

**CITY OF CAYCE
Regular Council Meeting
October 4, 2011**

The Regular October Council Meeting was held this evening 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. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Public Safety Director Charles McNair and Planning & Development Director, Shaun Greenwood 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 at 6:10 p.m., Councilmember Jumper gave the invocation, and the assembly recited the Pledge of Allegiance.

Councilmember James made a motion to amend the agenda to add Item II. E. Presentation by Mr. Butch Kelly, Chair of the Cayce Beautification Foundation. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Approval of Minutes

Councilmember Jenkins made a motion to approve the minutes of the September 6, 2011 Regular Meeting and September 16, 2011 Council Retreat as submitted. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Presentations

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

Ms. Shull appeared before Council to discuss her concern with paying a sewer availability charge even though she is not tied on to the City's sewer system. She advised that tonight was her one year anniversary of attending Council meetings the first Tuesday of each month and that she had not changed her mind on the issue. She stated her sewer fee on the last bill received was \$49.87 and guesses that is her part of the upkeep of the sewer lines so someone else can use them. She stated that she received a call from the City Manager this past week and provided Council with details of the conversation. She stated that if she was younger and could afford it she would move out of the city so that she could have a well and septic tank installed. She provided comments regarding the smell and taste of the City's water and her

dissatisfaction on how her issue has been handled. She stated that right or wrong, she feels the sewer availability fee is unfair. She thanked Council for their time and stated that if she was hooked on to the City's sewer service, she would have a different perspective on the issue, but she is not.

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

Mr. Smith appeared before Council to discuss storm drainage issues (see notes attached).

C. Presentation by Ms. Jeanette Hall re Sewer Rates

Ms. Hall was not in attendance.

D. Presentation by Mr. Shaun Greenwood, Director of Planning & Development re Enforcement of Sign Ordinance

Mr. Greenwood stated that after careful review of the Sign Ordinance and a survey of the City, there are numerous illegal signs posted around the City. He stated that his department is now responsible for the enforcement of the Ordinance and wanted to provide Council with the efforts that are being made to ensure all properties are in compliance.

He showed Council several photos of non-compliant signs and explained the issue with each photo and compared it to the regulations in the Sign Ordinance. Councilmember James inquired if the business owner or property owner is the responsible party. Mr. Greenwood stated that ultimately the property owner is the responsible party. Councilmember Isom inquired if the Sign Ordinance has been changed. Mr. Greenwood stated that the last time it was changed was when the Zoning Ordinance was redone in 2001. Mr. Greenwood provided Council with the process of bringing the signs into compliance. He stated that businesses that are out of conformity would receive a letter informing them of their particular issue and that they have 45 days to bring their sign into compliance. After the 45 day period, those that have not become compliant would receive a personal visit from him advising that the property would have to be in compliance in 7 days and failure to do so would result in a citation being issued for violation of the City Zoning Ordinance. Mayor Partin inquired as to the number of businesses that are out of compliance. Mr. Greenwood stated that he has not yet put together a list of these businesses, but stated there were quite a few and not just those on Knox Abbott Drive. Mayor Partin stated that she wanted to make sure the message the City is sending would provide a kind message to businesses to call you to discuss their options within the guidelines of the Ordinance. Mr. Greenwood stated this would be included in the letter.

Mr. Jenkins inquired when businesses come in for a building permit, if they are asked if improvements will be made to their sign. Mr. Greenwood stated that the

business has to obtain a sign permit if they intend to do any upgrades, etc. to their sign. Councilmember James stated he totally supports the fact that the City needs to have a more organized, cleaner, more respectful appearing City in every way possible. However, he stated that we cannot expect a business community that has never been told or enforced to come into compliance within 45 days especially in the economic times we face right now. He stated it is really going to be difficult for some of these businesses to invest in a project such as this and asked Council how they felt about the time frame of 45 days. He stated that those that do not come into compliance within 45 days are going to place a great burden on code enforcement. Ms. Rhodes stated that it is important to realize that there are a lot of options available to our businesses and understands the concerns with the time table. However, she stated she did not want to see it drawn out or lag along which would make it difficult to keep the message going. Mr. Greenwood stated that anyone who comes in now to try and get a permit for these types of signs for the next six months will be denied as they cannot legally be permitted and can not be permitted without an appeal to the Zoning Board and a six-month time frame would carry that out longer.

Mr. Greenwood stated that the letters would not be sent out until staff has gone out and produced an inventory. He stated it would take a little bit of time to put together all the information needed and that the 45 days would begin after the date of the letter. Councilmember Jumper inquired if Mr. Greenwood would personally meet with the businesses prior to the deadline date. Mr. Greenwood stated that he would like to do that but in some cases may not be possible due to the location of the property owner.

Councilmember Isom stated that there was a recommendation given to Council and inquired that a vote would be taken on the issue. Mayor Partin advised that this was an Ordinance already codified in the city's Code of Ordinances and the presentation was requested by and given to Council to give them an update on the steps that need to be taken to bring businesses into compliance. Councilmember Isom made a motion that the City Attorney draft language to be presented to Council to suspend the Sign Ordinance for six months. Councilmember James seconded the motion. Councilmember Isom stated that we have a very bad economic situation and we need to take as much burden off the businesses as we can. After discussion, the motion failed three to two by roll call vote with Councilmembers Jumper, Jenkins, and Mayor Partin voting no and Councilmembers Isom and James voting yes.

After discussion, it was decided to put a January 31 deadline for businesses complying with the Sign Ordinance.

Ms. Rhodes stated that prior to the letter being sent to the businesses, Council would be notified. Mayor Partin stated that we have a great way to communicate with the neighborhoods and pastors of the area, but we really don't have a good way to keep in touch with Cayce businesses and suggested that a database be built including email addresses of the businesses so the City can keep in better touch with them. Ms.

Rhodes stated this is something staff could obtain on the business license application and we could also place information in the next Sunrise newsletter.

E. Presentation by Mr. Butch Kelly re Cayce Beautification Foundation

Mr. Kelly provided Council with an update on the efforts of the Beautification Foundation and potential projects including a new Cayce welcome sign. He stated it takes a lot of money and effort to bring projects to fruition. He stated that the Foundation is sponsoring a fundraising event named Imagine Cayce Gala on November 4, 2011 at the new Farmers' Market and asked for Council's assistance in supporting and promoting the event.

Public Comment regarding Items on the Agenda

Mr. Steve Nivens of Congaree State Bank regarding Item II. D. Mr. Nivens stated that the whole metro area has a problem and that is advertising. He stated one of those ways is using a banner. He stated they have been using banners and obtaining proper permits. He stated the last time they came in for the permit, we were told that we could no longer have a banner. He stated that as a business owner, it is real tough times and as the bank and others try to recruit business, we have to use whatever advertising that we can afford. He stated that print advertising is very expensive and if you want to concentrate in one area, the best alternative for us is by using banners. He stated the biggest banner used is during Christmas time in support of the West Metro Holiday Parade of Lights and to promote our business as well. He stated the law is there and that is fine, but would like for Council to consider changing the ordinance. He stated he was surprised that you could put up flags, but you cannot put up a banner. He stated that competition can have banners now until January 1 and we cannot put up a banner. He stated in the Town of Springdale, a business is allowed to have three or four banners a year and must have a permit and would appreciate Council's consideration of changing the current Ordinance. He stated he felt it was a little odd that today the city came in and wanted us to buy banners to put up along Knox Abbott Drive.

Ordinances and Resolutions

A. Approval of an Ordinance Amending Cayce City Code, Chapter 28, Article IX, By Adding Section 28-231 Relating to Time Restrictions on Peddlers and Solicitors at Residences – First Reading

Council considered for first reading approval an Ordinance amending Chapter 28 of the City Code relating to time restrictions on peddlers and solicitors at residences. Ms. Rhodes stated that currently there are no specific time restrictions for peddlers and solicitors working in the city neighborhoods and that the Ordinance proposes time restrictions of 9 a.m. to 8 p.m. Councilmember Jenkins made a motion to approve the Ordinance on first reading. Councilmember Jumper seconded the motion.

Councilmember Jenkins inquired if the time restriction applies to weekdays only. Ms. Rhodes stated it would be for every day of the week. After discussion, Councilmember Jenkins amended his motion to approve the Ordinance on first reading with a time restriction of 9 a.m. to sunset daily. Councilmember Jumper amended his second to the motion to include the 9 a.m. to sunset daily time restriction. The motion passed four to one with Councilmembers Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

B. Approval of an Ordinance Amending Cayce City Code, Chapter 34, Article I, By Adding Section 34-5 Prohibiting the Unauthorized Depositing of Solid Waste on Public Streets, Public Rights-of-Way and Public Property – First Reading

Councilmember Jenkins made a motion to approve the Ordinance amendment on first reading. Councilmember James seconded the motion. Ms. Rhodes stated the city has received several complaints regarding individual property owners and contractors who blow their yard debris into the streets which ultimately blocks up the drain system. She stated that County Councilman Todd Cullum has also discussed this issue with the members of the Lexington County Stormwater Consortium. She stated that this issue is currently addressed through the state littering statute. However, approving the amendment will ensure that this portion of the law is more clearly stated and better understood. Mayor Partin inquired if this would be handled the same as the City's other code enforcement issues. Ms. Rhodes stated that citations would not be issued immediately, but those not complying will receive a warning and a copy of the Ordinance amendment. Councilmember Isom stated that he did not feel the City needed an Ordinance if this is covered by a State statute. Ms. Rhodes stated that using the state statute is stretching it a little and the City's ordinance would more clearly define the issue. Councilmember James stated that the suggested Ordinance amendment was not included in the packet. Ms. Rhodes stated the Ordinance amendment has been received by the City and apologized that it did not make it into the packet. After discussion, Councilmember Jenkins withdrew his motion to approve the Ordinance on first reading and Councilmember Jumper withdrew his second to the motion. Councilmember Jenkins made a motion to postpone the issue until Council could review the suggested Ordinance amendment at the November meeting. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

C. Approval of Ordinance Approving a Lease Agreement between the City of Cayce and the SC Department of Natural Resources Re Property for Parking and Public Canoe Access to Congaree Creek – Second Reading

Council considered for second and final reading an Ordinance approving a lease agreement between the City and the SCDNR regarding property for parking and public canoe access to Congaree Creek. 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.

- D. Approval of Ordinance Establishing a Payment in Lieu of Business License Tax and Franchise Fee and a Payment In Lieu of Property Tax for the City Water and Sewer System – Second Reading

Councilmember Jenkins made a motion to postpone the item until the next meeting of Council. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Other

- A. Approval to Amend the FY11-12 Budget to Add One New Groundskeeper Position in Parks Department

Councilmember Isom expressed that while beautification projects are important to the City, he is concerned with the City spending money on these efforts when the economy is in such bad shape. Mr. Denny stated he has been asking for an additional employee for quite some time. He stated that with the addition to the Cayce Riverwalk and addition of city-maintained sidewalks, rights of way, parks, 12th Street extension, City Hall property, etc. it is getting to a point to where we are unable to maintain city properly as it should be maintained. He stated that the Parks crew does not mind hard work, but there is more work than we have staff.

Mayor Partin stated that in the past 10 years, only one employee has been added to the General Fund side and if you look at what has happened within those 10 years, she is very thankful for the work the Parks Department has done in the past and continues to do. Councilmember Jenkins made a motion to approve the amendment of the FY11-12 Budget to add one new groundskeeper position in the Parks Department in the amount of \$35,000. Councilmember Jumper seconded the motion. The motion passed four to one with Councilmembers Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

City Manager's Report

Ms. Rhodes thanked the public and Council for their patience while the City was going through the issue of the taste and smell of the water. She stated that as part of the sewer spill experienced by the City of Columbia, the city was forced to go from its normal water intake to its reservoir. The reservoir had some taste and smell issues and that water did not work through our system as quickly as we had wanted. She stated the water is safe to drink, just not as refreshing as the City's normal water. She stated that staff is in the process of draining and cleaning the reservoir to make sure the next time this will not be a problem.

Ms. Rhodes stated that Streetscaping Projects III and IV are close to being completed. She stated that both projects were three years behind and once those close the City will be eligible for CDBG money and staff has requested applications for the water line project applied for last time and possibly a sewer line project.

Ms. Rhodes advised the Fall Plant Exchange will be held on Saturday, October 22 at City Hall.

In reference to the drainage issues, she stated she sent an email to Mr. Smith and copied Council to provide information on some of the things we have been doing to address the storm water issues. She stated a committee has been formed of staff members from Parks, Code Enforcement, Administration, and Planning & Development that will deal with storm water drainage issues. She stated that the Committee did meet and from that meeting, Code Enforcement has agreed to do quarterly inspections of drainage systems and document the problems. She stated they would write warnings to those who are in violation and try to get the issues resolved as they are found. She stated that Code Enforcement will work with the GIS staff member to get all drainage infrastructure into the GIS system. She stated that she is moving forward with a drainage study and is putting together an RFP for the project and will be bringing the issue back to Council once this information is received.

She stated that the city is currently not issuing any new permits for any alterations to drainage ways and will not issue permits until the City has completed the drainage study and make sure any alterations meet the suggestions of the drainage study. She stated she would like to have a Council member on the ranking committee that will review the RFQs for the drainage study.

In reference to the sewer availability charge, Ms. Rhodes stated that there was obvious miscommunication, but did not want to get into a back and forth conversation with a member of the audience at this time. She stated that some municipalities charge this fee for undeveloped property as well.

Committee Matters

- A. Approval to Enter the Following Approved Committee Minutes into the City's Official Record
Beautification Board – August 9, 2011
Cayce Events Committee – August 11, 2011

Councilmember Jumper made a motion to approve entering the above approved Committee Minutes into the City's official record. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

- B. Committee Appointments

Beautification Board – One Position

Ms. Alana Robinson has resigned from the Board. The Board reviewed potential member applications received and recommends the appointment of Ms. Sue Perry for this position. Councilmember Isom made a motion to appoint Ms. Perry to the Board. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Executive Session

Councilmember James made a motion to move into Executive Session to discuss the matter below. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

- A. Discussion of negotiations incident to proposed contractual arrangements

Reconvene

After the Executive Session was concluded, Councilmember Jenkins 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

No action was taken by Council 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 10:10 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk