



## CITY OF CAYCE

**ITEM I. B.**

*MAYOR*  
ELISE PARTIN

*MAYOR PRO-TEM*  
KENNETH D. JUMPER

*COUNCIL MEMBERS*  
F. STEVEN ISOM  
TIMOTHY M. JAMES  
JAMES E. JENKINS

*CITY MANAGER*  
REBECCA V. RHODES

### **CITY OF CAYCE Regular Council Meeting December 6, 2011**

The Regular November Council Meeting was held this evening at 6 p.m. in Council Chambers. Those present included Mayor Elise Partin, Councilmen Steve Isom, Tim James, James Jenkins, Kenneth Jumper, City Manager Rebecca Rhodes, Tammy Barkley, Municipal Clerk and Garry Huddle, Municipal Treasurer. Frank Robinson, Director of Utilities, Public Safety Director, Charles McNair and Planning & Development Director, Shaun Greenwood were also in attendance. City Attorney, Danny Crowe arrived later in the evening. Mayor Partin advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mayor Partin mentioned that Forrest Knox Abbott recently passed. She stated that Knox Abbott Drive was named after him, his father was a former Mayor of Cayce and his mother was Edith Cayce. She asked that his family be kept in our thoughts and prayers.

Mayor Partin called the meeting to order. Councilmember Jumper gave the invocation and the assembly recited the Pledge of Allegiance.

#### **Approval of Minutes**

Councilmember Jenkins made a motion to approve the minutes of the November 1, 2011 Regular Meeting and November 15, 2011 Special Meeting as submitted. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

#### **Presentations**

- A. Approval of Resolution Recognizing Miss Ashleigh Grace Smith – Little Miss South Carolina, Cayce

Councilmember James made a motion to approve the Resolution as submitted. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

- B. Presentation of Community Service Awards

Mayor Partin advised that each year Council recognizes community volunteers who serve on various city committees. Individuals are recognized for 5, 10, 15 and 20+ years of service. Certificates and awards were presented to Lynda Murray, Peter Fikas,

Ellen Mancke, Ed Fuson, Butch Kelly and Brenda Cole for 5 years of service; Julie Isom and Cindy Pedersen for 10 years of service; and Xen Motsinger for 15 years of service. Mayor Partin thanked all volunteers for sharing their time with the City.

C. Presentation by Mr. Earle Smith re Storm Drainage Issues  
Mr. Smith appeared before Council to discuss storm drainage issues (see notes attached).

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

Gerald Cromer regarding Item VII. A. – please see comments attached.

Mr. Earle Smith regarding Item IV. C. – Mr. Smith expressed his concern with duplication within Section 34-5 of the City Code of Ordinances – please see comments attached.

#### **Ordinances, Resolutions and Other**

A. Approval of Ordinance to Amend the City of Cayce Sewer Use Ordinance Re Sewer Availability Charge – First Reading

Council considered for first reading approval of an Ordinance to amend the City's Sewer Use Ordinance regarding the sewer availability charge. Ms. Rhodes stated that at the request of Council, the City Attorney drafted an Ordinance addressing the reduction of the sewer availability charge for in city residents who are not tapped on to the City's sewer system. Councilmember Isom made a motion to approve the Ordinance on first reading. Councilmember James seconded the motion. Councilmember Jenkins inquired if the new Ordinance would follow the property if the current owner sells. Ms. Rhodes stated that current and future residents would follow the same Ordinance. Councilmember Jenkins inquired if residents would be able to opt in or opt out of the amendment. Ms. Rhodes stated the draft Ordinance does not include this option, but could if that is Council's desire. She stated that in either case, certified letters would be sent to each of the seven residents and for those who do not respond, the City would continue to charge the availability charge until the resident contacts the City. Councilmember Isom amended his motion to include the opt in/out option as discussed. Councilmember James amended his second which was unanimously approved by roll call vote.

B. Approval of Ordinance to Rezone Property Located on New State and Godley Rd. from D1 Agriculture Holding Zone to M1 Light Industrial – First Reading

Council considered for first reading approval of an Ordinance to rezone property located on New State and Godley Road from D1 to M1. Mr. Greenwood provided

Council with additional details on the location of the property and plans for the property to expand the SCANA crew quarters. He stated it does comply with the Comprehensive Plan Land Use Map and with current zoning regulations. Councilmember Isom made a motion to approve the Ordinance as submitted. Councilmember Jumper seconded the motion. After discussion, Councilmember Jenkins recused himself from the vote due to a conflict in interest in that he is employed by one of the parties involved. The motion was unanimously approved by roll call vote of the remaining members of Council.

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

Ms. Rhodes stated that at the last Council meeting Council discussed the option of including the word "intentionally" in the Ordinance. She stated that at Council's direction, the City Attorney was consulted on the wording of the Ordinance and he advised that the additional language would make it extremely difficult to enforce the Ordinance. Councilmember Jumper made a motion to approve the Ordinance on second and final reading. Councilmember Jenkins seconded the motion. Councilmember Isom inquired where the money for fines would be distributed. Mr. Greenwood stated that if you had a fine of \$1,092.50, \$500 would go to the City and the remainder would go to the State. Councilmember Isom inquired as to why the City has not considered an advertising campaign rather than initiating an Ordinance. Mr. Greenwood stated that the amendment to the Ordinance is to clarify the definition of solid waste. Mayor Partin inquired if this would help with storm drainage problems. Mr. Greenwood advised that it would help with clogged storm drains, flooding, and algae build up. After discussion, the motion was approved four to one by roll call vote with Councilmembers Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

**D. Approval of Ordinance re Franchise Fee and Fee In Lieu of Taxes for City Water and Sewer System – Second Reading**

Councilmember Jenkins made a motion to postpone the issue until the January Regular Council meeting. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

**E. Approval of Resolution Ratifying a High Intensity Drug Trafficking Area Agreement between the Drug Enforcement Administration and the City of Cayce**

Councilmember James made a motion to approve the Resolution as submitted. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

**F. Approval of Resolution Authorizing and Approving Financing Through Lease/Purchase and Award of Lease/Purchase Contract – Sanitation Equipment**

Ms. Rhodes stated that at the September Council meeting, Council approved the lease/purchase of a rear loader Western Star/Loadmaster Sanitation Truck from Shealy's Trucks as was included in the approved FY11-12 budget. She stated that staff solicited proposals from financial institutions for the financing plan. She stated that of the quotes received, BB&T Government Finance quoted the low rate of 1.93% for a three year contract. Councilmember Isom made a motion to approve the Resolution and award the financing of the lease/purchase for the Sanitation truck to BB&T Government Finance as recommended. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

**G. Approval of Resolution Authorizing and Approving Financing Through Lease/Purchase and Award of Lease/Purchase Contract – Vehicles**

Ms. Rhodes stated that the lease/purchase of 24 vehicles was included in the approved FY11-12 budget. These vehicles were purchased through State contract. She stated that staff solicited proposals from financial institutions for the financing plan. She stated that of the quotes received, First Citizens quoted the low rate of 1.83% for a four year contract. Councilmember Isom made a motion to approve the Resolution and award the financing of the lease/purchase for the vehicles to First Citizens as recommended. Councilmember Jenkins seconded the motion which was unanimously approved.

**H. Discussion of Septage and Grease Receiving and Treatment**

Mr. Robinson addressed Council stating that the presence of ground water contamination surrounding the C.E. Taylor septage and grease ground application site in Lexington County has resulted in SC DHEC having to consider the re-issuance of the Taylor NPDES permit and having to weigh options for the treatment of such waste. He stated that SC DHEC had contacted the city to see if Cayce would be willing to enter into the septage/grease receiving and treatment business. He stated he advised DHEC that the City would be willing to consider it only if funding for the development and construction of a receiving facility was available without cost to the City. He stated that DHEC advised the City in March that various funding sources were available for this type of project without any required repayment of principal or interest and asked that the City provide a project development cost estimate for DHEC consideration. He stated that DHEC provided the City with additional information on area septage/grease operation and it was determined that the development of a 100,000 GPD facility would be appropriate to provide regional service. The City completed an SRF questionnaire to submit with the project estimate for funding consideration approval and received word that the project had been approved for \$1,000,000 if the facility served only Lexington

County. He stated that DHEC has offered \$1,892,000 in funding if the project was a regional facility, or receiving waste from outside of Lexington County.

Mr. Robinson stated that since receiving the funding offers, the City contacted other wastewater providers to determine what they offer for septage/grease receiving and treatment and staff has visited a new facility at the Spartanburg Water System. Ms. Rhodes stated that staff met to further discuss the issue and agreed that the City should develop a Cayce septage/grease receiving facility to serve Lexington County only. She stated that staff is asking for Council's direction on the matter. She stated that if Council directs staff to proceed, the next step would be to have the City engineers, American Engineering Consultants, determine what size facility could be developed with a \$1,000,000 budget and start looking at the operation and maintenance cost. She stated that obviously the City would charge to accept the waste and it could be a revenue generating operation and it does help the surrounding cities. She stated that right now the only other facility is in Bluffton and the cost of taking septage/grease there is substantial. Mr. Robinson stated that septage would go to the head works and would be treated in the flow from the City's customers. Mr. Robinson provided Council with details on the function of the facility and treatment. Councilmember Isom inquired as to how much capacity would be needed for the project. Mr. Robinson stated that was something that would need to be discussed with the Town of Lexington and the Joint Water & Sewer Commission and a percentage will have to be devised as everyone will be contributing capacity to the project and not just the City of Cayce. Ms. Rhodes stated that obviously there are a lot of issues to be worked out, but staff needs Council's guidance on whether or not staff should proceed with obtaining additional information. Council directed staff to proceed in obtaining further information as recommended.

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

Ms. Rhodes stated that in reference to the Riverwalk Phase IIIA and B, preliminary estimates of the total project have been completed. She stated the preliminary estimates were around \$300,000 and the city had \$100,000 in PRT funds. She stated that after Davis & Floyd walked the project, did the surveying and the preliminary design, the cost is estimated now to be around \$550,000 for the walkway, the lights, call boxes, conduit, ramp and parking lot. She stated staff is looking at options on how to obtain additional funding, if the project can be phased, and requesting additional funds from PRT. She stated the initial \$100,000 in PRT funds have to be spent by April and the grant application included the entire project. She stated staff was looking at trying to amend the application and doing only a part of the project.

She advised that the Planning Commission has taken up the discussion of the future Land Use Plan at their November meeting and will continue to discuss it at their December meeting along with the temporary sign ordinance amendment.

Ms. Rhodes provided Council with dates and details of upcoming events.

### **Committee Matters**

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

Planning Commission – June 20, 2011  
Beautification Board – October 11, 2011  
Cayce Museum Commission – October 12, 2011

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

- B. Committee Appointments

Beautification Board –Patricia Burton was initially recommended to replace Gloria Cook who resigned from the Board. Ms. Burton has withdrawn her application to serve on the Board. Mayor Partin advised that Council was advised of Ms. Burton's withdrawal and she was not appointed to the Board. The Board reviewed potential member applications received and recommends the appointment of Ashley Batson to this position. Councilmember Jenkins made a motion to appoint Ms. Batson to the Board. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Cayce Museum Commission – The following members' terms have expired: Cindy Peake, A.G. Dantzler, Ann Diamond, and Archie Moore. The Commission is in the process of reviewing these positions. There is no recommendation at this time. Councilmember James made a motion to postpone the issue until a recommendation is received. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

### **Executive Session**

- A. Discussion of negotiations incident to proposed contractual arrangements for wastewater treatment services between the Town of Lexington, Joint Water & Sewer Commission and the City of Cayce
- B. Discussion of negotiations incident to proposed contractual arrangements with Lexington Two School District

Councilmember Jenkins made a motion to move into Executive Session to discuss the matters above. Councilmember James 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 James seconded the motion which was unanimously approved by roll call vote. Mayor Partin announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

**Possible Actions by Council in follow up to Executive Session**

No action by Council was taken in follow up to Executive Session.

There being no further business, 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 8:30 p.m.

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Elise Partin, Mayor

ATTEST:

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Tammy P. Barkley, CMC, Municipal Clerk

EARLE SMITH

Council 2011 December

The drainage way that is supposed to allow stormwater to leave my property remains completely blocked and there are still some no-to-low cost actions the City could take to diminish the illegal diversion of excessive volumes of stormwater from the rights-of-way onto private property, including mine. The positive actions I applauded last month have ceased and serious flooding continues to threaten my property. On Christmas Day 2009, stormwater rose to three feet deep across my backyard. I do not care to repeat that experience. I once again ask that the City fulfill its responsibility of ensuring that the City's storm drainage ways remain clear and free flowing.

Proposed Ordinance 34-5

With regard to the proposed ordinance prohibiting the unauthorized depositing of solid waste onto public property, Section 34-31(a) of the City Code already makes it "unlawful for any person to place solid waste on or in any public street, public property, stream, or private property in the city..."

Further, the City has not clearly established the need for this particular ordinance. The Council's discussion last month centered on debris being blown onto people and their automobiles. I don't understand proposing a solid waste management ordinance to address threats and/or damages to persons and property.

As you know, I have some passion for keeping the City's storm drains clear and free flowing. The proposed law would actually discourage residents from collecting the leaves falling onto the street adjacent to their property, as mandated in various sections of the City Code. Such responsible behavior would invite a passing public safety officer to threaten residents with an excessively punitive fine and/or imprisonment. If the City really wanted to reduce leaves going into the storm drain system, it would propose an ordinance to mandate the bagging of leaves. Certainly lingering piles of leaves present a greater storm drain threat than leaves being incidentally blown into the street during property maintenance.



# RECUSAL STATEMENT

Member Name: JAMES SKIP JENKINS

Meeting Date: 12-6-11

Agenda Item: Section IV. Number B.

Topic: Approval of Ordinance to Rezone Property  
Located on New State & Godley Road - First Reading

*The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37). A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.*

### Justification to Recuse:

- Professionally employed by or under contract with principal
- Owns or has vested interest in principal or property
- Other: \_\_\_\_\_

Date: 12-6-11

Member [Signature]

Approved by Parliamentarian: [Signature]



My name is Gerald Cromer, I live in the Broadacres area and have for the past 53 years. I'll try and not jump around too much and keep this to less than 30 minutes. I have talked to each of you on council, the city manager, and a lot of the department heads, others at city hall, many of the men in the sanitation department, and the public safety department at one time or another. I'll have to say that everyone has always treated me with the utmost respect and courtesy.

I think that most everyone here at the council meeting tonight have seen the article in the news paper on Monday and the piece on the local TV last week about our city and the Town of Lexington, and the Joint Water & Sewer Commission. I don't think that either piece in the newspaper or TV really told Cayce's side of the story. I had found out about the meeting the afternoon of the meeting and then found about where it was located just an hour or so before the meeting. I think that I may have been the only citizen at that meeting.

Our city manager presented the city's case for the new rates to what I thought were right hostile conditions, being addressed as sweetie, and other names that were not becoming the position that she holds in our city. The City Manager went over many details of the agreement or contract, that was written by my understanding the people that set on that commission years before she became our city manager. She went into great detail about the agreement and how most all of the charges were derived and pointed out the chapter, verse and line in the agreement also. She also pointed out that the city of Cayce went to bat and borrowed the money for the new sewage plant when the others couldn't and that we have all of the responsibility of running it and also that we are the one on the hook for paying it off also.

She covered the price that is being charged today and that the citizens of Cayce are covering the cost that it is costing above what they are paying today. But the Commission thinks that they shouldn't pay the new price using the formula that everyone had agreed on by that agreement. They wanted to pay what they wanted to pay so that they wouldn't have to increase the charges to their customers by much. The Mayor pointed out that Cayce had slowly increased our fees each year, and had taken a lot of heat because of those increases in the past, so that there wouldn't be a lot of sticker shock

all at one time when the new plant came on line and that was the box that the commission now finds it's self in. But after an executive session they felt that they should use any means to make Cayce come around to what they wanted and the price that they want to pay..

With my 30 minutes almost used up, I would like to commend the Council, the City Manager and all of the staff that has worked on the agreement and trying to get what is due Cayce and it citizens, so that we the citizens don't have to take up the slack that the others don't want to pay of their fair share. With that said, I say a job well done to all of you.

Gerald Cromer  
12-06-2012