

**CITY OF CAYCE  
PUBLIC HEARING AND REGULAR MEETING  
FEBRUARY 2, 2010**

**Public Hearing – 2009 Comprehensive Plan**

A Public Hearing was held at 6:00 p.m. in Council Chambers to obtain public comment on the proposed 2009 Comprehensive Plan. Those present included Mayor Elise Partin, Council members Steve Isom, James Jenkins, Kenneth Jumper and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, Garry Huddle, Municipal Treasurer, Chief Charles McNair, Director of Public Safety, Mr. Ken Knudsen, Director of Planning & Development, Mr. Dan Vismor, Consultant, and City Attorney Danny Crowe. Mayor Partin advised that members of the press and the public were duly notified of the public hearing in accordance with the FOIA.

**Opening Statement**

Mayor Partin stated that the purpose of the Public Hearing was to obtain public comment regarding the proposed 2009 Comprehensive Plan.

**Public Testimony**

Mr. Earl Smith provided comment on the proposed Comprehensive Plan (see comments attached).

Ms. Robin Morris provided comment on the proposed Comprehensive Plan (see comments attached).

**Close Hearing**

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

**Regular Meeting**

The Regular Council Meeting immediately followed the Public Hearing. Those present included Mayor Elise Partin, Council members Steve Isom, James Jenkins, Kenneth Jumper and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, Garry Huddle, Municipal Treasurer, Chief Charles McNair, Director of Public Safety, Mr. Ken Knudsen, Director of Planning & Development, Mr. Dan Vismor,

Consultant, and City Attorney Danny Crowe. Mayor Partin advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mayor Partin opened the meeting by asking Councilman Jumper to give the invocation. Mayor Partin then led everyone in the Pledge of Allegiance.

Mr. Myers made a motion to amend the agenda to include under Executive Session, Item VII. A., discussion of negotiations incident to proposed contractual agreement with DNR regarding lease of property. Mr. Isom seconded the motion which was unanimously approved.

### **Approval of Minutes**

The minutes of the January 5, 2010 Public Hearing and Regular Meeting were presented for approval. Mr. Myers made a motion to approve the minutes as presented. Mr. Isom seconded the motion which was unanimously approved by roll call vote.

Mayor Partin advised those in attendance of the Neamy Project and Rise Above It. She stated that Lexington 2 community coalition are partnering to hold a Teen Speak Contest and asked that if anyone knew of teens who would be interested to please contact the Lexington 2 community coalition.

### **Public Comment Regarding Items on the Agenda**

Mr. Earl Smith provided comment on Item IV. A. relating to stormwater drainage issues.

Ms. Daytona Jarman, Chair of the Planning Commission, provided comment on Item III. B. (see comments attached)

### **Resolutions and Ordinances**

- A. Review and Approval of Resolution in Support of Transportation Options – Enhanced Rail Passenger Service

The City Manager advised that the city received a request from Carolinas Association for Passenger Trains (CAPT), asking for the city's support of the creation of a passenger rail system in the state of South Carolina. He stated the resolution is the same as the one adopted by the Central Midlands COG at their last meeting. Mr. Myers made a motion to approve the Resolution as submitted. Mr. Isom seconded the motion. Mr. Isom inquired as to the CAPT membership cost. The City Manager stated that he believed it was \$20 a person, and would check and confirm. The motion was unanimously approved by roll call vote.

B. Approval of Ordinance to Adopt 2009 Comprehensive Plan – First Reading

The City Manager advised that the Comprehensive Plan has been prepared by the Planning Commission in accordance with State law. He stated that the commission has spent many diligent hours working on this project along with Mr. Dan Vismor and staff. He stated that the Planning Commission is recommending approval of the plan by resolution. Mr. Vismor provided Council with an overview of the plan and the elements included. In working with the Planning Commission and the Ad Hoc Committee, he stated goals, policies and actions were developed. He stated that if these goals, policies and actions are adopted as part of this plan, they will become the official guide of the city. Mr. Vismor stated that the earlier plan adopted 10 years ago by municipalities, the requirements of the plan to be adopted by Council was non-existent and as a result many plans were shelved and very little action was taken on those plans. He stated that in an effort to circumvent that from happening again and from input received from the Ad Hoc Committee, the plan includes a call for an annual audit. He stated this would force the Planning Commission annually to review the recommendations of the plan and report back to Council. He stated that this makes the city's plan unique among most plans in the state of South Carolina and it is all in an effort to bring the plan from the shelf and put it on the table.

He stated that several items such as storm drainage, the annual audit, the 12,000 year park, annexation policies included in this plan are the exclusive products of the Ad Hoc Committee. He stated that these issues were included as best they could be in the plan documents. He stated that in his work with the Committee, votes were not called on any issues but rather the concerns were listened to and the input was included in the dialogue within the plan. He stated that in total there are 103 concrete recommendations in the plan. He stated the priority investment element contains all 103 recommendations and a call from an annual audit together with a community facility program that is designed to implement major capital improvements that are put together by the Planning Commission and submitted to Council. He stated the plan document has been on display for over a month and hopefully those who are interested in the activities of the community have taken the time to review it.

Mr. Jenkins inquired if there was a way to review the progress of the plan more frequently than annually. Mr. Vismor stated that the Planning Commission is currently discussing way of extracting some of the 103 recommendations and placing them in a priority schedule. He stated that once that is done, they will be in a position to review it annually to look at what has been done and evaluate what needs to be done. He stated that there were two recommendations that were not included in the plan, but accompany this plan and they were designed to pinpoint a date for this to occur and then the Planning Commission make their review and report to Council their findings, adjust the priority schedule to move forward. He stated that a lot of will be accomplished will depend on what Council is willing to commit in terms of resources, both financial and staff, to get the job done. In reference to the annual audit, Mr. Knudsen stated that he was a bit concerned about the timing of the audit and whether it

should be done in April or at another time in terms of commitment of funding. Mayor Partin stated that the timing recommended by the Commission was a good one in that it would coincide with the budget process. Mr. Myers suggested that the review be submitted to Council in January or February so that funding could be considered during the budget process.

Mr. Myers stated that he would like more time to study the plan and discuss it further possibly with or without the Planning Commission. He stated as he understands it, it is just a guide and does not supplant the authority of City Council to confirm what needs to be funded and what does not need to be funded even though there are tables in the back of the plan to lead Council down that road. He stated that the Planning Commission and Ad Hoc Committee has put a lot of effort into the process but at the same time, not having the full picture puts the budgetary process in a little different perspective from Council's standpoint than it does from the Planning Commission's standpoint. He stated it is important to note that the Ad Hoc Committee and the Planning Commission has done a really good job and Council is committed to working towards some of these issues. However, he stated it is not going to happen this year, next year or in the next three to five years necessarily or in the fashion that folks would like to see it happen because the revenues just won't be there without making major cuts in other General Fund parts of the budget which is basically personnel, which Council is not going to do. He stated that he felt everyone needed to understand that on the front end.

Mr. Isom asked Mr. Vismor to more fully explain the adopting and policy aspects of the plan. Mr. Vismor stated that Mr. Myers is absolutely correct in stating it is a guide, but it will become an official guide once Council adopts the plan. He stated that prior to the last major amendment to the State Planning Act, these documents did not have to be adopted by the Council. As a result they often stayed with the Planning Commission. He stated that now that Council has to adopt the plan, it puts it on their table and it makes it official because Council adopts it by ordinance. He stated policy then becomes official in that this is the policy of the City. Mr. Vismor suggested that Council take a closer look at the policies because of the implications of the responsibility that it places on Council to implement these policies. He stated that if it is a policy of the City, then Council needs to be prepared to stand behind that policy. He stated that if Council is not prepared to stand behind a policy, then the plan needs to be amended before it is adopted. Mr. Vismor stated that there are 103 major recommendations and are many are multiplex in scope. Additional discussion took place regarding specifics on several items within the plan. Mr. Isom inquired as to the type of items that were included in the previous plan that were brought forward to this plan. Mr. Vismor stated he could not say for sure, but a lot were in the area of capital improvements and of course, storm drainage. He stated that a gallant effort has been made to put it into prospective in the plan.

Mayor Partin thanked Mr. Vismor for his expertise and guidance on this project. She asked if the document could be proof read. She stated that there are a lot of typos that need to be corrected. The City Manager stated it is a draft and will be corrected

prior to the final printing of the plan. She stated there were a couple of places where the numbers do not add up, specifically page 17, table 5. Mr. Vismor asked that the Mayor provide him with her notes so that he could review text for corrections. She stated in some places it is mentioned that property taxes are the largest portion of revenue for the city. Mr. Vismor stated he would recheck the wording. Mayor Partin stated that on page 90 under Sanitation, recycling is not mentioned.

In reference to the storm drainage issue, the Mayor stated that she has received more complaints about stormwater drainage problems than any other topic. She inquired about the copy of emails included in Council's packet and how it related to the Comprehensive Plan. Mr. Knudsen explained that the emails were submitted during the planning session and while it is not included in the Comprehensive Plan it is important information and will be reviewed under the NPDES program. He stated that he wanted Council to be aware of all the correspondence received in reference to preparing the Comprehensive Plan. Mayor Partin inquired if Mr. Knudsen or Ms. Jarman responded to Mr. Earl Smith's email. Mr. Knudsen stated that a response to the email was not sent. Ms. Jarman explained that she did not feel it was appropriate for her to personally speak on behalf of the Planning Commission and did not respond to the email. Mr. Knudsen stated that he did not answer as he has had this discussion with Mr. Smith many times and the answer is the same as it was three months ago.

Mayor Partin asked that the City Manager share the comp plan with the Municipal Association and Lexington County Stormwater Consortium and get their opinion on if the city is heading in the right direction. The City Manager stated that he had forwarded an email to the Mayor whereby the Municipal Association advised that they did not have any documents or regulations on stormwater drainage. He stated that the Lexington County Stormwater Consortium (LCSC) will be meeting in two weeks and would be glad to get with Bill Blackston and see where we stand in terms of enforcement, maintenance for correction. As a MS4 getting into the NPDES program, there are different elements that the City had to tackle along the way. The LCSC is involved with the educational component and that is all they are involved in. The actual enforcement and actual correction of problems will come when County Council will make a recommendation from a group that a rain tax is instituted. He stated that right now the City does not do any stormwater maintenance or repairs on private property or on rights of way of county or state roads. To facilitate that, he stated that if the City receives a request from a citizen on an issue, staff will call the County if it is a county-maintained road or the state if it is a state-maintained road. If it is on private property, the City Manager stated that staff could not go on private property to maintain. He stated that first of all, there are no crews or equipment to maintain the drainage system. If it is on private property, then it is the owner's responsibility to maintain the ditch. He stated that down the road when the rain tax is imposed which he guessed would be in three to four years that is when city residents as well as county residents will begin paying, probably on tax notices each year, a fee which will probably be based on acreage or lots. He stated the money would be taken in by the county and then pro-rated back to the cities based on population. At that point in time, the County will manage the program. He stated this information is what was discussed early on when

the city got into the NPDES program. Mayor Partin again asked the City Manager to share with the Municipal Association and the Consortium what the city's plan includes in order to obtain their feedback. The City Manager stated he would share the information with Mr. Blackston and the County.

Mayor Partin asked if the water sewer infrastructure rehab and maintenance plan was included in the Comprehensive Plan. The City Manager advised that the city has not received any numbers yet on that issue. He stated that American Engineering is still prepping the numbers and Mr. Bingham stated it would be time consuming to produce. He stated he would check again to get the status of the plan.

Mr. Myers made a motion to approve the Ordinance on first reading with the idea that Council will study this more before it comes back for second reading in a workshop forum with or without the Planning Commission, but certainly at least with Mr. Knudsen, Mr. Vismor, Ms. Jarman and/or the whole Planning Commission. Mr. Isom seconded the motion. Mr. Jenkins inquired if all the typos would be corrected prior to the plan being submitted for second reading. The City Manager advised that this would occur. Mr. Myers stated that if Council is going to reword some of the information or take out some of the information potentially, that Council hear from the Planning Commission as to their reason for including it in the plan. He stated the Commission has put a lot of blood, sweat and tears into the Plan, and Council needs to hear from them from their prospective on why certain items were included in the Plan. Mr. Vismor stated he would be glad to sit down with Council and go over their concerns and clean up the document prior to second reading. Mayor Partin asked that the motion be repeated. Mr. Myers restated his motion to approve the Ordinance on first reading, that a Council work session be held with the parties involved: Mr. Knudsen, Mr. Vismor, Ms. Jarman and the Planning Commission if needed, to review the plan in more detail prior to second reading. The City Manager stated if Council will forward their lists of typos, etc., they will be noted on a master draft copy and held in reserve. He stated that any change that is of editorial nature or deleting an action or recommendation would be reserved for a work session. After discussion the motion was unanimously approved by roll call vote.

- C. Review and approval of Ordinance to Amend City Code Section 10-31 and the Standard Technical Codes to create a Consolidated Board of Appeals and to Provide for a Standard Appeal Period – First Reading

Council considered for approval an Ordinance to amend City Code Section 10-31 and the Standard Technical Codes that would create a consolidated board of appeals and provide a standard appeal period. The City Manager stated that in 2008 the City readopted the 2006 International Building Codes and Standard Technical Codes. He stated that as listed in Section 10-31, each code has its own Board of Appeals and appeal period and in order not to have an appeals board for each, the City Attorney suggested that a consolidated appeals board be created and a standard appeal period also be adopted.

He stated that the current Housing/Construction Board of Appeals contains seven members and the board was constituted in the mid 1990s under the building codes that we in place at that time. He stated those codes are no longer in effect. He recommended that the members of the Housing/Construction Board of Appeals be appointed to a newly created consolidated appeals board with new term limits imposed as set out in the ordinance. After discussion, Mr. Jenkins made a motion to approve the Ordinance on first reading. Mr. Myers seconded the motion which was unanimously approved by roll call vote.

### **Other**

#### **A. Consideration of Acceptance of Donation of Property - Stratford Road**

The City Manager advised that a resident of the city has offered to donate a parcel of property located at 2015 Stratford Road. He stated the parcel is undeveloped and has a market value of \$4,929 yielding a tax of \$24.14. He stated the 2009 taxes have been paid. He stated that if Council would like to consider the acceptance of the property, the City Attorney advises that it would be best to investigate the property to insure there is nothing wrong with the title, no liens, etc. Mr. Myers made a motion that the city accept the donation of the property subject to the successful completion of investigation and due diligence. Mr. Isom seconded the motion which was unanimously approved by roll call vote.

#### **B. Approval to Accept SC Forestry Commission/US Forest Service Grant**

The City Manager advised that the city has received notification that it has been awarded grant funds from the SC Forestry Commission and US Forest Service in the amount of \$10,000. He stated the fund were applied for to address the removal of dangerous and diseased trees on the rights of way along city streets and those in the Cayce Riverwalk Park and then replant trees in those locations. Mr. Jenkins made a motion to approve the acceptance of the grant and that the removal of trees be considered on a case by case basis. Mr. Jumper seconded the motion which was unanimously approved by roll call vote.

Mayor Partin inquired as to the status of the CDBG grants through Lexington County and the State. The City Manager stated that the CDBG with the County was coupled with some DOT grants, some competitive grants and some CDBG grants for Phase III and IV of the State Street project. He stated that the State has held up on the TEA21 grant for management purposes. He stated that the US Federal Highway Administration will not release the money because they do not think the cities are competent to manage those grants. He stated that the city has gone back to DOT and they have agreed to manage the TEA21 grant for the city. They will not dip into the grant funds, but will get that out of the Highway Administration fund. He stated that once they agree to do that, then the CDBG grant for the State Street projects will be released and the competitive grant monies are already in hand. He stated that once that occurs, the city will be able to move forward on Phase III and IV of that project.

## **Committee Matters**

Mr. Isom's wife was recently elected Chair of the Cayce Events Committee. He recused himself from portions of Item V. A. & B., specifically dealing with the Cayce Events Committee until the City Attorney can provide an opinion.

### **A. Committee Minutes**

Council reviewed the following Committee meeting minutes for approval to enter into the official city record:

Planning Commission – November 16, 2009  
Beautification Board – December 15, 2009 and January 12, 2010  
Accommodations Tax Committee – January 12, 2010  
Cayce Historical Museum Commission – January 13, 2010  
Cayce Events Committee – January 14, 2010

Mr. Myers made a motion to approve that the minutes be entered into the official city record. Mr. Jumper seconded the motion which was unanimously approved by roll call vote.

### **B. Committee Appointments/Reappointments**

#### **Accommodations Tax Committee – Four (4) Positions**

Mr. John Hert's term expired January, 2010. The following members' terms expire February 2010: Ms. Lynda Murray, Mr. Peter Fikas, Dr. Pete Cassidy. All have been contacted and would like to serve again. Reappointment applications are attached for your review. The committee recommends the reappointment of all four members. Mr. Myers made a motion that Mr. Hert, Ms. Murray, Mr. Fikas and Dr. Cassidy be reappointed to the Committee. Mr. Jenkins seconded the motion which was unanimously approved by roll call vote.

#### **Beautification Board – One (1) Position**

There is one open position. The Beautification Board met with potential members and recommends the appointment of Mr. Eric O'Dell to fill this position. The potential member application is attached for your review. Mr. Myers made a motion to appoint Mr. O'Dell to the Board. Mr. Jumper seconded the motion which was unanimously approved by roll call vote.

#### **Cayce Events Committee – One (1) Position**

Ms. Jessica Johnston has resigned from the Committee. There is no recommendation at this time. Mr. Jenkins made a motion to postpone the issue until a recommendation is received from the Committee. Mr. Jumper seconded the motion which was unanimously approved by roll call vote.



#### Cayce Museum Commission – One (1) Position

Ms. Alice Brooks' term expired January, 2010. The Commission recommends the reappointment of Ms. Brooks. Her reappointment application is attached for your review. Mr. Jenkins made a motion to reappoint Ms. Brooks to the Commission. Mr. Jumper seconded the motion which was unanimously approved by roll call vote.

#### **City Manager's Report**

The City Manager stated the January financial reports will be ready and sent to Council on Friday.

The City Manager provided Council with the following dates:

February 4, 2010 – BC High School Educator Hall of Fame Gala, 5:30 p.m. social, 6:30 p.m. dinner, Seawell's

February 11, 2010 – West Metro Mayors' Prayer Breakfast, 7:30 a.m., Brookland Baptist

February 15, 2010 – Presidents Day Holiday, City Hall Closed, normal garbage pick up

February 16, 2010 – Municipal Elected Officials Institute training, Marriott

February 17, 2010 – MASC SC Hometown Legislative Day, Marriott

February 22, 2010 – Neighborhood Coalition Meeting, 5:30 p.m. Conference Room

February 24, 2010 – Meeting with Cayce Pastors, 10:00 a.m. Council Chambers

Lexington County Green Business Program – The City was invited to attend County Council's meeting last week and was presented with an certificate #2 and received recognition from County Council and their thanks for the City participating in that program.

Taylor Road Project – The City Manager advised that he and Mr. Knudsen would be meeting with the developer and John Fachtel with the County to try and get that issue off dead center and resolved and will provide Council with an update.

Tennis Complex – The City Manager stated that the building permits have been issued on that project. He stated he will be meeting with the City Attorney and Margaret Pope, the City's bond counsel, to fashion a financing plan for that project and will keep Council posted. He stated that Ms. Pope should have something ready to present to Council at the March meeting. He stated the city did receive a copy of the construction contract and have shared that with Mr. Crowe and Ms. Pope.

12<sup>th</sup> Street Lighting Project – The City Manager stated that he has been in contact with Gary David on Phase I which runs from Saxe Gothe to the first bridge. He

stated that the encroachment permits have been signed and the project should be under construction by April.

### **Executive Session**

- A. Discussion of negotiations incident to proposed contractual agreement with SCANA regarding transfer of property
- B. Discussion of negotiations incident to proposed contractual agreement for purchase of real property

Mr. Jenkins made a motion to move into Executive Session to discuss the above matters. Mr. Isom seconded the motion which was unanimously approved.

### **Reconvene**

After the Executive Session was concluded, the Regular meeting was reconvened. 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**

Mr. Jenkins made a motion to approve the agreement of gift of property with SCE&G, in the form presented to Council or substantially similar form, and to authorize the City Manager to execute the agreement on behalf of the City. Mr. Isom seconded the motion which was unanimously approved by roll call vote.

Mr. Isom made a motion to approve the Lease Agreement with SC DNR, in the form presented to Council or substantially similar form, and to authorize the Mayor to execute the agreement on behalf of the City. Mr. Jenkins seconded the motion which was unanimously approved by roll call vote.

Mr. Isom made a motion to approve that the City Manager proceed with negotiations as discussed in Executive Session regarding the agreement for purchase of real property. Mr. Jenkins seconded the motion which was unanimously approved by roll call vote.

There being no further business, the meeting adjourned at 8:25 p.m.

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Elise Partin, Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk