

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Phil Carter
Tim James
Hunter Sox

City Manager
Tracy Hegler

Assistant City Manager
Jim Crosland



**City of Cayce
Regular Council Meeting
Tuesday, February 1, 2022 at 6:00 p.m.**

**Cayce City Council is currently meeting virtually via Zoom.
Please use one of the following methods to attend the Council Meeting:**

Virtual Attendance, click

<https://us02web.zoom.us/j/86007263075?pwd=WDRLNHJKWjE2M1I2YjJydm1OYTJIUT09>

or

Telephone: 1-929-205-6099

Meeting ID: 854 7286 0284

Passcode: 508821

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I. Call to Order

- A. Invocation and Pledge of Allegiance
- B. Approval of Minutes
 - January 10, 2022, Regular Council Meeting
 - January 19, 2022, Regular Council Meeting

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 12:00 p.m. the Friday prior to the Council Meeting. Anyone wishing to speak on an item on the Agenda may use the raise hand option via Zoom before the meeting starts.

III. Presentations

- A. Presentation by Dr. Colette Townsend-Chambers re neighborhood dog concerns

IV. Ordinances and Resolutions

- A. Discussion and Approval of Ordinance 2022-01 Amending the Business License Tax Class Schedule in Appendix B of the 2022 City Business License Ordinance

V. Items for Discussion and Possible Approval

- A. Discussion and Approval of Projects Submittal to the Lexington County Capital Project Sales Tax Commission

VI. Committee Matters

- A. Approval to Enter the following Committee Approved Minutes into the City's Record
 - Cayce Housing Authority – October 19, 2021
 - Board of Zoning Appeals – November 15, 2021
 - Planning Commission – November 15, 2021
 - Events Committee - November 18, 2021

VII. City Manager's Report

VIII. Council Comments

IX. 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

X. Reconvene

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

XII. Adjourn

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



Mayor Elise Partin	Mayor Pro-Tem James E. Jenkins	Council Members Phil Carter Tim James Hunter Sox	City Manager Tracy Hegler	Assistant City Manager Jim Crosland
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**City of Cayce
Regular Council Meeting
January 10, 2022**

The January Regular Council Meeting was held this evening at 6:00 p.m. via Zoom video and conferencing software. Those present included Mayor Elise Partin, Mayor Pro Tem James Jenkins and Council Members Phil Carter, Tim James and Hunter Sox. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, IT Director Jamie Beckham, Finance Director Kelly McMullen, Human Resources Director Lynn Dooley 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.

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.

Approval of Minutes

Mayor Pro Tem Jenkins made a motion to approve the December 7, 2021 Regular Council Meeting minutes and the December 22, 2021 Public Hearing and Regular Council Meeting minutes as written. Council Member James seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

Mayor Partin stated that the City's Director of Information Technology Mr. Jamie Beckham was going to walk everyone through how they could sign up for Public Comment. She stated that they were going to try to make it as easy as possible so everyone who wanted to speak could. Ms. Corder stated that Mr. Beckham seemed to be having technical difficulties. Mayor Partin stated that she would walk everyone through the process as best as possible and they would navigate the process together. She stated that anyone attending the meeting via Zoom that wanted to speak would need to use the raise hand function and anyone calling in would need to press *9.

Ms. Jessica Johnston, Item III. A. Ms. Johnston stated that she did not know what Mr. Crowe was going to present but she did look forward to hearing his presentation. She stated that based on the title of the agenda item it appeared it was only addressing the alleged comments by Mr. Hutson and she hoped that was not the case. She stated that she recalled in the meeting on November 17, 2021, that Mayor Partin felt a further investigation was warranted and said she wanted to know if there were other instances or related issues that have impacted City staff or citizens. Ms. Johnston stated that was also confirmed in the minutes in the agenda packet on page 15 in the statement by Mr. Crowe where he said that he would hear any members of the public who wished to discuss with him "any related issues" for his presentation. Ms. Johnston stated that with that understanding, she submitted her concerns to Mr. Crowe with

questions for him to answer on December 11, 2021. She stated that she never received a reply, clarification or acknowledgement. She stated that she had heard from others that they also did not receive a reply. She stated that Mr. Crowe, as a lawyer, had an ethical duty to respond in a reasonable time. She stated that according to the South Carolina Bar “reasonable time” was considered at least three (3) days. Ms. Johnston stated that since the public comments came first on the agenda and not following the presentation and because she did not know if it would be addressed in future meetings she wanted to make Council aware of the topic of her concern and submission. She stated that based on observation and feedback from others she felt there was a need to address some displays of discriminatory behavior within the City government, staff and/or operations related to individuals with disabilities. Ms. Johnston stated that she would like for her comments to Mr. Crowe to be recognized for the original purpose she and others believed the investigation would be addressing. She stated that another investigation could be opened if need be and if so, her recommendation would be to have a third party to complete the investigation. She stated that she believed using the City attorney could be a conflict of interest for complete transparency for the citizens. Ms. Johnston stated that many of the citizens she had spoken to did not believe the City attorney would represent them honestly especially if they were addressing City staff or officials. She stated that she had also addressed her concerns about this topic and the lack of reply from Mr. Crowe to her Council Member Tim James. She stated that she looked forward to the follow up in this matter.

Katty Hite, Item III. A. Ms. Hite stated that she thought everyone needed to be careful in how they present the City. She stated that in the last two (2) months she had heard more negative things about Cayce and its approach to people that are diverse than any time ever. She stated that this was from people that she did not think paid any attention to Cayce.

Danny Creamer, Item IV. A. Mr. Creamer stated that he had been the Chairperson of the Cayce Events Committee for quite a number of years. He stated that they had a great committee and a very diverse committee. He stated that they had found that inviting potential members to the next Events Committee Meeting worked very well. He stated that gave them a chance to get to know each other. He stated that in the past they had invited applicants to a meeting and they did not show up and when staff contacted them they said they had changed their mind. Mr. Creamer stated that he did not think that arbitrarily appointing people to a committee would work. He stated that if a committee meets a potential applicant then they can then recommend to Council their appointment. He stated that the Events Committee had been so successful because they worked as a unit and everything they did was for the betterment of the City. He stated he thought this was where everyone needed to work from starting with Council all the way down to every City employee.

Beth, Items IV. A. and V. A. Beth stated her pronouns were she/her. She stated that she wanted to point to the optics of what the conversation looked like. She stated

that it looked as though Council Members Carter, James and Sox were speaking together as a unit and it appeared as though there was tension or conflict on Council. She stated that the optics that she wanted to point to was that this was three (3) white men who were slowing down a process. She stated that whether or not the process needed to be redefined or not, the way that it looked did not come across that they were trying to support a representative community. She stated that she hoped that would be taken into consideration in the future. She stated that she hoped that processes that would move forward would take into account more people from more backgrounds. She stated that she would feel more comfortable if all of Council were agreeing that this was a process that needed to be revisited instead of just three (3) white men. She stated then she would feel more comfortable in understanding that Council was trying to approach something that was trying to create a representative or to continue to support a representative City Council in the City's committees as well. She stated that she was not pointing fingers and was not saying that the intention was to do anything that would look like that. She stated that as someone that could only watch and tell Council what it looked like, she hoped it would be taken into consideration moving forward in securing committee members. She stated that especially considering that the people who were the primary candidates for committees come from diverse backgrounds and offered different life experiences that could really add value to the City.

Marcy Hayden, Item V.A. Ms. Hayden stated that she had submitted her potential application for the Museum Commission. She stated that she was in the middle of a lot of the conversation that had taken place that evening. She stated that she was very excited about the opportunity to serve on the Museum Commission and appreciated having the opportunity to serve. She stated that she knew the last few weeks had been really difficult. She stated that she had spoken to some of Council and some members of the Museum Commission in different arenas. She stated that due to the high number of COVID cases she had not had a chance to talk to people in person but hoped to in the future. Ms. Hayden stated that there were always two (2) sides to every story. She stated that the perception was that there were some difficult things happening in the City but she liked to think of it as growing pains. She stated for example as the City grows and changes and matures and adds new residents and new perspectives into the City. Ms. Hayden stated that she had 16 years' experience in State government with a background in program management, anthropology and Native American Studies. She stated that she was a member of the Pee Dee Indian Tribe. She stated that she was very passionate about the museum and actually wanted to go into Museum Studies when she was in college and in her earlier career and focus on local history. She stated that serving on the Cayce Museum Commission was a perfect fit. Ms. Hayden stated that there were so many positive things that could be taken away from the process and the direction the future was going. She stated that her focus would be on the positive things the City was doing and keep pushing them forward. She stated that the beauty of the City was in those positive things.

Presentations

A. Presentation of Report on Investigation into Comments made by a Cayce Museum and Historical Commission Member

Mr. Crowe stated that if the Council Meeting had been held in person he would have already handed out copies of his report to Council and had copies available for the public. He stated that since they were using a different medium for presentation he would email his report to Mayor Partin and Council and the City Manager's office had copies of the report and its attachments available for distribution to the public upon request. Mr. Crowe stated that before he started his investigation he had a particular view of the scope of the task he had been assigned by Council. He stated that he did receive information from several members of the public however he did not show an email on December 11, 2021, from Ms. Jessica Johnston. He stated that if she would resend it he would be glad to address it. He stated that those emails contained information that he deemed beyond the scope of his investigation which is why he did not attempt any further contact. Mr. Crowe stated that he saw the investigation as limited to the incident involving the City employee and Marion Hutson as well as the issue of whether that incident reflected any broader negative racial attitudes or culture of the Museum Commission.

Mr. Crowe read the report, in its entirety, which is attached, along with corresponding attachments.

Mayor Pro Tem Jenkins stated that Mr. Crowe's suggestion of an advisory board was the best way to move forward. He stated that the Chairperson of the Museum Commission needed to be removed from that position and more citizens needed to be involved which would happen with the creation of an advisory board. He stated that the Museum Commission needed to be dissolved and start from scratch. Mayor Pro Tem Jenkins stated he wanted to make a motion to appoint the three (3) applicants. Mayor Partin stated that she wholeheartedly agreed with Mayor Pro Tem Jenkins and that item was coming up next on the agenda.

Mayor Pro Tem Jenkins stated that the report was good and cleared up a lot of things. Council Member James stated that he was thankful for the detailed and chronological report. Mr. Crowe stated that the City's interest was in making the report transparent since it had been discussed in City Council Meetings and that was the reason for making the report public. Council Member Sox thanked Mr. Crowe for the investigation and for how in-depth he went. He stated that a positive that could be taken from the report was that it illustrated problems with the City's appointment process. Council Member Carter thanked Mr. Crowe for a thorough and informative investigation and stated that he looked forward to being able to read it and digest it properly before he took any action on it.

Mayor Partin stated that the report was just on the agenda as a presentation but she would put on the next agenda action items in follow up so she was asking Council to get with her or staff so they could prepare what those actions items would be so they could take action on those items at the next Council Meeting. She stated that she was intrigued by Council Member Sox's takeaway from the report. She stated that she picked up some different items of concern. She stated that antagonism towards staff stood out to her as well as a lack of African American representation in their role in the history of the City. Mayor Partin stated that it stood out to her that there was support for the City employee's statement. She stated that it was a statement that all of Council said they supported and believed and looked the employee in the eyes and told her they believed her and then went on to gaslight her. She stated that they went so far as to put in an email the "alleged" comments. She stated that if anyone wanted to see those they were all out there.

Mayor Partin stated that it had been heartbreaking to watch what had been going on with the City leadership. She stated that she was excited to hear that the new appointments were good because it was something that Council had done that was good. She stated that it showed that they could increase the diversity of their appointments. She stated that the comments in the report regarding a few Museum Commissioners who were resistant and antagonistic to staff and have a wrong view of what their role should be was extremely concerning. She stated that it was concerning that there were words used like interference from administration. Mayor Partin stated that the Museum belonged to the City and was ran by the City as it should be. She stated that that antagonism should not be supported by Council and she hoped it would not be any longer.

Mayor Partin stated that she knew there were some close connections to some Council Members so far as to be called family. She stated that the comment "we have our councilman now" was concerning. She asked Council to get with her or staff before the next Council Meeting so they could put action items on the next meeting agenda for the public to see and so they could move forward and support the good work the Museum Commissioners have done but to clarify that it's even healthier and more representative for the City.

Items for Discussion and Possible Approval

A. Discussion of Council Volunteer Appointment Process

Ms. Hegler stated that at a December Council Meeting Council Member Sox noted that he had asked staff to research how other municipalities around the state handled the process of appointments, reappointments and removals from commissions, committees and boards.

Ms. Hegler stated that she shared with Council via email on December 17, 2021, that staff contacted six (6) municipalities. She stated that general commonalities included that none take recommendations from the board or commission, itself. Most Councils take the recommendation of staff or select themselves. None have complex processes. Reappointments are handled the same as original appointment but include the request of the member asking to be reappointed. All can remove members at any time with or without cause and did not have a formal process for that. Not all have a process for keeping applications on file, a couple said they hold them; one said they became inactive once the position was filled. While not written, most stated they struggled to find applicants for their boards, so having multiple volunteers to choose from was a rare opportunity.

Ms. Hegler stated that any changes to the City's volunteer appointment process was at Council's discretion. She stated that however, based on how the City historically appointed volunteers and communication with other municipalities regarding their process, staff did not have any recommended changes.

Council Member Carter thanked Ms. Hegler and Mr. Crosland for researching other municipalities processes. He stated that he reviewed it and had made some notes of his own. He stated that Irmo's staff vetted their applicants, Blythewood's Mayor interviewed their applicants, West Columbia did a background check and discussed their candidates in Executive Session, the City of Hanahan did a background check that was vetted by their staff, the Town of Lexington's staff vetted their applicants and discussed it in Executive Session and lastly Lexington County did a background check. Council Member Carter stated some things had happened in the past that justified the City needing a written process of protocols and procedures. He stated that while serving on Council, before Council Members James and Sox joined Council, an applicant was approved unanimously that was on a federal watch list. He stated that the application was not vetted and Council approved it. He stated that Council was notified the evening of the meeting of the issue and were able to withdraw the offer of appointment.

Council Member Carter stated that a few months ago there were multiple candidates for one (1) open position on a committee. He stated that Council was not aware that there were multiple applicants because they do not receive committee meeting minutes until after Council has taken action. He stated that this occurred when some City committees were inviting potential members to attend one of their meetings. He stated that Council was only presented one (1) application which they gladly approved. He stated that the applicant was actually chosen by someone who lived in another county. He stated that he did not have an issue with the applicant but the process.

Council Member Carter stated that a few weeks ago Council received two (2) applicants for the one (1) open position on the Planning Commission. He stated that he

did not know either applicant. He stated that some applications are filled out with a lot of detail and some have very little detail. He stated that Council typically did not receive any contact information other than the street the person lives on. He stated that to have seated one of the applicants at the December 7, 2021, Council Meeting would have been nothing more than a flip of a coin which would have been a disservice not only to the City but the Planning Commission as well. He stated that since the December meeting he had the opportunity to look into it and he thought they were going to seat a good candidate.

Council Member Carter stated that in reference to the Museum Commission it was not that long ago that Council unanimously approved the Commissioner's application that recently resigned. He stated that had the City had a process that situation could have perhaps been addressed years ago. He stated that he thought Council should consider some things that night. He stated it would be a beginning and he did not think they were in a position to vote on new procedures and protocols that night. He stated that he had wanted a dialogue started which had happened and he appreciated that. He stated that he felt they should consider things like background checks and potentially discussing the candidates in Executive Session and perhaps an interview process.

Council Member Carter stated that Council used to basically rubber stamp applications which was fine because often there was only one (1) applicant for the one (1) open position or one (1) applicant and two (2) open positions. He stated they struggled to get candidates but now they had a surplus which was wonderful. He stated times had changed and they needed to have a proper process for making the selections. He stated that he had been in real estate for 35 years and every time he renewed his license he simply paid \$35 and filled out an application. He stated that this year he was fingerprinted and had a background check done on him. He stated that things changed and things had changed with the City's committees. He stated they had a need and a call for diversity and inclusion and he supported that 100%.

Council Member Carter asked if when he received a potential member application should he call the candidate. He stated that if so, what kinds of questions should he ask. He stated that he was not a Human Resources professional and one had to be careful. He stated that he thought the examples he had given dictated and screamed for a process. He stated that it did not have to be a complex process. He stated that it was his understanding that when the City received the current two (2) applications for the Planning Commission the Commission itself did not know it had an open position. Council Member Carter stated processes had to be put in place to better that.

Mayor Pro Tem Jenkins stated that he was not aware of some of the issues Council Member Carter mentioned. He stated that he would like to have the minutes pertaining to the items Council Member Carter brought up to refresh his memory if it

happened when he was serving on Council. He stated that he did not recall some of those issues but if they had happened then he agreed that Council may need to look at different things. Mayor Pro Tem Jenkins stated that they were trying to fix something that really was not broken. He stated that the issue got started when there was a seat on the Museum Commission that needed to be filled. He stated that they were going to make something to tie in with what someone else wanted. He stated it was not for the City. Mayor Pro Tem Jenkins stated he was there for the City. He stated that he was there for the Museum when they came in the way the City was trying to conduct business.

Mayor Pro Tem Jenkins stated that if the Museum Commission could not handle themselves any better than the Commission needed to be revamped. He stated that some of the commissioners thought they had too much power and did what they wanted to do and not what the City said needed to be done. He stated that they were trying to fix it to give the Commission even more leverage. He stated that if there was an employee that needed to be disciplined they would do it. He asked why they would let a Commission behave that way and not be brought in range. He stated that if it was broken then they had something in place to fix it and they need to implement it and reel people back in.

Mayor Pro Tem stated that it concerned him to hear in Mr. Crowe's report that someone stated that they had their Council Member. He asked who is that. He asked if they had a Council Member that was working for them. He stated that Council was supposed to be working for the City and all City commissions. He stated that no one had one certain Council Member. He stated that they brought that up and told the City Attorney that and put it in a report. He stated they did not care anything about the organization of the City. Mayor Pro Tem Jenkins stated that he thought they had pushed the issue down the road long enough and the Museum Commission needed to be revamped.

Mayor Pro Tem Jenkins stated that he received a letter from a Museum Commissioner stating certain things and pointing to one person who happened to be a person of color. He stated that he was trying to locate an African American cemetery in the City and two (2) of the Commissioners promised to help him but he had yet to receive any help from them. He stated that he would like to have documentation for the issues Council Member Carter mentioned earlier. Mayor Pro Tem Jenkins stated that he had documentation related to the issues he mentioned.

Council Member Sox stated that he stated earlier in the meeting that there were some positives he took away from the investigation on the Museum Commission. He stated that by no means was that his only take away. He stated that he appreciated that item being put on the agenda and greatly appreciated staff's research into other municipalities appointment, reappointment and removal process. Council Member Sox stated that even though staff did not have any recommendations he felt it was important

that they hold themselves to a higher standard when appointing and reappointing citizens especially following the investigation's results. He stated that like Council Member Carter stated that the six (6) of the municipalities staff reached out to three (3) of them did background checks, three (3) had interview processes though one was a staff interview and two (2) discussed the applicants in Executive Session so they could discuss appointments before making them. He stated that the roles the Committees played were vitally important to the City and Council was trusting them with decisions that have great impact on the community. Council Member Sox stated he would like each applicant be interviewed whether that was all of Council or just two (2) members of Council. He stated that then the Council Members who interviewed the applicant/s could bring recommendations to discuss with the rest of Council in Executive Session and then could take it up for a vote after Executive Session. He stated especially considering multiple committees and boards were required by State law. He stated that this process would also create more accountability for Council to support diversity.

Council Member Sox stated that it was recently brought to his attention that Council was supposed to reach out to people in their districts to get them to apply to City boards. He stated that along with the fact that staff stated that they rarely had enough applicants to fill open positions and he felt that Council should hold themselves accountable. He stated that moving forward they should challenge themselves to build a larger talent pool. Council Member Sox stated that they needed to incorporate some sort of interview process to make sure that the applicants were appropriate. He stated that he wanted to meet someone and get to know them especially if they were going on a board that was State mandated.

Council Member James thanked Mr. Crowe for bringing forward the results of his investigation. He stated that after hearing the presentation he thought it made them all recognize they need to address many issues. He stated that making some people feel smaller or less than adequate and the aggression towards staff were not what a volunteer commission should be doing and certainly not in the unity of the City. He stated that Mr. Crowe's suggestions were things that Council needed to seriously take into consideration especially because they were coming from people who served and they would know best.

Council Member James stated that he agreed that Council needed to forward their ideas and suggestions to Mayor Partin so they could be discussed prior to the next Council Meeting. He stated that he spoke to Mayor Pro Tem Jenkins earlier that day and agreed with him that the process was not broken but they could all agree that they could learn from what was going on. He stated that he did not feel comfortable making any immediate changes until he reflected upon it and then he would send his recommendations to Mayor Partin along with asking the rest of Council to do the same thing.

Mayor Partin stated that the volunteer appointment process was on that night's agenda for discussion and if the majority of Council wants it to come back for action, that would be up to the majority of Council to say so. She stated that Mr. Crowe mentioned in his report a memo that Council Members Carter and James received from him in March that talks about how Council should not send their appointment process away and that a screening and selection process for applicants for any of the City's boards and commissions conflicted with the Council approval process set by City code.

Mayor Partin stated that she did not know why they were trying to create big government. She stated that she did not hear their citizens asking them to over complicate a simple process. She stated that she did not know why Council would want to make staff's jobs harder. She stated what bothered her even more was that the City's citizens applied in good faith and three (3) members of Council had played political games with them. She asked Council if they knew how many open positions the City currently had with no applications. Council Member Carter stated that sometimes it was hard to know because they were open for days and days before they even found out about it. Mayor Pro Tem Jenkins stated that he thought there were four (4) open positions on the Public Safety Foundation. Mayor Partin stated that the information on open positions was in the council packet. She stated that Standard Technical Codes Board of Appeals had three (3) open positions and one potential member application for it and the Public Safety Foundation had one (1) open position.

Mayor Partin stated that staff's report stated that most cities did not have a lot of people wanting to volunteer on committees. She stated that the City did not have an overabundance of people that wanted to be appointed to their boards and commissions. She stated that Council had signed up to lead the City which meant they had to do hard things. She stated that the City's appointment process was not a hard thing. She stated that they had citizens who wanted to give of themselves and what she saw was an attempt to make it harder for them and an attempt to make it more intimidating. Mayor Partin stated that every board and commission meeting was a public meeting. She stated that is why the meeting calendar was included in the quarterly newsletter every household received. She stated that they encouraged citizens to go to the meetings and that gave the boards more volunteers and a chance to know some potential members. She stated that the City had so many great people who were volunteering and giving of themselves in so many different ways for the City.

Mayor Partin stated that really only one (1) or two (2) committees were State required. She stated that committees like the Events Committee and the Beautification Foundation were supposed to be fun and a way for citizens to give back. She stated that she took offense to saying that the City's volunteers needed to be background checked when Council was not. Mayor Partin asked what were they saying when they said they needed to vet people. She asked vet them how, vet them for what. She stated that other cities might talk about these appointments in Executive Session but

she was not for that. She stated that she would rather be transparent. She stated that this was not complex tasks that Council had before them.

Mayor Partin stated that she knew Council Member Sox called a number of the people that were on the potential appointment list. She stated that it was not hard for Council to ask staff for that contact information. She stated that Council could call them, introduce themselves and get to know them. She stated that was a great way to create a welcome without creating a barrier and intimidating people who might want to volunteer with the City. Mayor Partin stated that if they did have problems they had a mechanism to remove committee members. She stated that three (3) members of Council did not use that option recently on a very egregious matter. She asked why they were going to make it harder for people that wanted to get involved.

Council Member Sox stated that Council was vetted by the voters and no one was trying to politicize the issue at all. He stated that the issues they were currently facing were a direct reflection of how the candidates were appointed in the first place. He stated that there was no need to continue to dismiss any sort of change especially considering that two (2) of them that Council put on were sexual predators and one was a racist that was appointed. He made a motion that Council have a workshop around these processes before taking anything to a vote. Mayor Partin asked Council Member Sox to please tell them about the sexual predators that he was referring to. Council Member Sox stated that he was making a comment to Council Member Carter's statement that two people were appointed that were on federal registries. He stated that it was appalling that that happened and it sounded like that was within the past 6 to 10 years. He stated what was currently going on was a direct reflection in how they were appointed and reappointed in the first place. He stated that there was no need to continue to dismiss that change.

Mayor Partin stated that Council Member Sox's statement regarding sexual predators being appointed to City committees was a false accusation. She asked Council Member Sox to elaborate on what he meant when he stated that what was currently going on was a direct reflection in how people were appointed and reappointed in the first place. Council Member Sox stated that the man that Council just had an investigation on was reappointed four (4) or five (5) times. He stated that he did not understand how anyone could say they did not need to further vet someone. He stated that the results of the investigation were a cry for more vetting. Mayor Partin asked if the person he was referring to was the person he called family. Council Member Sox stated that he was a family friend. He stated Marion Hutson being a family friend had nothing to do with anything that he was talking about. He stated that all he was worried about was the future of Cayce in 15 or 20 years when none of them were there and there was no process in place and they were wondering how they got where they were. He stated he believed that would be because they did not act and have an interview process and get to know applicants a little better and have them know what they were getting involved in before Council appointed them. Council Member Sox stated that he

would like to make a motion that Council have a workshop around process on the committees, commissions and boards.

Mayor Partin asked what vetting would have found out what happened recently and was properly reported. Council Member Sox stated that if you talked to someone you would get to know them a little better and any sort of background check was a great idea. He stated that it was important if they were going to appoint people to boards, committees and commissions, especially some that are State mandated, that Council know them and were confident in their vote by doing the interview. He stated that it added a level to the appointment process that the City was lacking. He stated that he thought this was the conversation Council should have in a work session.

Mayor Partin stated that she found it intriguing that Council Member Sox thought that kind of thing would have come out in conversation. She stated that she informed Council on what was going to be on the agenda based on the employee's statement that was properly reported and one Council Member's response to her was that he was not surprised and he stated that he just did not know who to say that to. She stated that she disagreed that vetting would have figured out what was going on. Mayor Partin stated that as she had said before if the majority of Council wanted there to be action on the next agenda to let her know. She stated that in reference to Council Member Sox's motion the item was on the agenda only for discussion, not action. Council Member Sox thanked Mayor Partin and stated that he would reach out.

Committee Matters

A. Appointments

Beautification Foundation – One (1) Position

Museum Commission – One (1) Position

Planning Commission – One (1) Position

Standard Technical Codes Board of Appeals – One (1) Position

Council Member Sox made a motion to appoint Ms. Kelly Wuest to the Beautification Foundation, Ms. Marcy Link Hayden to the Museum Commission, Mr. Richard Boiteau to the Planning Commission and Mr. Travis Basnett to the Standard Technical Codes Board of Appeals. Council Member Carter seconded the motion. Council Member Sox stated that he reached out to the majority of the applicants and he did go through the proper process that he thinks needs to be in place by Council to reach out and interview each applicant before making a vote which was why he felt comfortable seating these appointees without this process being in place. Mayor Pro Tem Jenkins stated that he was glad to see that Council was appointing good appointees to these committees and he appreciated Council Member Sox making the motion. Mayor Partin called the question which was unanimously approved by roll call vote.

Mayor Partin stated that she needed to ask Council for clarification on an item for staff. She stated that in March Council Member Carter and Council Member James directed staff that the other application for the Museum Commission would not be put on the Commission therefore his application was not included in the November 17, 2021, Council Meeting when Marcy Hayden's was. She stated there was a reason discussed by staff and the City Attorney in Executive Session that led them to say he would not be put on the Commission. Mayor Partin stated that Council Members Carter, James and Sox voted on November 17, 2021, to postpone Ms. Hayden's appointment because of another application. She asked what staff was supposed to do with that application moving forward.

Council Member Carter stated that his recommendation would be that the application remain on file until Council decided on a written procedures and protocol methodology if older existing applications were to remain on file. Council Member Carter stated that he and Mayor Partin had a conversation several months ago and decided the application would stay on file. Council Member James stated that he believed maintaining consistency with where they were now that all applications remained on file. He stated that he thought Council Member Carter was asking that Council make that part of their review as they move forward. Mayor Partin thanked them for that clarification for staff. She stated that Council Member James stated that he conveyed to that applicant that he was not going to be considered. Council Member James stated that Mayor Partin was correct that he did convey that. Mayor Partin stated that it was very confusing for staff to go back on that. Council Member James stated that Mayor Partin stated that he conveyed to that applicant that he would not be appointed and he was not appointed. Mayor Partin stated that was not what he told them and he knew what was shared in Executive Session so she was not really sure what would change. Council Member James stated that he was of the impression that it remained on file however they did not appoint the person at that time. Mayor Partin stated that was different than what Council Member James told staff in the past.

City Manager's Report

Ms. Hegler stated that she did not have anything to report at that time.

Council Comments

Mayor Pro Tem Jenkins stated that he needed clarification and asked how long the application would stay on file especially in that situation as to why he was not appointed the first time. He stated that if he was not appointed the first time for something that was done then he asked why they would keep the application on file. He asked if anything was going to make it different the next time so why would they keep in on file. He stated that if an employee did something like that you would not do that. Mayor Pro Tem Jenkins stated that this person could come back in the future and ask to be appointed. He stated that if it was bad enough to not put the application on

file then that part of the record needed to be put back so it would not come back up. Mayor Pro Tem Jenkins stated that if the person did something and Council stated that he would not be appointed then why would the application be kept on file. Mayor Partin stated that she found it interesting that the people who were asking for vetting knew why they did not appoint. She stated what was the point of vetting if there was no follow through.

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

There were not any items 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 7:48 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

MEMORANDUM

(For Public Release after Presentation at Council Meeting)

To: Mayor and Council

Cc: City Manager

From: Danny Crowe, City Attorney 

Re: Requested Report on the Incident between a then-Museum Commissioner and City employee, and other related matters

Date: January 10, 2022

At its meeting on November 17, the Council approved, by public vote, my investigation into the incident between Museum Commissioner (a Council-appointed volunteer) Marion Hutson and a City employee, to include the issue of whether the incident reflected any broader negative racial attitudes or culture of the Museum Commission. In my oral outline of my proposed investigation scope and procedure to the Council at the December 7 Council meeting, I stated that, in addition to those two areas of focus, I also would report on any other information or conclusions about the Museum Commission that I obtained during my interviews that might be of interest to the Council.

A list of persons interviewed in my investigation is attached. All interviews but two (Mrs. Mary Sharpe by telephone due to scheduling difficulties and Mr. Gerald Cromer by telephone and in-person) were in-person interviews. All interviews were one-on-one. The interviews were informal in nature, were not recorded, and no written statements were taken. As part of my investigation, I informed those persons with whom I spoke (with the exception of Mr. Cromer) that, in my report to Council, I would not attribute statements during interviews to particular individuals. My purpose in taking that approach was to encourage an open free-flowing discussion. Participation in the interview process was voluntary. The only individual invited to meet with me who declined to participate was former Commissioner Marion Hutson. The e-mail I sent to Mr. Hutson inviting him to meet with me, and the letter from his attorney advising that Mr. Hutson would not talk to me, are attached.

Summary of Conclusions

My principal conclusions from the investigation can be summarized as follows:

- (1) All available and credible evidence fully supports the City employee statement concerning the incident.

- (2) The interviews revealed no evidence of any broader overt negative racial attitudes or culture among the current Council-appointed members of the Museum Commission. Nevertheless, the Museum was described by some during the interviews as failing to depict, in a meaningful fashion, the history of African Americans in the City. To address this, the City may wish to consider

affirmative efforts to achieve an appropriate reflection of the City's racial and cultural diversity and history in Museum exhibits and programming.

(3) Recent Council appointments of new Commissioners to the Museum Commission in 2020 and 2021 reflect a commendable effort by Council to address racial diversity and diversity of viewpoint and experience on the Commission.

(4) A small control group of the Museum Commission is resistant and antagonistic toward City Administration, and has a view of the Commission's current role that is contrary to the City's view as expressed through the City Code and as enforced by City Administration.

(5) The Council may wish to consider new ordinances to (a) clarify that, in accord with the City's form of government, the City Manager, through City Administration, is responsible for operation and management of the Museum, (b) specify that the role of the Museum Commission is purely advisory in nature, and (c) address the development, management, and operation of other City historical sites or historical venues by creating a new City committee, wholly separate from the Museum Commission, to function in an advisory capacity to City Administration concerning historical sites and venues other than the Museum.

A further discussion of these conclusions follows.

The Incident

A copy of the City employee statement concerning the incident (provided to the City Manager by e-mail on November 3) is attached, along with a copy of the Commissioner's November 12 resignation letter. The City employee statement recounts the Commissioner's use of highly offensive language in a conversation with the City employee at a Cayce polling place on election day. The language was used in reference to African American and Lebanese American elected officials and candidates in elections for Columbia City Council and Mayor. By all available reports, there were no direct witnesses to the use of this offensive language other than the City employee and the Commissioner.

The City employee involved is a trusted, highly credible long-time City employee. Contrary to assertions by the Museum Commission Chair as a speaker at the public comment session of the November 17 Council meeting, there is no believable evidence that the employee statement was made for any ill-motive or ulterior purpose. The third-party named by the employee in her statement as present at the end of the conversation (who also is known to be highly credible) confirmed to me the date and place of the City employee/Commissioner conversation and observed that the City employee appeared shaken and embarrassed when he walked up to the on-going conversation and afterward. He did not hear any offensive language while he was present for a portion of the conversation.

The resignation letter of Commissioner Hutson (copy attached) did not contain a denial of the conversation with the City employee or a denial of the use of the offensive language. The letter of his attorney also did not contain any such denials. By the attorney letter, Mr. Hutson expressly declined the opportunity to deny the use of the language or to talk to me concerning his version of events.

The circumstance of Mr. Hutson's use of racially offensive language and statements in other settings was recounted by another well-respected third-party who discussed this information in an e-mail dated November 11 to the Mayor and Council (portions of which were read by the Mayor at the November 17 Council meeting). The third-party who walked up on the employee/Commissioner conversation also had heard the third-party who sent this e-mail state, even before the November 11 e-mail, that Hutson had used such racially charged language in discussing the upcoming Cayce elections. Additionally, I also was told by one participant in the interviews that Mr. Hutson had used a similar racially offensive term at a Museum Commission meeting.

Considering all these factors, my conclusions are that there is no good or credible reason to doubt that the conversation occurred as described by the City employee, and that the available and credible evidence fully supports the content of the City employee statement.

Implications of the Hutson incident for the Museum Commission

The point was offered by more than one Commission member that the racially offensive language attributed to Mr. Hutson was "generational" in nature and was not intended to be offensive. Such an observation on the intent of another, of course, is necessarily conjectural in nature. It also presumes to paint a generation with an overly broad brush. Moreover, the use of the offensive language by the former Commissioner plainly ignores the affirmative obligation of those appointed to City positions to conduct themselves, as representatives of the City, in a manner that can be discerned objectively as free of bias or prejudice based on race or ethnicity.

The interviews revealed no admissions or overt evidence of any pervasive negative racial attitudes or culture among the current appointed Commissioners. Nevertheless, the interviews did indicate that the Museum and its activities, with some notable recent exceptions, are perceived by some as failing to depict, in a positive and meaningful fashion, the history of African Americans in the City. The Museum, it was said by several persons interviewed, offers little by way of African American history or historical figures. Additionally, the interviews revealed that Museum programming related to the Christmas Traditions event in the past had resulted in public comments on pro-Confederate "guides" in lantern tours (as recently as 2017) and on "Gone with the Wind"-type dress and Christmas tree decorations. An insightful question raised in the interviews was "What does the Confederacy have to do with Christmas?" On the positive side, the current City employee assigned to the Museum has helped organize, in the last couple years, an African American Committee for the Museum to recommend and implement presentations based on African American history and activities in the City, and this year's Christmas Traditions

event featured a Christmas tree with playing cards depicting some prominent historical African American residents of the City.

With the resignation of former Commissioner Hutson (a white male), the Commission currently consists of eight Commissioners (five white males, one white female, and two African American females). The two African American females were among four new Commission members appointed by Council in May 2021. Another new member was appointed in October 2020. The other three Commissioners have served continuously since February 1994, October 1998, and December 2008, respectively. Recent new appointees by Council, who have been reflective of racial diversity and of diversity of experience and qualifications in the community, seem, based on their interviews, ready, willing, and able to play significant positive roles on the Commission.

[Commission member terms, per City Code 2-242, are for three years. However, in their appointment letters, the terms of the five members appointed to full terms were calculated at four years, rather than three years. These calculation errors as to length of terms need to be corrected by City Administration and the members advised accordingly.]

Other matters concerning the Museum Commission revealed by the investigation

From a broader perspective, the interviews also revealed that a significant issue of Museum operation is the extent to which the Commission (or, rather, some of its members and a former Museum Director who is considered by the Commission as an "ex officio" member) oppose efforts by City staff to refresh or revise Museum exhibits and rooms. More than one person interviewed stated that the interior of the Museum was treated by the Commission as a "dollhouse" that could not be touched, and that the Commission seemed to be "stuck in the mud" on Museum exhibits and presentations. My impression from a recent tour of the Museum was that, while it has many interesting items to display, the overall feel is dry and static.

This issue underscores an "elephant in the room" issue relating to the Commission that also was reiterated during the interviews: the resistance and antagonism of some toward the City Administration. This is manifested in (1) resistance to change to exhibits and rooms within the Museum as discussed above, (2) insistence on a right to "vet" and recommend applicants for Commissioner, (3) antagonism to purported "interference" by City Administration, and (4) an inappropriate view that the Commission should be "independent" of the City (despite City creation of the Commission and City ownership, staffing, and financing of the Museum).

By way of brief history, the Cayce Museum and Historical Commission was "created" (to use the language of the establishing Ordinance) by City Ordinance effective November 21, 1986. Archie Moore (now Chair of the Commission) was the Mayor at the time and signed the Ordinance. The Commission By-laws were approved by the City Council on January 5, 1987. The main Museum building was constructed, with public donations, on City property and was dedicated in April 1991.

City Code sections 2-241 to 2-245 (copy attached)(which contain significant changes from the language of the original establishing Ordinance) now define and describe the Commission. City Code section 2-242 was amended by City ordinance adopted on April 3, 2008, to add, as the fourth sentence of the section, the provision that "City Council may remove a commissioner at any time with or without cause or for any cause that to the council may seem sufficient." The second sentence of section 2-242 provides that "Each commissioner shall be a citizen and resident of the city and appointed by a majority vote of the city council."

In response to a controversy in March 2021 concerning the Commission's ability to "vet" applicants and recommend a former Museum Director in lieu of other qualified applicants for appointment by Council to the Commission, I issued the attached Memorandum advising of my opinion that the Commission's By-laws (concerning the Commission filling vacancies subject to Council approval) conflicted with Council's appointment power because the By-laws contemplated Commission screening and elimination of otherwise qualified applicants.

Earlier this year, and following that Memo, the current Chair of the Commission had indicated that the Commission may consider making public or "political" or even bringing a possible legal action against the City concerning the City's use for the Museum of certain monies (described as totaling about \$80,000) maintained as a Museum account by the City. These monies allegedly were surplus donations raised by the Commission in connection with the building and opening of the Museum, and the assertion was that the money was "Commission money" and that the Commission, in its sole discretion, controlled its expenditure. As Council will recall, City review at that time showed that, since 2013, the City had expended \$6,485.03 of the \$83,301.76 account total, including recent expenditures for the Museum's 1936 firetruck and improvements to the Museum's outside cabin. This accounting was shared with the Commission Chair in August 2021.

Despite the City's request, no documentation substantiating this claim to ownership or unrestricted use by the Commission of the monies in this account has been provided to the City to this date, and no such documentation has been located by the City. Importantly, it also is noted that the City Code sections cited above include the provision, in section 2-245, that "All properties real or personal acquired by the commission shall become and remain the property of the city and subject to ordinances of the city." Nevertheless, this position on "the \$80,000" was reiterated during the interviews by at least two Commissioners.

It also was stated by one of the persons interviewed that the relationship issues between the Commission and the City, described as strained and continuing, could be made "political" in the future and that "we have our Councilman now."

Although the Commission, particularly since the onset of the pandemic, has not designated or attempted to control expenditures of the City's yearly budgeted funds for the Museum (totaling for this fiscal year about \$154,000), the Commission, as mentioned above, has attempted to manage, control, and encumber the activities of the City employee who serves as

the designated Museum staff person. This raises a significant legal issue as to whether a City-created citizen board, such as the Commission, can exercise control, to any extent, over City funds and City employees.

Another issue indicated by the interviews is the nature and extent of any Museum Commission involvement in the 12,000 Year History Park ("12KHP") and historical venues in the City other than the Museum. My understanding is that the Commission, to date, has shown no formal interest in such venues. However, there is some indication that some new Commission members may wish to include programmatic activities involving these venues as part of new long-range planning for the Commission. It is noted that the current Code provisions for the Commission do not indicate any clear substantive roles for the Commission at non-Museum historical sites and venues.

My final conclusion is that the Council, in the interest of addressing and resolving any confusion or misperceptions, may wish to consider amendment to the current City Code provisions to delineate expressly the Commission roles and areas of responsibility. As part of this effort, the Council may wish to consider specifying that (1) the City Manager shall be responsible for the management and operation of the Museum and any other City historical sites or venues, and (2) the Commission (perhaps more appropriately renamed as the City Museum Committee) has only an advisory role in recommending matters of Museum operation to City Administration and in assisting with coordinating volunteer participation and undertaking fundraising projects for the Museum. For further clarification of roles of the Museum Commission, the Council also may wish to consider establishing a separate citizen volunteer advisory committee with advisory, volunteering, and fundraising roles for historical sites and venues in the City other than the Museum.

I hope this Memorandum will be helpful. I will be pleased to provide any elaboration or further discussion desired by the Council. I appreciated the opportunity to undertake this investigation and make these conclusions and recommendations.

DCC

ATTACHMENTS

LIST OF PERSONS INTERVIEWED

Members of the Museum Commission

Archie Moore, Chair

Mary Sharpe, Vice Chair

A.G. Dantzler

David Brinkman

Garrett Creasman

James Stewart

Pamela Sulton

Charlita Earle

Tracy Hegler, City Manager

Jim Crosland, Assistant City Manager

Mendy Corder, City Clerk

Andy Thomas, Museum Assistant

Elise Partin, Mayor

James Jenkins, Mayor Pro-Tem

Gerald Cromer

Tracy Hegler

From: Mendy Corder
Sent: Wednesday, November 3, 2021 2:15 PM
To: Tracy Hegler
Subject: statement regarding Marion Hutson
Attachments: Marion Hutson statement.docx

Tracy,

Attached is my statement regarding my recent conversation with Mr. Marion Hutson. Thank you!

November 2, 2021

While visiting the 5 polling places today, in the course of my work for the Municipal Elections being held for District 1 and District 3, I ran into Mr. Marion Hutson at Edwards Memorial Church. Mr. Hutson is a member of the Cayce Museum Commission and I have known him since first starting at Cayce. Mr. Hutson told me he was there in support of candidate Hunter Sox. I asked Mr. Hutson about Mr. Sox and he stated that Mr. Sox was very conservative and came from a good Cayce family. Later in my discussion with Mr. Hutson I mentioned that I hoped to get to my polling place in Columbia that day so I could vote in Columbia's Mayoral election. Mr. Hutson stated that he hoped I was voting for Daniel Rickenman. He stated that Columbia did not need another "colored person" as Mayor. He stated that there were three "colored people" and one "a rab" running for Mayor. He then stated that in the past more than one white person had run for Mayor which split the vote causing Mayor Benjamin to win. At that time Mr. Gerald Cromer, a resident of District 3 who was voting there, walked up and began talking to us so I did not have a chance to reply to Mr. Hutson.

Mendy Corder

November 12, 2021

Archie Moore, Chairperson
City of Cayce Historical Museum Commissioner
Cayce, SC 29033

Dear Commissioner Moore:

I, Marion Hutson, seeing the community and the nation divided as a whole, I prefer to see the community be united as one. Therefore, I am voluntarily resigning my position as City of Cayce Historical Museum Commissioner that I have held for the past 20 plus years. My resignation is effective immediately (November 12, 2021). I will continue to pray that the betterment of the community prevails.

With best regards

A handwritten signature in cursive script that reads "Marion Hutson".

Marion Hutson

Subject: Investigation at the request of Cayce City Council
Date: Wednesday, December 8, 2021 at 2:37:24 PM Eastern Standard Time
From: Danny Crowe
To: mghutson@gmail.com
Attachments: image001.png

Mr. Hutson:

As the City Attorney for Cayce, I have been tasked by City Council with conducting an investigation into the incident involving you and the City employee on Election Day and any broader implications of that incident for the Museum Commission. In connection with that investigation, I would like to meet with you to discuss these matters. I anticipate that our meeting would last only for about half an hour.

I am attempting to conclude the investigation and report back to City Council by January 4. I have set aside several blocks of time in the next several days to meet with you and the other Commission members at City Hall, and now am available on December 14, 15, 16 and 20. If those dates are not good for you, please let me know and we can arrange a convenient date and time.

My contact information is set out below. An e-mail or a call on my cell phone are the best ways to reach me since I am largely working from my home this month.

Thank you,

Danny

Danny C. Crowe



2019 Park Street | Columbia, SC 29201
Post Office Box 1149 | Columbia, SC 29202
Direct: 803.724.5728 | **Cell:** 803.767.0050
Fax: 803.724.5730 | **Web:** crowelafave.com

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Subject: City of Cayce
Date: Monday, December 13, 2021 at 4:24:41 PM Eastern Standard Time
From: Vivian Price
To: Danny Crowe
CC: Billy Walker
Attachments: image001.jpg, image002.png, Ltr to Crowe 12-13-21.pdf

Please see attached letter from Mr. Walker.

Vivian

PLEASE NOTE NEW FIRM NAME AND EMAIL ADDRESS



Vivian Price

135 E. Main Street • PO Box 949 • Lexington, SC 29072

e-mail vivian@walkerlaw.org

office 800-922-8411 / 803-359-6194

fax 803-957-4584

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WALKER LAW
ATTORNEYS AT LAW

December 13, 2021

Via email: danny@crowelafave.com

Danny C. Crowe, Esquire
Crowe Lafave
Post Office Box 1149
Columbia, SC 29202

Re: City of Cayce

Dear Danny:

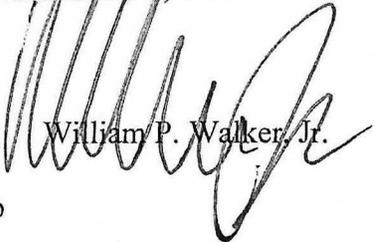
I have your letter of December 8, 2021. I represent Mr. Marion Hutson. We will not participate in any investigation you are conducting.

On behalf of Mr. Hutson, we stand on our First Amendment rights and any other rights afforded under the United States Constitution. We have no interest in discussing this further.

I have been instructed to send this letter on Mr. Hutson's behalf. Should you have any further questions, comments, or concerns, please contact me directly.

Sincerely,

WALKER LAW, LLC

BY:  William P. Walker, Jr.

/vpp

cc: Mr. Marion Hutson

DIVISION 2. - MUSEUM AND HISTORICAL COMMISSION

Sec. 2-241. - Created.

There is hereby created by the city council an entity of the city, known as the Cayce Museum and Historical Commission.

(Code 1975, § 2-171)

Sec. 2-242. - Composition; terms; compensation; vacancies.

The commission shall be composed of nine members. Each commissioner shall be a citizen and resident of the city and appointed by a majority vote of the city council. The commissioners shall serve for three-year terms except for the initial appointees who shall serve as follows: Of the initial appointees, three shall be appointed for a three-year term, three shall be appointed for a two-year term, and three shall be appointed for a one-year term. City council may remove a commissioner at any time with or without cause or for any cause that to the council may seem sufficient.

(Code 1975, § 2-172; Ord. of 4-3-2008, §§ 3, 4)

Sec. 2-243. - Organization; operation.

The commission shall organize itself by the election of a chairman, a vice-chairman, and a secretary who shall serve for one-year terms. After its initial organization, the commissioners shall set about adopting bylaws for the operation of this commission which shall be submitted to the city council for its approval.

(Code 1975, § 2-173)

Sec. 2-244. - Powers and duties.

Powers and duties of the commission shall be as follows:

- (1) Adopt a seal.
- (2) Take care and custody of archives of city.
- (3) Have direct input over marking of historical sites.
- (4) Accept donations of personal property and services within the guidelines of the

commission's purpose as expressed in section 2-245.

- (5) Designate means of recognition for identifying donors.
- (6) Establish, equip, operate and maintain an effective museum within limits approved by the council.
- (7) Other responsibilities as may be more clearly defined in the bylaws of the commission which have been approved by the council.

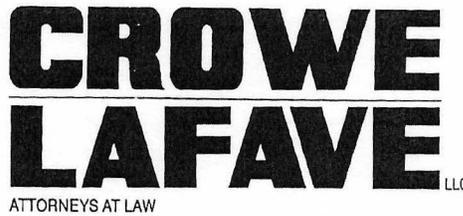
(Code 1975, § 2-174)

Sec. 2-245. - Purpose; creation of museum.

- (a) *Generally.* The purpose of the museum and historical commission is to plan and bring about the creation of a historical museum revealing the past, present and future of the city and the surrounding community. It is desirous that a structure be built to house the museum, its objects and artifacts. The commission will, in due course, employ a curator and open the museum to the public.
- (b) *Contributions for museum; account.* Individuals and corporations will be encouraged to contribute to the cost of providing this museum. All funds so contributed shall be maintained by the city treasurer in an identifiable museum account. All properties real or personal acquired by the commission shall become and remain the property of the city and subject to ordinances of its city council.
- (c) *Museum to be on city property; approval of site.* Should it become necessary to move the museum to another site, it will remain on city property on a site mutually approved by city council and the museum and historical commission.

(Code 1975, § 2-175)

Danny C. Crowe
Matthew C. LaFave
Robert D. Garfield
Mary D. LaFave
Lee Ellen Bagley
Anna Barber Marsh



Danny C. Crowe
danny@crowelafave.com
Direct: 803.724.5728
Fax: 803.724.5730

MEMORANDUM

To: Cayce Museum and Historical Commission
Cc: City Manager, Mayor and Council
From: Danny Crowe, City Attorney 
Re: Museum Commission procedure and applicants for new Commission members
Date: March 31, 2021

The events of the Museum Commission's March 3, 2021, meeting concerning the submission for approval of three of the four applicants for appointment to fill three vacancies on the Commission have been brought to my attention, and I have reviewed pertinent portions of the Zoom recording of the meeting.

In my opinion, the process used by the Commission in selecting applicants for approval by Council was flawed and lacked fairness. Rather than consider the three remaining applicants for the three vacancies (who, according to the minutes, had been present and introduced at the February meeting), the Commission also considered a new fourth applicant added after the February meeting. That applicant was the "ex officio" member who had filed the last of the written applications after the other applicants had appeared at the February meeting. This new applicant also was the only applicant present for the March 3 meeting. Not surprisingly, all voting members voted for the present "ex officio" member as one of their "selections", and thus eliminated one of the three prior applicants.

Moreover, my further opinion is that the Commission's screening and selection process for applicants for the Commission conflicts with the Council approval process set by the City Code. It bears emphasis that the Commission is a creation of the City Council, established and controlled by ordinance now contained in the City Code, whose members are appointed to a term but can be removed by Council at any time with or without cause. To the extent the Commission's by-laws conflict with the appointment power of the Council as established by City Code, the City Code controls. Plainly, Council's power of appointments to a City commission necessarily must include the consideration of **all** applicants for appointment without the screening or elimination of qualified applicants by the commission itself.

For these reasons, I am recommending to Council that it disregard the Commission's selection of three of the four applicants, and that it, instead, consider all qualified applicants and exercise its own discretion in appointments to fill the three vacancies. By this e-mail, I wanted to make you aware of my recommendations to Council.



www.crowelafave.com
P.O. Box 1149 - Columbia, SC 29202
500 Taylor St., Ste. 202 - Columbia, SC 29201
Phone: 803.724.5729



Mayor Elise Partin	Mayor Pro-Tem James E. Jenkins	Council Members Phil Carter Tim James Hunter Sox	City Manager Tracy Hegler	Assistant City Manager Jim Crosland
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**City of Cayce
Regular Council Meeting
Wednesday, January 19, 2022**

The January Regular Council Meeting was held this evening at 6:00 p.m. via Zoom video and conferencing software. Those present included Mayor Elise Partin, Mayor Pro Tem James Jenkins and Council Members Phil Carter, Tim James and Hunter Sox. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, IT Director Jamie Beckham, Finance Director Kelly McMullen, Human Resources Director Lynn Dooley 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.

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

Mayor Partin stated that anyone that wished to speak about an item on the agenda needed to use the raised hand function. Ms. Corder asked Mayor Partin if she would like her to read the names of the people who she was able to see with a raised hand. Mayor Partin stated yes and reminded people that they would need to raise their hand by the button at the bottom of the screen that said reactions, and hit the raised hand button, or if on the phone star (*) 9. Ms. Corder stated that Mr. Danny Creamer, Ms. Pamela Sulton, Ms. Jessica Johnston, Mr. David Brinkman, and Nancy, no last name, had activated the raise hand function. Council Member Sox stated someone had their hand up and it appeared he was not able to activate the raise hand function. Ms. Corder asked if it was Mr. Archie Moore. Council Member Sox stated that it looked like it was Archie Moore. Ms. Corder asked Mr. Moore if he could hear her and if he wanted to speak during Public Comment. Mr. Moore replied yes to both. Ms. Corder stated that she added him to the list of speakers.

Mayor Partin stated that she appreciated staff helping to navigate these unusual times and thanked everyone for navigating technology. Mayor Partin stated that when names were called the person would get a message from the IT Director to unmute themselves and at that time they could unmute themselves to share their comments regarding items on the agenda and then mute themselves once they were done.

Danny Creamer, Item IV. B. Mr. Creamer stated he would be speaking on the Museum Commission issue, but also a much broader issue. He stated he had been a citizen of Cayce all his life and it was a great community that had great people and great leadership. He stated that over the last several months he had seen some animosity and some rough going at the council meetings and he knew it was not just him, as he was hearing people say the same things that he was hearing. He said he was there to voice the opinion of the citizens of Cayce. He said that the citizens elected every one of the individuals, District

1, District 2, District 3, District 4 and the Mayor to run the City and they had done a masterful job, but over the last several months there had been some contention and some uneasiness. Mr. Creamer stated that watching the meetings via Zoom and in person, one could see body language, facial expressions, and flushness of faces when things were discussed back and forth between Council. He stated that people were all human, but fortunately the City had elected the five people that they thought were the cream of the crop in the community to lead and that was all he was requesting. He stated that there had to be compassion, diversity, uniformity, compromise, and diplomacy. He stated he felt he had seen a few times that things were brought up during a council meeting by Council Members that the others had no knowledge of. He stated that if that was true then it was totally wrong because people were elected to represent people seven (7) days a week, 365 days a year. Not just on Tuesday evening, the second Tuesday of each month. Mr. Creamer stated that if he was wrong then he invited a correction. He stated that he charged each Council Member and Mayor Partin to get the unity back and get to be one oiled machine because united we stand and divided we fall. Mr. Creamer stated God bless our great City and our great leadership and thanked Council.

Pamela Sulton, Item IV. B. Ms. Sulton stated that Mr. Crowe's investigation was very thorough with a lot of points that were brought out. She stated that she was asking that the leadership and committee members take into consideration that when something was done in a business fashion and form and an investigation needed to be done, there were things that were brought out and actions needed to be taken on the items that were brought out. She stated that in order to progress they must move forward. She stated that digressing did not bring forth unity, as Mr. Creamer said, and that unity came from working together. Ms. Sulton stated that Cayce had always been a very diverse community and that diversity needed to be represented in every aspect. She stated that the communities and individuals had so much to offer as far as history was concerned. She stated that the history was the compilation of all the individuals in a place, a city, a town, and that kind of history needed to be complete. She stated that through these meetings the City was able to make sure that diversity existed, and had always existed. She stated that it needed to be represented in all forms and there were so many ways to do that but the way not to do that was to be where there was conflict. Ms. Sulton stated that people could speak and agree to disagree but she asked that everyone, if they had or had not read the investigation, to put meat to teeth because it had a lot of points that were brought out and needed action items taken.

Jessica Johnston, Item IV. B. Ms. Johnston stated she had the chance to go by the Cayce Museum recently and wanted to take a moment to share her support for the Museum itself. She stated that she was proud that the City actually had a museum, a place not to enshrine but remind us. She stated that she was not sure how many cities in South Carolina had a museum and that was something that set Cayce apart. She stated that she was in her fifties and had become more and more interested in her ancestry and history in general. She stated that as she mentioned earlier she had

visited the Museum and the grounds and found it fascinating to look back in time, even with the buildings to see what was back then versus now and to see how ancestors lived. Ms. Johnston stated that the Revolutionary War was the turning point for the nation because we had some bits of history from that time and it would be a shame to ever lose it. She stated that it fascinated her that we walk in the steps of our ancestors and those who fought for our country centuries ago every day on this land called Cayce. She stated that hearing was one thing but seeing engaged the senses and imprinted on the mind how far we had come. She stated that her family claimed to have ties to Native Americans so she had an interest in Native American history and to see that the Museum had an 8,000-piece exhibit related to Native American History was phenomenal to her. She stated that it was so important to the residents and kids in the community to know the history, good and bad, that informed and involved their future. Ms. Johnston stated that she knew there were ways to improve the Museum's exhibits and its oversight but those were things that could be worked through. She stated that preservation was what she was getting at and wanted to ask Council to not to let their story be lost historically there in Cayce.

David Brinkman, Item IV. B. Mr. Brinkman stated that it was time to get a little positive about things, especially the things coming out of the current situation. He stated that the news media loved to focus on negative things and he would like to move on. He stated that he thought Council and Mayor Partin had made some good appointments to the Museum Commission. He stated that he was one of the Museum Commissioners and he thought they needed an opportunity now to turn things positive and get to work. He stated that at the last Museum Commission meeting they talked about a lot of good things from the new and the old members and he would just like to see it all positive now.

Nancy Drew, Item IV. B. Ms. Drew stated that she received the envelope that Ms. Corder mailed her. She thanked Council for providing a virtual venue for the meeting and stated that she hoped that the virtual venue would continue while COVID was a problem situation so that people with a disability, such as herself, could enjoy attending and participating in City services without fear or stress that agitated disabilities that were already a problem for them. Ms. Drew stated that the Museum meant a lot to her and her family over the years. She stated that she remembered when it was built, while Mr. Archie Moore was Mayor, and that she had family traditions that she participated in that were around the Museum. She stated that it took a lot of work from a lot of volunteers who consistently showed up and consistently did the work that they did to make all of those memories for her family and she thanked everyone and honored all for the work that they did and she appreciated it so much. She stated that she hoped and prayed that the Museum could continue moving forward while honoring the past and building towards the future. She stated that she was very sure there were ways for exhibits to be added, cosmetic changes to be made, expansions to take place and for people to come together as one. She stated they could be reconciled and find ways through conflict so that creativity and production and productivity could return without

stress and conflict. She stated that she was pleased to see the South Carolina Human Affairs Speaker was there and she looked forward to hearing what she had to say that night. She stated that she was familiar with the South Carolina Human Affairs Commission and was familiar with the mediation and conciliation program because when she was in the school system she was involved in conflict resolution and helped develop a program there for the students. She stated she was very sure that if the adult citizens could come together and do what those kids did then they would be successful in finding a way through what had in some ways become quicksand and mire. She stated that there was a clear road ahead and all they had to do was look for it and help each other get to it and move forward. Ms. Drew stated that if it was possible to do so and if it would help resolve issues then Council should call on the resources of the South Carolina Human Affairs Commission through their mediation and conciliation program and come together. She stated that would give them an outside source, unbiased, that could possibly help iron out some of the difficulties.

Archie Moore, Item IV. B. Mr. Moore stated that he had been involved with the Cayce Museum since its inception. He stated that he had seen the Museum go through a lot of phases from ground up and from building the exhibits. He stated they had several people who were the directors there, employees there, and they had some wonderful programs. He stated that they pride themselves on the Museum and the history of Cayce and they would like the opportunity to take the investigation results that pertained to weakness brought to life by the investigation, to make the right changes to move further in the right direction. Mr. Moore stated that he thought there had been some errors in the investigation but as time goes on sometimes things get lost in translation and he thought that was probably the case here. He stated that as Chair of the Museum Commission he asked that Council approve the staff recommendation that the City Manager work with the commission to continue to build on their work to create a more inclusive exhibit program along with aiding in updating the bylaws through collaboration with the Commission to continue to improve their role with the Museum. Mr. Moore stated that one thing that particularly disturbed him was that they did not have a very large significant exhibit dedicated to the African American citizens of Cayce. He stated that this was not intentional. He stated that they had worked for many years with the Black community and for one reason or another some of these plans had not been able to come to fruition. He stated that in some cases it was due to the fact that the people they were working with had passed away. He stated that they wanted to work on that matter and it was foremost in their minds. He stated that he thought they could do something that would make everyone proud moving forward.

Mayor Partin thanked staff for making it so easy for the residents that wanted to speak during Public Comment. She stated that she and Council appreciated it.

Presentations

- A. Presentation by Ms. Danielle Lindley with the South Carolina Human Affairs Commission re the Commission's Services and Available Resources and

Training

Ms. Lindley shared her screen so everyone could see her PowerPoint presentation. She stated that she was the Community Relations Consultant for the South Carolina Human Affairs Commission. She stated that they were a State agency that was dedicated to preventing and eliminating unlawful discrimination in housing, employment and public accommodations on the basis of race, color, national origin, religion, sex, age and disability, thereby promoting harmony and the betterment of human affairs for all people. She stated that the South Carolina Human Affairs Commission was established in 1972 by the General Assembly under Governor John C. West, and that was in response to a period of racial unrest that was really prevalent during the 60's and 70's. She stated that they were legislatively authorized to take preemptive actions to address race relations, racism, and civil unrest. In 1964 there was the passing of the Title VII of the Civil Rights Act which prohibited discrimination in employment on the basis of race, color, religion, sex, and national origin. She stated that in 1968 at South Carolina State University in Orangeburg student protestors were demonstrating against segregation at a local bowling alley. Three of the protestors, all African American males, were killed by South Carolina Highway Patrol at the time.

Ms. Lindley stated that in 1969 at MUSC in Charleston, African American healthcare workers went on strike for several months in response to pay inequality, racial discrimination in the workforce and racial segregation in the hospital. She stated that in 1970 Darlington County was under a Federal Order to integrate its schools. A bus of African American students were heading to Lamar High School when a mob of men overturned the bus. She stated that all of these events led up to the General Assembly establishing the Human Affairs Commission as an agency in 1972 to keep the Federal government out and as a way to solve problems at a more local level.

Ms. Lindley stated that the agency enforced various laws - the Human Affairs Law, the Housing Law, the Equal Enjoyment and Privileges to Public Accommodations, the Pregnancy Accommodations Act, the Lactation Support Act, and any of the Federal Laws prohibiting discrimination. She stated that the South Carolina Human Affairs Law was implemented to promote harmony and the improvement of Human Affairs in South Carolina, and to allow for the maximum development of the state economically, educationally, and socially. She stated that it was done in several ways. She stated that primarily they investigated and attempted to resolve charges alleging unlawful discrimination, whether in housing, employment, or public accommodations. She stated that they monitor the affirmative action efforts of state government agencies, provide training and technical assistance to employers and conduct studies of problems which threaten the objectives of the law, all in order to promote community relations and interracial harmony.

Ms. Lindley stated that there were two (2) sides to the agency, the compliance side and the consultative services. She stated that the compliance side included

working with Federal Partners, the EEO and the HUD, to investigate and resolve charges of alleged discrimination. She stated that the Consultive Services was the prevention side and included the community relations department and technical services and training which was the department that does the monitoring of affirmative action plans and conducts employer training and D.E.I as well as public accommodations investigations.

Ms. Lindley stated that as Ms. Drew mentioned earlier they did partner with Midlands Mediation Center for reconciliation purposes. She stated that in accordance with State Law the Community Relations Division was created to encourage a local resolution of problems and to foster better community and race relations throughout the State. She stated that upon request they created and empowered Community Relations Councils and entities across the state to address these problems in Human Affairs. She stated that a Community Relations Council (CRC) was comprised of representative citizens across a diverse cross section of the population to study problems in their community and make recommendations to SCHAC. She stated that CRCs produced an annual report to them on race relations in their communities and any methods of resolutions that they choose to address them with.

Ms. Lindley stated that they had divided the state into 6 (six) regions based on the South Carolina Emergency Management. Division. She stated that currently they had three (3) Community Relations Consultants with a fourth on the way. She stated that she covered regions one (1), three (3), and six (6), which was primarily the Midlands and a little bit of the Upstate. She stated that the current CRC's in South Carolina were Greater Columbia, Allendale, Anderson, Beaufort, Greenville, Lancaster, McCormick, the City of Myrtle Beach, the City of Rock Hill, Orangeburg, and Aiken. Ms. Lindley stated that some of these councils were county wide but some of them were also created with the support of the City. She stated that they had recently revamped their programs and began a new program of assistance where they visit every county in the state to provide information of their services, who they are, what they do, and how they can assist. Ms. Lindley stated that they did this by way of community meetings. She stated that at these meetings they would have one (1) of their employment intake officers there to speak with the community about the process to file charges of alleged discrimination and address any actions pertaining to that process. She stated that if there was interest they typically return to the community within 14 days to meet with individuals who need to access these services.

Ms. Lindley stated that their goal was to visit all 46 counties within a year's time and host meetings in each county. She stated that on January 26, 2022, they would be at the Cayce – West Columbia Library for a community meeting. She stated that in light of COVID they made the meeting a hybrid event so if people wanted to come in person they could but if they wanted to attend virtually, they had an Eventbrite set up so they could register that way. She stated that it was completely free and they would love if members of the community and Council would attend. She asked them to share it with

their network, the community and anyone they felt would benefit. Ms. Lindley invited everyone to follow them on social media and offered to send the link out in a manner that anyone could click on. Mayor Partin thanked Ms. Lindley and asked her to tag her on the social media post about the event so that she could push it out further.

Items for Discussion and Possible Approval

A. Bid Award – Engine Repair for City Sanitation Truck

Ms. Hegler stated that the City's 2007 Mack Sanitation Truck had a catastrophic engine failure. She stated that it had 131,000 miles and 21,266 engine hours. She stated that however, the truck body and the rest of the truck were in great condition and they had been advised that it had many more years of service if they were to repair the engine. She stated that staff received two (2) quotes from companies that could offer a three (3) year, 350,000 miles warranty for remanufactured engines. She stated that they would repair it and rebuild it. She stated that Vanguard Truck Center's quote was \$35,494 and Shealy Truck Center was \$35,214. Ms. Hegler stated that they were quite comparable and close in quote. She stated that the City had worked with Shealy before and knew their work. She stated that they were local and the lowest most responsive bidder so staff was asking for Council's approval to select Shealy Truck Center to complete the engine repairs not to exceed \$35,214.

Ms. Hegler stated that this was an unbudgeted expense that the City did not anticipate for this year. She stated that staff was requesting that Council approve it coming from the unrestricted fund balance and if they had any savings in the line item for the Sanitation Department staff would use those first. She stated that just to be safe they were asking that Council allow it from the fund balance and allow the City to enter into that work with Shealy so the truck could get back on the road.

Mayor Pro Tem Jenkins made a motion to approve the selection of Shealy Truck Center in Columbia for completing the engine repairs for the 2007 Mack Sanitation Truck, in the amount not to exceed \$35,214 and to approve the funds being moved from the unrestricted funds balance. Council Member Carter seconded the motion which unanimously approved by roll call vote.

B. Discussion and Approval of Certain Action Items Concerning the Museum Commission

Ms. Hegler stated that staff had put forward two (2) requests that came out of Mr. Crowe's investigation report that Council would recall was also seeking to look at whether there were any broader negative attitudes on the Museum Commission or to report any other information or conclusions that he obtained during the interviews. She stated that one (1) of Mr. Crowe's five (5) summaries that he had was that the Museum was described by some during those interviews as failing to depict in a meaningful

fashion the history of African Americans in the City. She stated that she thought a few people had addressed that earlier in the meeting as well. She stated that to address this the City might wish to consider affirmative efforts to achieve an appropriate reflection of the City's racial and cultural diversity and history of Museum exhibits and programming. She stated that Mr. Crowe further noted that he learned there had been efforts from certain Museum Commissioners to oppose efforts by City staff to refresh or revise those exhibits and that a current Museum employee had made great strides in those areas particularly with the creation of the African American Committee. Ms. Hegler stated that there was some great work going on as there always had been. She stated that the new Commission members appointed by Council were more diverse in their backgrounds and experience and were playing a significant positive role on the Commission.

Ms. Hegler stated that another one of Mr. Crowe's summary conclusions was that Council might wish to create new Ordinances to clarify that to accord with the City's form of government that the City Manager through City Administration was responsible for operation and management of the Museum, specify the role of the Museum Commission as advisory in nature, and address the development, management, and operation of other City historical sites. She stated that Mr. Crowe offered the above as a way to address any confusion or misperceptions regarding the role and responsibility of the Museum Commission as he heard during some of his interviews. She stated that he based that conclusion on, among other things, hearing during more than one interview that certain Commissioners were antagonistic towards City Administration and purported interference, and that some held an inappropriate view of the Commission's roles and that they should be independent of the City. Ms. Hegler stated that while there was a lot in Mr. Crowe's report, there might be a number of action items Council should wish to pursue as a result of that. She stated that there were a couple of recommendations that staff thought they could bring forward to take an immediate positive action. She stated that they were not difficult to do and she thought they would have great impact and staff stood ready to do them.

Ms. Hegler stated that Council could ask the City Administration and Commission to recommend a process for examining and addressing the inclusion of the City's racial and cultural diversity and history within the Museum and its exhibits and programs. She stated that could be one action item. She stated that secondly Council could ask Administration to update the Commission's 1987 bylaws and work to properly define the roles and responsibilities of the Commission. She stated that this was a simple way to address a number of the things Mr. Crowe mentioned and do so immediately. Ms. Hegler stated that City Administration had embarked on this effort with the Commission, a strategic planning process was started prior to COVID that was really well received, and they were starting to make good progress. She stated that new members of the Commission had started that process as well as she attended their last meeting and stated they had some great ideas about how to advance the Museum, move it forward, while honoring its history in a way that is well within the City's Ordinances.

Ms. Hegler stated that other things Council might wish to do might require further Ordinance and actions. She stated that was not what she was bringing to Council that night, but those recommendations could be seen in Mr. Crowe's report. She stated that staff was recommending to get them immediately moving on some positive changes, if Council approved the City Manager working with the Museum Commission to recommend a process for including the City's racial and cultural diversity within the Museum's exhibits and its programs and that staff update the Commission's bylaws and incorporate the related recommendations made by Mr. Crowe for the consideration and approval at a future meeting, so those bylaws as they identify the roles and responsibilities clearly be brought back to Council, either by way of updates from the City Manager or action if appropriate.

Mayor Pro Tem Jenkins made a motion to approve both parts of staff's recommendation. Council Member Tim James seconded. Council Member James stated he felt Ms. Hegler culled the report down very well for a first step. He stated that it goes in line with what was heard that night and it attested to the fact that it was pursuant to the City's Ordinance that the City Manager was the person who is responsible for all City departments. He stated that Ms. Hegler could work with the Commission on the bylaws so that through her work they could best define the roles and responsibilities. Council Member Sox stated he felt these were the right decisions to create positive change moving forward and he thought staff's suggestions addressed what they heard that night from some members of the public and Commissioners. He thanked staff for proposing this. Council Member Carter stated he concurred that it was time and it was a much needed step forward and together and that Council, as well as staff, and the Museum Commission paved the way for a brighter and great future for the Museum.

Mayor Partin stated that she appreciated the opportunity for staff and Ms. Hegler to work together with the Commission to make those bylaws healthier and functional. She stated that there was not another board or commission that was confused about their access to taxpayer dollars or their input on hiring staff, so she was thankful that Ms. Hegler would work with them to straighten those things out and make them clear. Mayor Partin stated that Council could do this, but she loved that all of Council was supportive of staff working with the Museum Commission to take ownership and pride in moving this forward and clearing up the misconceptions. She stated that it would then come back to Council for final approval. She stated that certainly it was great for all the Commission members who care about the Museum and want to take care of it and continue to thrive and get even better as they move forward. She thanked Ms. Hegler for putting together the suggestions.

Mayor Partin called the question and it was unanimously approved by roll call vote. Mayor Partin stated that before they left that item she wanted to make sure that Council was aware of an email that was sent by the Museum Commission Chair to all

the Museum Commissioners the previous night at 11:30 p.m. She stated that she was really glad he was on board supporting how the City functioned and that the Museum was one of many departments that the City Manager was responsible for. She stated that it was tax payer dollars that supported the Museum and a City staff member that worked there but she wanted to read the email to Council so that they were aware of it as well.

“Hello Commissioners,

Hope you are all well. Please see the attached documents regarding the Cayce City Council meeting which will be held via ZOOM tomorrow evening, Wednesday, Jan. 19, at 6:00 PM. This is an important meeting, and it would be very helpful if each of you could attend and participate if you wish. Attached is the Report by Danny Crowe, City attorney regarding the interviews which each of you participated in. I cannot overemphasize how important it is that we stand united in an effort to resist this Rush - To - Judgement proposed by the City's Administration. We need to ask our Council to support us by delaying this proposed action until they and we have an opportunity to work together on this matter in a rational manner.

Also attached is the Council Agenda which includes ITEM IV. B. which is a Memorandum from Tracy Hegler to the Mayor and Council in which she has summarized some of Danny Crowe's statements which are his opinions, and which include a fair amount of mis - information.

Additionally, the memorandum contains recommendations which if implemented, would reduce the Museum Commission to a Committee status which would be of an advisory nature only with little ability to have any meaningful benefit to the Museum. Other recommendations on the Memorandum would also be detrimental the Museum and the Commission. With so much at stake regarding the future of the Museum we should have a seat at the table.

I have enclosed my rebuttal to some of the points in the Memorandum as well as some of Mr. Crowe's statements. I urge you to read the Memorandum carefully and please feel free to speak during the comment period at the Council Meeting. You will need to sign up to speak by using the ZOOM link on the Council Agenda page. Please call me if you need help with this.

Thanks,
Archie Moore”

Mayor Partin stated that her personal caveats before she read the information that was supposedly refuting what the attorney put together, not as his opinion, but straight from valid interviews that he was asked to undertake by Council, she stated she didn't think staff could have come up with two better next steps from that investigation to

help move things forward and in such a collaborative way. She stated that this was asking the Museum Commission to work together with Ms. Hegler to take those next steps forward and make things better. She stated that was collaboration. She stated that there was not misinformation in the investigation that Mr. Crowe shared, as all that came straight from the interviews that he did. She stated that she thought it was terrible to say that the recommendations that came from the Museum Commission itself would reduce the Commission and keep them from having any meaningful benefit. She stated she heard some of the ideas and heard the excitement for taking care of the Museum and making sure it was more representative. Mayor Partin stated that those were good things and were not detrimental things. She stated that she felt it was a rational manner and thanked Council for not delaying that action. She then went on to read the rebuttal statements from the Museum Chair regarding the investigation.

“ITEM IV. B.
Paragraph 2. Discussion

Regarding Mr. Crowe's conclusion that the Museum fails to depict in a meaningful fashion the history of African Americans in the city we offer the following:

The Museum Commission has for many years reached out to the black community to work on trying to establish exhibits regarding the history of the black community In Cayce.

We worked with Mrs Ruth Wise, a respected member of the community for many years. One of the key projects we were interested in was to write a history of each of the Black churches in the area.

We worked with a young Black lady from Cayce who was working on her doctorate at Baylor University. As a part of her dissertation, she was seeking information on The Wilkinson Home for Girls on Wilkinson Street in Cayce. We has several exchanges of letters and phone calls in order to get the information that she needed.

A man who was raised at the Guignard Mansion while his mother worked there contacted us several times and we discussed the fact that he wanted to write a book about his life experience living at the Guignard Place. We encouraged him and assisted him as much as possible. At some point we lost contact and We later learned that he had passed away. After some searching we found the man's daughter living nearby. Before her passing Ms. Judy Corbitt, a member of the Museum Commission and I were planning to visit the lady to see if her father finished his book. We hoped to get a copy of his book or his notes if the book was not completed.

These are just a few examples of our efforts to include The African American History in the Museum. The representation of the African American History is in our opinion still a viable and important project going forward.

The fact that the Museum does not have a large exhibit dedicated to the African American Contribution to our city is largely due to the lack of space and the loss of continuity due to various reasons mainly due to the death of some of the participants in these projects. We plan to address these problems soon.

1. Mr. Crowe's assertion that certain Commissioners oppose the efforts by City staff to refresh or revise the Museum Exhibits and rooms.

The truth is that recently the entire Commission decided to reiterate the reason that certain Core Exhibits which are significant, one-of-a-kind artifacts should not be removed. The Museum employee planned to place these important pieces in storage and replace them with some modern maps and graphics which would do little to interpret the history of the city. The Museum employee who was attempting to do this seems to be lost in the fact that the museum was thoughtfully arranged into different rooms which depict each period in the City's history. A correct tour will give the visitor a complete and interesting overview of the history of the City and surrounding area.

Mr. Crowe mentioned that the Museum Employee had created an African American Committee. The commission was in the process of doing this when we learned that at the very mention of such a committee, the employee circumvented the process and began to do this on his own without any input from the Commission. The Commission therefore did not create an objection in order to preserve harmony. One of the Commission members who was white, asked to serve on the committee but was told she could not do so. This was done without any knowledge of the rest of the Commissioners.

The assertion that certain commissioners are "antagonistic toward purported interference by the City Administration."

More than half of the current Commissioners have not been involved long enough to know the background of the Museum itself and certainly are not aware of the several years of a concerted effort by the Administration to micro-manage the Commission and the lack of respect shown to the Commissioners, some who have given decades of volunteer service to the Museum. I should mention here that the City Administrator refused to allow the newly hired Museum Director to assume his duties. Instead, the new Director was told he would need to serve a six-month probationary period and the newly hired Museum assistant was told that he did not have to follow instructions by the Director nor any of the Commissioners. This action by the Administration created a toxic work relationship which made it difficult for the Museum to make any meaningful

progress. The new Director's 6 months probation stretched into three years and he was finally forced to resign in desperation. This was a shabby, despicable way to treat an employee who applied for this job and expected to be treated fairly.

There seems to be a lack of awareness by the City Attorney as well as the current Administration that the Museum Commission was formed by the citizens who gave of their time, talent, and money to organize and build the Museum without the use of any taxpayer money. The Commission wrote the bylaws which was accepted into record by the City. The self organized Commission was recognized by the City Council in 1986. It was agreed by all that the Commission would operate Autonomously from the City Administration and the Commission has managed the museum successfully for the past 35 years without oversight or impediment until recently, when the Museum Commission seemed to be under attack by the City Administration.

There also seems to be a lack of awareness concerning a substantial amount of money in a fund held by the City. These are the funds that remained after the Museum Building was completed and exhibits were mostly completed. These funds were to be used at the discretion of the Commission but were kept in an account by the City for safekeeping. These funds were designated to be used for future buildings at the Museum.

In conclusion, I must say that the action proposed before you is a Rush-to- Judgement based on the opinion of the City Attorney who was paid to reach the foregone conclusions in his reports. In his initial statement to me he said that part of his investigation would be to determine how we could repair the divide between the Commission and the City Administration. I was glad to hear this since I had also hoped that we could work on this. It seems though that the outcome has become just a means to cast a further negative light on the Commission.

I would pray that the Council table the proposals before you now in order to do more research into this matter and to reach a means of working with all parties to reach a conclusion which will be fair to all and which will be beneficial to the Museum, the Citizens of Cayce and all those who have given so much of themselves for so many years. They and the public deserve no less than our best effort to reach a solution which will benefit us all.

Respectfully Submitted:
Archie G. Moore
January 15, 2022"

Mayor Partin stated she would like staff to look into all those allegations as she knew for a fact that a number of them were patently false. She asked if the Commission Chair knew that Council appointed Ruth Wise's niece to the Museum Commission, and if not she would not say who it was, but it would hopefully be an opportunity to get to know members of the Commission better.

Mayor Pro Tem Jenkins stated he had something he wanted to talk about, as he had spoken about it to Council Member James, and it was an item he had run by both the former Chair and current Chair to locate and identify the African American Cemetery on Foreman Street. He stated that it had never happened. He stated that he had documentation and proof and authorization from what was K&W Recycling Center that was in that area on Foreman Street. He stated that they had given him a letter and he could provide copies, but it authorized him and whoever else was needed, to cross their property and do whatever he needed to do on the property to locate that cemetery.

Mayor Pro Tem Jenkins stated that he had another letter from Mr. John Trump, 12th Street Extension LLC, giving him permission to do whatever it would take to find that cemetery, but the Chair refused to help or put anything in place. He stated that the last letter gave him authorization from Global Plastic Recycling which was formerly City of Cayce property, but now was Steele Hands Brewery. He stated he had maps on where that cemetery might be, but the Museum made a lot of promises that were not held up when it came to African American people. Mayor Pro Tem Jenkins stated he had a letter dated March 14, 2013, from the former Chair titled "African American Recognition of the City Museum" that praised him for how much he had done towards helping the Museum. He stated he had not gotten that help in return. He stated that he did not want that help personally but to help represent people that were buried after working and living in Cayce and they did not have that representation.

Mayor Pro Tem Jenkins stated he was grateful that Council made these changes and was going to make these changes to the Museum because it was a long time coming. He stated he was told about Roman Felder and where he was buried and that his headstone was torn up. He stated that he did know who tore it up or even where he was buried. He stated that the Museum knew all these things so they needed to put something in place to correct all these things when it came to African Americans. He stated that this was not anything new and was the same old stuff. Mayor Pro Tem Jenkins stated that all they had done was dig holes and tried to back fill it with changing the rules but it did not work that way anymore.

Mayor Pro Tem Jenkins stated that he heard a lot of people saying we need to come together and we need to recognize everyone who had a little part. He stated that it did not make a difference how big a part it was but they needed to be recognized for it. He stated that it did not cost anyone anything to do that. He stated he had a long conversation with Council Member James about this and he knew what he was saying. Council Member James stated that they did have a long conversation a couple of weeks ago. Council Member James stated that as Mayor Pro Tem Jenkins was talking how saddened he was because he really truly wanted to have fruition come to it. Council Member James told Mayor Pro Tem Jenkins that day, one on one, and he would say it again in front of all these people that he would support him in any way he could. He stated that for them to move forward with the quest on this because it had sat on the

back burner for too long. Mayor Pro Tem Jenkins stated he appreciated that. He stated that he had a picture of Ms. Wise at the groundbreaking ceremony for the Museum. He stated that he did know if she was recognized in the Museum with that picture but she should be. He stated that the picture should be enlarged and in the Museum. He stated that Mr. Moore's rebuttals mentioned the Wilkerson Girl's home. He stated that he had a lot of information on the Wilkerson Girl's home and that the home was named after Wilkerson from Orangeburg. He stated that Wilkerson High School was named for him and his wife. Mayor Pro Tem Jenkins stated that he had brochures and calendars about the home. He stated that all one had to do was put forth a little effort to put something in action.

Council Member James stated that he did not believe Mayor Pro Tem Jenkins was painting this with a broad brush because he has heard him say before that there was so many great things that the Commissioners, and different people, and the Museum had done but evidently things needed to be picked back up on. He stated that there were other items and sites that they certainly needed to spend some time to make sure that the history was preserved. Council Member James stated that there were these undue allegations that they heard of, or comments that they heard of. He stated that he was very happy that Council had unanimously recognized that the City Manager would move forward. He stated that he certainly believed and thought they all had faith that Ms. Hegler's work with this would bring back a great deal of items that Council would be able to react to and move forward.

Council Member Phil Carter stated that he shared Council Member James' and his disappointment with the dropping of the ball with the cemetery issues. He stated that he thought the Beautification Foundation had picked it up and tried to run with it. Mayor Partin and Mayor Pro Tem Jenkins stated that was a different cemetery. Council Member Carter stated that there was one on Foreman Street about 50 feet from the one referred to at the Brewery. He stated that he heard that one might be back in the woods and asked if that was the one they were talking about. Mayor Pro Tem Jenkins stated that is was and stated that the map showed that it ran right beside Hunter Road, the road that was named after his grandfather, Eugene Hunter. He stated that it ran from Pear Street to Foreman Street and that cemetery was right off the side of that road.

Council Member Carter stated that while he could not help Mayor Pro Tem Jenkins right then he would be glad to hook up with them anytime and would be glad to help. He stated that he knew that Mr. Spires owned the property south of the Brewery and that there was a little cemetery there that was poorly maintained. He stated that there were beautiful names on those headstones. He stated that the one located on the brewery appeared to be taken care of but the one 50 feet south was not maintained, and he thought that might be the one Mayor Pro Tem Jenkins was speaking of. Mayor Pro Tem Jenkins stated he has been trying for years, all the way back to right after he got on Council, 20 years ago. Council Member Carter stated that he knew the

gentleman who owned it and might be able to see what he thought about it. Mayor Pro Tem Jenkins stated that they would get together and thanked him.

Mayor Partin stated that just to reiterate she did ask staff to look through Mr. Moore's document when they received it, as there were pretty harsh accusations against the Museum staff, against the City Manager and she knew a number of those were patently false, so she would like to make sure that it was addressed. Council Member Sox asked that Mr. Moore's document be sent to Council. Mayor Partin stated that she would send it to them.

City Manager's Report

Ms. Hegler stated that staff was preparing for another potential weather incident. She stated that everyone was gearing up for that and making sure they were well prepared. She stated that she would like to give kudos when she received them about staff. She stated that a couple of weeks ago Council Member Carter received an email from Mr. Rhett Inabinet on Cypress Street. She stated that one morning a couple of weeks ago there was a windstorm and she and Council Member Carter received a phone call from Mr. Inabinet and he stated that a tree had fallen from his neighbor's property into the street and into his yard. He stated that City Police Officer Williams knocked on his door to let him know what happened and he would make sure Parks staff came out and removed the tree. Mr. Inabinet stated that the whole process took less than two hours and he was very appreciative of staff for taking care of it and he felt strongly enough to give his Council Member a call to tell him and he reached out to the City Manager. Ms. Hegler stated that she felt that it was a good staff compliment to give in light of some of the weather preparations.

Council Comments

Mayor Partin stated that at the last Council Meeting Council Member Sox egregiously and very incorrectly stated information about some people that he said were appointed on some of the boards and commissions and she knew he would want the opportunity to clear up that record. She asked Council Member Sox if he could clear that up for the record. Council Member Sox asked if she was asking about the people that they were speaking of that were appointed, from what he was told, on federal registries. Mayor Partin stated that he made a comment that there were two people who were on board and commissions, who were, and she stated she did not remember the word he used, but were sexual predators or something. Council Member Sox stated yes, that it was in reference to what he had been told, in no means did he say, that he backtracked on his statement when she mentioned that and said that he was under that impression after what he was told. He stated that he asked that Council continue to talk about these processes, he messaged Mayor Partin about adding it to the agenda, but also he did speak to Council having some sort of a work session around all boards and

commissions processes, so he would like that to be known that he would love to continue to do that.

Council Member Sox stated that he thought that they needed to create a more rigorous vetting process, and by rigorous he meant background checks along with Council interviews. He stated that he was open to any suggestions which is why he would like to have a work session around it and hear each other's ideas without it being "us" trying to take political jabs at each other as it seems that had been happening the past few weeks and months. Mayor Partin thanked him and asked if he was clarifying that he spoke erroneously about the two people on the boards and commissions who were sexual predators or whatever word he used. Council Member Sox stated he was given the impression that they were appointed and removed and that was what he was told. Mayor Partin asked who he was told this by. Council Member Sox replied by people he had talked to. He stated that he was told a little while back and what was said he could not remember because it was while he was campaigning. He stated that it was months ago, but regardless it was all the more reason that if there was a possibility that it could have happened they did not want that to happen in the future so why would they not want background checks. Mayor Partin asked to clarify that he had heard something on the trail, and then reported it as fact in a Council meeting, but he had not bothered to vet any of those "facts". She asked if that was correct. Council Member Sox stated he did not report that as a fact as he said that night. Mayor Partin corrected him that he stated it as a fact. She then thanked him for sharing that information with Council and asked Ms. Hegler to clarify for Council Member Sox and for the record if there were ever two (2) whatever word Council Member Sox used at the last meeting, sexual predators or whatever it was, on the boards or commission. Ms. Hegler stated there were not any to her knowledge. Mayor Partin thanked her and said that would be an absolutely erroneous fact and as a Council Member she would ask that he check those things as she reached out to him before every Council Meeting and asked if he had any questions as did the City Manager. She stated that was so if they could get him any information to help him to make sure that he had all the correct information, they stood at the ready to do so.

Council Member Sox stated he appreciated that but he would like to be respectfully heard when he asked that they continue talking about the processes or the possibility of a work session rather than it being shrugged off, not put on an agenda or no response. Mayor Partin stated that it was not that he did not get a response. She stated that it was put on the last agenda as discussion, so they did discuss that very item. Council Member Sox replied he asked that they continue the discussion. Mayor Partin asked if he wanted more discussion. Council Member Sox stated that he continued to ask for a work session, and nothing was continued to be said. He stated that he messaged Mayor Partin afterward's as she said to message her if he wanted anything to be brought up. Mayor Partin stated that was correct and they did have discussion about it, but barring any information about what in specific they needed to discuss further, they tried to operate pretty efficiently but if he had additional thoughts

that had not been discussed already as it was on the last agenda for him to reach out as she would be happy to talk to him.

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

There were not any items 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 7:17 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: 1/28/2022

Subject: First Reading of an Ordinance Amending the Business License Tax Class Schedule in Appendix B of the 2022 City Business License Ordinance

Issue

November 2021, Council adopted the new Business License Ordinance which did not include the Special Events Promoters, Electric power generation, transmission and distribution, and Natural gas distribution.

Discussion

At its meeting on November 9, 2021 Council gave second reading approval to a new Business License Ordinance to be in accordance with the Business License Standardization Act (2020 Act No. 176).

The ordinance, which went into effect on January 1, 2022, includes Appendix B, a business license class schedule. Staff inadvertently did not include the following industry sectors in Appendix B:

- Utilities, including electric power generation and natural gas distribution and
- Special event promoters with or without facilities.

Recommendation

Staff recommends Council give first reading approval to Ordinance 2022-01, amending Appendix B to be included in the Ordinance.

STATE OF SOUTH CAROLINA)	ORDINANCE 2022-01
)	Amending the Business License Tax
COUNTY OF LEXINGTON)	Class Schedule in Appendix B of the
)	2022 City Business License
CITY OF CAYCE)	Ordinance

WHEREAS, the City Council, on November 9, 2021, adopted Ordinance 2021-23 enacting the 2022 Business License Ordinance, that, among other things, provides for an annual license tax for the privilege of doing business within the City that is based on certain specified rate classifications and rate schedules; and

WHEREAS, Appendix B ("Business License Class Schedule by NAICS Code") to the Business License Ordinance establishes a schedule of classifications for the annual license tax, which primarily are based on Internal Revenue Service statistical data as to profitability of businesses nationally using the North American Industry Classification System (NAICS) Codes for businesses (the "Class Schedule"); and

WHEREAS, the Council now desires to amend the Class Schedule previously adopted to include NAICS Codes and rate classes for Industry sectors and subsectors previously adopted by Ordinance 2020-02 on March 3, 2020, and to include an Industry sector added by the text of Ordinance 2021-23, all of which were omitted inadvertently from Appendix B for Ordinance 2021-23; and

WHEREAS, except as amended herein, the 2022 Business License Ordinance will remain in full force and effect,

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

The City of Cayce 2022 Business License Ordinance is hereby amended to add in Appendix B thereof the following additional entries for NAICS Code, Industry Sector, and Rate Class, as also shown on the attached revised Appendix B which is adopted by this reference:

<u>NAICS Code</u>	<u>Industry Sector</u>	<u>Class</u>
22	Utilities (except as to gross income on which a franchise fee is paid to the City)	1
2211	Electric Power Generation, Transmission and Distribution (except as to gross income on which a franchise fee is paid to the City)	1
2212	Natural Gas Distribution (except as to gross income on which a franchise fee is paid to the City)	1
711310	Special events promoter with facilities	9.91-9.94
711320	Special events promoter without facilities	9.91-9.94

This Ordinance shall become effective following second and final reading, beginning with the business license period commencing on May 1, 2022.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2022.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

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

APPENDIX B
BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2.00
21	Mining	4.00
2211	Electric power generation, transmission and distribution - except as to gross income on which a franchise fee is paid to the City	1.00
2212	Natural gas distribution - except as to gross income on which a franchise fee is paid to the City	1.00
22	Utilities - except as to gross income on which a franchise fee is paid to the City	1.00
23	Construction	8.10
31-33	Manufacturing	2.00
42	Wholesale trade	1.00
423930	Recyclable Material Merchant Wholesalers (Junk)	9.10
44-45	Retail trade	1.00
4411	Automobile Dealers	9.30
4412	Other Motor Vehicle Dealers	9.30
454390	Other Direct Selling Establishments (Peddlers)	9.41 & 9.42
48-49	Transportation and warehousing	2.00
482	Rail Transportation	8.20
51	Information	4.00
517311	Wired Telecommunications Carriers	8.30
517312	Wireless Telecommunications Carriers (except Satellite)	8.30
52	Finance and insurance	7.00
522298	Pawnshops	9.20
5241	Insurance Carriers	8.40
5242	Insurance Brokers for non-admitted Insurance Carriers	8.40
53	Real estate and rental and leasing	7.00
54	Professional, scientific, and technical services	5.00
55	Management of companies	7.00
56	Administrative and support and waste management and remediation services	4.00
61	Educational services	4.00
62	Health care and social assistance	4.00
711310	Special events promoter with facilities	9.91 - 9.94
711320	Special events promoter without facilities	9.91 - 9.94
71	Arts, entertainment, and recreation	3.00
713120	Amusement Parks and Arcades (per machine)	8.51
713120	Amusement Parks and Arcades (on gross)	9.60
713290	Nonpayout Amusement Machines (per machine)	8.52
713290	Nonpayout Amusement Machines (on gross)	9.60
713290	Bingo Halls	9.50
713990	All Other Amusement and Recreational Industries (pool tables)	8.60
721	Accommodation	3.00
722	Food services and drinking places	1.00
722410	Drinking Places (Alcoholic Beverages)	9.70
81	Other services	5.00

Note: Class Schedule is based on 2017 IRS data.

This appendix will be updated every odd year based on the latest available IRS statistics.

The Business License Class Schedule may be accessed at: www.caycesc.gov/business

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Jim Crosland, Assistant City Manager

Date: January 27, 2022

Subject: Project submittal to the Lexington County Capital Project Sales Tax Commission

Issue

Council approval is needed to submit transportation-related projects to the Lexington County Capital Project Sales Tax (CPST) Commission for the upcoming transportation sales tax referendum.

Discussion

The Lexington County Capital Project Sales Tax (CPST) Commission is requesting eligible entities to provide a prioritized list of projects for consideration of funding within the County. The CPST is a funding source that is developed from the general merchandise 1% sales tax for goods and services within the County of Lexington. It is anticipated that a percentage of the revenue is to be generated by out-of-county residents that is based on retail sales. The sales tax does not apply to essential food and drug purchases within the County.

The City submitted projects previously in 2014, when the sales tax was first being considered. Note that some of the projects from 2014 have been completed by other means. We were also asked to resubmit projects for consideration in June 2020, but the County did not move forward with considering the transportation sales tax at that time.

Lexington County has commenced formulating a Master Plan for the CPST for the November 2022 General Election. Prior projects have been reviewed by staff and updated for this purpose. We have been advised that projects being submitted must be related to roadway and traffic improvements, but it is staff's opinion the following should be considered:

- Avenues Stormwater Drainage Improvements
- Avenues and Broadacres Wastewater Collection System Inflow and Infiltration Analysis and Rehabilitation Project
- Highway 302 and I-26 Intersection Utility Relocation
- Portion of the Riverwalk Capital Improvement Plan (two Railroad Shelters and a bathroom)

Recommendation

Staff recommends that City Council approve these projects as presented for consideration by the Lexington County Capital Project Sales Tax (CPST) Commission.



**Minutes for October 19, 2021, Regular Board Meeting
of the Housing Authority of the City of Cayce, SC**

The Board of Commissioners of the Housing Authority of the City of Cayce, SC held its Regular Board Meeting on Tuesday, October 19, 2021, at Cayce City Hall and virtually via video conference.

Chairman Jack Sightler called the meeting to order at 5:00 pm. A copy of the agenda was posted on the Housing Authority's website. Roll call was conducted, and the following members of the Board and staff were present:

CH Board Members			Columbia Housing Authority Staff Present
Chairman	Jack Sightler	Present	Yvonda Bean, Chief Operating Officer
Vice-Chairman	Bruce Smith	Present	Cindi Herrera, SVP Development
Commissioner	Silvia Sullivan	Present	Lee McRoberts, Executive Assistant
Commissioner	Cheryl Seymour	Absent	Kimberley Brown, Executive Assistant
Commissioner	Johnetta Riley	Present	Damian White, Community Safety Manager
			Tramel Foulks, Property Manager
			Tracy Hegler, City Manager
			Wade Luther, City of Cayce

APPROVAL OF MINUTES:

Mr. Sightler called for approval of the minutes for the Regular Meeting held June 15, 2021. Upon motion of Mr. Smith, seconded by Mrs. Riley the minutes were unanimously approved.

Board Member		Aye	Nay	Absent
Chairman	Jack Sightler	X		
Vice-Chairman	Bruce Smith	X		
Commissioner	Silvia Sullivan	X		
Commissioner	Cheryl Seymour			X
Commissioner	Johnetta Riley	X		

CHIEF EXECUTIVE OFFICER'S UPDATE:

Mrs. Herrera gave a report on the scope of work to be done at Spencer Place. New roofs and shutters will be installed, Kitchens and bathrooms will be redone and additional work to HVAC, flooring and cosmetic items will be completed as needed by unit. Residents at Spencer Place will be temporarily relocated to units at the Fountains of Edenwood beginning in mid-November. Work should take approximately 90 days per unit and residents will only need to take personal belongings as the temporary units are fully furnished and CH will supply storage for resident's furniture and other items while work is being done in their unit. Staff anticipates having all work done at Spencer Place by June 2022.

Mrs. Herrera said that a unit on Byron St. was heavily damaged by a tree that fell during a storm during the summer and has been declared a total loss by the Insurance Reserve Fund. Staff is still exploring options for what to do with the property long term. The other Cayce Housing communities will receive varying degrees of rehab based on the condition of the units and some work that cannot be completed with current funding prior to conversion could be done post-conversion using private financing.

Commissioner Smith asked how much of an issue current supply chain problems will pose for the rehab work. Mrs. Herrera said that the contractor has begun ordering supplies and expected delays have been built into the construction schedule. Doors, cabinets, and shower surrounds are on order and anticipated to be delivered in January 2022; the contractor also has inventory of many of the materials on hand. Shingles for the roofs are in the contractor's possession and roofing work will begin first. Ms. Sullivan asked if the contractor has received order dates from his vendors? Mrs. Herrera said that he has delivery dates and has built that information into his schedule.

Chairman Sightler asked if work has started at Spencer Place. Mrs. Herrera said that work on the roofs will begin in November and that demolition can begin after the first of the year once supplies begin arriving at the site.

Chairman Sightler asked for additional information on the unit that was damaged on Byron St. Mrs. Bean said that the unit was struck by a falling tree during a storm in August. A family was in the unit at the time, but no one was injured, and the family has been relocated to another unit. Mr. Smith asked if the insurance coverage on the units needs to be increased as \$94,000 seemed low for replacement value. Mrs. Herrera said that all coverage will be increased on the units once work has been completed.

OPERATIONS REPORT:

Mr. Foulks presented the Operations Report:

	August	September	October
Accounts sent to Magistrate	0	0	0
Account more than 30 days	6	8	11
Work Orders received	21	26	1
Work Orders Completed	20	24	0
Work Orders Remaining	1	2	1
Emergency Work Order	3	6	0

Chairman Sightler asked if the accounts over 30 days were the same accounts that have been appearing on the report for the last year. Mr. Foulks said that they are, and that staff is working with each family to ensure the families have an opportunity to access rental assistance funds if possible. Some families have applied for rental assistance and are currently waiting on funds that will resolve their outstanding balances.

Chairman Sightler asked about the status of the eviction moratorium. Mrs. Bean said that CH is still not evicting families as rental assistance funds are starting to be received and applications are still being processed. The federal eviction moratorium has been lifted, but CH wants to ensure that all families are given a chance to avoid losing their home for nonpayment of rent. CH is continuing to work with the families to include assisting with the completion of applications to the Emergency Rental Assistance Program (ERAP). The funds have been slowly coming in, as well as CH has received award notices, which is another reason CH is not moving to evict at this time. Commissioner Riley asked how much the rental assistance funds will cover. Mrs. Bean said that families can get up to 6 months of assistance, and CH has received payment for a few residents for past due rent and future rent up to January 2022.

OTHER ITEMS:

The waiting list for Cayce Housing will open on October 25, 2021, for 1 day. There are currently 293 applications for 2 bedroom units on the waiting list, 3 for 3 bedrooms and 0 for 4 and 5 bedroom units. Staff will update the Board at the December meeting with results of the opening. Chairman Sightler asked if units are being held to relocate families from

other communities during renovation as people move out. Mrs. Bean said that staff is considering that and other options to reduce the inconvenience to residents as much as possible.

Chairman Sightler asked about the status of the Abbot Arms bond issuance. Mrs. Herrera said that the AFAA did not approve all of the proposed projects presented during their last meeting. The Abbot Arms project has not received a letter needed for the tax credits and staff anticipates that the project will most likely close in January. Staff will update the Board as the process progresses.

ADJOURNMENT

There being no further business and upon motion of Chairman Sightler, seconded by Commissioner Smith, it was unanimously approved to end the meeting at 5:47 pm.

Prepared by:

Ivory N. Mathews
Secretary/Chief Executive Officer

**APPROVED MINUTES
BOARD OF ZONING APPEALS
CAYCE CITY HALL
1800 12th Street Extension
Monday, November 15, 2021 @ 6:00 PM**

I. CALL TO ORDER

The meeting was called to order at 6:00 pm. Members present were Jason Simpson, Robin DiPietro, Cenetha Muller, Matt Stroud, and Scott Miller. Staff present were Tracy Hegler and Monique Ocean.

II. APPROVAL OF MINUTES

Robin DiPietro made a motion to approve the minutes from the May 17, 2021, meeting. Scott Miller seconded the motion. All were in favor.

III. STATEMENT OF NOTIFICATION

Monique Ocean confirmed that the public and media were made aware of the meeting and the public hearing.

IV. PUBLIC HEARING

Special Exception SE001-21

A request by the applicant, Tiffany Johnson, for a Special Exception to operate a childcare center in an M-2 (Heavy Industrial) zoning district. The property is located at 1146 Walter Price Road (TMS 005797-01-014).

a. Opening Statement

Ms. Tiffany Johnson came before the Board to discuss the request for the special exception. Ms. Johnson stated the proposed daycare would be her third daycare in the Columbia, SC area. Ms. Johnson directed the Board members to the pictures submitted in the request. Ms. Johnson stated the photos included in her application illustrate how children may enter and the building safely. Ms. Johnson mentioned that the South Carolina Department of Social Services believes the location is great for the daycare. Ms. Johnson stated that she has a great relationship with the owner of 1146 Walter Price Road, Mr. Donovan, and mentioned that he is the owner of the bingo hall directly beside her. Ms. Johnson stated that a parking plan has been submitted to the Board. Ms. Johnson stated she has mapped out the parking lot and the children must have a safe playground. Ms. Johnson clarified that the front entrance will be used for entrance and exit only. She stated the other doors will be used for emergency purposes and that all doors are fire rated. Ms. Johnson stated she taken steps to make sure students and the community are safe. She expressed that she has never had any safety concerns or violations at her other locations. In response to inquiry from the Board, Ms. Johnson stated all children have to be supervised when exiting the door and that only one door will be used for entering and exiting. Ms. Johnson stated the playground is located safety on the backside of the building away from traffic and the parking lot. After inquiry from the Board, Ms. Johnson clarified the location of play area. Responding to a question from the Board, Ms. Johnson stated that the Department of Social Services is concerned

about the safety of the children and has regulations on the parking lot. Ms. Johnson stated that the DSS will inspect the facility once approval is giving from the City. Ms. Johnson expressed that DSS regulations are sterner than city requirements and that DSS will make sure no regulations are violated. Ms. Johnson indicated the parking lot will be lighted and will consist of 40 parking spaces. Ms. Johnson stated her goal is to make sure children are safe and she has studied the traffic pattern in the area. Responding to a question from the Board, Ms. Johnson stated that staffing requirements have to be approved by DSS and that the South Carolina State Fire marshal determines how many people may occupy the facility. Ms. Johnson stated she would like to have between 60 and 80 students.

b. Public Comment

Mills Snell came before the Board to speak against the special exception request. Mr. Snell stated owners have strong reservations against the special exception request because of the existing zoning and existing buildings. Mr. Snell stated that he has documentation from other property owners who are against the special exception request. Mr. Snell stated that he believes all relevant property owners were not notified in a timely manner to be present for the public hearing. Mr. Snell stated that he has concerns about the safety of the public and pedestrian safety. Mr. Snell stated that heavy equipment and trucks are in the area on a day to day basis and that a daycare facility is not compatible with the zoning district. Mr. Snell stated that his major concern is the increase in vehicular traffic and foot traffic coming into an area where there is already industrial traffic.

c. Adjourn Public Hearing

With no further discussion, the public hearing was adjourned.

d. Motion

Robin DiPietro made a motion to deny the special exception request based on an increase in the number of vehicular traffic, pedestrian traffic and inadequate safety of the parking lot. Scott Miller seconded the motion. Robin DiPietro, Scott Miller and Jason Simpson voted in favor of the motion to deny the special exception request. Cenetha Muller and Matt Stroud voted against the motion because they felt that guidelines already put into place by the South Carolina Department of Social Services were adequate. So, by a vote of 3 to 2, the Board of Zoning Appeals voted to deny the special exception request for 1146 Walter Price Road.

V. NEW BUSINESS

1. Introduction of new Board members

New Board members, Cenetha Muller, Matt Stroud and Scott Miller, were welcomed by the Board at the start of the meeting.

2. Nomination and election of Vice-Chair position

Matt Stroud made a motion to nominate Scott Miller as vice-chair. All were in favor.

VI. ADJOURNMENT

Robin DiPietro made a motion to adjourn. Scott Miller seconded the motion. All were in favor.

A quorum of Council may be present. No discussion or action on the part of Council will be taken.



**APPROVED MINUTES
PLANNING COMMISSION
CAYCE CITY HALL
1800 12th Street Extension
Monday, November 15, 2021 @ 6:30 PM**

I. CALL TO ORDER

The meeting was called to order by Chair Ed Fuson. Members present were Chris Jordan, Chris Kueny, Stockton Wells, Robert Power, Michael Mahoney and Joe Long. Staff present were Tracy Hegler and Monique Ocean.

II. APPROVAL OF MINUTES

Stockton Wells made a motion to approve the minutes of the September 20, 2021, meeting. Joe Long seconded the motion. All were in favor.

III. STATEMENT OF NOTIFICATION

Monique Ocean confirmed that the public had been made aware of the meeting and the public hearing.

IV. PUBLIC HEARING

Cayce Comprehensive Plan 2020 – 2030

A request by Staff to revise and update the current Cayce Comprehensive Plan: 2010 – 2020. To meet the requirements of the 1994 South Carolina Planning Act, the Cayce Comprehensive Plan, including all elements of it, must be updated at least once every ten years.

a. Opening Statement

Monique Ocean came before the Commission to explain the State requirements for updating the current Comprehensive Plan.

b. Presentation by Gregory Sprouse, Central Midlands Council of Governments

Mr. Sprouse came before the Planning Commission, as the City's consultant, to present the draft of the updated Comprehensive Plan. Mr. Sprouse explained that the draft document was placed on the City's website for review by the citizens. Mr. Sprouse briefly discussed some elements of the Comprehensive Plan. Mr. Sprouse stated the Land Use element required an inventory of all land uses in the City. Mr. Sprouse stated the draft Land Use Element Map did not change much from the existing map but the update includes adding new land use categories. Mr. Sprouse stated the Resilience element is a new section that has been added to the Comprehensive Plan. Mr. Sprouse stated the Resilience element shows areas of vulnerability to some nature hazards that may affect the City. Mr. Sprouse explained that the Priority Investment section of the Comprehensive Plan emphasizes government and the funding sources that are needed to meet goals in the Comprehensive Plan. Mr. Sprouse explained the Implementation Plan, by State law, has to identify responsible parties and well a time frame for reaching goals set forth in the Comprehensive Plan.

c. Public Comment

Mr. Richard Boiteau came before the Commission to speak about the Comprehensive Plan. Mr. Boiteau stated it would be would beneficial for different names to be associated with responsibility to each Comprehensive Plan element.

d. Adjourn Public Hearing

With no further discussion, the Public Hearing was adjourned.

**V. RESOLUTION OF THE CITY OF CAYCE PLANNING COMMISSION
RECOMMENDATION OF ADOPTION OF THE COMPREHENSIVE PLAN 2020 –
2030**

Chris Kueny made a motion to resolve the Planning Commission recommendation for adoption of the Comprehensive Plan. Chris Jordan seconded the motion. All were in favor.

VI. NEW BUSINESS

There was no new business.

VII. ADJOURNMENT

Chris Jordan made a motion to adjourn. Chris Kueny seconded the motion. All were in favor.

A quorum of Council may be present. No discussion or action on the part of Council will be taken.

**CITY OF CAYCE
EVENTS COMMITTEE MEETING MINUTES
City Council Chambers
November 18, 2021**

Present: Danny Creamer, Maxine Creamer, Dwede Dennis, Dave Capps, Cindy Pedersen, Johnathon Moore, Brianne Siciliano, Alexis Moore, Megan Lightle, Robert Cathcart

Absent: Evony Reed

City Representative: Amanda Rowan, Mendy Corder

Review of Minutes: October 14, 2021

Chairperson Danny Creamer called the meeting to order. Minutes from the October 14, 2021, meeting were reviewed. Brianne Siciliano made a motion to accept the minutes as written. Megan Lightle seconded. Motion was passed unanimously.

Carols Along the Riverwalk:

Amanda Rowan went over the confirmed bands and reviewed ideas of treats to be purchased. The committee agreed to prepare hot chocolate and coffee for the Caroling Event. Danny Creamer asked where the bands would be situated. Cindy Pedersen said she would leave that to James Denny. Mendy Corder stated she and Amanda would assist Mr. Denny with placement. Bobby George would remain in the parking lot at Brookland Cayce High School and depending on the final number of performers there may be someone near the pavilion. Danny Creamer suggested placing Bob Michaelski before the T junction, with Blue Faith at the T since Blue Faith had requested power. Gantt Street will be placed to the left of the T and Grace Baptist and Beauty Hill to the right. Danny Creamer suggested cutting off adding additional groups by the weekend/ Monday.

Cindy Pederson suggested adding hay bales for people to sit on between the trolley drop off and the pavilion. Johnathon Moore made a motion to add hay bales this year, with Robert Cathcart seconding. Danny Creamer will reach out to Sammie Locklear regarding hay. Photo backdrops were discussed, and a selfie station was suggested. Amanda Rowan will research stations online.

Johnathon Moore requested a short meeting the week of the event. The committee will meet November 30 at the Riverwalk entrance at 5:30pm for the final walk through and band placement.

New Business:

Danny Creamer stated he had been approached regarding holding the Congaree Bluegrass Festival again and asked the committee to consider holding the festival again. He reminded the group that elections of Committee officers will take place at the January meeting. There will be no meeting in December so the next meeting would be January 13, 2022.

There was no other new business. Cindy Pederson made a motion to adjourn the meeting with Alexis Moore seconding. Meeting was adjourned.

Respectfully submitted, Maxine Creamer