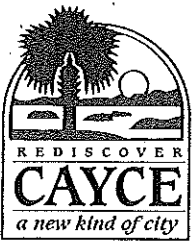


CITY OF CAYCE



MAYOR
ELISE PARTIN

MAYOR PRO-TEM
JAMES E. JENKINS

COUNCIL MEMBERS
TARA S. ALMOND
EVA CORLEY
TIMOTHY M. JAMES

CITY MANAGER
REBECCA V. RHODES

ASSISTANT CITY MANAGER
SHAUN M. GREENWOOD

CITY OF CAYCE
Public Hearing and Regular Council Meeting
July 2, 2013

A Public Hearing was held at 6:00 p.m. in Council Chambers to obtain public comment on a proposed ordinance amendment to Sec. 10-31 of the Cayce Code relating to the adoption of the latest versions of certain standard building and safety codes approved by the South Carolina Building Codes Council. Those present included Mayor Elise Partin, Council Members Tara Almond, Eva Corley, Tim James, and James Jenkins, City Manager Rebecca Rhodes, Assistant City Manager Shaun Greenwood, Mendy Corder, Municipal Clerk and Garry Huddle, Municipal Treasurer. Mayor Partin asked if members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA. Ms. Corder confirmed they were notified.

Opening Statement

Mayor Partin stated that the purpose of the Public Hearing was to obtain public comment on a proposed ordinance amendment to Sec. 10-31 of the Cayce Code relating to the adoption of the latest versions of certain standard building and safety codes approved by the South Carolina Building Codes Council. Mayor Partin gave the opening statement. She explained that these are state regulations for building codes and something the City has to adopt. She stated there is an opportunity for public testimony if anyone would like to come forward and speak.

Public Testimony

No one from the public in attendance offered any public testimony or comment.

Close Hearing

Mayor Partin closed the public hearing noting that no public comment was received.

The Regular Council Meeting immediately followed the Public Hearing at 6:05 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council Members Tara Almond, Eva Corley, Tim James, and James Jenkins, City Manager Rebecca Rhodes, Assistant City Manager Shaun Greenwood, Municipal Clerk Mendy Corder and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Director of Utilities, Blake Bridwell, and Public Safety Director Charles McNair were also in attendance. Mayor Partin asked if members of the press and the public were duly notified of the Council Meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

Mayor Partin called the meeting to order. Councilmember Jenkins gave the invocation and United States Military Veteran Thomas Rivers lead the assembly in reciting the Pledge of Allegiance. Mr. River's military career began in the Navy and he also served in the reserves. Mayor Partin explained Mr. Rivers was recently on the Honor Flight that was set up by Lexington Medical Center.

Approval of Minutes

Council Member Jenkins made a motion to approve the minutes of the June 4, 2013 Regular Meeting as submitted. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

Presentations and Proclamations

A. Presentation of Cayce Calendar Photo Contest Awards

Mayor Partin presented staff member Tara Yates with the first place prize for the winning photo in the calendar photo contest. She also recognized the other City staff members whose pictures were chosen to be in the calendar.

B. Approval of Proclamation – Communications Month and Say Something Nice Day

Council Member James made a motion to approve the Proclamation proclaiming the month of June 2013 as Communications Month and June 1, 2013 as Say Something Nice Day as submitted. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

No public comment was given.

Resolutions and Ordinances

A. Consideration and Approval of Resolution Approving Law Enforcement Mutual Aid Agreement with the Richland County Sheriff's Department

Council Member James made a motion to approve the Resolution approving a law enforcement mutual aid agreement between the Richland County Sheriff's Department and Cayce Public Safety. Council Member Jenkins seconded the motion. The motion was unanimously approved by roll call vote.

B. Consideration and Approval of Memorandum of Agreement with Department of Juvenile Justice

Council Member James made a motion to approve the agreement with the Department of Juvenile Justice. Council Member Corley seconded the motion. Council Member James asked if it was legal to strike out the section on financial responsibility of medical care. Ms. Rhodes explained that the City strikes it out every year. The motion to approve the agreement was unanimously approved by roll call vote.

C. Approval of an Ordinance Regarding Residential Sanitation Fee - First Reading

Ms. Rhodes explained that when the fee was originally adopted in 1999 it was the intent of Council at that time to use it just for capital equipment for the Sanitation Department. The fee will now be used for operation and maintenance as well. The original ordinance did not exactly specify what the fee should be used for but Ms. Rhodes explained staff wanted to clarify it so there would not be any confusion in the future. Council Member James made a motion to approve the Ordinance regarding residential sanitation fee. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

D. Approval of Ordinance Amending Sec. 7-8 of the Zoning Ordinance Regarding Communication Towers and Antennas - First Reading

Ms. Rhodes explained the ordinance is in reaction to members of the cell tower industry approaching city staff in reference to the City's communication tower's ordinance being outdated and not business friendly. Council asked staff to research other ordinances around the Midlands and to report back to Council a way to make the City's ordinance comparable to other cities.

Mr. Greenwood presented Council with a Power Point presentation to illustrate the changes and additions to the original ordinance. He explained staff cleaned up some of the definitions in the ordinance and added some new definitions. He stated communication towers changed from not permitted to become permitted as a special exception in Single Family Residential and General Residential districts.

Mr. Greenwood explained communication towers changed from not permitted to become permitted as conditional use in C-1 districts and changed from permitted as a conditional use to become permitted as a special exception in D-1 districts. A table was added to indicate zoning district requirements for maximum height of and type of communication towers. Conditions were added to indicate appearance of new

communication towers, type of permitted signs for communication towers and setback for new towers based on height and proximity to residential dwellings or residentially zoned districts and to indicate a 1000 ft. buffer for lattice towers.

Mr. Greenwood stated requirements were added for special exception criteria. A requirement was also added for registered engineering certification for new towers. He stated requirements were also added for co-location antennas. He stated the Planning Commission met on June 17, 2013 to hear Public Comment on the suggested changes. No members of the public were present at the meeting. He stated the Planning Commission voted unanimously to recommend the amendment.

Council Member Jenkins asked if there was a size limit to what size dishes could be added to the towers. Mr. Greenwood stated any alteration made to a tower has to be certified by an engineer who states it is structurally feasible and absolutely required and then the City Zoning Administrator has to approve it. Mayor Partin asked what the coverage is in the City. Mr. Greenwood stated the company that contacted the City has a decent signal now but as their subscribers increase they need more signal strength to handle them because they get pushed out by bigger carriers. He explained the company that contacted the City would like a new tower by SCANA on 12th Street Extension for more coverage.

Mayor Partin asked if the new changes in the ordinance were sent to the FCC and the FAA for their input. Mr. Greenwood stated they have their own specific regulations but the regulation portion of the ordinance now states any tower shall comply with FCC regulations and show proof they comply with FCC regulations.

Council Member James thanked Mr. Greenwood for being so thorough with his research in this matter.

Council Member Almond made a motion to approve the Ordinance to amend Sec. 7-8 of the Zoning Ordinance on first reading. Council Member James seconded the motion which was unanimously approved by roll call vote.

E. Approval of Ordinance Amending Sec. 10-31 Relating to Technical Codes
– Second Reading

Mayor Partin explained the Ordinance relating to technical codes is what the Public Hearing was about and it is mandatory that all municipalities enforce these codes. Council Member Jenkins made a motion to approve the Ordinance to amend section 10-31 to adopt the most recent technical codes. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

F. Approval of Ordinance to Amend the Development Agreement with Lexington School District II for Land Use Development of Brookland Cayce High School – Second Reading

Council Member Almond made a motion to approve the Ordinance to amend the development agreement. Council Member James seconded the motion which was unanimously approved by roll call vote.

Other

A. Discussion of Potential Amendments to the Temporary Sign Ordinance Regarding Farmer's Markets

Ms. Rhodes stated amendments to the temporary sign ordinance were adopted last summer to make it more business friendly. She explained the amendments to the ordinance made it possible for staff to administer the temporary sign ordinance in a fair and equal manner. She explained the Cayce Farmer's Market has certain signs that are not in compliance with the ordinance. The owners of the Cayce Farmer's Market have asked staff to look at possible changes or find some different way to address those signs. Ms. Rhodes stated the current signs were not permitted before and are not permitted now but the temporary sign ordinance was not enforced in the past. She explained the signs do not meet code for a number of reasons. The size, the number of signs and the fact that they were not professionally done are all issues. She stated staff needs direction and guidance from Council because staff cannot require some businesses to be in compliance and allow others to not be in compliance.

Ms. Rhodes explained that she was asked to research options for this particular business. She explained this type of business needs a changeable copy sign so they can advertise weekly or even daily. This type of sign would be allowed and is what staff has suggested to the owner of the Farmer's Market.

Ms. Rhodes stated some of Council had asked staff what could be done for the Cayce Farmer's Market sign issue. She explained she would not allow those types of signs in any other district or for any other business. She stated if Council wished to allow that particular type of sign then staff could work on an amendment to the temporary sign ordinance to allow an exemption for farmer's markets and particularly permanent farmer's markets. She stated it is not good zoning and planning or legal practice to specify businesses that get special treatment. She stated they cannot be grandfathered in since they weren't grandfathered in when the City did the temporary use ordinance last year. Ms. Rhodes explained the only other option that possibly could work is the mobile signs that have lights around them. They could allow farmer's markets to have them longer than other businesses. Currently a business can have this

type of sign for 30 days on and 30 days off. This does not serve the farmer's market purpose so staff could take out the 30 days in the middle if they wanted that type of sign.

Council Member Jenkins asked if a small scrolling electronic sign would be an option for the farmer's market. Mr. Greenwood explained that currently the City allows digital reader boards but the letters can only be eight inches high and the message can only change eight times a day. He stated that ordinance will be amended in the near future since currently almost every sign like that in the City is in violation. He explained these signs are very expensive.

Council Member Almond stated she understood that cost was an issue for the owners of the Cayce Farmer's Market and said a changeable copy sign would be a better option since they are so inexpensive. Council Member James stated Council and the City tries to balance the needs of its businesses and that's why the businesses feel comfortable calling Council and asking them to review the ordinance. He stated a farmer's market is a seasonal business and needs signage to advertise their daily goods. He stated the City needs to at least review the ordinance and try to work with them.

Council Member James said he did not realize the farmer's market signs could not be grandfathered in. Mr. Greenwood stated they are moveable signs and moveable, temporary signs cannot be grandfathered in. Council Member James stated Ms. Creech had brought pictures of signage used at another farmer's market. He asked Ms. Rhodes if staff could continue to review it and see what the best alternatives are. She explained that she would need Council to take a vote saying they want to suspend the temporary sign regulations for farmer's markets while staff reviews the issue further. She explained it makes it easier for staff when they contact other businesses about being out of compliance.

Mr. Greenwood stated staff would need to know what they are aiming at in their research. He asked are they aiming at allowing the current signage or exempting time periods. He stated the problem is the plywood signs that are being used now do not fall into any category that is currently allowed.

Council Member Jenkins asked how long the Cayce Farmer's Market knew about the sign ordinance. He stated they should have been working toward coming into compliance since they knew they were out of compliance. He stated all other businesses in Cayce were made to come into compliance and if a vote was taken he would vote that the ordinance stand. Council Member James asked if every other business in Cayce is in compliance with the sign ordinance. Mr. Greenwood stated he could not say for sure that every single business is in compliance. He explained that he

and his staff monitor as best they can as they see it. He explained when staff started enforcing the ordinance they visited with at least 40 businesses and many were not happy but they did come into compliance.

Council Member Jenkins stated CMC Steel had a sign on Frink Street that was out of compliance and he was asked to remove it and he did. He stated to be fair to the City every business should be working towards coming into compliance. Council Member James asked if staff was currently working with the Cayce Farmer's Market to determine something that could be done. Mr. Greenwood stated the Special Projects Coordinator has been speaking with Mr. Creech and was waiting on the images of the proposed signage they may use.

Council Member Almond asked if the Cayce Farmer's Market participated in any of the Public Hearings when staff worked on changing the sign ordinance. Mr. Greenwood said they did not. Ms. Rhodes explained that staff heard from them when the letters went out to the businesses explaining the changes and they said they would not be able to come into compliance. Mayor Partin stated she was at a loss and was confused why the changeable copy sign was not an option for this particular business. She stated she wasn't sure she understands what the problem is if that type of sign is not that expensive.

Ms. Rhodes stated the issue of expense should be considered but it was not considered when all other businesses were asked to come into compliance. She stated staff had been talking to the owners since last year and did not ticket them since the season was almost over. She explained they hoped the business would take care of the sign issue and be in compliance this season. Council Member James asked Mr. Crowe what type parameters need to be outlined if they give staff time to work with the business owners.

Mr. Crowe stated that as he understood the issue staff is uncomfortable with not enforcing the sign ordinance and is looking for a vote of Council to authorize them to refrain from enforcement of this ordinance as to this business while other options are explored and a further report is made to Council. Council Member James asked Mr. Crowe what would happen if they took that vote and it fails what would staff do tomorrow. Mr. Crowe answered it then becomes an enforcement matter and staff would use their usual discretion.

Council Member James made a motion that staff refrain from enforcement of the temporary sign ordinance as it pertains to farmer's markets while staff works with the business owners between then and the next Council Meeting. The motion died with no second. Mayor Partin asked if there was anything the City could do to give the business owners time to buy the sign. Mr. Greenwood stated there are several options for

temporary signage the business owners can get for the next thirty days. He said they can get a permit for a portable sign with changeable copy. He stated staff will notify them that Council has not taken action to exempt them therefore they have fourteen days to come into compliance. Mr. Greenwood stated there are temporary options available to them while they research a permanent solution.

City Manager's Report

Ms. Rhodes reminded Council that the annual Municipal Association conference was in two weeks. She stated SC DOT bid out the streetscaping project on State Street and they chose AOS Contractors, who has done a lot of other work for the City. Ms. Rhodes stated the City had finished its first minor home repair and asked the audience to help spread the word about the program to anyone in need of minor home repairs. She stated the City also needed more contractors interested in doing small projects to work on the minor home repairs.

Ms. Rhodes stated the City is focusing on enforcing the business license ordinance at that time. Anyone that did not pay by the end of April is being contacted by staff to renew their business license. She said Planning & Development's staff has done a good job of finding people who have underpaid their license. Ms. Rhodes stated the Planning Department does have several issues that will come before Council soon since some ordinances are too strict or try to legislate through definitions.

Ms. Rhodes stated that staff has received a rough draft of the Land Development Regulations from the Council of Governments and the Planning staff is currently going through it and finding things to add. She stated amendments to the Planned Development Ordinance will probably be needed since it is very restrictive. She reminded Council that 2014 is the City's centennial and asked Council to give her some names of people who would be interested to work on a sub-committee to plan events to celebrate the event. Mayor Partin suggested contacting the City's ninety year old residents and see if they would like to be a part of the planning process. She also suggested the Museum Commission and the Events Committee have a joint meeting to discuss and plan for the celebration.

Ms. Rhodes stated she sent a communication plan to Council regarding the hospitality tax discussions and asked if they had any concerns or thoughts on the plan. She stated staff is meeting with local restaurants soon to get feedback from them. Mayor Partin stated Council has not made any decisions regarding the hospitality tax and have not voted on it and she thinks it would be helpful to ask business owners what they think and let them know research has shown that if certain things are done to improve the City then more people will come to the City and its restaurants. Council Member Almond stated she thinks the business owners would appreciate the City

listening to their opinions. Ms. Rhodes stated staff plans on meeting with restaurant owners and also hold a public forum meeting so residents can voice their opinions.

Mayor Partin reminded everyone about the new utility bills that are now being used. They are no longer a postcard and have a return envelope with them. She stated there is also more space for the City to communicate with its residents and customers.

Committee Matters

- A. Approval to Enter the Following Committee Minutes into the City's Official Record

Council Member Almond made a motion to approve entering the following Committee minutes into the City's official record:

Cayce Housing Authority – December 18, 2012 & April 9, 2013
Events Committee – May 9, 2013
Planning Commission – May 20, 2013

Council Member Corley seconded the motion which was unanimously approved by roll call vote.

- B. Committee Appointments/Reappointments

Cayce Beautification Foundation – One Position

Ms. Kim Wells' term expired in June and the Beautification Foundation recommends her for re-appointment. Council Member James made a motion to reappoint Ms. Wells to the Foundation. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Beautification Board – Two Positions

The Beautification Board has a total of four open positions and has received two potential member applications. Ms. Katie Bauld and Mr. John Winn are both interested in serving. Council Member Almond made a motion to appoint them both to the Board. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Municipal Election Commission – One Position

The Municipal Election Commission has one open position. A potential member application has been received by Mr. David Bornemann. Council Member Jenkins made a motion to appoint Mr. Bornemann to the Commission. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

Mayor Partin asked Ms. Corder to get with Council Member Jenkins regarding getting the word out about the open positions on the various City boards and committees since he is on the Leadership Lexington County Board.

Executive Session

- A. Receipt of legal advice relating to a claim and potential claim by the City and other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to the sale of City Property
- C. Discussion of contractual matters as it relates to sewer service
- D. Discussion of negotiations incident to proposed contractual arrangements for animal services

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

Reconvene

After the Executive Session was concluded, Council Member James made a motion to reconvene the Regular meeting. Council Member Almond 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

Council Member James made a motion to approve the agreement for the payment and possible refund of sewer service capacity costs between Calhoun County and the City of Cayce and authorize the Mayor to sign the agreement. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

There being no further business, Council Member James made a motion to adjourn the meeting. Council Member Corley seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 8:00 p.m.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

