

**CITY OF CAYCE
Regular Council Meeting
February 7, 2012**

The Regular January Council Meeting was held this evening at 6 p.m. in Council Chambers. Those present included Mayor Elise Partin, Councilmen Steve Isom, Tim James, James Jenkins, Kenneth Jumper, City Manager Rebecca Rhodes, Tammy Barkley, Municipal Clerk and Garry Huddle, Municipal Treasurer. Frank Robinson, Director of Utilities, Public Safety Director, Charles McNair, Planning & Development Director, Shaun Greenwood 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 assembly recited the Pledge of Allegiance.

Councilmember James made a motion to amend the agenda to include under Presentations the presentation of an approved Resolution recognizing Ms. Ashleigh Smith and to include under Executive Session receipt of legal advice on matters covered by the attorney-client privilege. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Approval of Minutes

Councilmember Jumper made a motion to approve the minutes of the January 3, 2012 Regular Meeting as submitted. Councilmember James seconded the motion which was unanimously approved by roll call vote.

Presentations

Mayor Partin advised that at the December meeting Council approved a Resolution recognizing the accomplishments of Ms. Ashleigh Grace Smith, Little Miss South Carolina, Cayce. She advised that Ms. Smith was in attendance tonight and Mayor Partin and Councilmember James presented the Resolution to her and congratulated her on her accomplishments.

- A. Approval of Resolution and Presentation of Resolution Recognizing Coach Kyle Heise – National Soccer Coaches Association of America's 2011 National High School Assistant Coach of the Year

Mayor Partin stated that the Assistant Soccer Coach at Brookland Cayce High School, Coach Kyle Heise, had been selected the National Soccer Coaches Association of America's 2011 National High School Assistant Coach of the Year and that a

Resolution has been presented to Council for review recognizing his award. Councilmember James made a motion to approve the Resolution as submitted. Councilmember Isom seconded the motion which was unanimously approved by roll call vote. Mayor Partin presented the Resolution to Coach Heise and congratulated him on the award.

B. Presentation by Ms. Chelsea Bacher, Director of Government Policy and Regulatory Affairs Requesting Council's Support of a Resolution to Adopt a Statewide Renewable Portfolio Standard

Ms. Bacher pointed out that the Resolution is actually to oppose the adoption of a statewide renewable portfolio standard. She provided Council with background information on the purpose of the resolution and asked for their support and approval of the resolution. Councilmember Isom expressed his agreement with the resolution.

C. Presentation by Ms. Patricia Shull Re Sewer Availability Charge

Ms. Shull appeared before Council and thanked Mayor Partin, Councilmembers Isom, Jumper and James for voting at the November meeting on the sewer availability charges. She stated that she just did not understand why a person has to do something in order to get something. She stated that she has paid Cayce a sewer fee for many years and has not used the service. In addition, the City has received interest on the \$100 tap fee she paid in 1965. She stated that maybe Council considered it fair for her to give up the \$100 tap fee in order to get her sewer charges dropped, but she did not think that was fair. She stated that she understood that the letter that was supposed to be sent out to the seven people in her situation is still in the making and hoped that the city had not been bombarded by people wanting to cash in on this situation. She thanked Council for the opportunity to share her thoughts on this matter.

D. Presentation by Mr. Earle Smith Re Storm Drainage Issues

Mr. Smith appeared before Council to present his concerns regarding storm drainage issues. (See comments attached.)

E. Presentation by Mr. Shaun Greenwood, Director of Planning & Development re Progress Report on Comprehensive Plan's Priority Investment Schedule

Mr. Greenwood appeared before Council to provide a progress report on the City's Comprehensive Plan's Priority Investment Schedule. He stated that under the Housing Element, the Williams Place project which is in conjunction with the Housing Authority, has started and it is currently very close to completion.

Under Community Facilities, Mr. Greenwood stated that there is a water line replacement CDBG grant pending now and the schedule calls to identify \$500,000 to start the project in 2012. He stated that currently the city has applied for a \$150,000 grant for water line improvements on Lexington Avenue and the city should be hearing

from the County on the status of this grant very soon. Mayor Partin inquired if \$500,000 is the entire amount needed for that section of the improvements. Mr. Greenwood stated he was unsure about the specifics of that amount as the entire water and sewer infrastructure project was estimated at \$34 million in 2010. He stated it appears the city had previously applied for grant funds but was denied.

Mr. Greenwood stated that under Parks & Grounds, the extension of the Riverwalk to the Congaree Preserve, Phase III is included. He stated that the bid packets have gone out for Phases IIIA and B and Ms. Rhodes will discuss this during her City Manager Report tonight.

In reference to the Transportation element, Mr. Greenwood stated that these are the sidewalk and bikeway projects that were identified in the plan. He stated that priority #1 is the Airport Boulevard Enhancement Phase I project and it is currently still a viable project with a 2012 completion date due to planning and SC DOT funding issues. He stated that Springdale is looking at some redesign issues with this project. He stated there is no start date because of the potential redesign. Ms. Rhodes stated that even before Springdale brought up the redesign, there was no official start date. She stated that when talking about the streetscaping projects and DOT funded projects, these are managed by DOT and although the city has sent in the required match to them, the city does not have any control over the engineering, planning or timing of the project. She stated that DOT is having some funding issues and there is no specific timing for the project at this point.

Mr. Greenwood stated that in reference to Project #2, State Street Enhancement, the project did begin in 2011 and the Phases that are managed by the city are completed. He stated that for the next phases the city will have to identify funding sources as the CDBG funding used for previous phases will not be available. He stated that the other side of the street is a DOT managed projects and he spoke with DOT today and was told that they should be starting on the projects any time now. He stated there is some issues with the original bid and the project may have to be rebid which will delay the start date.

In reference to Priority #3, Axtel Street, in 2011 the city was to identify \$300,000 for 3,000 feet of sidewalk. He stated funds were not identified and the completion date of 2012 will not be met. Mayor Partin inquired if the city could submit additional grants if there are other incomplete or pending projects. Mr. Greenwood stated that the city can apply for grants during the process and do, but as they stack up, the city's ability to get those types of grants will be less likely. He stated that the normal backlog now for beginning DOT projects is three years. Ms. Rhodes stated that the other sidewalk projects listed are not eligible for CDBG grant funds. Mr. Greenwood stated that the schedules for these projects would be shifted accordingly. He stated that the Grants Coordinator has been working with area schools regarding grants for sidewalks around schools.

Councilmember Jenkins inquired about projects that have been on the books for years that have continually been pushed further down the list. Mr. Greenwood stated

that all projects that are currently not funded are basically put on hold right now. He stated that DOT has a long list of repaving projects that has been put on hold indefinitely. Councilmember Jenkins stated he was concerned with repairs to sidewalks. Mr. Greenwood stated that city staff notifies DOT when they see a hazard on a sidewalk. Councilmember Jenkins stated that he is concerned that DOT appears to be putting sidewalks and curb cuts everywhere else but in Cayce. Mr. Greenwood stated that DOT is following the requirements of a recently performed Federal audit and high traffic areas are being addressed first. Ms. Rhodes stated that staff will discuss the issue with DOT and express the concerns of Council. She stated that if Council wants to identify another funding source to do some of these projects, the city can do them, but if DOT is funding the projects, the city is at their mercy.

Mayor Partin asked that when checking with DOT on the curb cuts, that staff check on 12th and Knox Abbott and 9th and Knox Abbott as both areas are very difficult to cross and are high traffic areas. Councilmember James suggested that staff put information in the newsletter to call City Hall if residents see problems with sidewalks. Ms. Rhodes stated that in addition the Parks crew does a good job of keeping an eye on the sidewalks and they have a good relationship with DOT in getting the areas repaired.

Ms. Rhodes stated that under Storm Drainage, the city has applied for an EPA grant for a storm drainage study to be performed and hopefully the city will receive a positive response to that grant.

Mayor Partin inquired about the Community Rating System that lowered residents rates for flood insurance. Mr. Greenwood stated staff did a report each year to ensure that the city was following the flood plain regulations with new building projects, current housing, additions to current housing, etc. The report showed that the city did not increase the flood hazard mitigation efforts that were put into place and essentially was not contributing to problems down stream. He stated that storm water is part of the problem of overall flooding, but that in reference to the Community Rating System, that specifically dealt with the floodway and the flood plain.

Public Comment regarding Items on the Agenda

Ms. Barkley advised that no one had signed up for Public Comment.

Ordinances and Resolutions

- A. Approval of Ordinance to Amend Sections 28-242, 2-91 and 40-44 of the City of Cayce Code – Second Reading

Councilmember James made a motion to approve the Ordinance on second and final reading. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

- B. Approval of Ordinance to Amend the City of Cayce Sewer Use Ordinance Re Sewer Availability Charge – Second Reading

Councilmember Isom made a motion to approve the Ordinance on second and final reading. Councilmember Jumper seconded the motion. It was pointed out that a motion was needed to amend the first version of the Ordinance. Councilmember Isom amended his motion to approve the amendment to the Ordinance as submitted. Councilmember Jumper seconded the amended motion.

Councilmember James asked for clarification on the original intent of the sewer availability charge. Ms. Rhodes stated that the charge was originally put into effect to pay for installing and maintaining the sewer line. Councilmember James inquired as to why residents did not tie on when the line was installed. Mr. Robinson advised that some residents chose to stay on their septic tank systems. He stated that the Sewer Use Ordinance stipulates that if a residence is within 200 ft. of sewer availability, the resident is asked to tie onto the system. If they choose not to tie on then the sewer availability charge would go into effect. He stated that the user fee for sewer generates funding to operate and maintain the city's sewer lines for everyone. Mr. Robinson stated that a lot of it had to do with a Federal grant for the wastewater treatment plant at that time. Councilmember James inquired about the number of people in this situation. Ms. Rhodes stated it is hard to tell and that the city occasionally finds people that did not even know they were on a septic tank system. Councilmember James inquired if staff feels that the current list of residents is all that are involved. Ms. Rhodes stated that there was no way for staff to tell and as a resident discovers which system they are on, staff will have to address it as they notify the city. She reminded Council that staff's original recommendation was to leave the Ordinance as is.

After discussion, the motion passed four to one with Councilmembers Isom, Jumper, James and Mayor Partin voting yes and Councilmember Jenkins voting no. Councilmember Isom made a motion to approve the amended Ordinance as submitted on second and final reading. Councilmember Jumper seconded the motion. The motion passed four to one with Councilmembers Isom, Jumper, James and Mayor Partin voting yes and Councilmember Jenkins voting no.

C. Approval of Ordinance Re Franchise Fee and Fee In Lieu of Taxes for City Water and Sewer System – Second Reading

Councilmember James made a motion to postpone the issue until the next regular Council meeting. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

D. Approval of Resolution Adopting the Regional All Natural Hazards Mitigation Plan Update

Ms. Rhodes stated that this is part of the Hazards Mitigation Act and Council would need to approve the Resolution in order for the City to be eligible for grant funding. Councilmember James made a motion to approve the Resolution as submitted. Councilmember Jenkins seconded the motion. Ms. Rhodes asked Council if there was additional information needed. She stated that she could also invite a member from the COG to make a presentation to Council if required. She stated that

the regional plan would have been presented to Council when it was adopted in 2005. Councilmember Jenkins inquired if the City had previously received grant funds. Ms. Rhodes stated that funds were requested previously but they were not awarded. She stated the request did not fit into the guidelines of the grant.

Councilmember Isom questioned the information on earthquakes mentioned in the Resolution. Ms. Rhodes stated that the point to this is that we, as a City, would not be studying earthquakes, but an element for earthquakes would be added to the plan. After discussion, the motion passed four to one with Councilmember Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

Other

A. Review and Approval of 2012 Council Meeting Dates

Mayor Partin stated that staff has requested that Council schedule an additional meeting during the month as there are a number of issues that need to be discussed. Ms. Rhodes stated that several of the issues need guidance from Council and while an additional meeting each month may not be needed, we wanted to set aside a specific day and time due to the busy schedules we all keep. She stated that as we move through the year, the 4th Thursday suggested can be reassessed. Mayor Partin stated that in addition, the public would be advised of special meeting dates. Council rescheduled the following regular meeting dates: July 3 to July 10, August 7 to August 14, and November 6 to November 13. Councilmember Jumper made a motion to approve the 2012 Council Meeting dates as discussed. Councilmember Jenkins seconded the motion which was unanimously approved.

B. Appointment of Advisory Board Member to serve as the Lexington County Representative on the Regional Transit Authority Board of Directors

Councilmember Isom made a motion to appoint Councilmember Jenkins to serve as the Lexington County Advisory Representative on the Regional Transit Authority Board of Directors. Councilmember James seconded the motion which was unanimously approved by roll call vote. Mayor Partin asked that Councilmember Jenkins be added to the Lexington County Transit meeting notification list so that he can help liaise between the two meetings.

C. Discussion and Possible Action Re Potential Cayce Grease and Septage Acceptance Facility

Ms. Rhodes stated that Mr. Robinson had updated his previous memo at which time this item was first discussed and included information on the questions raised by Council at the December Council meeting. Mayor Partin stated her question had been if this would require any additional staff. She stated that she understood that it would possibly incur the cost of ½ of a person's time and that the fees charged would cover any and all costs associated with the service. Mayor Partin asked as to why it would be

important to do this at closeout of the current wastewater treatment plant and demolition of the plant. Mr. Robinson stated it would reduce the demolition cost of the old plant and if not done this way, it would not be possible to do the project for \$1,000,000. He mentioned the coordination of the electrical from the old plant site to the new plant site, economy of scale, etc. Ms. Rhodes stated that with the original SRF loan, they would not allow the city to include funds for the demolition in the loan. She stated that it is hoped that since DHEC wants the city to do this project, they will allow us to use SRF funds to do the demolition as it is imperative to the project.

Mayor Partin inquired as to where the grease/septage is currently being shipped. Mr. Robinson stated that some is being sent to Bluffton and Augusta. Ms. Rhodes stated that she spoke with Steve Mann of the Joint Water & Sewer Commission and they are taking their septage/grease to Bluffton and it is a huge expense for them and other entities in the county. Mayor Partin stated she knows this will be a grant that the city will not have to repay, but wanted to make sure there are enough customers to make it worthwhile. Mr. Robinson stated that the city would need to advertise that the facility would be available here and rates should be considerably less than hauling it to another city. He stated that it should be a no-brainer that those entities would come to this facility.

Councilmember Jenkins made a motion to approve staff to proceed with all steps to obtain a \$1,000,000 principal forgiveness SRF funding approval and upon receiving SRF funding approval, design and construct a City of Cayce Septage/Grease Receiving and Treatment Facility. Councilmember James seconded the motion. Councilmember Isom inquired if the C.E. Taylor operation would get their permit issued. Mr. Robinson stated that DHEC is still considering it, but it will be their call if they let them reopen and give them stronger regulations. Councilmember Isom stated that this is not free money, but taxpayers' money and secondly he does not like to see government expand and compete with private industry. The motion passed four to one with Councilmember Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

D. Approval of Ordinance Amending Sec. 8.6 Temporary Signs of the City of Cayce Zoning Ordinance – First Reading

Mr. Greenwood went through the proposed changes with Council. He stated that a Public Hearing was held and the Planning Commission is recommending the proposed changes. Mayor Partin inquired that since the line on posters was removed and a notation to see banners included, if the restrictions were included in the banner regulation. Mr. Greenwood advised that was correct. Mayor Partin inquired about political signs. Mr. Greenwood stated there are some State regulations regarding political signs and are typically allowed on private property 45 days prior to the election and pick up 7 days after the election. He stated if they are placed in the public right of way then the city can remove them. He stated the city's ordinance gives residents the ability to remove signs if they are placed in front of their house on the right of way. Councilmember Jenkins made a motion to approve the Ordinance as submitted on first reading. Councilmember Jumper seconded the motion. Councilmember Isom

expressed his dissatisfaction on the restrictions placed on the businesses during hard economic times. Ms. Rhodes stated that the old ordinance did not allow banners at all and this ordinance is actually less restrictive and more business friendly. After discussion, the motion passed four to one with Councilmember Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

City Manager's Report

Ms. Rhodes stated that in reference to the Riverwalk Phase IIIA and B, bids will be opened on March 3 and the bid award will be included on the March Council agenda as well as the discussion of funding options. She stated there are not enough funds allocated now to finish the project.

Ms. Rhodes stated that the RFQs for the architectural study for City Hall are due February 10. She asked that a Council member volunteer to be on the committee to review the RFQs. Councilmember Jenkins volunteered to be on the committee.

Ms. Rhodes advised that staff's safety efforts received a SCMIT (the city's workers compensation insurance carrier) Safety Award of \$500. The city ranked the third lowest in workers compensation claims in our category. The funds are to be used towards safety efforts. She thanked the Safety Committee for their efforts.

Ms. Rhodes stated that at each Council's desk there was a copy of the tentative budget schedule and that packets will be handed out to each department head on February 17. She stated that the Utility budget will be addressed earlier and first because of the stipulation in our contract with the purchasers and then staff will work its way into the General Fund.

She stated there has been a lot of conversation regarding the old grammar school on Lexington Avenue that is in disrepair. She stated that code enforcement has written tickets to the property owners and staff has met with them. She stated that the property owners are currently looking at quotes for demolition and they know that they have to either demolish the property, pay to have it demolished or the city will possibly take it and demolish it and place a lien on the property. She stated that if the city were to demolish the building and place a lien on the property the issue would be brought before Council as it would require funding. Councilmember Jenkins inquired if that area was part of the TIF. Ms. Rhodes stated that it was not part of the TIF but Council could establish a TIF just on that piece of property. She stated she is providing this update so that people will be aware that the city is working with the property owners to get something done.

Ms. Rhodes reminded Council of the Mayors' Prayer Breakfast on February 8 and the BC High School Education Foundation Dinner on March 1.

Ms. Rhodes suggested that Council take advantage of the February Special Council meeting and meet on February 23. She stated that she had several topics to

discuss including the 12th Street Lighting Project, the City Manager's Comp Plan report, and streetscaping design funding. Council agreed to meet on February 23 at 3:00 p.m.

Ms. Rhodes advised Council of legislation put forth by Lexington County Senator Jake Knotts that would have an adverse effect on the city's Utility budget. She stated that the bill currently in the House would require the City to treat the Airport and Special Purpose District as an inside city utility customer. She advised that currently they are an out of city customer and that the airport alone makes up 8 accounts. She stated that there are 53 businesses located on that property as well. She stated that if the city is required to treat these customers as in city customers, it would cost the city approximately \$300,000 or 3% of the budget, and a way would need to be found to make up the loss of revenue which may mean higher utility rates. She stated that staff is currently meeting with the Airport representatives to see if some other resolution to this matter can be reached. She asked Council that when they see our legislators to discuss the detrimental effects this bill would have on the city's budget. She stated that the bill is currently pending, but there is reason to be very concerned and what effects it will have on the city and possibly other entities.

Ms. Rhodes provided Council with a photograph of the recently purchased new garbage truck and she advised that as approved in the budget, the vehicles under a lease purchase agreement for the Public Safety Department are beginning to come in. She stated that some of the vehicles being replaced would be sold as used vehicles and some will be stepped down to less intensive uses.

Mayor Partin advised that in reference to the budget calendar, she has a conflict with the March 22 special meeting date. Ms. Rhodes stated that all the workshops are tentatively set at this point.

Councilmember James asked that information on the City's new ISO rating and what residents needed to do to possibly lower their insurance rates be placed in the Sunrise newsletter and other media.

Committee Matters

- A. Approval to Enter the following approved Committee Minutes into the City's Official Record
 - Planning Commission – December 19, 2011
 - Beautification Board – December 13, 2011
 - Cayce Events Committee – October 13 and November 10, 2011

Councilmember Jenkins made a motion to approve that the minutes be entered into the City's official record. Councilmember Isom seconded the motion. Councilmember James asked if the Committees would report the accountability of the members in a consistent manner. Ms. Barkley stated she would notify the Committees and staff liaisons to make sure this information is reported consistently by all the committees. Mayor Partin stated that Council should review the bylaws and city code as both state that a member who has three consecutive unexcused absences may be

removed from the Committee. She stated the requirements need to be tweaked to better meet the needs of the committees. After discussion, the motion was unanimously approved by roll call vote.

Councilmember Jumper inquired as to where the funds are coming from to purchase all the new equipment and vehicles. Ms. Rhodes stated that the lease purchase for the equipment and vehicles were approved by Council in the FY11-12 budget.

B. Appointments and Reappointments

Accommodations Tax Committee – One position

Mr. Mark Burt's term expires February, 2012. There is no recommendation at this time. The Committee is not scheduled to meet until April.

Beautification Board – One position

Mr. Joe Long has resigned from the Board. There is no recommendation at this time. The Board is currently accepting potential member applications.

Beautification Foundation – Two positions

Since Mr. Long has resigned from the Beautification Board, a new Chair will need to be elected by the Board. This person will automatically serve on the Beautification Foundation in accordance with the by laws.

Councilmember James made a motion to postpone the above issues until recommendations from the committees are submitted to Council. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Section 3.4 (c) of the by laws state that the Council representative must be appointed in January of each year. Councilmember James currently serves in this position.

Councilmember Isom made a motion to reappoint Councilmember James to this position. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Public Safety Foundation – One position

Section 3.4 (c) of the by laws stated that the Council representative must be appointed in January of each year. Councilmember Jenkins currently serves in this position.

Councilmember James made a motion to reappoint Councilmember Jenkins to this position. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Executive Session

- A. Discussion of negotiations incident to proposed contractual arrangements for wastewater treatment services between the Town of Lexington, Joint Water & Sewer Commission and the City of Cayce
- B. Discussion of negotiations incident to proposed contractual arrangements with Lexington Two School District
- C. Discussion of negotiations incident to proposed contractual arrangements for the acquisition of land for the new animal shelter
- D. Receipt of legal advice on matters covered by the attorney-client privilege

Councilmember Jenkins made a motion to move into Executive Session to discuss the matters above. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Reconvene

After the Executive Session was concluded, Councilmember Isom made a motion to reconvene the Regular meeting. Councilmember James seconded the motion which was unanimously approved by roll call vote. Mayor Partin announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

Possible Actions by Council in follow up to Executive Session

No action by Council was taken in follow up to Executive Session.

There being no further business, Councilmember Jenkins made a motion to adjourn the meeting. Councilmember James seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 9:20 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk