

CITY OF CAYCE
Regular Council Meeting
April 3, 2012

The Regular April 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. Public Safety Director, Charles McNair, Planning & Development Director, Shaun Greenwood, JoAn Roland, Human Resources Manager, City Attorney, Danny Crowe, and City Auditor Robert Milhous 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.

Approval of Minutes

Councilmember Jumper made a motion to approve the minutes of the March 6, 2012 Regular Meeting as submitted. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Presentations

A. Presentation of Whole Sole Awards

Mayor Partin presented the Whole Sole Awards to Mr. Steve Martin, the City's Building Official and Mr. Leo Redmond, Director of the Cayce Historical Museum for their efforts in going above and beyond their respective duties to assist the City in a special way.

B. Presentation by Mr. Earle Smith re Storm Drainage Issues

Mr. Smith appeared before Council to present his concerns on storm drainage issues in his neighborhood. See comments attached.

Mayor Partin stated that the Tartan Day South event was phenomenal and encouraged citizens to attend next year's event. She announced several upcoming events--Spring Plant Exchange on April 21, RacersReunion event this weekend at the Columbia Speedway and the Rhythm on the River concerts which begin on April 28 at the West Columbia Amphitheater. She stated that the new Cayce Tennis and Fitness Center is open and that if a person is a member of the Tri City Leisure Center, there is no additional cost to use the new fitness center. She stated they have several youth

tennis camps scheduled for this summer and also has a meeting room facility that can be used by the community for a charge. She stated that the Family Movie Nights have returned and the first one of the season will be on April 27 at the Cayce Riverwalk Pavilion at 7 pm with the showing of Happy Feet Two. She stated these are organized by Public Safety and it is a great opportunity for a family outing. She stated the City has received many nice letters via email and otherwise from residents regarding city employees and Council appreciates the employees and the great accolades they receive for the fantastic service they provide.

Councilmember James provided his thanks and congratulations to Mr. Martin and Mr. Redmond. He stated that a few months ago, Council approved a Resolution congratulating Miss Ashleigh Smith of Cayce on her many accomplishments. He stated that Miss Smith, representing Cayce, recently won first runner up at the SC Little Miss Princess contest and has donated her tiara and sash from this contest to the City.

Public Comment regarding Items on the Agenda

Mr. Earle Smith regarding Item IV.E. – see comments attached.

Ordinances and Resolutions

- A. Approval of Resolution Ratifying a Multi-Jurisdictional Agreement – CAST DUI Enforcement Unit

Council considered for approval a Resolution ratifying a Multi-Jurisdictional Agreement in reference to the CAST DUI Enforcement Unit. Councilmember James made a motion to approve the Resolution as submitted. Councilmember Isom seconded the item which was unanimously approved by roll call vote.

- B. Approval of Resolution Ratifying a Multi-Jurisdictional Agreement – Alcohol Enforcement Unit

Council considered for approval a Resolution ratifying a Multi-Jurisdictional Agreement in reference to the Alcohol Enforcement Unit. Councilmember James made a motion to approve the Resolution as submitted. Councilmember Isom seconded the item which was unanimously approved by roll call vote.

- C. Approval of Ordinance to Annex and Zone Property Located at 2846 Charleston Highway – First Reading

Council considered for first reading approval of an Ordinance to annex and zone property located at 2846 Charleston Highway. Ms. Rhodes stated that the property is .35 acre tract of land and is a Waffle House. She stated they approached the city about annexing into the city. Councilmember Isom made a motion to approve the Ordinance on first reading. Councilmember James seconded the motion which was unanimously approved by roll call vote.

D. Approval of Ordinance to Annex and Zone Property Located at 1972 Old Dunbar Road – Second Reading

Council considered for second and final reading an Ordinance to annex and zone property located at 1972 Old Dunbar Road. Councilmember James made a motion to approve the Ordinance on second and final reading. Councilmember Isom seconded the motion. Ms. Rhodes stated this is the City's Utility Compound and it is contiguous to the City. After discussion the motion was unanimously approved by roll call vote.

Mayor Partin stated that she has talked to staff about taking photos of these properties so that the image can be placed on the screen when the items are discussed.

E. Approval of Ordinance to Amend the City of Cayce Zoning Ordinance re Parking Requirements – Second Reading

Council considered for second and final reading an Ordinance to amend the Cayce Zoning Ordinance regarding parking requirements. Councilmember James stated that as with the first reading of the Ordinance he is recusing himself due to a potential conflict of interest. Councilmember Jenkins made a motion to approve the Ordinance on second and final reading. Councilmember Jumper seconded the motion.

Councilmember Isom reiterated his concern. He stated the excellent intention of these laws does not justify their use especially in hard economic times when we do not want to put any extra burden on the people and again, to jeopardize our freedoms because of security is a wrong course.

Ms. Rhodes stated that the Planning Commission held a public hearing on the issue and recommended approval of the Ordinance. Mayor Partin inquired if Council had any concerns about the questions that were raised at the Public Hearing. Mr. Greenwood stated that the Planning Commission did have some concerns over the enforcement specifically whether or not the Zoning Ordinance had enough teeth to enforce this if someone does not comply with the agreement. He stated the zoning penalties would be the same if they broke the agreement for parking reduction. He stated that he and the City Manager have discussed the possibility of coming up with an internal guideline policy for evaluating the criteria as to when it is best to apply the parking reduction to a certain application. Mayor Partin inquired if the parking agreement signed would follow the property if it is sold. Mr. Greenwood stated it would transfer with the actual sale of the property.

Mr. Greenwood stated there is a built in safety measure in that if someone does violate the agreement, we are making them maintain the space normally needed and they would have to go back and include the proper amount of spaces. He stated this reduction is simply to try to make it easier on developments that can satisfy the requirement. Ms. Rhodes stated that this is another tool for the City to use to accomplish the goals in the Comprehensive Plan and we are trying to give our staff the tools they need to make things happen. Councilmember Jenkins inquired about Mr.

Greenwood's statement regarding the Ordinance not having enough teeth into it. Mr. Greenwood stated that part of the discussion at the Planning Commission meeting was if there was anything more that could be done. He stated that there were other ordinances they reviewed. The Rock Hill ordinance is extremely complicated and they require that any time a parking reduction is made that it be placed as a restriction on the deed. He stated that overall the Planning Commission felt this would limit a property owner and with a deed restriction it would make it more difficult to sell the property. He stated the Planning Commission did not want to place this burden on the property owner. After discussion, the motion was approved three to one with Councilmembers Jumper, Jenkins, and Mayor Partin voting yes and Councilmember Isom voting no.

F. 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. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Other

A. Bid Award – City Hall Complex Architectural Study

Ms. Rhodes stated that after the last special called meeting and the discussion on this issues, it was suggested that we interview the top four firms according to the rating and ranking sheet and allow them to talk for 15 minutes explaining their firm and how they would approach the project and what they would do for the City and then have Council asks questions of them. She suggested that Council submit three questions to her prior to the interviews so that every firm would be asked the same questions.

Councilmember Isom stated that he felt the idea was to get a feel for what these firms are about. He stated he did not think Council really knew what questions to ask but hearing their presentation we could then ask questions and look at the direction they are going and felt that is where Councilmember James was headed with that commentary. He stated that Council was not really the ones to necessarily ask the right questions but to have the intermediaries, people who use the facilities, to find out where they are going and ask questions at that point. Councilmember James made a motion to approve the recommendation of the City Manager to interview the top four candidates. Councilmember Isom seconded the motion.

Councilmember James stated that Councilmember Isom was absolutely correct in reference to his feelings. He stated some of Council left the last Council meeting thinking that this was not a good project, but quite the contrary he feels it is a great project and is huge for the City, thus his concern about wanting to put the finger on the pulse of these candidates. He stated he appreciates Councilmember Jenkins and staff for spending time on this, but now that it has been culled down from 15 firms or so to four, he would like to have an opportunity as Council and other Councilmembers as the Mayor deems appropriate to interview with them. He stated that his point on potentially

submitting questions versus having the interview and then questions during the interview was really a time constraint. However, he stated that whatever time Council wants to put into it we would base it upon that. He stated he still feels very comfortable that it is a great idea for Council to submit some type of questions or try to vet those questions so that the interview process does not take hours upon hours. Ms. Rhodes asked Council to email their questions to her. She stated that she wanted to make sure we were comparing apples to apples. Councilmember Isom stated that he felt the scope of the questions should be open-ended to allow for a lot of flexibility. He stated he was alluding to specific architectural questions, but he does think the questions are a great idea. He stated that having open-ended questions to have the feedback and interaction of those four top candidates would be very good. He stated he would be in favor of that. Mayor Partin stated it was not necessarily architectural questions that Council would ask. She stated it was a study of this site to see what space we need, we have leaking roofs and sound system issues, etc. and they would evaluate all of that. Then they would assess what we need as work space and what architecturally we can do or if City Hall should be moved. Ms. Rhodes stated she wanted everyone to know that we are not building a new City Hall, but actually having an assessment of what needs to be done to be efficient and effective and what possibilities are available.

Councilmember Jenkins inquired as to when they would get the staff involved in the process. Ms. Rhodes stated that as part of the space needs assessments, they interview almost all of the staff to figure out the work flow, proper location of people, records, departments, etc. Councilmember Jumper inquired if one of the options included utilizing existing buildings. Ms. Rhodes stated that was one of the options, but technical assistance is needed to advise if structurally that would be possible. After discussion, the motion was unanimously approved by roll call vote.

City Manager's Report

Ms. Rhodes stated that in reference to the State Street Phase III and IV projects, SCDOT is responsible for one side of the street. She stated the City did receive enhancement monies to do those phases, but SCDOT is responsible for administering the grant and the engineering of the project. She stated they had bid the project out but there were some bidding issues that occurred and are rebidding the project. She stated that they had lumped the City's project in with others and there were issues with the other projects so they have decided to pull ours out and rebid it separately. She stated she did not know about the time line of this project at this point.

She stated the City is applying to SCDOT for the next phase of State Street Streetscaping and the application is due in April. She stated that we hope to be successful with that request and if the City were to get those funds it would have four different enhancement grants open at one time. She stated there is no criteria that says we cannot have that many open at one time, but that we would be at SCDOT's mercy for any of them to start.

Ms. Rhodes stated that there will be a Special called Council Meeting on April 19 to discuss some different types of evaluations for the Judge and the City Manager's review. She stated that the budget schedule needs to be discussed as there is a need for another meeting this month to finalize the Utility budget which needs to be submitted to the purchasers by April 30.

She stated that at the last Council Meeting, she mentioned the proposed legislation concerning the Airport property and the City's treatment of them as out of town utility customers. She stated that Senator Knotts has introduced legislation that would treat Special Purpose Districts as in-city utility customers. She advised that she attended and testified at the Senate Judiciary Subcommittee meeting and the bill was carried over again. She stated that she spoke with Senator Knotts and representatives of the Airport after the meeting and all involved are doing their best to come to some type of resolution. She stated that Senator Knotts is very adamant that some resolution on the issue be proposed as soon as possible. She stated that she would be bringing recommendations to Council on how best to address the issue. She stated that Senator Knotts is very adamant in stating that he will do his best to get this legislation passed. She stated staff will continue to work with the Airport on the issue.

She stated that information was at their desks regarding the MASC Annual Meeting scheduled for June 28-July 1. She stated the city registration date will either be May 8 or 9th and information is due back from Council by the end of April.

Councilmember James inquired about the issue with the Airport and other options that may be available other than annexing into the City. Ms. Rhodes stated there are other options and Council would need to decide if these would be best for the City. She stated there are different things that can be looked at if they do not wish to come into the City limits. Councilmember James inquired if there has been any other precedent set. Ms. Rhodes stated no. She stated that she and the City Attorney met with Mr. Dan Mann and discussed annexation and have been exchanging information with each other and plan to meet again next week. She stated she does not hold out high hopes that the Airport Commission would vote to annex into the City.

Councilmember Jenkins stated that if the City loses any revenue was there something the City could do to replenish those funds. Ms. Rhodes stated no and that if the legislation is passed it would cost the City approximately 3% of its Utility Fund revenues and the City would have to make up the lost revenue by raising rates. She stated that she would not be shy to explain to people why rates would have to go up. She stated that she did not mean this in a threatening way, but if the City is forced by the State Legislature to do something with out of town water rates for these customers, then by them voting for this legislation, it is public information and everyone needs to understand why we have to do what we have to do.

Councilmember Jumper stated that the old Busbee School is empty and no one is using it, but a lot of money has been spent on the sprinkler system for the playing

fields. He states they are turned on in the evening and are still on in the morning. Ms. Rhodes stated she would check into the situation.

Committee Matters

- A. Approval to Enter the following approved Committee Minutes into the City's Official Record
 - Beautification Board – January 10, 2012
 - Cayce Historical Museum Commission – February 8, 2012
 - Cayce Events Committee – February 9, 2012
 - Planning Commission – February 27, 2012

Councilmember James made a motion to approve that the above Committee minutes be entered into the City's Official Record. Councilmember Jumper seconded the motion. Councilmember Isom pointed out that in the Events Committee minutes, Mr. Rudy Mancke should be changed to Dr. Rudy Mancke. The motion was unanimously approved by roll call vote.

- B. Committee Recommendations
 - Planning Commission Recommendation re Amendment to By Laws

Council reviewed the amendments to the By Laws as submitted by the Planning Commission. Mr. Greenwood advised that the Planning Commission has been operating under a set of Bylaws that were never officially approved by Council. In order to ensure that all of the administrative requirements are being met, he stated that staff made changes that reflect the current way in which the Planning Commission conducts its meetings. He stated that the Planning Commission voted to recommend these changes during their March 19, 2012 meeting. It was noted that Article IV. Section 3 should not conflict with the City Code pertaining to absences of members from meetings. The City Attorney stated that the City would not want to have Bylaws that conflicted with the City Code. Councilmember James made a motion to postpone the issue until the April 19, 2012 Special Council Meeting. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

- C. Appointments and Reappointments

Beautification Board – One (1) Position

Mr. Joe Long has resigned from the Board. The Board has reviewed potential member applications and recommends the appointment of Ms. Pat Burton to this position. Ms. Burton's potential member application is attached for review. Councilmember Isom made a motion to appoint Ms. Burton to the Board. Councilmember James seconded the motion which was unanimously approved by roll call vote.

Beautification Foundation – Four (4) Positions

The Beautification Board has elected Morgan Gauthreaux as Chairman. She will serve as a member of the Beautification Foundation in accordance with the By Laws. No action from Council is needed on this item.

The following members' terms expire April, 2012: Joyce Coleman, Ronnie Brazell, Mark Gardner. Ms. Coleman and Mr. Brazell would like to serve again and their reappointment applications are attached for review. Mr. Gardner (Mayor) will be unable to serve again. A recommendation is needed from Mayor Partin for this position.

Councilmember Jenkins made a motion to reappoint Ms. Coleman and Mr. Brazell to the Foundation. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote. Councilmember James made a motion to postpone Mr. Gardner's replacement until a potential member application is submitted. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Cayce Historical Museum Commission – Four (4) Positions

The following members' terms have expired: Cindy Peake, A.G. Dantzler, Ann Diamond, and Archie Moore and they would like to serve again. The Commission recommends reappointment of Ms. Peake, Mr. Dantzler, Ms. Diamond and Mr. Moore. Reappointment applications are attached for review. Councilmember Isom made a motion to reappoint Ms. Peake, Mr. Dantzler, Ms. Diamond and Mr. Moore to the Commission. Councilmember James seconded the motion which was unanimously approved by roll call vote.

Cayce Municipal Election Commission – Two (2) Positions

Ms. Eunice Bowman passed away in October and Council approved increasing the membership of the Commission to five. There are currently two open positions. Ms. Yvonne Smith has submitted her potential membership application for Council's review. It is recommended that she be appointed to the Commission. Councilmember Isom made a motion to appoint Ms. Smith to the Commission and to postpone the second position until a potential member application is submitted. Councilmember Jumper 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 for telephone and cable service between the City of Cayce and Time Warner
- C. Receipt of legal advice relating to claims by the City and other matters covered by the attorney-client privilege

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

Reconvene

After the Executive Session was concluded, Councilmember James made a motion to reconvene the Regular meeting. Councilmember Jumper 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

Councilmember Isom made a motion to approve the Agreement between the City of Cayce and Time Warner Cable and to authorize the City Manager to execute the contract on behalf of the City. Councilmember James recused himself from the issue stating a potential conflict of interest due to his relationship with the contact. Councilmember Jumper seconded the motion which was approved with a yes roll call vote from Councilmembers Isom, Jumper, Jenkins and Mayor Partin.

Councilmember Jenkins made a motion regarding Item VIII. A. to authorize the City Manager to proceed as discussed in Executive Session. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Ms. Rhodes reminded Council that the Special called Council Meeting would be held April 19 at 4 pm and the next Special Council Meeting is scheduled for April 26, 2012 at 3 pm.

There being no further business, Councilmember Jumper made a motion to adjourn the meeting. Councilmember James seconded the motion which was unanimously approved. The meeting adjourned at 9:00 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk