

**CITY OF CAYCE
Regular Council Meeting
October 6, 2009**

The Regular October 2009 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, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Ken Knudsen, Director of Planning & Zoning, Frank Robinson, Director of Utilities, and Chief Charles McNair, Director of Public Safety, 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. Mr. Jumper gave the invocation and Mayor Partin led everyone in the Pledge of Allegiance.

Mr. Jenkins inquired if Council was aware of the ordinance at their desk. Mr. Jenkins stated that at the last meeting it was agreed that an issue would not be presented the night of a meeting. He advised that he recently received a call from the Justice Department and according to the proposed ordinance, he would not be able to talk to them without Council's approval. Mr. Isom stated he had requested the information from the City Attorney and it was being provided to Council for discussion only and is related to Item VI. C. Mayor Partin asked that the discussion be delayed at this time.

A. Approval of Minutes

The minutes of the September 1, 2009 Regular Meeting and September 10, September 22 and September 24, 2009 Special Meetings were presented for approval. Mr. Myers made a motion to approve the minutes as submitted. Mr. Isom seconded the motion. Mayor Partin asked that the September 1, 2009 minutes be corrected to include "Reconvene. After the Executive Session was concluded, the Regular meeting was reconvened. Mayor Partin announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting." The motion was unanimously approved with noted corrections.

Presentations

A. Presentation of Employee of the Quarter Award

Mayor Partin presented the Employee of the Quarter Award to Kelvin Harris, Meter Technician. She read comments submitted by other staff members and thanked Mr. Harris for his dedication to his job and to the citizens of Cayce.

B. Presentation by Mr. Jeff Roly Re Increase in Utility Rates

Mr. Roly was unable to attend the meeting due to a conflict in schedule.

C. Presentation by Mr. Mike Lowman of the Home Builders Association of Greater Columbia Re Local Building Code Modification

Mr. Mike Lowman of the Home Builders Association of Greater Columbia appeared before Council to request the city's support of a modification to the local Building Code. He stated that the modification would allow the use of the 2008 USGS seismic map. He provided Council with copies of maps showing the current delineation of the seismic map which includes portions of Lexington County including homes in the Cayce area. He stated that a study completed in 2007 showed that the codes for this area were overly stringent. He stated that the second map is being proposed and would remove all of Lexington County in that requirement zone and would remove the city of Cayce eliminating the need to build using stringent requirements. He stated the Home Builders Association was asking local jurisdictions through their building official to make a request on behalf of council that the new map be used. Mr. Isom inquired if there was any downside to making the request. Mr. Lowman stated no and the overall homeowners' association state council has recognized the validity of the study and data. The City Manager inquired if the request is submitted would it automatically be approved. Mr. Lowman stated that the state council will hear all requests and requests would be approved. If reference to property and casualty, he stated that ISO ratings are used and that Council's action on this matter will have no affect on this matter whatsoever from that industry.

Mr. Myers stated that earthquake coverage is a separate policy and inquired if it would affect the homeowners when they get these homes insured that do not meet the requirements of the map and what would the industry refer to. Mr. Lowman stated that the correlation comes from the local level and that is the only formula used for premium determination so it takes no affect on the city's rating or on individual property. He advised Council that the deadline to make the request is December 2, 2009. After discussion, Council thanked Mr. Lowman for his presentation and information provided.

Mayor Partin recognized members of the Events Committee present, Julie Isom and Danny Creamer and thanked them for their efforts in putting on a very successful Congaree Bluegrass Festival. She also thanked staff and Councilmen Isom and Jumper who assisted during the festival.

Public Comment regarding Items on the Agenda

Angela Hoyle – Item VI. C. – Ms. Hoyle stated that she had some questions in regards to who makes the decision on allowable travel expenses and expenses that need to be reimbursed. Mayor Partin advised that questions can be addressed outside of this forum. Ms. Hoyle stated that no one person should make decisions for the city of Cayce and that Council needed unity and suggested that this be accomplished on projects and discussed before the public so that citizens can be informed in a public arena.

David Hilburn – Item II. C. – Mr. Hilburn stated that the concern he has as a developer and builder is that the 2006 information is now being used and now there is more current data. He encouraged Council to support the request to approve the new map.

Mr. Earl Smith - Mr. Smith advised that he did not want to make public comment.

Mr. Chris Kuney – Mr. Kuney advised that he did not want to make public comment.

Christina Huslander – Item IV. B. Ms. Huslander encouraged Council to look for grant funds to fund bus stop benches or shelters.

Tara Almond – Item VI. C. – Ms. Almond stated that without knowing specifically the purpose behind the item, she believes that this is another veiled attempt by Councilman Isom to undermine the ability of the Mayor to do her duties and fulfill the promises she made to her constituents on her election. She stated that Mayor Partin has shown considerable restraint in dealing with these petty issues and she would like to ask Council to reunite, stop the in-fighting and put the citizens of Cayce first.

John Ivey – Mr. Ivey stated that he has heard a lot of discussion about beautification. He presented Council with seed packets to be planted within the city.

Freddie Mitchell – Mr. Mitchell stated that he is concerned about the trash and litter in his neighborhood and for any help possible in eliminating this problem. Mr. Myers stated that the City did receive grant funds for litter control equipment and maybe it can be used in that area.

Proclamations and Resolutions

A. Approval of Proclamation – Conflict Resolution Day 2009

Council considered for approval a proclamation proclaiming October 15, 2009 as Conflict Resolution Day in the city of Cayce as requested by the Community Mediation Center. Mr. Myers made a motion to approve the proclamation. Mr. Isom seconded the motion which was unanimously approved.

B. Approval of Resolution for Central Midlands Regional Transit Authority

The City Manager stated that the city is a member of the Central Midlands Regional Transit Authority and is represented by one voting member, Councilman Ken Jumper. He stated that since Lexington County members are not contributing financially to the CMRTA for the operation of the bus system, the Board is requesting that each Lexington County member adopt one of two proposed resolutions affecting their membership.

He stated the first resolution would allow the city to have one advisory member (non-voting) on the Board, but the city would cease to be a member of the CMRTA effective September 30, 2009.

He stated the second resolution would state that the city would cease to be a member of the CMRTA September 30, 2009 and would have no advisory member on the Board. He advised that both resolutions would allow for the city to re-join the CMRTA at a later date if they participate in the transit system. He stated that this has been reviewed by City Attorney. The City Attorney advised that an additional option is to take no option on either resolution. He stated that the resolutions are for the restructuring of the RTA so that only Richland County municipalities are included in the new RTA. He stated that the proposed resolutions received from the RTA is to agree to the new restructuring and for the city to resign as a member. He pointed out to Council that Council is not legally compelled to sign either resolution and by doing so Council is essentially agreeing to be kicked out of the RTA.

Mr. Myers inquired if this issue has been reviewed or discussed with other Lexington County municipalities. The City Manager advised that the City Administrator of West Columbia stated their mayor was not going to take any action. Mr. Jenkins inquired if the city was still looking for funds for regional transportation and if by taking no action bus service in Cayce would cease. Mr. Myers stated that funding is an issue but when originally approached about funding, the number of riders in the city of Cayce did not match up with the amount of funds requested by the RTA on the part of the city. Mr. Jumper stated that he wanted to see the City continue to participate and to look for funding sources. Mr. Jumper, the City's RTA representative stated that this has been going on for some time and that Columbia and Richland County does not have the money to fund bus service in Lexington County. Council took no action on this item.

Mayor Partin advised that Lexington County is preparing a transit summit to be held on October 16 to discuss transit issues in the Lexington County area. She stated that she would be in attendance and would be glad to pass along anyone's comments on their concerns and needs. Mr. Myers stated that some time ago, a joint transit summit was held at West Columbia and notes from that meeting may be helpful. Mayor Partin provided those in attendance with the number, 465-4609, to call for more information.

Ordinances

A. Approval of Ordinance Re Sale of City Property – First Reading

Council considered for first reading approval of an Ordinance to sell city-owned property on Airport Boulevard to the SC Department of Transportation where the Utilities Compound is located. The City Manager advised that in order to move forward with the John Hardee Expressway, the SCDOT needed to purchase the city property on which the Utilities Compound is located. He stated that the city has found a reasonable location for the compound on Old Dunbar Road. The city's offer for the purchase of this property was accepted and the contract is pending. He stated that SCDOT is now ready to purchase the city-owned property for \$350,000 although it will be sometime before they will actually take possession and demolish all of the structures on the property. He stated that SCDOT has agreed to allow the city's animal shelter to remain in operation at the site until it can be relocated. In addition to the purchase price, SCDOT will pay the city's moving expenses and approximately \$10,000 for the relocation of the animal shelter.

Mr. Jenkins made a motion to approve the Ordinance on first reading authorizing the sale of 5.75 acres of property of the City of Cayce located west of Airport Boulevard with frontage on Windsor Drive. Mr. Myers seconded the motion. Mayor Partin asked that although there is time and will not move the animal shelter immediately, that plans be reviewed and in the making. The City Manager advised that he and staff are already looking at other properties which may be available. After discussion, the motion was unanimously approved.

Other

A. Review and Approval of Home Builders Association of Greater Columbia's Request to ask for Local Building Code Modification

The City Manager advised that earlier tonight Mr. Lowman asked the city to consider submitting a request for a local building code modification to the South Carolina Building Codes Council to allow for the use of the 2008 USGS seismic map. He stated that other cities in central South Carolina and other local building officials are also going to submit the requests to their Council and that once adopted, the 2012 Residential Code would include the 2008 USGS maps as part of the code. He stated that without this modification, certain areas of the city of Cayce would be required to meet far more costly requirements than are necessary.

Mr. Jenkins made a motion to postpone the issue until discussion can be held with Mr. Steve Martin, the city's building official. Mr. Myers seconded the motion which was unanimously approved. Mr. Myers asked that additional research be done by staff and that other municipalities be polled as to their action on this issue.

B. Acceptance of Violence Against Women Act Grant (VAWA)

The City Manager stated that during the FY 2009-2010 budget process, Council agreed to submit a VAWA grant application for miscellaneous equipment to be used by Public Safety Officers in the investigation of crimes against women. He stated that the grant is a 75%-25% grant in the amount of \$51,416 which requires a match of \$12,855. He stated that funds for the match were not included in the budget. He stated that in order to accept the grant award, Council would need to officially approve the acceptance of the VAWA grant award and authorize the City Manager to accept the grant on behalf of the city. This would also require approval that the budget be amended by \$12,855 for the city's match coming from the Fund Balance (restricted) account for the Victim's Advocate.

Mr. Isom made a motion to officially approve the acceptance of the VAWA grant, authorize the City Manager to accept the grant on behalf of the city and the budget be amended by \$12,855 for the city's 25% match. Mr. Jenkins seconded the motion which was unanimously approved.

C. Discussion of possible Ordinances concerning Council Members expenses and Council Members authority to speak on behalf of the City

Mayor Partin asked members of Council to communicate with all members in advance prior to placing an item on the agenda. She asked Mr. Isom that in the future he respond to emails requesting additional information in advance of meetings. Council discussed the possible Ordinance and guidelines for Council members' expenses and authority to speak on behalf of Council. No action was taken.

Mayor Partin provided Council with an update on the Central Midlands Council of Governments (CMCOG) meeting held recently where the subject of the Airport Boulevard beautification project was discussed. She advised that the CMCOG approved a resolution in support of the project and read the resolution to Council. She stated that she did not have plans to go to Washington, DC October 12-14 to discuss funding possibilities with Senator Lindsey Graham.

Committee Matters

A. Committee Minutes

Council reviewed the following Committee meeting minutes for approval to enter into the official city record:

Planning Commission – June 15, 2009
Cayce Historical Museum Commission – September 9, 2009
Cayce Events Committee – September 10, 2009
Beautification Board – September 22, 2009

Mr. Jenkins made a motion to approve that the minutes be entered into the official city record. Mr. Myers seconded the motion which was unanimously approved.

B. Committee Appointments

Planning Commission – One (1) Position

Mr. John Raley's term expired September, 2009. The Commission recommends the reappointment of Mr. Raley. Mr. Jumper made a motion to reappoint Mr. Raley to the Commission. Mr. Myers seconded the motion which was unanimously approved.

City Manager's Report

The City Manager advised that the September financial reports would be submitted to Council on Friday.

The City Manager provided Council with the following dates:

October 7, 2009 – SCANA Oyster Roast & Barbecue, Pine Island Clubhouse, 6:30 p.m.
October 13, 2009 – Flu shots, 9:30 a.m.
October 14, 2009 – DHEC to make presentation on Swine Flu to staff, 3:00 p.m.
October 15, 2009 – LCMA sponsored by Batesburg-Leesville at Shealy's, 6:30 p.m.
October 27, 2009 – Frankenstein Play, Employee night

The City Manager provided Council with the following updates:

Purchase of property, 1972 Old Dunbar Road – The City Manager advised that the contract has been signed and the deposit has been sent to the City Attorney which has been overnighted to the escrow agent. He stated he anticipates the Utilities Compound to move in within the next 30 to 60 days.

Taylor Road railroad crossing – The City Manager advised that the City is waiting on the contractor to finish the road approaches. He stated that the City will receive \$35,000 from CSX and some of these funds would be used for signage and barricades and that the quotes received were well under the amount received from CSX.

Proposed Smoking Ban Ordinance – The City Manager advised that Lexington County has approved their ordinance and that the Town of Springdale will consider second and final approval of their ordinance tonight. Mayor Partin inquired if Council would like to have a similar ordinance prepared for Council's review at the November meeting. She stated that the City Attorney could prepare a draft to distribute to Council. Mr. Myers stated his preference is to review the proposed ordinance after the first of the year due to other issues pressing so that Council can focus on that issue. Mr. Jenkins stated he would prefer to review and discuss it prior to first of the year. The City Manager suggested that a proposed ordinance be distributed in November for review and then Council can decide when to place it on the agenda for action. Council agreed.

Local Government Fund – The City Manager advised that the State Budget and Control Board made an error in its calculation of the FY 2009-2010 Local Government Fund distribution resulting in a decrease in the municipal portion of the fund by \$1.2 million to all cities. He stated that the City of Cayce's share would be further decreased by approximately \$10,000 this fiscal year.

The City Manager advised that a report on the tonage collected during the twice a week garbage pick up service had been sent to Council as requested.

Mayor Partin inquired as to the status of the research being done by staff on the Brownsfield grant. The City Manager advised that this project has been forwarded to Renee Harvey, Grants Coordinator, for review.

Mayor Partin reminded Council of the Fall Plant Exchange to be held on October 17th. She complimented the Beautification Board for the great job they do with this event.

Councilman Jumper advised that on Monday night he was asked to fill in for the Mayor to attend a meeting and that the City of Cayce was presented the West Columbia Cooperative Partnership Award. He stated that the award is give to those who help to develop local programs to improve the quality of life and create safe, drug free communities in the Lexington County School District 2 area. He stated the program was held at Brookland Cayce High School.

Mr. Jenkins stated that Clemson University is taking on a classroom project involving suggested improvements at Burnette Park and will begin on October 12. He stated that once they complete the project, a presentation would be provided to Council.

Mr. Myers asked Council to consider rescheduling the November Council meeting as he will be out of the state. Staff will poll Council and reschedule as requested.

Mr. Myers stated that he received a magazine from Public Safety in his packet this week and inquired as to how it is used. Chief McNair stated they have access to 4-5 similar publications and they are basically circulated in the community. Mr. Myers suggested that it may be a good idea to provide these to high school students.

Mayor Partin addressed Councilman Isom stating that she wholeheartedly agreed with responsibility of taxpayer monies and asked that in the interest of transparency that he consider meeting with her to express his concerns. She encouraged him to speak with her after the meeting to set up a convenient time to meet.

There being no further business, the meeting adjourned at 7:45 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk