdivision. She stated that the developer of the Congaree Bluff subdivision would like to record a bonded plat and begin selling lots prior to the completion of the required improvements needed to support the lots. Article 13 of the Cayce Land Development Regulations require City Council to authorize a surety bond in the amount of 150% of the face value of the remaining improvements along with conditions before an incomplete plat may be bonded allowing the Developer to begin construction and sale of the lots.

Ms. Vance stated that the developer has submitted a bond estimate for the amount needed to complete the improvements and an agreement to be finished within a set time frame. To secure and guarantee full and complete performance of the bond estimate, the Developer is providing the City with a surety bond (letter of credit) issued by AmerisBank. The bond estimate and the work remaining has been approved and verified by the Lexington County Public Works Department. The agreement and bond estimate have also been approved by the City Manager and the City Attorney.

Council Member Almond made a motion to approve the acceptance of a surety bond (letter of credit) for Congaree Bluff subdivision, in lieu of completion of required improvements. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Vance stated that the Beautification Foundation was working with SCANA and CMC Steel to place an entry way sign on 12th Street Extension near Interstate 77. She showed Council the design of the sign and stated that the design works well with what is already on 12th Street Extension. She stated that the same font that was used on the entry sign by Blossom Street Bridge will also be used on this sign. She stated that similar materials will be used on all the City signs for a cohesive look. Ms. Vance

stated that the sign was being fully paid for by SCANA and CMC Steel who hope to have it completed by the end of the year.

Ms. Vance stated that the City received a grant for \$3,194 to purchase ten new bullet proof vests for Public Safety. She stated that the design for the repairs to Riverwalk Phase 2 is approximately 75% done and will hopefully be bid out in November. The project should take four to six months. The original estimate for the repair cost was \$1.3 million dollars and is now \$1.5 million dollars. She stated once the bids come in staff will contact FEMA to see if the City can receive additional money for the repairs.

Ms. Vance stated that the grand opening of the H. Kelley Jones Park in Riverland Park is October 29. She stated that the ceremony for the new Little Free Library in Burnette Park is October 30. She stated that Major Darwin Fulwood's retirement luncheon is November 16. Mayor Partin thanked Major Fulwood for his service and stated that Council looks forward to celebrating him.

Committee Matters

A. Approval to Enter the Following Approved Committee Minutes into the City's Official Record

Council Member Carter made a motion to approve entering the following Committee minutes into the City's official record:

Planning Commission – June 23, 2016
Events Committee – August 11, 2016

Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

B. Appointments and Reappointments

Mayor Partin stated that Mr. Archie Moore's position on the Museum Commission recently expired and the Commission recommended him for reappointment. Council Member Jenkins made a motion to reappoint Mr. Moore to the Municipal Commission. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

Council Comments

Mayor Partin thanked the City's Public Safety Swift Water Rescue Team for working in Nichols, SC to evacuate people. Nichols received extensive damage from Hurricane Matthew.

Executive Session

- A. Receipt of legal advice relating to claims and potential claims by the City and other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to proposed contractual arrangement concerning a possible economic development project and discussion of matters relating to proposed location and provision of services encouraging location of businesses in the City of Cayce
- C. Discussion of negotiations incident to proposed contractual arrangements regarding the funding of a waterline project
- D. Discussion of negotiations incident to proposed contractual arrangements relating to the City's Tax Increment Finance District
- E. Discussion of negotiations incident to proposed contractual arrangements for the provision of sewer service
- F. Discussion of negotiations incident to proposed contractual arrangements between the City of Cayce and Lexington School District Two

Council Member Jenkins made a motion to move into Executive Session. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

Reconvene

After the Executive Session was concluded, Council Member Almond 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

VIII. B.

Council Member Carter made a motion to approve the letter of intent concerning the World Wide Recycling property and authorize the City Manager to sign on behalf of

the City. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

VIII. E.

Council Member Almond made a motion to authorize the City Manager to negotiate with Lexington County School District One regarding sewer service as discussed in Executive Session. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

VIII. F.

Council Member Corley made a motion to approve the amendment of the settlement agreement between Lexington County School District Two and the City of Cayce and authorize the Mayor and the City Attorney to sign the consent order with the court. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote. Mayor and Council are working closely with the School District on a positive issue for the City and had to amend the agreement for this project.

Adjourn

There being no further business, Council Member Almond made a motion to adjourn the meeting. Council Member Corley seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 8:05 p.m.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

Request to re-zone from C-1 to C-3 from Mr. Hughes is being submitted based on his concern of not being able to utilize his newly purchased C-1 commercial property to his intent for future expansion.

It is my understanding from my personal attendance at the Public Hearing held Monday, October 17, 2016 that the type of business Mr. Hughes proposes/intends to operate on this piece of property in its future state, is not be permitted within C-1 zoning.

Mr. Hughes misrepresentation of NAICS (North American Industry Classification System) 531 is why I am again seeking to oppose and pledge for denial by City Council of his request to re-zone from C-1 to C-3.

I feel my residential property adjoining Mr. Hughes C-1 commercial property could possibly be impacted in a negative manner, potential loss of value, water flow damage and my personal safety if allowed to re-zone to C-3.

I was also informed the exiting C-1 commercial building will fall under the "grandfather clause" until there has been substantial improvement, any repair, reconstruction, rehabilitation, addition, or other improvement of the structure, the cost of which equals or exceeds 50% of the value, Mr. Hughes will not be required to place any type barrier between his commercial and my residential property.

If Council approves the change to C-3 and Mr. Hughes proceeds with altering the current lay out of the land by adding additional building(s) as he proposes, this could possibly create a change in the current run off water flow, creating flooding under my home. I asked what course of action if approved to re-zone I will have if this were to occur, I was ^{total} ~~total~~, it becomes a civil suit between the property owners. Based on this grandfather clause, I feel my rights as a residential owner in the City of Cayce have been infringed upon and not in consideration.

C-3 zoning opens the door for a potential business that I am not in favor of supporting. I'm not sure you all as Avenue residents would approve of the various types of businesses allowed by C-3 zoning connecting to your residential property.

Mr. Hughes has a renter for the existing building which falls under the "grandfather clause" currently zoned C-1, and his future state is also covered under C-1 (real estate, property management), I am asking for Council to please deny this request. It is my understanding that Mr. Hughes meets all other conditions for his proposed expansion and development without having to change the zoning. If in the future, Mr. Hughes desires to open a business listed under C-3 zoning, he should apply at that time. Mr. Hughes informed me that he has no intent to sell or change ownership, but there are no guarantees in life.

Thank you for your time!

A handwritten signature in black ink, appearing to read "Lynn Rees". The signature is written in a cursive, flowing style with a prominent loop at the end.

531 Real Estate

5311 Lessors of Real Estate

53111 Lessors of Residential Buildings and Dwellings

531110 Lessors of Residential Buildings and Dwellings

53112 Lessors of Nonresidential Buildings (except Miniwarehouses)

531120 Lessors of Nonresidential Buildings (except Miniwarehouses)

53113 Lessors of Miniwarehouses and Self-Storage Units

531130 Lessors of Miniwarehouses and Self-Storage Units

53119 Lessors of Other Real Estate Property

531190 Lessors of Other Real Estate Property

5312 Offices of Real Estate Agents and Brokers

53121 Offices of Real Estate Agents and Brokers

531210 Offices of Real Estate Agents and Brokers

5313 Activities Related to Real Estate

53131 Real Estate Property Managers

531311 Residential Property Managers

531312 Nonresidential Property Managers

53132 Offices of Real Estate Appraisers

531320 Offices of Real Estate Appraisers

53139 Other Activities Related to Real Estate

531390 Other Activities Related to Real Estate

