

**City of Cayce
Special Council Meeting
March 15, 2010**

A Special Council Meeting was held this evening at 5:30 p.m. in Council Chambers. Those present included Mayor Elise Partin, Councilmen Steve Isom, James Jenkins, Kenneth Jumper, Rick Myers, City Manager John Sharpe, and Municipal Clerk, Tammy Barkley. Mr. Ken Knudsen, Director of Planning and Development, Chief Charles McNair, Mr. Dan Vismor, Bond Counsel, Margaret Pope and Joe Lucas and the following members of the Planning Commission were also in attendance: Daytona Jarman, Robert Power, Butch Kelly and Milt Fletcher. John Raley and Larry Mitchell were excused from the meeting. 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 and Mr. Jenkins gave the invocation. Mayor Partin led everyone in the Pledge of Allegiance.

Executive Session

- A. Discussion of negotiations incident to proposed contractual arrangements with the Lexington County Recreation Commission and receipt of legal advice related to a matter covered by the attorney-client privilege

Mr. Jenkins made a motion to move into Executive Session to discuss the matter above. Mr. Myers seconded the motion which was unanimously approved by roll call vote.

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.

Other

- A. Approval to Provide Funding for 2010 Boys and Girls State Programs

Council considered for approval the request from the American Legion Post 130 for funding the 2010 Boys and Girls State Programs. The City Manager advised that the City has supported the program in the past and last year's sponsorship was in the amount of \$800 to send two girls (\$300 per delegate) and two boys (\$200 per delegate) from Airport High School and Brookland Cayce High School to the program. Mr. Isom made a motion to sponsor two girls and two boys in the total amount of \$1,000. Mr. Myers seconded the motion. Mr. Jenkins inquired as to why there is a difference between the costs of the Girls State versus the Boys State programs. The City Manager stated he was not sure of the reason. Mr. Jenkins asked that in the future this

be explained to Council. Mr. Myers stated the difference could be because the girls are housed at a different location than the boys. After discussion the motion was unanimously approved by roll call vote.

B. Bid Award – Purchase of Truck for Confined Space Equipment

The City Manager stated that the Utilities Department has purchased confined space rescue equipment for use by the Department of Public Safety to satisfy an OSHA requirement when responding to confined space emergencies. He stated that the equipment was recently received, but based on the amount of equipment and its size, Public Safety does not have a truck to transport all of the equipment. He stated that price quotes were solicited for a new rescue vehicle to transport the emergency equipment. He stated that the cost of a new vehicle would be \$161,167 to \$287,105 depending on the specifications of the vehicle and that in an effort to minimize costs for such a vehicle, Public Safety has found a used vehicle that could be purchased for this purpose. He stated that the city received a quote of \$13,280 plus sales tax for a used vehicle and the vehicle could transport all confined space rescue, the city's cascade system, and service truck equipment. He stated that the vehicle is a 1998 International truck with a compartmentalized body and would serve the needs appropriately. He recommended that Council approve the purchase of this vehicle from Buck's Trucks if it is still available for the quoted price of \$13,280 plus tax. He stated that if this vehicle is not available, the city could purchase a similar unit as close to that price as possible and provided Council with two options for payment of the vehicle.

Mr. Myers made a motion to award the bid to Buck's Trucks in the amount of \$13,280 plus tax and to pay for the truck from the O&M Fund and amend the O&M Fund budget. Mr. Isom seconded the motion. Mayor Partin suggested that the truck be paid for equally from the O&M and General Fund budgets since the O&M department has specific need according to OSHA. The City Manager stated that to do so Council would have to amend the budget to spend unanticipated revenues. Mayor Partin inquired if the truck had been inspected by the city's mechanics. Chief McNair stated that the city's mechanics have looked at the truck. Mayor Partin inquired if the truck was in compliance with NFPA. Chief McNair stated he would double check to make sure it is in compliance. Mr. Jenkins inquired how much additional cost is needed to modify the truck. The City Manager stated that modifications are included in the cost of the estimate. Mr. Myers amended his motion to award the bid to Buck's Trucks, to pay for the truck from the O&M Fund and amend the O&M Fund budget, and include funds to modify shelving up to an additional 25%.

Mayor Partin asked the City Manager to address responding to hazardous materials emergencies at city facilities as mentioned in his memo. The City Manager advised that the last citation received from OSHA was in reference to hazmat. He stated that OSHA did not include the citation when they did their inspection earlier. He stated that when they visited the water and sewer plants there were repair kits and air packs that were originally included by the contractor when the plants were built under the specifications. He stated that when the OSHA inspectors saw that, they assumed

that City had a hazmat response team in place which it does through a mutual aid agreement with the county. He stated that staff has been trained, but does not have the equipment which the city is moving forward to purchase in next year's budget. Mayor Partin inquired if the city had that long to respond to OSHA. The City Manager stated the citation has been abated and OSHA is giving the city time to work on that. Mayor Partin asked for documentation on the issue. After discussion, the motion was unanimously approved by roll call vote.

C. Joint Session with Planning Commission regarding Proposed Comprehensive Plan

Mayor Partin thanked the Planning Commission members for being patient and for attending tonight's meeting. She stated that this session is an opportunity for Council to ask you questions and obtain input on the Comprehensive Plan. Mr. Isom asked Mr. Vismor to review with Council the policy statements that are included in the Plan and their effects on Council when the Plan is approved. Mr. Vismor directed Council to the introduction on page 5 which states "This plan is to be used as a guide for the orderly physical, social, and economic growth and future development of Cayce." He stated that as such it is subject to maneuvering. He stated it is a guide and is to be used as a guide. In reference to the policy statements, he stated they would basically reflect at this point in time, Council's policy regarding a certain issue. He stated that policies are subject to change as is the entire document pending re-evaluation and the approval of amendments. He stated the policy statements are designed for the city to take a position on something and a proposed way to handle something. Mr. Isom inquired if Council approved the plan if Council would be committing themselves to the policies outline in the plan. Mr. Vismor stated that Council would be committed to them as Council would be adopting these policies as a modis operandi. He stated that he was sure the city had numerous policies and this adds a new dimension by stating what those policies would be relative to population, economic development, and land use development. He stated the plan is a guide and a policy statement really is a guide. He stated you may not do it, but it is a policy. He stated, however, there are exceptions to all policies. He stated that he understood a number of editorial errors were found in the plan and asked Council to forward those to him so that changes could be made.

Discussion took place on the policy included for annexation. Mr. Myers asked that the plan not take the position of being aggressive in reference to annexation. He also stated that the policy included in the plan was against the fact that the city has been designated as a regional provider and will be unable to annex property that is not contiguous to the city limits. He suggested that the word "contiguous" be included in the policy. Mr. Vismor stated that the city being a regional provider would give Council ample reason not to pursue this policy in those instances. Ms. Jarman stated that if the policy is tied to a specific ordinance, the ordinance may need to be tightened up. She stated that other things may not be viable anymore and needs to be reviewed. Mr. Jenkins inquired about tightening up ordinances at the same time as reviewing the comprehensive plan. Ms. Jarman stated that changes should be made in harmony with the plan. Mr. Knudsen clarified the details of the Ordinance regarding annexation and

providing water/sewer service. Mr. Myers stated that he felt the wording in the Comprehensive Plan regarding annexation was in conflict with the Ordinance and asked for it to be reviewed and made in harmony with each other. Mr. Isom stated that at some point in time a lot of the policies may not be necessary. Mr. Knudsen stated that he agreed and in looking at State law, Council must review the plan in 5 years and completely rewrite the plan in 10 years. He stated that does not mean Council has to wait 5 years before reviewing the plan and making any changes. Mr. Isom stated that the policy statements may refer to existing Ordinances, revising Ordinances, or creating new Ordinances that are currently not in place. Mr. Knudsen stated that was correct in that approximately 25% relate to existing Ordinances. He stated that if Council wanted it broken down that way, it could be done. Mr. Knudsen stated the word "policy" is a recommended policy and unless Council does an individual ordinance on a specific policy, the policy is a recommendation.

Mr. Vismor stated that the Planning Commission went an extra step on the recommendation of the Ad Hoc Committee and included an annual audit which means the Planning Commission will review the Plan annually and make recommendations on any changes that need to be made. He stated that if Council finds a policy that needs to be amended, then that information should be provided to the Planning Commission to be addressed during the annual audit and bring it back to Council for approval. Mr. Knudsen stated that if concerns come up in Council meetings, he would take the information to the Planning Commission for their review and recommendation.

Mr. Myers stated that the plan includes the word "actively" on page 96 in reference to annexation. He asked that the wording be changed to coincide with the city's ordinance. He stated that there is a policy statement within the plan that commits the city to annually budget for sidewalks, trails, etc. and stated he was unsure that the policy should be that the city has to budget monies for any unknown projects. Mr. Vismor stated all of it is contingent on funding. He stated he solicited a priority list from the Ad Hoc Committee and Planning Commission and at that time the city received a request from the SC DOT to apply for funding for sidewalks on the list. He stated the project was immediately put at the top of the list because the funding was available and that would certainly enter into any changes made to the priority list. He stated it is designed to build a network of sidewalks in the city. He referred Council to the sidewalk plan noting that the first time it attempts to link pieces of sidewalk and integrate them into a sidewalk plan. Mr. Myers inquired if the City Manager should review the policies in the plan during budget preparation and include projects in the budget for funding. Mr. Vismor stated that the City Manager would want to refer to the plan if Council implements it as he comes up with an initial budget for Council's consideration. Mayor Partin stated she felt the list would make it easier to pursue grant funding for projects.

Mr. Vismor stated that some of these recommendations might be good 10-20 years from now, but he sees it as a starting point, a long range plan. He stated that it may be at that time the city actually will be administering storm water drainage. Mr. Myers stated that on page 93, there are actually 6 schools located within the city, and 7 if the alternative school is included. Mr. Jenkins, referring to page 104 and the sidewalk

plan, inquired if the current sidewalks are ADA compliant. The City Manager advised that if they are not, they will need to be upgraded. Mr. Myers stated that he did not see any reference to the Tennis/Wellness Center complex on 12th Street and was not sure if we needed to list it or not. He stated that Lexington County also had bond money set aside for other recreational development in that area. He stated that on page 174 where it talks about committing the city to full responsibility for storm drainage maintenance. He stated full could include private property and he is not sure Council wants to responsible for any of it and it comes back to money and funding. Mr. Isom stated it was also included on page 91. Mr. Myers stated that on the public safety side fire extinguishers are mentioned (page 175) and suggested that smoke detectors be added. Mr. Myers stated that on page 169, item 7 in reference to accommodations tax to fund tourism projects such as cultural resource projects, he stated that at this time, this is not allowed because the county does not meet the threshold required. On page 162, on the priority investment schedule, he stated there are some missing major needs that Council has worked on and discussed. He stated he really did not understand the schedule as it does not identify where the funds can be obtained. Mr. Vismor stated that the majority of the information on this schedule came from information provided by the City Manager's office (five-year capital plans that was turned in by departments during last year's budget process). Mr. Myers stated that realistically the city cannot financially support this schedule. Mr. Vismor stated this is one of the tricky items that is required to be in the Plan by virtue of the amendment two years ago to the State Enabling Act. He stated that this is normally done exclusively at the Council level and most of it will need to be garnered from the City Manager's budget. He stated Table 36 would have to be revised by Council on an annual basis and that the figures included were estimates for the most part. Mr. Myers suggested that some common sense changes be made so that when someone reads through the Plan, they understand that it is just a guide and not a commitment. He stated that the Plan should be clear to the public. Mr. Jenkins stated that he is concerned that someone would come forward and hold Council to the "policies" included in the Plan. Mr. Myers stated that factually there are some errors. He pointed to page 37 it talks about over 40% of housing require some degree of repair which he states is somewhat negative and then on page 8 that housing stock which includes new housing has increased by 64% and it seems those two numbers contradict each other. Mr. Vismor advised that the 64% includes houses annexed and explained how the percentages were computed. Mr. Myers stated that previously it was mentioned that there were some other projects that are not included in the Plan and inquired if these were going to be sent as a supplement. Mayor Partin advised that this information was provided to Council earlier as information.

Mayor Partin provided the following information:

Page 17 – She asked that the population figures age-wise be verified.

Page 20 – The plan states that property taxes still constitute the largest single source of revenue but the graph does not show that. She stated that it is business license that is the largest source of revenue.

Page 26 – Second paragraph, last word is natural and was not sure what that was trying to mean.

Page 30 – Cayce Housing Authority has on file 290 applications and wanted to know if that was accurate. Mr. Vismor advised that was as of 2009.

Page 77 – She stated that the water/sewer infrastructure plan needs to be added here and on page 165 and it is something that is already in the works.

Page 89 – Three of the city parks are scheduled for improvements. She asked that the names of the parks be included.

Page 90 – She asked that recycling be promoted. Mr. Myers stated that it also does not address twice a week pick up service.

Page 98 – Need to include improved information and way finding signs to the Riverwalk and to the Congaree Creek Heritage Park.

Pages 112, 113 and 166 – She stated the lists on these pages did not match up, specifically the street names. She suggested that Knox Abbott needed to be added to the list specifically where it talks about ADA compliance. She stated that there are some parts of the sidewalk that are not ADA compliant.

Page 134 – States that Three Fountains is contiguous to Airport High and asked that it be corrected to state airport.

Page 140 – States property taxes constitutes the largest single source of local revenues and should be business licenses.

Page 165 – Need to add in the water infrastructure plan.

Land Use Plan map – She stated that on 12th Street from the railroad to Indigo Ave. she would like to change it from TA to RC. Mr. Myers stated that the current plan that is in place is designated as transition and he is not in favor of changing that designation. He stated leaving it as it is, it gives the property owner the choice of what to do with their property. He stated that Council has previously discussed transitioning the area a block at a time assuming the residents agreed. Mayor Partin stated that people who own property may not want to transition. Mr. Myers stated they do not have to as you would have to have the agreement of all owners to do a block at a time. Mayor Partin stated that was not true and if the property is made commercial in the middle, you not only divide the neighborhood, but then you particularly erode the area of the neighborhood that is section off to the end towards Charleston Highway. She stated there are plenty of areas in Forest Acres where there is much more traffic than 12th Street and is residential. She stated that there are so many other places that can be made commercial, that this portion does not need to be made commercial. She stated that if the city is trying to recruit new businesses, businesses are looking at the number of households and unless Council protects residences, the city is not going to be able to bring the businesses in. Mr. Myers stated that he is not saying that the area be made commercial, but that the rights of the property owners are not taken away on how they want to do their property. Mayor Partin stated that is what the Land Use Plan map is doing. Mr. Myers stated that was not correct in that it gives the property owners the opportunity because it is a natural commercial transition that may happen in some years to come. He stated that currently there is commercial on both ends of it, the intersection may or may not stay residential, and about 50% of the house are rental houses. He stated that if there are any transition of commercial into that neighborhood on 12th Street it would be a very low impact type business such as an attorney's office or dentist's office which would have little traffic. Mayor Partin stated the concern is that

the city has so many empty commercial areas that it cannot fill, why would we want to make a residential area commercial. She stated that it does not matter whether it is a doctor's office or attorney's office because by placing those businesses there pretty much isolates that side of the neighborhood and guarantees it to start declining. She stated it would not only impact those on 12th Street but also the ones behind them and any impact would be a negative impact to the neighborhood. Mr. Kelly stated when you take 12th Street and make it commercial, take a look at it from Krispy Kreme to Zestos and that is what it is going to look like. Mr. Myers stated that the zoning that is currently in place addresses those exact problems in regards to barriers, set backs, landscaping, etc. Mr. Knudsen stated that the zoning has been in place since 2003. He stated that the TA designation states you have the right to apply for it, but Council would have to approve it. Mayor Partin stated she did not even want that option available. She stated that she would like to have it changed and if it needs to come up for vote then it would be done on second and final reading on the adoption of the Comprehensive Plan.

The City Manager inquired as to what direction needed to be taken at this point. Mr. Vismor stated that the revisions that were suggested tonight can be made prior to second reading. Mr. Knudsen stated that changes to the Land Use map would need to go to the Planning Commission and then their recommendation would be submitted to Council. Mayor Partin asked that the Land Use Plan map go back to the Planning Commission, and that their recommendation and final reading on the Comprehensive Plan be placed on an upcoming agenda. Council thanked the Planning Commission and Ad Hoc Committee for all their hard work.

Mayor Partin advised Council that in reference to the Airport Corridor Project, Council should have received information from the City Manager through his weekly memo about the possibility of getting \$500,000 to work on the project with nothing coming from the city. The City Manager stated that a meeting will be held tomorrow with the COG with the three cities to usher through the Transportation Enhancement Grant. Mr. Myers asked the Mayor to define the Airport Corridor project. Mayor Partin stated that is was once you turn on Hwy. 302 all the way to the Knox Abbott Drive bridge.

Mayor Partin inquired as to the status of the budget process. The City Manager advised that budgets were turned in Friday by the department heads and that he was in the process of inputting the information. Mayor Partin asked that capital budget requests be provided to Council in this week's mail. She stated there were six special Council meetings on the calendar. The City Manager stated they were built into the calendar in the event there were needed and would depend on when information becomes available from the State and County regarding revenues, etc. Mayor Partin asked that the discussion with Council regarding Council priorities and department's budget requests and goals be placed on the April Council meeting agenda. She asked Council to bring their calendars to the April meeting.

There being no further business, the meeting adjourned at 8:40 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk