

**CITY OF CAYCE
Regular Council Meeting
September 7, 2010**

The Regular September 2010 Council meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council members Steve Isom, James Jenkins, Kenneth Jumper and Rick Myers, Interim City Manager Steve Brown, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Ken Knudsen, Director of Planning & Development, Renee Harvey, Grants Coordinator, James Denny, Parks Manager, and Chief Charles McNair, Director of Public Safety, 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 entire assembly recited the Pledge of Allegiance.

Approval of Minutes

Councilmember Jenkins made a motion to approve the minutes of the July 6, 2010 Council Meeting as submitted excepting the attached transcript. Councilmember Jumper seconded the motion. Mr. Jenkins stated that he would not vote for the addition to the July 6, 2010 minutes as he did not know if they were factual. Councilmember Isom suggested that Councilmember Jenkins listen to the recording to verify the information in the addition. He stated that it was Ms. Barkley's job to take the minutes of the meetings. Councilmember Isom stated that he asked that the transcript be added to the minutes as an attachment at the August meeting and Ms. Barkley had done so. He added that he wished Councilmember Jenkins had mentioned his concern at the time of the discussion on this matter. Councilmember Jenkins stated that he did not discuss this. Councilmember Isom stated that he actually read the transcript aloud at a recent Council meeting and it is part of the record. He asked Councilmember Jenkins to explain why he was suggesting this Council eliminate a portion of the record for what reason. Councilmember Jenkins stated he already stated his reason. Councilmember Isom disagreed and stated he felt the citizens had a right to know and have the right to this information. Councilmember Jenkins stated he was not disagreeing with that statement but there was a time that 90 minutes of tape were missing. Council asked that a copy of Councilmember Isom's tape be provided so that the clerk could complete the minutes of the meeting. He stated that Councilmember Isom refused to provide a copy of the tape. Councilmember Isom stated that was not true and that he provided the clerk with a copy of the tape. Councilmember Jenkins stated the tape was not provided at the time it was requested.

Councilmember Myers inquired if the transcript was read at a recent meeting. Councilmember Isom advised that was correct and was read verbatim. Councilmember Myers stated then the transcript is a part of the record. After discussion the motion passed three to two with Council members Jumper, Jenkins and Mayor Partin voting yes and Council members Isom and Myers voting no.

Councilmember Jenkins made a motion to approve the minutes of the August 3, 2010 Regular meeting as submitted. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Presentations

- A. Presentation by Landscape Architects for State Street Streetscaping Phases III and IV: BP Barber, Landplan Group South, Ken Simmons Associates

Council heard presentations from the landscape companies listed above in preparation for action by Council to award the bid for the landscape architect for Phase III and IV of the State Street Streetscaping project.

- B. Presentation of Brownfields Program

Ms. Gayle Rawls Jetter of CTC appeared before Council to provide information on the EPA Brownfields program and how their company could assist the city in applying and administering grants under the program.

- C. Presentation by Bridgitte Lambert and Phyllis Brown re Water Issues in Glenwood Estates

Ms. Lambert and Ms. Brown appeared before Council advising that the issue of brown water in their neighborhood is happening more frequently and requested Council's assistance in getting to the bottom of the problem.

- D. Presentation by John Psomas re Utility Rates

Mr. Psomas appeared before Council to discuss his water bill and increasing rates.

- E. Presentation by Earle Smith re Storm Drainage Issues

Mr. Earle Smith appeared before Council to discuss his concern with storm drainage issues. See comments attached.

- F. Presentation by Karen Wigfall re Public Safety Department

Ms. Wigfall appeared before Council to express her concern regarding communications with the Public Safety Department.

Public Comment regarding Items on the Agenda

Mr. Rob Christ spoke regarding Item IV. G. Mr. Christ stated that he is legally blind and depends on the bus system. He stated that he rides the bus from Cayce to downtown Columbia to get to work and encouraged Council to continue to support to the CMRTA system.

Mr. Robert Evans spoke to Council about issues in his neighborhood.

Other

A. Bid Award – U&CF Forestry Commission Grant Assistance Program
Removal of Hazardous Trees

Ms. Harvey advised that the City received a US Forestry grant to remove hazardous trees and replace them with healthy tree where possible. She stated two companies submitted proposals for the project and recommends that the bid be awarded to the low bidder, Pioneer Tree Services, in the amount of \$9,450. Councilmember Isom made a motion to award the bid to Pioneer Tree Services in the amount of \$9,450. Councilmember Jumper seconded the motion. Mr. Denny advised that the trees selected are dead and were chosen by a certified arborist who came in from the Forestry Department. Councilmember Myers stated that he wanted to be sure that the adjacent property owners were advised of the project. Mr. Denny stated that notification to property owners was required by the grant and they have been notified. After discussion, the motion was unanimously approved by roll call vote.

B. Approval to Accept SC DOT Grant, Allocate Match Funds and Authorize the City Manager to Sign Agreement on behalf of the City – State Street Streetscaping Phases III and IV

Ms. Harvey stated that the City received CDBG and SCDOT Enhancement grants in the amount of \$741,822 for Phase III and IV of the State Street Streetscaping project. She stated that a match of \$92,199 is required and to help offset the city match, the City applied for and received a Competitive Grant in the amount of \$33,000 leaving a balance of the City's match at \$59,199. Councilmember Jumper made a motion to approve and accept the SC DOT Enhancement grant, authorize the City Manager to execute the contract, and approve the use of TAF funds for the City's balance of the required match in the amount of \$59,199 for Phases III and IV of the project. Councilmember Jenkins seconded the motion.

Councilmember Myers stated that part of this project continues and extends to Phase V which is part of BC High School and part of a potential project on private

property. He stated that the city received a letter from the Superintendent of Lexington 2 School District asking for an update and he hadn't heard anything. Ms. Harvey stated that she submitted two projects for the DOT Enhancement Funds and that she recently received notification that the Airport Boulevard Project was funded while Phase V of the State Street Streetscaping project was not selected for funding. Councilmember Myers inquired if the city had two projects competing against each other. Ms. Harvey stated that was correct. Councilmember Myers asked if priorities were set for that through Council or determined in another way. Ms. Harvey stated she went through the City Manager and was told that the Airport Boulevard project took precedence over the State Street Streetscaping project. Councilmember Jumper inquired if this was an annual grant cycle. Ms. Harvey advised that it was.

Councilmember Isom inquired as to how long Ms. Harvey had been working on Phase V of the project. Ms. Harvey advised that she has been working on the project since March. He then inquired when work began on Phase I. Ms. Harvey stated that the project began in 2001. She stated that there would probably need to be a Phase VI to complete the project up to Knox Abbott Drive. Councilmember Myers stated that there is a potential project in the same area and inquired if delaying the streetscaping project would have potential negative affects on the start of that project. Mr. Knudsen stated that he did not know if it would delay the project, but felt it would have potential effects. He stated that this was a particularly lean year for grants and hopefully it will change. Councilmember Isom inquired as to who made the decision as to which project was more important—the State Street project or the Airport Boulevard project. Mr. Knudsen stated as far as he knew, the City Manager made the decision. Ms. Harvey stated it was also a review that was done by the Central Midlands COG. Mayor Partin stated the Airport Boulevard project was selected by the COG because it was a multi-jurisdictional project. Councilmember Myers asked Mayor Partin if she voted on this issue as a member of the COG Board. Mayor Partin stated she was a member of the Board. Councilmember Myers inquired if Mayor Partin voted for that project without questioning the State Street project. Mayor Partin stated that these issues go through the Transportation sub-committee first and then it comes to the Board with their recommendation for a vote by the Board. Councilmember Myers inquired if there was any discussion on the State Street project. Mayor Partin stated that she is part of the final vote based on the recommendations from the Transportation sub-committee and the discussion was not handled in that way. After discussion, the motion was unanimously approved by roll call vote.

C. Bid Award – Selection of Landscape Architect for State Street Streetscaping Phases III and IV

Councilmember Myers asked for clarification on the grading system used during the bid process. Ms. Harvey explained the process. Councilmember Myers made a motion to award the bid for landscape architect for the State Street Streetscaping project, Phases III and IV to Kenneth Simmons Associates. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

D. Bid Award – Lease/Purchase of New Fire Truck

Mr. Brown stated that when Council approved the FY10-11 budget, it included the purchase of a new fire pumper truck for the Public Safety Department in the amount of \$500,000. He stated bids were requested from four different companies and only one company chose to submit a bid in the amount of \$521,000 originally. He stated staff called all other companies to see why they did not submit bids and were told they were too busy, couldn't compete, etc. He stated the low bid was reviewed carefully and noticed that some items listed could be deducted. Since existing equipment could be used, the company had an 8% add-on in case the cost of some of the equipment increased before delivery. We were able to negotiate a reduction of the add-on. He stated that by doing these things, it reduced the cost to \$497,493. He stated that at the very last moment, the city received a phone call from the company stating that we could save \$12,500 if we ordered a truck that complies with the 207 emission standard but must be ordered by August 30. He stated staff contacted the company and received an extension on the deadline to September 15, 2010. He stated that tonight the opportunity is available for the city to purchase the new fire pumper truck for \$484,993. He stated that the budget includes the lease/purchase of this equipment over a five year period and that staff is currently soliciting quotes for the lease/purchase and should have this information ready for Council's review at the October meeting. He stated it was his recommendation that the city accept the low bid of \$484,993 for the 2010 Fire Pumper Truck from Spartan Fire and Emergency Apparatus.

Mr. Brown added that his secondary recommendation would be that Council consider allowing the staff to solicit bids for a fire hose dryer which is needed desperately by the Public Safety staff. He stated that the cost to purchase is estimated at \$13,500 which could be included in the lease/purchase agreement in the amount of \$500,000 over a five year period. If Council is in agreement, bids for the hose dryer will be solicited and provided to Council for review at the October meeting.

Councilmember Isom made a motion to approve the primary and secondary recommendations as follows: approval to accept the low bid of \$484,993 from Spartan Fire and Emergency Apparatus for the lease/purchase of the 2010 Fire Pumper Truck and issue a purchase order by September 15, 2010 and to allow staff to solicit bids for a fire hose dryer to be submitted to Council at the October meeting. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

E. Consideration and approval of Request from Gantt Street Baptist Church that a section of Rauton Street be closed

Mr. Brown stated that Gantt Street Baptist Church currently has a significant building project in progress. A portion of Rauton Street dissects their property. He stated that they are asking that specific portion be closed. He advised that there is a one (1) non-church property on this street. In the letter from the Church, they stated the

property owner will be contacted and will be asked to provide the City with a letter stating their position on the closure of the street. He added that Section 59-7-10 of the South Carolina Code of Laws permits an individual, corporation, etc., to petition a court of competent jurisdiction to close any street. He stated his recommendation is to request the church petition the court to close the said portion of Rauton Street. The church would become the Petitioner to close the street as opposed to the City of Cayce. If granted by the court, the order would be issued to SC DOT, and the road will be closed. He stated that if the city pursues this matter on behalf of the church, legal costs will be incurred. The City Attorney advised that the method requested by the church has two drawbacks: 1) it would require the city to own the street for some period of time 2) Council would have to determine that the closing was necessary for the improvement of the city. Mr. Crowe added that he thinks that would be difficult because it would benefit the private land owner. Mayor Partin inquired if the church was aware of this option. It was noted that the church was aware of this option. Councilmember Isom made a motion to approve the City Manager's recommendation which asks Gantt Street Baptist Church officials to obtain their own legal representation and petition the court to close the road. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

F. Authorization to Submit Grant Application to the Environmental Protection Agency to conduct environmental site assessments – Brownfields Program

Mr. Brown stated that this is being brought to Council as opportunity for the city to provide assistance to property owners in obtaining Phase I environmental assessments under the Brownfields program. He stated the city's role would be to determine if the property owner would desire to participate in this program. Councilmember Myers inquired if the property owners could apply for the grant on their own through DHEC or SPA and are there other similar grants for clean up of property. Ms. Jetter stated that the assessment grants are only available to local governments or an entity that is associated with a local government such as a development corporation. She stated she was not aware of other funding programs for hazardous substances. Councilmember Jenkins made a motion to authorize city staff to submit a grant application to EPA to conduct environmental site assessments through the Brownfields Program. Mr. Jumper seconded the motion which was unanimously approved by roll call vote.

G. Consideration and approval of request from CMRTA for additional funding to Provide transportation services in the City of Cayce

Mr. Brown requested Ron Scott of Lexington County staff present the request. Mr. Scott stated that without further funding from Lexington County, the City of Cayce, City of West Columbia, Town of Springdale and other partners, the Central Midlands Regional Transit Authority will discontinue bus and DART services to Lexington County September 30, 2010. He stated that a work study group, consisting of representatives

from these areas, has been meeting to address these services. He stated that the group has come to an agreement to temporarily extend the service from October 1, 2010 to June 30, 2011. In the meantime, he stated the group would continue to meet and explore long-term options for transit services in Lexington County. He stated that an agreement has been formulated by the Lexington County attorney and is being reviewed by the Central Midlands Regional Transit Authority. Councilmember Isom inquired how many people from Cayce were using the bus system. Mr. Scott stated that he did not have that information, but it has been requested from CMRTA. Councilmember Jumper inquired if Council decides not to participate, would it affect the DART system as well. Mr. Scott advised that was correct. Councilmember Myers inquired how many people in Cayce use the DART service. Mr. Scott stated that it is used by people in Cayce, but has not received that information from CMRTA. Councilmember Myers inquired how many bus stops or routes there were in Cayce. Mr. Scott stated there is only one route, and he had the opportunity to ride that route a month ago. He stated there were a number of stops and observed several people getting on and off. Councilmember Myers stated that the only part of the route that is in Cayce is the stops on Knox Abbott Drive. He stated the other stops are located in West Columbia and Springdale. He stated he questions the validity of funding in the amount of approximately \$15,000 (\$5,000 given previously and \$9,800 being requested now) for 10 months or the remaining 9 months. Councilmember Myers stated that he knows there are residents who ride the bus and that this issue goes back to the point that has been made in the past. The city can almost fund Checker Yellow Cab through a voucher system for the minimum amount of routes that run with less money than what we would be funding a bus service. He stated he felt the value to the citizens is minimal.

Mr. Scott stated the Cayce route is route 28 with three stops in Cayce and for the period of time of October 1, 2009 to June 30, 2010 there were 16,102 pickups on route 28 and again the ridership breakdown has not yet been received from CMRTA. In reference to the taxi voucher system, Mr. Scott stated that is certainly something that can be considered but the difficulty there becomes the ability of those persons who are handicapped being able to use the taxi service unless the cars are handicapped accessible. Mr. Scott stated that this request for funding is a stop gap measure as the work group seeks all available options. Councilmember Myers asked Mr. Scott if he was willing to say on June 30 or July 1 that additional funding will not be requested to extend this study further. Mr. Scott stated he could not say that at this point as there are too many factors involved. He stated that he would say that whatever the next steps may be, there is be a cost associated with it and it will be up to the work group to make recommendations on what provides the best service for the most reasonable cost. Councilmember Isom questioned the percentage breakdown for funding. Mayor Partin stated that Council members Isom and Myers raised some interesting questions and if they want to help figure out a solution, they are certainly welcome to attend the work group meetings. Councilmember Isom thanked the Mayor, but stated right now Council is discussing spending taxpayer money, and we want to spend it wisely. He stated without proper information, a good decision cannot be made.

After discussion, Mr. Jenkins made a motion to approve additional funding in the amount of \$9,839 to extend CMRTA/DART services to citizens of Cayce until June 30, 2011. Mr. Jumper seconded the motion. Councilmember Isom stated he could support the motion if Mr. Scott could state he would not be back before Council to request another extension. Mr. Scott stated he could not make that promise and reiterated that whatever the next steps may be, there will be a cost associated with it and it will be up to the work group to make recommendations on what provides the best service for the most reasonable cost. Councilmember Myers inquired as to where the city would get the money for this project since it was not budgeted. Mr. Brown advised that he would need to review the budget to see if there are other line items that can be reduced. The motion passed four to one with Council members Isom, Jumper, Jenkins and Mayor Partin voting yes and Councilmember Myers voting no. Mayor Partin reminded Council that the next work group meeting will be held on September 15 and invited Council members to attend.

H. Consideration and Approval of the City's Support for the Columbia Metropolitan Airport's Grant Application

Mr. Dave Mann, Executive Director of the Columbia Metropolitan Airport was in attendance. He stated that a federal grant has been submitted for \$750,000 to improve air service to the region by providing larger aircraft and with that, cheaper fares. He stated that one requirement of the grant is to raise matching funds of 10%. He stated that the Airport is putting in \$150,000 for marketing the program. He stated that funding being asked of the City in the amount of \$2,000 would be contingent on a grant award and funds would not be required until the program is actually implemented during the first quarter of 2011. He stated the program will run 12-18 months and quarterly payments from the city would be requested. Councilmember Jenkins made a motion to approve the City's support for the Columbia Metropolitan Airport's grant application in the amount of \$2,000. Councilmember Jumper seconded the motion. The motion passed three to two with Council members Jumper, Jenkins and Mayor Partin voting yes and Council members Isom and Myers voting no.

I. Approval to Proceed with Advertising for City Manager Position

Councilmember Myers made a motion to approve to proceed with advertising for the City Manager position. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Committee Matters

A. Committee Minutes

Upon a motion by Councilmember Jumper duly seconded by Councilmember Jenkins and unanimously approved by roll call vote, the City Council approved that the following Committee minutes be entered into the official city record.

Beautification Board – August 10, 2010
Cayce Events Committee – August 12, 2010
Cayce Housing Authority – August 17, 2010

B. Committee Appointments

Consolidated Board of Appeals – Two (2) Positions

There are currently two openings on the Board. A potential member application has been received from Robert Lampley and is attached for your review and consideration. There is no recommendation for the second open position and has been postponed until an application is received. Councilmember Isom made a motion to appoint Mr. Lampley to the Board. Councilmember Jumper seconded the motion. Mayor Partin confirmed that this Board has not met to make a recommendation and that Council is still in the process of appointing members. The motion was unanimously approved by roll call vote.

Planning Commission – One (1) Position

Mr. Butch Kelly's term expires September, 2010. He has been contacted and would like to serve again. A potential member application has also been received from Mr. Earle Smith. Both applications are attached. The Commission will consider this issue at their next meeting. There is no recommendation at this time. Councilmember Myers made a motion to reappoint Mr. Kelly to the Commission. Councilmember Isom seconded the motion. Mayor Partin stated she was concerned about taking action without a recommendation from the Planning Commission. Councilmember Jenkins stated the same concern. The motion passed three to two with Councilmembers Isom, Jumper and Myers voting yes and Councilmember Jenkins and Mayor Partin voting no.

City Manager's Report

Mr. Brown provided Council with the following report:

Brown Water - As you well know, we have had reoccurring episodes of brown water throughout our distribution system. I continue to pose questions to our water treatment personnel to determine that we are doing everything possible to address this situation. I am also working to compile a history of dating back to 2007 on brown water occurrences and the strategies employed to deal with this problem. I should have all of my information collected within a short period of time. Everyone can give their opinion about the cause of the brown water: temperature, low level of the raw water intake, manganese, water line ruptures and old water lines. I believe some of these factors affect all suppliers of treated water. At the end of the day, City Council expects us to do all we can to produce clean, pure, potable water.

Storm Drainage - I continue to receive calls and visits regarding the storm water systems within the City. I know that storm drainage is not isolated to one area of the

city. I also understand fully that most storm ditches are on private property; however, the city's ordinances require property owners to keep those ditches maintained to allow free flow of storm water. There are property owners who are allowing the storm draining ditch on their property to continue to be obstructed. I am asking Code Enforcement Officers to contact these individuals and give notice that the ditch needs to be cleaned. I am sure some may protest, but it is critical that we eliminate the obstructions.

Projects - The lighting project should begin within the next Monday. Once it is completed, we intend to replace the ceiling tiles in the Courtroom. Our old shades have been replaced with new blinds. We have some HVAC problems in some of buildings that we are addressing. The canopy over the drive thru is also being replaced.

Utilities Capital Investment Plan 2010-2015 - For many months, staffs from American Engineering and City of Cayce have been working together to produce a Capital Investment Plan for the utilities division of city services. I believe this document will prove to be extremely beneficial to City Council as they plan their capital expenditures in the coming years. The study group is planning to make its first presentation at the October City Council meeting.

Utility Field Operations Center – 1972 Old Dunbar Road - The utility operation field staff has moved to their renovated facility off Old Dunbar Road. The facility is a vast improvement over the past facility which was abandoned and sold for highway improvements.

Mayor Partin inquired about Mr. Psomas' presentation whereby he mentioned a monthly rate. Mr. Brown stated that he would review that issue tomorrow.

Mayor Partin inquired about research being done on CDBG grant funds to replace water and sewer pipes. Mr. Brown stated that staff is trying to identify LMI neighborhoods. After the identification process, we will get with Mr. Robinson to discuss possible line replacement projects. He stated that there are LMI scattered throughout the city, but it is going to be difficult to identify LMI neighborhoods.

Councilmember Jenkins inquired if there was a resolution to the sewer line in Riverland Park. Mr. Brown advised that the manhole was sealed; however, the city received another complaint and staff is looking at a better way to seal the manhole. He stated the odor is coming from the manhole and staff is addressing the issue.

Mayor Partin thanked staff for putting up the photos in Council Chambers.

Executive Session

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

- A. Discussion of negotiations incident to proposed contractual arrangements re State Street Redevelopment Project
- B. Discussion of possible settlement of a pending legal claim

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

Councilmember Myers made a motion to authorize the City Attorney to proceed with the settlement with a pending legal claim involving Ideal Construction Co. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Mayor Partin inquired if special meeting dates needed to be set. Mr. Knudsen advised that the city was recently notified by SC DNR that FEMA has changed its rules and that a text amendment to the city's Flood Damage Prevention Ordinance adding the new Richland County FIRM effective date was required to be passed by Council by no later than September 29, 2010. He stated that the procedure is that the Planning Commission would need to hold a public hearing and vote on a recommendation. Notification was received too late to schedule a public hearing at the August Planning Commission meeting, and the September meeting date was change to hold the public hearing earlier than the regularly scheduled Planning Commission meeting. In order to meet the deadline, Mr. Knudsen stated that Council would need to schedule two special meetings to review the text amendment and have first and second readings. Council agreed to schedule the meetings for September 14 at 5:30 p.m. and September 21 at 5:30 p.m.

There being no further business, the meeting adjourned at 8:30 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk