

**CITY OF CAYCE  
Regular Council Meeting  
Tuesday, March 1, 2011**

The Regular March 2011 Council meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Councilmembers Steve Isom, Tim James, James Jenkins, and Kenneth Jumper, City Manager Rebecca Rhodes, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Ken Knudsen, Director of Planning & Development, 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 assembly recited the Pledge of Allegiance.

**Approval of Minutes**

Councilmember Jumper made a motion to approve the minutes of the February 1, 2011 Regular Meeting as submitted. Councilmember Jenkins seconded the motion. Councilmember Isom stated that under Item B. Approval to Join the South Carolina Mayors Association, he was misstated. He stated that he voted no on this item because it dealt with giving money to elected officials to advocate for the citizens with the legislators or whoever, and that is exactly what they are elected to do. Mayor Partin advised that there was a motion and second on the table to approve the minutes as submitted and to make a change, an amended motion was needed. Mayor Partin inquired if Councilmember Isom would like that as a note in the minutes. Councilmember Isom stated he would like to have it corrected in the minutes as the way it is currently written, it does not reflect the comments he made then or now. After discussion, no amended motion was made and the motion passed four to one with Councilmembers Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

**Presentations**

A. Presentation of Whole Sole Award

Mayor Partin presented the Whole Sole Award to Mendy Corder, Administrative Coordinator for the Administration Department and congratulated her on this accomplishment.

B. Presentation by Ms. Patricia Shull re Sewer Availability Charge

Ms. Shull did not attend.

C. Presentation by Ms. Darlene Walton of American Legion Post 130 re Funding for Boys and Girls State

Ms. Walton did not attend.

D. Presentation by Mr. Gary Hubbard – Update on Brown Water Study

Mr. Hubbard stated that since the last update, staff has changed the chemical supplier for ortho and poly phosphates and feel we will be better served by this new supplier. As part of the program, he stated that they have provided a corrosion meter to city which will be used to measure the corrosiveness of the water at the water plant and will also be tracking the corrosiveness of the water in the water system. He stated that currently corrosiveness of the city's water is 1.8 mils and typically a range of 1-3 is where you would want the system to be. He stated that staff will be continuing the flushing program which will begin in about three weeks in the Avenues area.

Councilmember Isom requested additional information on the corrosiveness program. Mr. Hubbard provided the additional information. Mayor Partin thanked Mr. Hubbard and his staff for their efforts in this matter.

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

Mr. Edwin Gray regarding Item IV. B. – Mr. Gray stated that he believes that individuals should have the freedom to make their own choices and there needs to be less laws and regulations over individuals. He stated that police officers and city officials have more to do than enforcing how someone relaxes and enjoys themselves at their favorite establishments. He stated that there are places in Cayce that are losing their business and about to go under because of this new ordinance. He stated that there are establishments in the county and other neighboring cities where the enforcement of the regulations are lax or there are no regulations. He stated that employees are losing their pay as well. He asked Council to amend the ordinance so that the businesses can make the choice to allow or not allow smoking in their establishments and let the individuals make their own choice as to whether they want to go in or not.

Councilmember Isom stated that he and Councilmember Jumper went to restaurants and presented both sides of the issue. He stated he was in agreement with Mr. Gray and that the issue has been discussed thoroughly.

Mayor Randy Halfacre regarding Item IV. C. – Mayor Halfacre respectfully requested that Council postpone Item IV.C. regarding the approval of an Ordinance re

Franchise Fee and Fee In Lieu of Taxes. He stated that the Town of Lexington, Joint Water & Sewer Commission and the City of Cayce are currently in negotiations for wastewater service and this may or may not have an impact on negotiations, He stated that he just asks that Council take it off the agenda tonight until all parties have a chance to discuss this issue.

### **Resolutions and Ordinances**

#### **A. Approval to Amend the Business License Ordinance – First Reading**

Council considered for first reading approval amendments to the Business License Ordinance. Ms. Rhodes stated that as presently worded, the City's Business License Ordinance precludes a business license fee for electric power and natural gas distribution companies. She stated that this is because the present wording of the Ordinance places these companies in the Class 8 rate class, does not provide for a specific business license fee, and simply references the company's franchise agreement. She stated that a business license fee cannot be imposed by the City because no rate or amount of fee is specified in the Ordinance or franchise agreement. She stated the proposed Ordinance remedies this situation by amending the Business License Ordinance to remove electric and gas distribution companies from Rate Class 8 and to place them in Rate Class 4. She stated that placement of these companies in Rate Class 4 was based on the analysis and the recommendation of G. C. Robinett who with Roy Bates developed the City's Business License Ordinance.

Ms. Rhodes advised that the proposed Ordinance is also worded to exclude from computation of the business license fee the inclusion of the income on which the franchise fee is paid. She stated that with this exclusion, the company cannot complain that it is paying a franchise fee and a business license fee on the same income. She stated that due to the fact that the current business license year is already underway, the amendment if approved by Council would become effective beginning with the next business license year of 2012.

Councilmember Jumper made a motion to approve on first reading the amendments to the Business License Ordinance on first reading. Councilmember Jenkins seconded the motion. Councilmember Isom inquired about the logic behind NAICS 22112. Mr. Crowe advised that it was to avoid a double taxation situation. He stated the city was not interested in imposing a tax on income on which the utility might already pay a franchise fee. After discussion, the motion was unanimously approved by roll call vote.

#### **B. Approval of Ordinance re Amendment to Chapter 35 Smoking In Places of Employment - Second Reading**

Council considered for second and final reading the approval of an Ordinance to amend Chapter 35 Smoking in Places of Employment. The proposed amendment

places the enforcement of the ordinance in the hands of the City Manager or his/her designee and requires that a complaint be made in writing. Councilmember Jenkins made a motion to approve the Ordinance amendment on second and final reading. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Ms. Rhodes state in reference to the second ordinance that would have amended the ordinance to deal with the private club issue, she stated that Mr. Crowe has contacted Scott Long and asked for some additional information. She stated Mr. Long was here during Meet with the Mayor and advised that he would be meeting with his attorney tomorrow and would have a response to the City by the end of the week.

C. Approval of Ordinance re Franchise Fee and Fee In Lieu of Taxes – Utilities – Second Reading

Council considered for second and final reading the approval of an Ordinance regarding Franchise Fee and Fee In Lieu of Taxes. Councilmember James made a motion to postpone the issue until the next meeting. Ms. Rhodes stated that the Franchise Fee and the Fee in Lieu of taxes is something that the city has always done, that we currently do and will continue to do. She stated that this is just an effort to codify it. She stated that these two fees have been included in the city's indirect cost analysis every year. She stated she did not want anyone to think the city is doing away with it. This is just to allow the city more time to explain it to those involved in the negotiations. After discussion, the motion was unanimously approved by roll call vote.

D. Approval of Resolution Recognizing Rhett Bickley on his Retirement

Mayor Partin stated that Mr. Rhett Bickley will be retiring from Lexington County. Mr. Bickley served communities in Lexington County with urban forestry issues and preservation of trees. Councilmember James made a motion to approve the Resolution recognizing Mr. Bickley on his retirement. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

**Other**

A. Approval to Amend Utility Surcharge Rate Schedule

Councilmember Jenkins made a motion to postpone this issue until the April Council meeting. Councilmember James seconded the motion which was unanimously approved by roll call vote. Ms. Rhodes stated that this is part of the discussions with the other parties and as part of the Wastewater Treatment Agreement, the City is required and wants to run all of this past them and allow them time to comment. She stated that what she would bring back to Council is not only the Surcharge Rate Schedule but also the amendments to the Sewer Use Ordinance that are required to be made through the Agreement.

B. City Manager's Annual Report on the City of Cayce Comprehensive Plan Elements

Ms. Rhodes stated that she has provided Council with a list of the Elements and the status of each to date and she would be happy to entertain any questions that Council may have at this time. She stated that there are a number of items that need Council guidance and suggested that a retreat or time be scheduled to address the specifics of projects. She stated that a number of projects will be discussed through the budget process. She stated that if the retreat could be held in mid-April that would provide time to incorporate projects in the budget.

C. Report on Planning Commission's Annual Audit of Comprehensive Plan

Mr. Knudsen provided Council with a chart of the projects involved in Table 36 of the Comprehensive Plan and status of each project to date. He stated that in reference to the Cultural Center, the city has a set of plans for a senior recreation center that was funded by Lexington County to be built in Riverland Park. He stated that the city did not receive the funding to build it, but the set of plans would be workable for any type of cultural center. He stated that the grant for the brown water was not received and has posted that to be resubmitted in 2012. He advised that under Parks, there is a change because of the required maintenance that must be done in the Riverwalk. He stated that because of the location of the slabs and the constant flooding and shifting of the soil, you cannot have more than a ¼" difference between the slabs. There are some with more than ¼" difference that creates a tripping hazard. These will need to be corrected each year. Ms. Rhodes stated that the River walk is a wonderful, fantastic place, but it is going to be a continuous maintenance issue and something that will need to be funded every year. He stated that he has been discussing the drainage issue with Ms. Rhodes and has generated some drainage area maps. He stated the next step is to decide on how to get the residents involved in locating areas that the City cannot access. In reference to Transportation, he stated he removed the first two items which were completed (Naples and Frink Street) and replaced them with the Airport Boulevard project and the ongoing streetscaping project on State Street.

Mayor Partin inquired about the Historical Museum capital improvement plan. Ms. Barkley advised that departments were asked to submit a five year capital plan and this is probably where this information was derived from. Mayor Partin asked that a copy of the five year plans be provided to Council.

D. Approval to Fund Boys and Girls State

Councilmember Isom made a motion to postpone the request for funding until a presentation can be made to Council. Councilmember James seconded the motion which was unanimously approved by roll call vote.

E. Approval to Use Funds to Install Remainder of Sidewalks – Taylor Road

Ms. Rhodes stated that clarification is needed from Council on using funds left from the Taylor Road project for the completion of the sidewalks on Taylor Road. She stated there is approximately \$35,000 in General Fund under reserved status. She stated that during the construction process, the cost of the entire project increased by \$34,592.00 and that the only area where deductions could be made to make up for the increased cost was in the money that was supposed to be used to construct sidewalks.

Councilmember Jumper inquired if this is the only project that can be funded by the funds available. Ms. Barkley stated it should be used for the project. Ms. Rhodes stated that she believes that was the discussion held between all the parties. Councilmember Jenkins inquired if the city knows the cost to install the rest of the sidewalk. Ms. Rhodes stated this information is not known at this time and will bid out the project. She stated that obviously if the bids received are more than the funding available, the issue will be brought back to Council for discussion and approval. Councilmember James made a motion to approve the use of funds up to \$35,000 for the installation of the remainder of the sidewalks on Taylor Road. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

**Committee Matters**

A. Approval to Enter the Following Committee Minutes into the City's Official Record

Beautification Board – February 8, 2011  
Cayce Historical Museum Commission – February 9, 2011  
Cayce Events Committee – February 10, 2011  
Cayce Accommodations Tax Committee – February 22, 2011

Councilmember Jumper made a motion to approve that the minutes be entered into the City's official record. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Councilmember Isom pointed out that there were several issues in the Beautification Board's minutes requiring Council action and it was his understanding that the City could not hold raffles. The City Attorney advised that the City could not hold raffles. Ms. Barkley stated that she would have the staff liaison attend the next Council meeting to review the other items requiring Council action.

B. Committee Recommendations – Accommodations Tax Committee

Ms. Barkley stated that the Accommodations Tax Committee met in February to review the request of the Cayce Events Committee to hold a Shag Festival. She advised that the Events Committee has decided to postpone the event until Spring of 2012 in order to give the Committee plenty of time to prepare and organize the event.

She stated that Ms. Julie Isom, Chair of the Events Committee, presented the details of the event to the Accommodations Tax Committee who voted unanimously to recommend funding in the amount of \$10,000 as requested. Councilmember Jenkins inquired if the funds being requested are for FY10-11 or FY11-12. Ms. Barkley advised that funds would be for FY11-12. She stated that requests for funding for FY11-12 should be received by mid-March and presented to Council in April, 2011. Councilmember Jenkins inquired as to why a decision from Council was needed now for an event that will not happen for quite some time. Ms. Barkley advised that originally the Events Committee wanted to hold the event this fiscal year, but has decided to delay it so that more time could be put into planning the event. Councilmember Jenkins made a motion to postpone the issue until all applications for funding have been received and are ready to be presented to Council. Councilmember James seconded the motion. Councilmember Isom recused himself due to a conflict. The motion passed by roll call vote with Councilmembers Jumper, Jenkins, James and Mayor Partin voting yes.

#### C. Committee Appointments/Reappointments

Beautification Board – One Position - Ms. Deena DeVore has missed three consecutive meetings. The Committee recommends that Ms. DeVore be removed from the Board and the appointment of Sue Miles to fill this position. Her potential member application is attached for your review.

Mayor Partin inquired if there were any other applications for the Beautification Board and has Ms. DeVore been contacted regarding her absences. Ms. Barkley stated she did not know but could have the staff liaison attend the next Council meeting to answer Council's questions.

Councilmember Jumper made a motion to postpone the issue until the April meeting and that staff contact Ms. DeVore by phone regarding her absences. Councilmember Isom seconded the motion. Mayor Partin asked that she be provided with copies of all pending potential member applications. After discussion, the motion was unanimously approved by roll call vote.

Beautification Foundation – One (1) Position - The Beautification Foundation has one opening for District 4. Councilmember James made a motion to appoint Mr. Ronnie Brazell to the Foundation. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Mayor Partin inquired if the Foundations could be added to the City's potential member application. Ms. Rhodes stated that because they are Foundations and separate from City committees, that they should be kept separate. Mr. Crowe agreed.

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

Ms. Rhodes advised that the bid opening for the State Street Streetscaping Phase III and IV would be held on Thursday. She asked that Council consider a special called Council meeting to approve the Notice of Award. Council scheduled the special meeting for Monday, March 7, 2011 at 6:00 p.m.

In reference to Phase III and IV funded by SCDOT, Ms. Rhodes stated that she spoke with Roger Sears and while SCDOT has not come back with a new agreement, he asked and the city provided him with copies of Ken Simmons plans for the CDBG funded side of the project. She stated that they have asked for his contact information so they can make sure as they are designing their side of the road that the two are as seamless as possible.

Ms. Rhodes stated that in reference to the sewer availability charge, staff has been going through the list checking who has hooked on and who has not hooked onto the system. She stated that once that is done, a letter will be sent to those who have not hooked onto the system. Ms. Rhodes stated that staff would contact Ms. Shull and let her know of the city's plans. Ms. Rhodes stated that out of the 79 on the list, 50 had already hooked onto the system.

Ms. Rhodes stated that the city has had several comments regarding drainage concerns. She stated that the Planning and GIS Department go through and map the drainage facilities—the ditches, pipes, outfalls. She stated that would be a long and arduous process. She stated that Mr. Knudsen has suggested that we set aside three days for citizens to come by City Hall and help staff map these areas. She stated that once the maps are marked, staff will be able to see where the problems are and then research funding to help eliminate these issues.

She stated that a date for the Budget Workshop has been set for March 21 from 1:00 – 5:00 p.m. and wanted to make sure that date and time was still okay with Council. As part of the workshop, VC3 will make a presentation on the IT Assessment they completed.

Ms. Rhodes stated that the grant position has been filled and she will start on March 10 and will bring her to the April Council meeting to be introduced.

Ms. Rhodes advised that Ken Knudsen, Director of Planning & Development has decided to retire in the next few months. She advised that the city is advertising the position and Mr. Knudsen has agreed to overlap to his retirement date with the start of a new Director to assist as much as possible.

Ms. Rhodes reminded Council that the Statement of Economic Interests must be completed on-line by April 15, 2011.



Ms. Rhodes stated that it has been brought to the city's attention that as of July 1, 2011 the South Carolina landfills will no longer accept electronic goods from cities, so anything such as computers, vcr's, etc., staff will no longer be able to pick up these items. She stated that staff is currently working to come up with places that individuals can take their electronics waste and will work to get information out to residents as quickly as possible.

Ms. Rhodes directed Council's attention to a sample letter pertaining to the CDBG funds that had been distributed at their positions. She stated that Councilmember Jenkins asked that Council look at the city putting forth a letter basically supporting CDBG funding. She stated that the Federal Government is suggesting that they cut CDBG funding by 7.5% and the Municipal Association has asked for support from the local cities and towns that use that funding in the form of a letter. Council gave general consensus that the letter be sent stating what funds we have received and a list of the projects.

Ms. Rhodes provided Council with a copy of the Budget Schedule.

Mayor Partin advised those in attendance of the following upcoming events:  
March 12, 2011 at 2 pm – Grand Opening of the Native American exhibit at the Museum

April 2, 2011 - The Highland Games Tartan South at the Columbia Speedway  
April 16, 2011 - Spring Plant Exchange at City Hall  
April 14-16 – Racers Reunion at the Columbia Speedway. She advised that tickets are \$5.00 for all the events.  
She encouraged residents to visit the City's Facebook page.

### **Executive Session**

- A. Receipt of legal advice relating to claims by the City and other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to proposed contractual arrangements

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

### **Reconvene**

After the Executive Session was concluded, Councilmember Jenkins made a motion to reconvene the Regular meeting. Councilmember Jumper seconded the motion which was unanimously approved. 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 by Council was taken in follow up to Executive Session.

Councilmember James made a motion to adjourn the meeting. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 8:50 p.m.

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Elise Partin, Mayor

ATTEST:

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Tammy P. Barkley, CMC, Municipal Clerk