

Mayor
Elise Partin

Mayor Pro-Tem
Tara S. Almond

Council Members
Phil Carter
Eva Corley
James E. Jenkins

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland



**City of Cayce
Regular Council Meeting
Wednesday, July 22, 2020 at 5:00 p.m.**

**Cayce City Hall is currently closed to the public.
Please use the following method to attend the Council Meeting:
Telephone: 1 929-205-6099
Meeting ID: 896 4955 5947
Password: 214152
caycesc.gov**

I. Call to Order

A. Invocation and Pledge of Allegiance

II. Public Comment Regarding Items on the Agenda

Special Note: Anyone wishing to speak to Council about an item not on the agenda will need to call the City Clerk at 803-550-9557 by 2:00 p.m. the Friday prior to the Council Meeting. Anyone wishing to speak on an item on the Agenda will need to call the City Clerk at 803-550-9557 by 11:00 a.m. Tuesday, July 21, 2020. Please leave a voicemail and your call will be returned before the Council Meeting.

III. Resolutions and Ordinances

- A. Approval of Resolution Recognizing the 30th Anniversary of the Signing of the Americans with Disabilities Act
- B. Discussion and Approval of Ordinance 2020-20 Amending Zoning Ordinance Article 6 District Regulations to Add Language Concerning New Regulations on Uses in the I-77 Gateway Design Overlay District – Second Reading
- C. Discussion and Approval of Ordinance 2020-21 Amending Zoning Ordinance Article 6 District Regulations to Add Language Concerning New Regulations on Infill Development – Second Reading
- D. Discussion and Approval of Ordinance 2020-22 Amending the City Code, in Chapter 2 ("Administration"), to Add a New Section 2-77, Authorizing, as Provided, Electronic Meetings of Council and Electronic Attendance of Council Members, and other Related Measures – First Reading
- E. Discussion and Approval of Ordinance 2020-23 Amending the City Code, in Chapter 2 ("Administration"), to Further Describe the Powers and Duties of the City Manager Concerning Procurement – First Reading

IV. City Manager's Report

V. Council Comments

VI. 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

VII. Reconvene

VIII. Possible Actions by Council in follow up to Executive Session

IX. Adjourn

SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.

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Resolution Recognizing the 30th Anniversary of the Signing of the Americans with Disabilities Act

Whereas, signed into law on July 26, 1990, the Americans with Disabilities Act (ADA) ensures the rights of citizens with disabilities by prohibiting discrimination in the areas of education, employment, government services, places of public accommodation, commercial facilities, and other vital areas; and

Whereas, the ADA is considered the first and most comprehensive law in the world to provide equal treatment to Americans with disabilities; and

Whereas, July 26, 2020 is the 30th anniversary of the signing of the Americans with Disabilities Act by President George H.W. Bush; and

Whereas, the Americans with Disabilities Act reaffirmed the ideas that all people are entitled to participate fully in our economy and democracy, have something to contribute, and deserve every chance to achieve their full potential; and

Whereas, our community is enriched by the diversity and accomplishments of Americans with disabilities; and

Whereas, the 30th Anniversary of the ADA provides an opportunity to renew our commitment to the ADA's principles in ensuring the rights and independence of citizens with disabilities and empowering our communities to benefit from the contributions of all Americans; and

Whereas, that the City of Cayce salutes everyone whose efforts contributed to the enactment of the Americans with Disabilities Act;

Whereas, the City of Cayce commits itself to compliance with and furthering the principles of the Americans with Disabilities Act; and

NOW, THEREFORE BE IT RESOLVED that the Cayce City Council, in Council Session duly assembled, joins in recognizing the 30th anniversary of the signing of the Americans with Disabilities Act be acknowledged and celebrated by the City of Cayce and its citizens.

ADOPTED this 22nd day of July, 2020.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Carroll Williamson, Planning and Development Director

Date: July 17, 2020

Subject: Second Reading of an Ordinance Amending Zoning Ordinance Article 6 District Regulations to Add Language Concerning New Regulations on Uses in the I-77 Gateway Design Overlay District

Issue

Council approval is needed for the Second Reading of an Ordinance amending Article 6 District Regulations to remove some permitted uses in the I-77 Gateway Design Overlay District and to add some additional prohibited uses.

Discussion

The I-77 Gateway Design Overlay District was created by Council to be an economically thriving welcome to the City from Interstate 77 along 12th Street Extension.

In March, Council approved a rezoning of one large parcel to Planned Development District for a large mixed use development called Southern Commons at the corner of Saxe Gotha Road and 12th Street Extension. Other large parcels in this area have residential, medical, and education uses currently. To ensure that new developments that are planned within this overlay district compliment the desired commercial character, Staff recommends that additional uses of residential, medical, education and public administration be prohibited.

The Planning Commission voted on amending Article 6 of the Zoning Ordinance concerning uses in the I-77 Gateway Design Overlay District at the Planning Commission meeting on June 15, 2020.

Recommendation

The Planning Commission recommends Council approve Second Reading of an Ordinance amending Article 6 District Regulations to remove some permitted uses in the I-77 Gateway Design Overlay District and to add some additional prohibited uses.

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|-------------------------|---|---|
| STATE OF SOUTH CAROLINA |) | ORDINANCE 2020-20 |
| |) | Amending the Zoning Ordinance Article |
| COUNTY OF LEXINGTON |) | 6 District Regulations Section 6.10-3 to |
| |) | Add Language Concerning Uses in the |
| CITY OF CAYCE |) | I-77 Gateway Design Overlay District |

WHEREAS, Council has determined that it is in the best interest of the public to amend Section 6.10-3 of Zoning Ordinance Article 6 District Regulations to add language concerning uses in the I-77 Gateway Design Overlay District; and

WHEREAS, the Planning Commission held a regularly scheduled public hearing on this request to receive comments from the public; and

WHEREAS, the Planning Commission met on June 15, 2020, to review public comments and vote on recommending proposed amendments to Section 6.10-3 of Article 6 District Regulations of the Cayce Zoning Ordinance, and voted to recommend an amendment as shown on the attached document,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Section 6.10-3 of Article 6 District Regulations of the Cayce Zoning Ordinance is hereby amended as shown on the attached document.

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2020.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Section 6.10-3 Uses

1) Knox Abbott Drive Design Overlay District and 12th Street Extension Design Overlay District

- a. Permitted Uses. Unless specifically prohibited by Section 6.10-3.1.b, the uses permitted within the underlying zoning district shall apply.
- b. Prohibited Uses
 - i. Truck (stops) and freight terminals
 - ii. Billboards
 - iii. Outdoor sales and storage lots, including, but not limited to, vehicular, boat, trailers, recreational vehicles, campers, manufactured homes, flea markets, furniture, lumber, scrap metal and salvage operations
 - iv. Sexually oriented businesses, night clubs and drinking places (bars and lounges)
 - v. Communication towers and antennas, with the exception of small wireless facilities as defined in Article 12
 - vi. Pawn shops, consumer cash lending secured by personal property
 - vii. Kennels
 - viii. Check cashing services
 - ix. Fireworks sales, temporary and permanent
 - x. Electronic cigarette stores
 - xi. Mini warehouses and self-storage units
 - xii. Auto repair and car washes

2) I-77 Gateway Design Overlay District

- a. Permitted Uses. Unless specifically prohibited by Section 6.10-3.2.b, the uses permitted within the underlying zoning district shall apply, in addition to the following:
 - ~~i. Residential single family and multi-family~~
 - ~~ii. Light Industrial, commercial, office and institutional, public administration, and rural~~
- b. Prohibited Uses
 - i. Any use which emits an obnoxious odor, noise, or sound which can be heard or smelled outside of any building or structure
 - ii. Any operation primarily used as a distilling, refining, smelting, or mining operation
 - iii. Any trailer court, labor camp, junkyard or stockyard provided, however, this prohibition shall not be applicable to the temporary use of construction trailers during periods of construction, reconstruction, or maintenance or the use of office and administrative trailers in connection with the marketing of lots or condominium units for sale
 - iv. Any dumping, disposing, incineration, or reduction of garbage; provided however, this prohibition shall not be applicable to garbage compactors located near the rear of any building or any other approved location

- v. Any use involving selling or exhibiting pornographic materials or illicit drug-related paraphernalia
 - vi. Any use involving selling the exhibition, either live or by other means to any degree, of nude or partially nude dancers or wait staff
 - vii. Any massage parlors or similar establishments
 - viii. Billboards
 - ix. Pawn shops, consumer cash lending secured by personal property
 - x. Check cashing services
 - xi. Kennels
 - xii. Outdoor sales and storage lots, including but not limited to vehicular, boat, trailers, recreational vehicles, campers, manufactured homes, flea markets, furniture, lumber, scrap metal, and salvage operations
 - xiii. Mobile homes and mobile home parks
 - xiv. Fireworks sales, temporary and permanent
 - xv. Electronic cigarette stores
 - xvi. Mini warehouses and self-storage units
 - xvii. Residential- single family, duplex, and multi-family
 - xviii. Educational Services (NAICS Sector 61)
 - xix. Health Care and Social Assistance (NAICS Sector 62)
 - ~~xvi-xx.~~ Public Administration (NAICS Sector 92).
- c. Conditional Uses
- i. Communication Towers and Antennas are permitted as a conditional use in accordance with Article 7, Section 7.8.

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Carroll Williamson, Planning and Development Director

Date: July 17, 2020

Subject: Second Reading of an Ordinance Amending Zoning Ordinance Article 6 District Regulations to Add Language Concerning New Regulations on Infill Development

Issue

Council approval is needed for the Second Reading of an Ordinance amending Article 6 District Regulations to add additional design requirements for new houses built in neighborhoods that are predominantly brick houses.

Discussion

On November 20, 2019, Council approved an Ordinance regulating the design standards of new homes built in existing neighborhoods. One of the criteria was that a proposed new home surrounded by homes with non-vinyl siding must not use vinyl siding.

Because certain neighborhoods have homes that are built almost exclusively out of brick material, new homes built in these neighborhoods should retain some of that same character that reflects this common characteristic. This Ordinance puts additional requirements for infill lots that are surrounded by brick homes, following the same measure as is used for other infill development to determine what defines surrounding development.

Recommendation

The Planning Commission recommends Council approve Second Reading of an Ordinance amending Article 6 District Regulations to add additional design requirements for new houses built in neighborhoods that are predominantly brick houses.

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| STATE OF SOUTH CAROLINA |) | ORDINANCE 2020-21 |
| |) | Amending the Zoning Ordinance Article |
| COUNTY OF LEXINGTON |) | 6 District Regulations Section 6.12 to |
| |) | Add Language Concerning Regulations |
| CITY OF CAYCE |) | on Infill Development |

WHEREAS, Council has determined that it is in the best interest of the public to amend the Zoning Ordinance Article 6 District Regulations Section 6.12 to add language concerning regulations on infill development; and

WHEREAS, the Planning Commission held a regularly scheduled public hearing on this request to receive comments from the public; and

WHEREAS, the Planning Commission met on June 15, 2020, to review public comments and vote on recommending the amended Article 6 District Regulations Section 6.12, of the Cayce Zoning Ordinance, and decided that they do recommend this amendment as shown on the attached document,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Article 6 District Regulations Section 6.12 is hereby amended as shown on the attached document.

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2020.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Section 6.12 Infill Development Design Standards

Purpose. The purpose of requiring design standards for infill development is to ensure new developments within existing residential neighborhoods retain the character of that neighborhood.

Definitions.

Infill Development- The development, reuse, or change of use of vacant, underdeveloped or proposed redeveloped land on an existing street that is surrounded on at least two (2) sides by existing development.

Surrounding Development- The single-family residential properties surrounding the property to be developed. Surrounding development includes each property whose front or side property lines falls within 500 feet, measuring from each corner of the property to be developed. The Planning Director has the discretion to reduce or enlarge the boundary when major separations (highways, railroads) are located within 500 feet of the property to be developed.

Requirements. All building plans of the primary structure of an infill development are required to be reviewed and approved by a Planning and Development Department committee prior to the issuance of a building permit. For infill development property that will be subdivided into multiple properties, each building plan shall be considered infill development and subject to the provisions of this Section of the Ordinance.

Design Standards. Design standards shall include, but are not limited to, (1) front porches, (2) first floor at least two (2) feet above grade, (3) non-vinyl siding, and (4) columns.

Review Process. This committee will review, within ten (10) working days of submittal, each building plan of the primary structure to determine if its design is similar in design to the surrounding development by conducting a survey of the designs of the residential primary structures within the surrounding development. If 50% or more residential primary structures within the surrounding development has one of the design standards, that standard shall be required on the building plans of the infill development. Additionally, if over 75% of the houses in the surrounding development have a brick exterior wall covering, then the infill development shall have one of the following constructed of brick: foundation wall above grade, at least half the height of the columns, or 25% of the exterior wall covering of the side of the structure which serves as the primary front entrance or faces the street.

Once reviewed, this committee will approve the design or disapprove the design with an explanation of which design standards are required for approval.

Appeals. Appeals of the committee's decision shall be made to the Board of Zoning Appeals, in accordance with Article 4.

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| STATE OF SOUTH CAROLINA |) | ORDINANCE 2020-22 |
| |) | Amending the City Code, in Chapter |
| COUNTY OF LEXINGTON |) | 2 ("Administration"), to Add a New |
| |) | Section 2-77, Authorizing, as |
| CITY OF CAYCE |) | Provided, Electronic Meetings of |
| |) | Council and Electronic Attendance of |
| |) | Council Members, and Other Related |
| |) | Measures |

WHEREAS, the Council, in the exercise of its statutory authority, including its authority under S.C. Code section 5-7-250, believes it to be in the public interest, and in the interest of the effective and efficient operation of the City Council and City government, to provide the Council with the alternative and ability to meet and act by electronic means when necessary,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, as follows:

1. Division 3 ("Rules of Order") of Article II ("City Council") of Chapter 2 ("Administration") of the City Code is hereby amended to add a new Section 2-77 ("Electronic meetings and electronic attendance") to read as follows:

Sec. 2-77.- Electronic meetings and electronic attendance.

(a) Upon notice in accord with the notice required for meetings pursuant to the State Freedom of Information Act, the Mayor, upon advice of the City Manager, may designate that, due to emergency or other similar circumstances rendering unsafe or impractical a meeting with all members physically present, a meeting of Council will be held as an electronic meeting with Council members allowed to attend, participate and vote by electronic means (defined as telephonic, broadcast video, computer-based, or other electronic media, or any combination thereof).

(b) The word "present" as used in this chapter in the context of the attendance of City Council members, for purposes of constituting a meeting, determining a quorum, or voting, shall include Council members attending electronically in accord with subsection (a).

2. The second sentence of Subsection (a) of Section 2-69 ("Voting requirements") of Division 3 ("Rules of Order") of Article II ("City Council") of Chapter 2 ("Administration") of the City Code is hereby amended to read as follows:

No proxy, mail, telephonic, facsimile, electronic or absentee vote may be cast except as provided by section 2-77.

This Ordinance shall become effective upon Council approval on second reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2020.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: July 17, 2020

Subject: First Reading of Ordinance 2020-23 Amending the City Code, in Chapter 2 ("Administration"), to Further Describe the Powers and Duties of the City Manager Concerning Procurement

Issue

Council approval is needed for the First Reading of Ordinance 2020-23 amending the City Code to further describe the powers and duties of the City Manager concerning procurement.

Discussion

During the adoption of the FY21 budget, Council requested that staff review all existing contracts and propose best practices for their continued review in an effort to ensure the City is receiving adequate services along with a fair price. Currently, the City has 75 total, active contracts.

As a best practice, staff recommends the following:

- biennial review of all City Contracts
- removal of exemption from the competitive selection process for certain services
- a protest policy for the competitive selection process

Recommendation

Staff recommends Council give First Reading approval to Ordinance 2020-23 Amending the City Code, in Chapter 2 ("Administration"), to Further Describe the Powers and Duties of the City Manager Concerning Procurement.

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| STATE OF SOUTH CAROLINA |) | ORDINANCE 2020-23 |
| |) | Amending the City Code, in Chapter |
| COUNTY OF LEXINGTON |) | 2 ("Administration"), to Further |
| |) | Describe the Powers and Duties of |
| CITY OF CAYCE |) | the City Manager Concerning |
| |) | Procurement |

WHEREAS, the Council, in the exercise of its statutory authority, in the interest of the public and in the interest of efficient and effective operation of the City government, desires to amend, revise and further describe the powers and duties of the City Manager concerning procurement, as provided in Section 2-144(9) of the City Code,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, as follows:

Subsection (9) ("Procurements and contracts") of Section 2-144 ("Powers and duties"), of Division 2 ("City Manager"), of Article III ("Officers and Employees") of Chapter 2 ("Administration") of the Cayce City Code is hereby amended as follows:

1. The word "he" is replaced by the words "he/she" wherever "he" currently may appear in the subsection.

2. Following the current third sentence in the subsection beginning with the words "He may make procurements...", two new sentences are added to read:

In the event of a protest concerning the apparent low bidder or the disallowance of a bid at the bid opening, all instructions and procedures shall be explained in writing to the bidders at the opening. The protestor shall have five business days to file with the city manager a written protest specifying all grounds of protest, the decision by the city manager will be communicated within five business days, any appeal from the decision of the city manager shall be to the city council and filed with the city manager within five business days of the date of the decision, and the city council shall hear and decide the appeal at its next regular or special meeting.

3. In the sentence in the subsection beginning with the words "City council may waive...", the words "architect-engineer, auditor," are deleted.

4. Following the sentence in the subsection beginning with the words "The city manager shall advise...", two new sentences are added to read:

The city manager or his/her designee will review all city contracts biennially in an effort to review best practices for the current services provided. This review may be completed through a Request for Proposal (RFP) procedure awarded by council.

5. In the sentence beginning with the words "The requirements of competitive bidding...", the words "accounting services" are deleted and are replaced by the words "emergency construction services."

This Ordinance shall become effective upon Council approval on second reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2020.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney