

CITY OF CAYCE
Regular Council Meeting
October 5, 2010

The Regular October 2010 Council meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council members Steve Isom, James Jenkins, Kenneth Jumper and Rick Myers, Interim City Manager Steve Brown, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Ken Knudsen, Director of Planning & Development, Chief Charles McNair, Director of Public Safety, and City Attorney Danny Crowe were also in attendance. Mayor Partin advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mayor Partin called the meeting to order. Councilmember Jumper gave the invocation and the entire assembly recited the Pledge of Allegiance.

Approval of Minutes

Councilmember Jenkins made a motion to approve the minutes of the September 7, 2010 Council Meeting as submitted. Mr. Jumper seconded the motion which was unanimously approved by roll call vote.

Councilmember Jenkins made a motion to approve the September 14 and September 21, 2010 Special Meetings with the change that City Attorney Danny Crowe was not in attendance at the September 14, 2010 meeting. Mr. Myers seconded the motion which was unanimously approved by roll call vote.

Presentations

A. Presentation of Employee of the Quarter Award

Mayor Partin presented the Employee of the Quarter Award to Robert Standrige, a meter reader/technician for the city and thanked him for being a valuable asset to the city.

B. Presentation by American Engineering Services Inc. Re Utility Department's Five-Year Capital Improvement Plan and Project Ratings

Mr. Bill Bingham of American Engineering Services Inc. presented to Council the Utility Department's Five-Year Capital Improvement Plan and strategy used to rank

each of the projects. He stated that the CPART Team consisted of City Manager, the Director of Utilities, City Engineer, and one member of the American Engineering staff. He explained the criteria and scoring method used to rank proposed projects. He stated the next step would be for Council to review the rankings of the projects and determine if the rankings need to be revised. He added that once the ranking of the proposed projects is accepted, the City Council will need to identify funding sources. He noted that information is provided using a 5 year timeframe with projected expenditures for that same period. Mr. Bingham explained City Council would ultimately decide the priority of projects and the amount of funds allocated for each. He stressed that these decisions must be completed before the Capital Improvement Plan can be implemented.

He distributed to Council the CPART (Capital Projects Administrative Review Team) Final Project Rankings report. He stated that when the Team met it decided that Project 5 be removed from the project list as it is essentially covered in Project 4. He commented that he was not asking Council to make any decisions tonight, and his only purpose was to provide information on the ranking system so that Council could move toward making revisions and decisions on the ranking and funding the various projects.

Mayor Partin asked Mr. Bingham to clarify the funding of the projects. Mr. Bingham responded that the missing information is the funding amounts and the proposed year of the funding. Without the funding element of the plan, he added that it cannot be determined the impact on future budgets. He noted that the uncertainty of funding may result in a revision of priorities. .

Councilmember Myers inquired if the numbers included in the project ranking were calculated using 2010 costs. Mr. Bingham advised yes. Councilmember Myers stated that obviously if the projects are extended any length of time, the costs would increase. He inquired as to how many of the projects were already funded. Mr. Bingham responded that the demolition of the old wastewater treatment plant was not included in the bond and that the Old State Road water line was also not included in the bond. He added that one of the reasons the demolition ranked high was the need to finish the completion of the new Wastewater Treatment Plant. He added that it is a project funded on a pro rata share in the city's agreement with the Town of Lexington and the Lexington County Joint Water & Sewer Commission.

Councilmember Jenkins inquired if there was a time frame for the old plant to come off line and the new plant to go on line. Mr. Bingham stated that a final determination on this issue has not yet been made.

Councilmember Isom inquired as to time sensitivity of the total project costs. Mr. Bingham stated it really varies and projects are not based on a full engineering takeoff because they are not designed and there is nothing such as a general scope of work. He stated that if inflation increases by 3% then you would add 3% to the total project cost at that time. Mr. Isom inquired if any of the projects were more labor intensive than others. Mr. Bingham stated that he had not looked at it from that point of view.

Councilmember Isom stated that could have a bearing on Council's decision on which projects to go with if the economy does not show signs of improving.

Mayor Partin asked Mr. Bingham to explain what West Columbia has been working on with their water and/or sewer pipes. Mr. Bingham responded they have not done a comprehensive upgrade of their whole system. They had some major issues with lines from the river up to B and E Avenue, down 12th Street to their pump station and that has been the focus of their work on the sewer side.

Mayor Partin stated that replacement of some of the city's water pipes cannot be gotten to as quickly as had been hoped because the city has so many other responsibilities. Mr. Bingham stated that would depend on where Council wants to place those projects within the plan. She stated that the rankings are fine, but there appears to be a lot of needs that need to be addressed prior to replacing water lines. Mr. Bingham stated that some of the projects on the list are already accounted for in other agreements where funding in pro rata shares will be applied in contractual agreements. He stated that Council needs to decide on the level of funding that can be set aside for the projects. From that position, decisions on which projects can be completed can be made.

Councilmember Jenkins stated it would helpful to know the breakdown on the costs to show the city's actual costs on the joint projects. Mr. Bingham stated that the two projects he is aware would be the Six Mile Creek pump station refurbishment and decommission/demolition of the old water treatment plant.

Councilmember Myers inquired if any of the projects would address the problems with low pressure of fire hydrants throughout the city. Mr. Bingham stated that he was not aware specifically of any of these projects that would cover that issue. Councilmember Myers asked that this issue be studied with a goal of improving the City's ISO fire rating. Councilmember Myers stated that the fundamental problem is that the Glenn Street tank is too low and does not sustain the pressure. He stated that replacement of the tank (project 6) would address the low pressure issue in the Avenues area. Councilmember Myers inquired if any of the projects would address the brown water issue. He stated that brown water in the system can be caused by multiple things. He added the brown water issue on the Avenues may not ever be fixed until the city replaces the water lines. He stated that is simply because the lines are old galvanized pipelines that corrode, and the water flows through rusted pipes and the water turns brown. He stated that moving away from chlorine to sodium hypochlorite would help the problem to some extent. He added it would not undo the problem of old pipes that are rusty, but may help as it would not add to the corrosion of the pipes. He stated that there needs to be another corrosion control study conducted to ensure that the right amount of phosphate is being used to treat the manganese which contributes to the corrosion of the pipes. He stated that phosphate also coats the inside of the pipe to help with corrosion. Mr. Bingham stated there is no project on the list that states "this is to correct the brown water problem." He added he was not totally sure what is causing the brown water, however; he stated he knows that old pipes cause brown

water problems and that's a fact. He stated he also knows that high levels of manganese at the plant will also cause brown water as well as not using enough phosphate.

C. Presentation by Mr. Gary David of SCE&G re Update on Phase II and III of 12th Street Lighting Project

Mr. Gary David appeared before Council to provide a brief update of the 12th Street Lighting Project. He stated that originally the plan was to place double headed street lighting in the median. However the storm drainage pipe was installed at a depth of three (3) feet and the design requires a minimum of 4 feet to install the poles. He stated that because of this conflict, the single head poles will be placed alongside the roadway. He noted that the original plan called for 30 poles with 50 lights, and the plan now includes 58 single light poles. He showed Council slides of how the lighting would look along the side of the road and bridges. He stated the additional construction cost of the poles will be borne by SCANA, and the City will be billed on a monthly basis for the electricity charges. Councilmember Myers inquired if the cost of the project has doubled with this change in design. Mr. David stated that for all three phases the city would pay approximately \$64,000 in annual charges and with the change it will now be \$75,000. He stated the original overall construction cost was \$355,000 and is now \$550,000. Councilmember Jenkins inquired as to why the issue of the depth was not brought forward and discussed during the initial phases of discussion of the project. Mr. David stated he himself had asked this question and feels that the State had not been following federal regulations and that now that the federal government is putting the pressure on the state to follow the regulations, this is one of the projects that was affected.

D. Presentation by Mrs. Bert Corbin Re Water Rates

Ms. Corbin appeared before Council to express her concern about the water rates Lexington County residents pay. She stated that no one can explain it to her as to why her rates are so high. She stated the water rates for out of city residents are very high. Mayor Partin inquired if Ms. Corbin had contacted City Hall. Ms. Corbin stated she had not contacted City Hall. Mayor Partin advised that Ms. Corbin could contact the City Manager, Steve Brown, and meet with him to discuss the issue in detail. Ms. Corbin also discussed her concern regarding her parents' home in Cayce that has a ditch that runs by their property. She stated that the hotel that was built in front of the home pushed dirt to the back of the property which has caused terrible drainage and flooding problems every time it rains. Mayor Partin advised Ms. Corbin to meet with staff to discuss this issue as well.

E. Presentation by Mr. Scott Long re Chapter 35 Regulating Smoking in Places of Employment

Mr. Jake Moore spoke on behalf of Mr. Long. He asked those who were in attendance and supporting Mr. Long to stand up. Several members of those in

attendance stood in support. Mr. Moore explained that Mr. Long's family has been in business in Cayce since the late 80s and have been running the Little Cayce Bingo and have a huge following. He stated that a majority of those who frequent the bingo parlor are smokers and they love their bingo and love their tobacco. He stated that Cayce's new Ordinance is jeopardizing Mr. Long's business and his charity. He stated there are two problems with it—the people who actually participate in bingo are prohibited from smoking while playing bingo and it frustrates them, but more importantly, your intention in passing this was to make sure that the Ordinance was in line with what West Columbia passed. He stated he did not know if it was a problem on how it is being enforced or how it is written but the bingos in West Columbia are operating now as smoking facilities and here in Cayce, we have basically been told no more smoking period. He stated he was here tonight for help. He stated there is a citizen of Cayce who has done nothing but over the last 20 years pay his taxes, run his business, establish a business and establish a following and now as of June 2010, this Ordinance states you have to change the way you do business while a competitor continues to do the same as you have been doing the last 20 years. He stated the Ordinance is a blanket prohibition against smoking but he stated we all would agree that there are certain places that you would expect to see someone smoke a cigarette—a bar, a pool hall, etc. He stated if you go to play pool at midnight you don't expect to walk into a smoke free environment. He continued to explain to Council that the bingo parlor has separate smoking and non-smoking areas with different ventilation systems. He continued to point out parts of the ordinance and asked Council to consider either the Ordinance provides an exception for those places where we all can agree that people go there with the anticipation with there being cigarette smoke, or provide an exception that if you're going to run a business where smoking is allowed, provide a non-smoking section where those folks are not affected at all. He asked Council to consider an amendment to the Ordinance or place a moratorium until these issues are discussed further.

F. Presentation by Mr. Jeffery Murrah re Chapter 35 Regulating Smoking in Places of Employment

Mr. Murrah appeared before Council to discuss his concerns with this Ordinance. He stated he has complied with the Ordinance but it has been extremely detrimental to his business. He stated he was cited last week because there was a cigarette butt in an ashtray. He stated that he went to the extent of becoming a private club with the intent of his business continuing to be a smoking facility. He stated the Ordinance is written in a way that it is difficult to understand or be enforced. He asked Council to reconsider this issue.

G. Presentation Re Navigating from Good to Great Foundation

This item has been rescheduled for the November 2010 Regular Council meeting.

Public Comment regarding Items on the Agenda

Ms. Tara Almond re Item IV. B. - Ms. Almond advised that she did not wish to make public comment at this time.

Ms. Kathy Treadway re Item II. F. – Ms. Treadway advised that she owns Shooters Grill and Pub and has since 1994. She stated her business has gone from a \$400,000 business to less than 50% of that amount. She stated that she has abided by the Ordinance and went to the extent of building an outside deck for smokers. She stated there were other businesses in West Columbia and Springdale that are allowing smoking and her customers are choosing to go there. She stated she runs a good business and all her employees smoke and stated that the Ordinance really hurts businesses. She stated that she is struggling to pay her bills and is trying to abide by the Ordinance but she is losing customers. She stated that winter is coming and no one is going to want to sit outside. She asked Council to reconsider their decision.

Ms. Sonya Clark re Item II. F. – Ms. Clark stated that she is a single mother with three children and has worked for Shooters for 10 years. She stated that she has always been able to pay her bills with the money she makes at her job. However, since the Smoking Ordinance was passed by Council, business had dropped off dramatically and so has her pay. She stated that she has been unable to provide things for her children because of this. She stated she feels she is losing everything. She stated she is going to college full time and works 40 hours a week to make ends meet and asked Council to reconsider their decision in this matter. She stated it was not right that other businesses are allowed to have smoking in their establishments and those in Cayce are not and that a decision to come to a bar that allows smoking should be the adult's decision and not an decision made by Council, unless all areas follow the same rules.

Ms. Kay Logan re Items II. E. and F. – Ms. Logan stated she manages Jakes Place and has received a warning from Public Safety for smoking in her establishment. She stated her business is a true non-profit corporation private club and did not understand what some are saying about getting a private club designation and smoking can be allowed. She stated that now her members come in, have one drink, and then leave to go across the street to a West Columbia business so they can smoke. She said that normally she does \$400 worth of business on a Sunday and now does \$80 worth of business. She stated that Cayce is enforcing the smoking ban, but unfortunately other areas are not. She stated that she has been told that this is not a priority for other municipalities and if they are called to a club for another matter, they will enforce the Ordinance if someone is smoking. She stated that a lot of Cayce businesses are preparing to lose their businesses because of the Ordinance and not only is she going to lose, but the City of Cayce will lose because business licenses will decrease as well. She stated that she also felt the possibility of losing her business license for a violation of the smoking ban is extreme and unfair and asked Council to reconsider their decision.

Mr. and Mrs. Johnny Brown re Item II. B. – Ms. Brown provided Council with an update since her last presentation to Council. She stated that there was a fire in her

area recently and they lost water pressure for about three hours. She stated after that time, this is what the water was like. Ms. Brown showed Council water collected at that time which was tinted light brown. She asked Council if they would like to take a drink, cook with it, or take a bath. Mr. Johnny Brown stated that he listened to a previous presentation on the projects ranked for the Cayce utilities and he heard the gentleman state that the water is safe to drink. He asked anyone in attendance who has had a problem with brown water to raise their hand and several in attendance raised their hands. He said his point was that it has been said that the water is safe to drink but he will not drink it. He stated it was an insult to hear that statement along with a statement that it is being caused by rust particles. Ms. Brown stated she would just like to know that Council is going to doing something soon to correct the problem with brown water. She stated that she saw the long list of projects presented and she would like a copy of that list and would like someone to tell her where on the list it states brown water issues would be corrected.

Ordinances and Other

A. Approval of Ordinance to Annex and Zone Property Located at 2706 Haynes Lane – First Reading

Councilmember Jumper made a motion to approve an Ordinance to annex and zone property located at 2706 Haynes Lane on first reading. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

B. Approval of an Amendment to Chapter 35 Regulating Smoking in Places of Employment - First Reading

Mr. Brown advised that staff did not know whether Council wanted to take any kind of action on this issue so it was placed on the agenda as worded. He added that if Council does not want to take any action, it would be appropriate to move to the next item on the agenda. Councilmember Jenkins stated that he would like to make a motion that staff and the City Attorney meet with West Columbia, Springdale and Lexington to see if all entities could work together on a solution. He stated that if Council amends the ordinance tonight, we may have to turn around and amend it again. He stated he would like to see if all the entities could work together on a solution and if not, then Council could discuss where to go from there.

Councilmember Myers stated that the Mayor advised during the time Council was discussing the Ordinance, that the Ordinance should be passed and should parallel with West Columbia and Lexington County who passed one previous to that and she had assurance from the Mayor of West Columbia that was the case and would have similar enforcement and similar ordinances. He stated that obviously that is not the case. He stated he would like to propose as a motion tonight is to issue a moratorium on the smoking ordinance until such time, as Councilmember Jenkins stated, some discussion

and follow up and agreements can be reached with Lexington County, West Columbia, Cayce, Springdale, Pine Ridge and any of those who may be in competition with business in Cayce. Mr. Brown advised that recent enforcement of the Ordinance has been on a complaint-driven basis. He stated that until three weeks ago, the City had not issued a citation and/or warning. Councilmember Myers advised Chief McNair to review his monthly report from two months ago stating routine patrol checking for smoking ordinance violations and ABC violations. He stated he did not have a problem with complaint-driven, but he did with a routine check. He stated that Cayce did not want to lose its businesses, but Council needed to look at it and try to find a way to fix it. The City Attorney advised that a motion for a moratorium would not be in order as it would require an Ordinance to enact a moratorium. Councilmember Jenkins again expressed his desire to have staff meet with all entities to see if an agreement could be reached prior to amending the Ordinance. Councilmember Isom inquired as to how long it would take to get rid of the ordinance totally. The City Attorney advised it would take two readings to repeal an Ordinance.

After discussion, Councilmember Myers withdrew his original motion and made a motion to approve an oral resolution expressing Council's intention when the Ordinance originally passed on a three to two vote earlier this year that enforcement of the Ordinance would be complaint driven and/or a secondary enforcement issue. Councilmember Isom seconded the motion. Discussion took place regarding the Public Safety's ability to enforce the ordinance with regard to the motion. The City Attorney advised that based on Chief McNair's comments the motion would not interfere with his department's enforcement of the Ordinance. The motion was unanimously approved by roll call vote.

C. Bid Award and Approval of Resolution – Financing for Lease/Purchase Of New Fire Pumper Truck and Hose Dryer

Councilmember Jumper made a motion to approve the resolution authorizing City staff to secure lease/purchasing in the amount of \$484,993 for a new fire pumper truck and \$14,500 for a hose dryer from BB&T at 2.53% interest for a five (5) year term. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Committee Matters

- A. Committee Minutes
Planning Commission – June 21, 2010
Beautification Board – September 14, 2010

Councilmember Jenkins made a motion to approve that the above Committee minutes be entered into the official city record. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

- B. Committee Appointments

Consolidated Board of Appeals – One Position

There is one opening on the Board. A potential member application has been received from Mr. Benjamin Hancock and is attached for your review and consideration. It is recommended that Mr. Hancock be appointed to the Board. Councilmember Jenkins made a motion to appoint Mr. Hancock to the Board. Councilmember Myers seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Mr. Brown brought Council up to date on the status of his efforts in researching brown water issues. He stated it appears that this has been an issue for a number of years. He stated that he has heard discussion about low level raw water supply, manganese, and old water lines and thinks that anyone that has any expertise at all will tell you that all these factors contribute to the City's brown water. He added that there has been much discussion and a lot of effort on the previous administration to resolve this issue. He stated that his goal in the matter is to know beyond a shadow of a doubt that the city is doing everything at the water treatment plant to deal with the low water supply, the manganese and all of the other issues. He added when the city can determine that the treatment procedures and processes are proper, the next step would be to initiate a plan to replace the water lines.

He stated that in the past few weeks, he was prepared to make a recommendation to Council that the City secure the services of American Engineering to do some oversight of the city's treatment procedures which has been done in previous years. As of now, the city has a vacancy in the Superintendent of Treatment Facilities position. The city has the opportunity to employ in a Professional Engineer that has designed, built, and run water and wastewater treatment plants. He stated this person's expertise is in treatment and believes that if given some time to evaluate the issue, he can come before Council in a reasonable period of time and report his findings.

He stated that he feels the capital plan presents Council with the opportunity of replacing some older lines and when Council sets the priorities, he feels that Council will have to consider in some point in time dealing with these old lines. He stated that Mr. Bingham had told him that he is very comfortable in saying that in some areas of the city, the brown water is coming from the old lines. He stated that he feels the problem can be corrected and the city will have to deal with it in a logical manner.

Mr. Brown advised that applications are being received for the City Manager position, and the deadline for submission of applications is October 15.

Mr. Brown complimented staff, volunteers and the Events Committee for putting on the Congaree Bluegrass Festival. He stated that the city should be very proud of what it was able to offer the community.

Mr. Brown pointed out that some changes have been made to Council Chambers—new lighting, remounted the speakers, and replaced all the ceiling tiles.

Mayor Partin stated that this was the last Council Meeting for Councilmember Myers and asked if he wanted to say a few words. Councilmember Myers stated he has served on Council for 12 years and that most of them have been good years and wished the next Council the best.

Councilmember Isom stated the following words to describe his colleague, Richard Myers--respect, great analytical skills, integrity. He stated that he was proud to have served with him and wished he was not leaving and not because he agrees with him but because of the hard questions he asks. He stated he valued his wisdom and ideas and asked those in attendance to stand and give Councilmember Myers a standing ovation.

Councilmember Myers inquired as to how many applications had been received for the City Manager position. Mr. Brown stated approximately 10 have been received. He stated that no one has reviewed the applications and they have been placed in a file for Council's review.

There being no further business, the meeting adjourned at 8:30 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk