

**CITY OF CAYCE
Regular Council Meeting
March 6, 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. Public Safety Director, Charles McNair, Planning & Development Director, Shaun Greenwood, JoAn Roland, Human Resources Manager, City Attorney, Danny Crowe, and City Auditors Jamie Michaelson and Bob 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 February 7, 2012 Regular Meeting and February 23, 2012 Special Meeting as submitted. Councilmember Jenkins seconded the motion. Councilmember Isom stated that on page 8 there is a portion missing and he would like it to be included for the record. He stated the point he made was that although he likes the idea of a less restrictive ordinance, the previous ordinance was not enforced so that was even less restrictive. After discussion the motion was unanimously approved by roll call vote.

Presentations

A. Approval of Proclamation re MS Awareness Week

Council considered for approval a Proclamation designating March 12-18, 2012 as MS Awareness Week. Councilmember Isom made a motion to approve the Proclamation as presented. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

B. Approval of Proclamation re Peace Officers' Memorial Day

Council considered for approval a Proclamation designating May 15, 2012 as Peace Officers Day. Mayor Partin advised that all flags on City buildings will be flown at half staff on that day in recognition of Peace Officers Memorial Day and in memory of those law enforcement officers who have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and to honor those law

enforcement officers presently serving the community. Councilmember Isom stated the city's police force does a great job in treating everyone fairly and thanked Chief McNair for everything he does. Mayor Partin thanked Chief McNair for his leadership and valor and handling everything professionally. After discussion the motion was unanimously approved by roll call vote.

C. Presentation of MASC Safety Award

Mayor Partin presented the MASC Safety Award to Sgt. Mike Adams, the City's safety officer and JoAn Roland, Human Resource Manager. She stated this award was presented at the most recent MASC meeting and that the City was recognized and received third place in the state for decreased amounts of workers comp claims by the city. She stated the safety team is doing a great job in making sure that everyone is safe. She stated it was a great honor and thanked the staff for everything that is being done. She advised that along with the plaque, the city received \$500 to be used toward safety efforts.

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

Ms. Shull stated that she has yet to receive a letter from the City regarding the change to the sewer availability charge and she still disagrees with Council's recent decision because she did not understand why she had to give up the \$100 connection fee she paid in 1964 in order not to have a sewer fee. She stated that in 2011 she paid approximately \$160 in sewer fees and if that figure was multiplied by 15 years that would equal to \$2,500 in fees. She stated that she felt that would cover the tap fees today and provided Council with additional background information. Ms. Shull stated that she feels that she has already paid as much or more than the average household to use City sewer and, as of today, she has never used the line.

E. Presentation by Ms. Rebecca Rhodes, City Manager regarding Update on the City of Cayce Comprehensive Plan

Ms. Rhodes provided Council with the City of Cayce Comprehensive Plan Annual Report for 2012. She highlighted some of the activities that have been accomplished since the last annual report including review of the Land Development Regulations, organization of variances, etc. for easy reference, and progress on grants. She stated that on the CDBG projects last year, the city was behind and were not eligible for any new projects. She stated the Grants Specialist, Tara Yates, has managed to get those closed out and the City was recently awarded a \$171,000 grant for a project to replace the old water line on Lexington Avenue. She stated the project would be bid out in August.

She stated that there were excess HOME Program funds of approximately \$60,000 which were to be used to rehabilitate houses. She stated the city contacted the federal government to see what the funds could be used for and they stated they will

allow the City to set up a city-wide HOME Program to allow the City to work with low to moderate income residents to fix up their houses and make energy efficient renovations. She stated that Ms. Yates is putting together a program for these funds.

In reference to the Housing Element, Ms. Rhodes stated that Williams Place is almost completed which includes 146 units and that Concord Park has been very successful. She stated that during the past year they have sold all of the lots in the first Phase to builders and have now moved on to Phase B. She stated the developer has already sold some of the lots in this Phase B.

She stated there are a number of things that the committee envisioned that the city would be able to do if there is funding available. This includes demolishing dilapidated buildings. She stated that she would try to include some funds in the FY12-13 budget for tearing down dilapidated or condemned buildings.

She stated that several items mentioned in the plan require funding and that grant funds have become very difficult to obtain. She stated that if Council wants to pursue some of these issues, Council will need to decide on funding sources for them.

Councilmember Isom inquired about the \$30,000 to be placed in the budget to demolish dilapidated buildings and wanted to know where the money would be obtained. Ms. Rhodes stated that the budget process is just beginning and did not know. Councilmember Isom stated that the private sector needs to be expanding and the government needs to be staying out of the way of the private sector and is glad a lot of these things are not funded.

Councilmember Isom inquired about a bill being considered by the House and Senate regarding demolition of dilapidated buildings. Ms. Rhodes provided Council with information on the legislation being considered. Councilmember Jenkins inquired if this would include rental properties. Ms. Rhodes stated that it would include any property and the claim would be made against the property owner, not the renter.

Mayor Partin thanked Ms. Rhodes for the report. She stated that the Comprehensive Plan has to be rewritten every 10 years and the City's was rewritten two years ago. She stated that the Planning Commission and Ad Hoc Committee worked extremely hard on this project and one of the elements is that the Planning Director and City Manager would provide Council with an annual update so that it becomes a living document and not one that sits on the shelf.

Public Comment regarding Items on the Agenda

Ms. Barkley advised that no one had signed up to provide public comment.

Ordinances and Resolutions

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

Council considered for first reading approval an Ordinance to annex and zone property located at 1972 Old Dunbar Road. Councilmember James pointed out that the property is on Old Dunbar Road. Mayor Partin advised that was correct and the agenda was incorrect in stating Dunbar Road. Councilmember James made a motion to approve the Ordinance on first reading. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

B. Approval of Ordinance to Amend the City of Cayce Zoning Ordinance re Parking Requirements – First Reading

Council considered for first reading the approval of an Ordinance to amend the City of Cayce Zoning Ordinance regarding parking requirements. Councilmember James recused himself from this item because of a potential conflict of interest as a result of a business interest with which he is associated. Councilmember Jenkins made a motion to approve the Ordinance on first reading. Councilmember Jumper seconded the motion. Councilmember Isom stated he felt the intent of this is good but it is another one of those situations where it will place a burden on the citizens in general. He stated it appears it would require some changes to existing properties.

Ms. Rhodes stated that this Ordinance will allow staff to reduce the number of parking spaces for a commercial development. She stated traditional zoning and parking regulations do not deal well with mixed development. She stated this Ordinance would allow the City a little bit of leeway so that if someone is trying to do the right thing with their property such as mixed use, preserve trees, reduce the storm water run off, etc. staff would have some leeway to work with the developer to assist in meeting these requests/needs. She stated that staff has researched different ordinances from other municipalities and felt this ordinance drafted by the City Attorney would best suit the City's needs. She stated that when it comes to mixed use development, the current parking regulations would place a burden on the developers. After discussion, the motion was approved three to one by roll call vote with Councilmembers Jumper and Jenkins and Mayor Partin voting yes and Councilmember Isom voting no.

C. Approval of Ordinance Amending Sec. 8.6 Temporary Signs of the City of Cayce Zoning Ordinance – Second Reading

Council considered for second and final reading approval an Ordinance amending Sec. 8.6 Temporary Signs of the City's Zoning Ordinance. Councilmember Jumper made a motion to approve the Ordinance on second and final reading. Councilmember Jenkins seconded the motion. Ms. Rhodes advised that staff has been

compiling a list of the businesses and their addresses which will allow staff to match those with any temporary sign violations and get in contact with the property owners. Councilmember Isom inquired as to the amount of the fine for non-compliance. Mr. Greenwood stated the fine established in the Zoning Ordinance is \$1,092.50 per day per sign. Councilmember Isom inquired as to the number of violations at this time. Mr. Greenwood stated 150 properties have been reviewed to date and about 40% of them have signs that would be in violation, however some of them will be able to purchase a permit for the sign. Councilmember James inquired as to when the businesses would be cited. Mayor Partin stated they would not be cited immediately and that extensive communication will take place with property owners prior to citations being issued. Mr. Greenwood stated that staff is still compiling the list and per Council's wishes staff will not send out any letters until the list is compiled. He stated the letter will give property owners 30 days to bring their signs into compliance by purchasing permits or taking them down. Those who do not will be visited by staff and given an additional 15 days to come into compliance. After discussion the motion passed four to one by roll call vote with Councilmembers Jumper, Jenkins, and James and Mayor Partin voting yes and Councilmember Isom voting no.

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

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

Other

A. Bid Award – Cayce Riverwalk Extension Phase III

Ms. Rhodes stated that an amended memo for Council was at their seats. She stated that in the packet sent on Friday, staff recommended the bid award based on the bids received. She stated that the engineer, upon finalizing the bid tabulation and reviewing the qualifications, discovered that the two lowest bidders were both not eligible to bid on a project this size as it contains more than 40% concrete work in the actual project. She stated that left the third lowest bidder, AOS Specialty Construction whose bid was \$234,732 for Base Bid One and \$503,197 for Base Bid Two. Ms. Rhodes recommended that because the Base Bid Two is so much higher, Council give approval to accept the Base Bid One from AOS Specialty Construction which would include the sidewalk and conduit for future lights and call boxes. She stated that staff would immediately apply for PRT funds for the remainder of the project and that applications are due in April which would not cause much of lag time between the projects. She provided Council with the breakdown of suggested funding for the project which includes \$100,000 from the PRT grant, \$150,000 from ABC funds and \$24,732 from TIF funds.

Councilmember Jenkins made a motion to award Base Bid One to AOS Specialty Construction, authorize the City Manager to execute the contract, and funding the project as discussed. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

B. Approval of Revised Fee Schedule

Ms. Rhodes stated that the current fee schedule has a fee structure that is going to be difficult to administer in conjunction with the new temporary sign ordinance. She stated that Mr. Greenwood has reviewed fees from various municipalities and it is recommended that the fee be \$25.00 per permit. Councilmember James made a motion to approve the amendment of the fee schedule to a flat \$25.00 per temporary sign permit. Councilmember Jenkins seconded the motion. Councilmember Isom stated that although he disapproved of the sign ordinance and would have to vote no on this issue, that he does appreciate the efforts of Mr. Greenwood. The motion passed four to one by roll call vote with Councilmembers Jumper, Jenkins and James and Mayor Partin voting yes and Councilmember Isom voting no.

City Manager's Report

Ms. Rhodes restated the CDBG grant award received by the City. She stated that the County does yearly allocations of these funds and the project has to be in low to moderate income areas. She stated that previous projects included the streetscaping projects but would like to continue applying for funds for water line and sewer line replacement projects.

Ms. Rhodes stated that Councilmember James suggested that staff do more communication regarding the ISO rating decreasing. She stated that the information was placed on Nixel, on Facebook, emailed to the pastors and neighborhood leaders lists and included in the Sunrise newsletter. She encouraged citizens to contact their insurance carriers regarding the reduction in the City's ISO rating which may decrease their fire insurance rates.

Ms. Rhodes stated that the City has received the RFQs for the architectural study and thanked Councilmember Jenkins for volunteering his services. She stated the committee has met and has asked that she contact the references of the top four companies. She stated that she would have a recommendation for Council at the next meeting.

Ms. Rhodes stated that also at the next meeting, Utility budget discussions will begin.

Ms. Rhodes stated that the Mayor has a conflict with the date of the regularly scheduled Council Workshop scheduled for March 22 and asked Council if they could

reschedule the meeting for Wednesday, March 21 at 3:00 p.m. She asked that Council confirm if that date is okay with their schedules.

Ms. Rhodes stated that at the last Council meeting she brought up the proposed legislation concerning the Airport property and the City's utility charges. She stated the bill was heard in the Senate Judiciary Sub-Committee and was carried over at the request of Senator Jake Knotts and is on the back burner for the moment. She stated she would be meeting with the Director of the Airport on Thursday.

Mayor Partin stated that there was an article in The State newspaper about the wastewater rate negotiations that have been going on and just to clarify for the residents, nothing has been agreed to by Council and discussions are still on-going in a positive manner.

Mayor Partin stated that the Recycle and Win sticker has been placed on recycle bins and the program is still ongoing. She encouraged residents to continue to recycle.

Committee Matters

- A. Approval to Enter the following approved Committee Minutes into the City's Official Record
 - Board of Zoning Appeals – December 19, 2011
 - Cayce Housing Authority – December 20, 2011
 - Events Committee – January 12, 2012
 - Planning Commission – January 23, 2012

Ms. Barkley advised that the January 23 minutes listed on the agenda is that of the Planning Commission and not the Zoning Board of Appeals. Mayor Partin stated that Council did receive the correct minutes in their packets. Councilmember James made a motion to approve that the minutes be entered into the City's official record. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

- B. Committee Recommendations
 - Planning Commission Recommendation re Appointments and Reappointments

Ms. Rhodes stated that at Council's desks is a packet of information which includes copies of the Committees by laws, code of ordinance regarding Committees and the 2011 Committees Attendance Report. She stated the information is being provided for future discussions.

Mr. Greenwood stated that the Planning Commission currently has an opening and the practice for reviewing applications previously has been that the applicants would go before the Planning Commission who would review the application and then

actually interview every applicant. He stated that he received comments from members of the Planning Commission that they did not feel particularly comfortable interviewing applicants and making a recommendation to Council. He stated that at the last meeting, the Planning Commission made a recommendation that Council review the process and make the selection of appointees. Mr. Greenwood stated that the by laws do not address the Planning Commission reviewing the applications, interviewing applicants and making recommendations for appointments to the Commission.

C. Appointments and Reappointments

Cayce Events Committee – One (1) Position

Ms. Cindy Pedersen's term has expired. She would like to serve again. The Committee recommends the reappointment of Ms. Pedersen to the Committee. Reappointment application is attached for review. Councilmember Isom made a motion to reappoint Ms. Pedersen to the Committee. Councilmember James seconded the motion which was unanimously approved by roll call vote.

Cayce Planning Commission – One (1) Position

Mr. Milton Fletcher's term has expired and he is unable to serve again. Potential member applications are attached. Councilmember Jenkins made a motion to appoint Mr. Chris Keuny 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. Receipt of legal advice relating to claims by the City and other matters covered by the attorney-client privilege

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

Reconvene

After the Executive Session was concluded, Councilmember Jenkins 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

Councilmember James made a motion to authorize the Mayor to proceed with the claim matter as discussed. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

There being no further business, Councilmember Isom made a motion to adjourn the meeting. Councilmember James seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 9:15 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk