

Mayor  
Elise Partin

Mayor Pro-Tem  
James E. Jenkins

Council Members  
Tara S. Almond  
Phil Carter  
Eva Corley

City Manager  
Brian Watkins



**CITY OF CAYCE**  
**Regular Council Meeting**  
**November 13, 2018**

The November Regular Council Meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council Members Tara Almond, Phil Carter, Eva Corley and James Jenkins. Administrative Consultant Steve Brown, Assistant to the City Manager Rachelle Moody, Municipal Clerk Mendy Corder, Municipal Treasurer Garry Huddle, City Attorney Danny Crowe, Planning and Development Director Carroll Williamson, Human Resources Director Lynn Dooley and Deputy Director of Public Safety Jim Crosland were also in attendance.

Mayor Partin asked if members of the press and the public were duly notified of the Council Meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

**Call to Order**

Mayor Partin called the meeting to order. Council Member Jenkins gave the invocation. Mayor Partin stated that the City is proud to honor military veterans by inviting them to lead the assembly in the Pledge of Allegiance at each regular Council Meeting. She stated that Mr. Steve Brown joined the United State Marine Corp on April 1, 1968. After his initial training he was assigned to a Marine Light Helicopter Squadron in Camp Pendleton, California for a period of 18 months. He spent 12 months overseas and his last months at MCAS Beaufort, South Carolina. Mr. Brown was discharged on March 31, 1972 after 4 years of active duty. Mayor Partin and Council thanked Mr. Brown for his service.

**Oaths of Office**

- B. Oath of Office Administered by Judge Keabii Henderson  
Office of Mayor, Council Member District 2 and Council Member District 4

Judge Henderson administered the oaths of office to Mayor Partin, Council Member Phil Carter and Council Member James Jenkins.

- C. Election of Mayor Pro-Tem

Mayor Partin advised that in accordance with City Code, the Mayor Pro-Tem is to be elected after each municipal election. Council Member Jenkins made a motion to appoint Council Member Tara Almond as Mayor Pro-Tem to serve a two-year term.

Council Member Corley seconded the motion which was unanimously approved by roll call vote.

### **Approval of Minutes**

Council Member Corley made a motion to approve the October 2, 2018 Regular Council Meeting minutes and the October 17, 2018 Special Council Meeting minutes as written. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

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

No one signed up for Public Comment.

### **Presentations**

#### **A. Presentation by Mr. Michael Stillwell re Outside City Sewer Rates**

Mr. Stillwell had to go out of town with work so his wife, Lesley, spoke on his behalf. Ms. Stillwell stated she was there to represent Drayton Hall residents. She stated that Drayton Hall is located outside of the City on Highway 321. She stated that she and her neighbors have extremely high water and sewer bills. She stated some of the Drayton Hall residents have had bills as high as \$900 for a two month period. Ms. Stillwell stated that the Neighborhood's Home Owner's Association requires that everyone's yards are maintained and part of that is watering their grass.

Ms. Stillwell stated that the majority of the residents cannot afford to pay their bills. She stated that she and her husband can only afford to pay half of the bill every billing cycle so they are charged a 10% late penalty. She stated that they are used to paying their bills in full and on time but have had their water cut off before for non-payment in their new home. She asked Council to consider lowering the water and sewer rates for out of City customers. She stated that it could be accomplished by annexing Drayton Hall into the City or by lowering the flat rate for out of City customers. She thanked Council for their time.

#### **B. Presentation by Judge Keabii Henderson re the City's Municipal Court**

Judge Henderson stated that she started working for the City in 2012 as a young prosecutor. She thanked Council for the trust and confidence they have given her over the years as the Municipal Judge for the City. She stated that it was with a heavy heart that she decided to resign. She distributed information to Council that showed the caseload of the Municipal Court in 2012 and the caseload in November 2018. She

stated that the caseload for jury trials was diminished by over 80%. She stated that in 2012 the oldest cases were approximately three years old. In 2018 the oldest case is less than a year old.

Judge Henderson stated that she and Court staff took a number of steps to balance the caseload. She stated that they instilled pre-trial conferences which was an opportunity for each side to come in and discuss the cases to determine if they could be settled before trial. She stated that they also implemented multiple jury strikes. She stated that in 2012 jury strikes were held monthly and currently they are held as often as necessary to ensure the caseload is not going past a one year time frame. Judge Henderson stated that additional plea dates were also instituted to accept pleas as they came in from each side that participated in the negotiation.

Council Member Jenkins thanked Judge Henderson for the many improvements she made to the Municipal Court. Judge Henderson thanked Council for being such wonderful bosses. She stated that Council gave her the latitude to do what was needed and any time she went to Council with requests she was heard and her requests were considered. Mayor Partin thanked Judge Henderson and stated that it had been an honor and a pleasure to work with her.

### **Ordinances**

- A. Discussion and Approval of Ordinance 2018-12 Amending Sect. 10-81 ("Non-Owner and Unoccupied Registration Required") of the Zoning Ordinance of the City of Cayce – Second Reading

Council Member Almond made a motion to approve Ordinance 2018-12 on second reading. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

- B. Discussion and Approval of Ordinance 2018-13 Amending Ordinance 2018-07 to Establish a New Business License Tax for Special Event Organizers – First Reading

Council Member Carter made a motion to approve Ordinance 2018-13 on first reading. Council Member Almond seconded the motion. Mr. Williamson stated that the current Business License Ordinance does not have a tax specifically for special event operators. At present, City staff is using a broad description of arts, entertainment, and recreation type businesses to assign the amount for the annual business license for special event operators. Mr. Williamson stated that staff is proposing a specific special events business license tax that is more applicable to this type of business. The tax is \$200 for the first \$2,000 of the special events operator's gross revenue of business in the

City limits, plus \$5.05 for each additional \$1000 of gross revenue. He stated that this matches what the City currently charges for carnival operators, in accordance with the Business License Ordinance.

Mr. Williamson stated that staff is in the process of developing a special events policy that will address how special events are conducted in the City. The City's special events policy states that only the special events operator must obtain a business license. Each vendor participating in the special event is not required to obtain a separate business license. Mayor Partin called the question and the motion was unanimously approved by roll call vote.

C. Discussion and Approval of Ordinance 2018-14 Amending Article 7  
("Conditional Use Regulations") of the Zoning Ordinance of the City of Cayce  
– First Reading

Council Member Almond made a motion to approve Ordinance 2018-14 on first reading. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

**Other**

A. Consideration and Approval of Method of Payment of Interest for State  
Revolving Fund Loan for Water Systems Replacement Project

The City has accrued \$316,562 in interest to date based on the \$20,213,728 disbursed for the SRF 17 Water System Replacement Project. Per the loan agreement the interest accrued during the deferral period is due and payable by December 1, 2018, or the interest can be added to the principal and amortized over the life of the loan. Staff is seeking Council's guidance on whether to pay the interest accrued of \$316,562 now or add it to the loan and amortize the amount over the 30 year life of the loan. If it is added to the loan, it will add a total of \$93,358 in interest costs to the loan over the 30 years.

Mayor Partin stated that staff recommends Council approve paying the \$316,562 now therefore there will be a savings of \$93,358. Council Member Almond made a motion to follow staff's recommendation and proceed with paying the interest now with current operations funds. Council Member Corley seconded the motion. Council Member Carter stated that by doing this the City would pay the deferred interest that has accrued to date. Mr. Huddle stated that the City has the funds to pay the interest up front rather than continuing to defer the interest and pay interest on interest. He stated that it was only \$100,000 over thirty years but \$100,000 is still a large amount of money. Mayor Partin thanked Mr. Huddle for bringing this matter to Council. She stated it is Council's goal to make these kinds of careful decisions for the City's funds.

Mr. Brown stated that he was pleasantly surprised to learn that Mr. Huddle has been paying emergency expenses with operating funds over the past three years. He stated that since Mr. Huddle was paying with operating funds it was very likely that he would not have to use surplus funds to pay the interest. He stated that Mr. Huddle and staff should be commended for watching the City's funds so closely. Mayor Partin called the question and the motion was unanimously approved by roll call vote.

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

Mr. Brown stated that it was good to be back in the City of Cayce after eight years. He thanked Council for the opportunity to come back and work with Council and staff and stated that the City has a fine staff. He stated that he wanted to update Council on everything that has been going on in the City since he had been back. He stated that the septage and grease facility had been very profitable for the City over the last several years generating a profit most years of nearly \$500,000. Due to operational problems handling the grease and septage over the years, the two storage tanks became full of solids and created a critical need for first time cleaning. During the first quarter of this fiscal year, each storage tank has been shut down for cleaning. This issue created periods being completely down for operations or partially down from receiving septage and grease. The grease tank is still currently down. The septage tank has now been cleaned and currently back in operation. The cost to clean the septage tank was around \$50,000. The cost to clean out the grease tank will be around \$200,000. \$100,000 was budgeted to clean out the septage tank this current fiscal year but staff did not anticipate having to clean out the grease tank. Mr. Brown stated that the good news is that the revenue billing for October 2018 is higher than the revenue billing for October 2017 even with one tank out of operation.

Mr. Brown stated that by the grease tank being either totally or partially out-of-service during the first quarter of this fiscal year, the City is down approximately \$110,000 in revenue billings compared to the 2017 first quarter. Staff will need to try to make up for this loss in the remainder of this fiscal year and also make up for the extra expense of about \$150,000 in unexpected clean out of the grease tank. The biggest receiving amounts annually occur in the 3rd quarter of the fiscal year and both tanks should be cleaned out by then and in full normal operation to receive both septage and grease.

Mr. Brown stated that he and staff believe that the design of the receiving station is not ideal to handle the large amount of grease that the City regularly receives. He stated that staff, with the cooperation of SCDHEC and an outside Contractor, has tried to use new technologies to recycle the grease out of the grease tank and capture it before having to send it to the belt press. This new technology that a Contractor has attempted to use over the last few months has not been successful in removing large

amounts of grease. Until another solution is found to handle grease, the City will have to clean these tanks when needed. Even with that expense, the facility is profitable. If staff is able to find an improved process for grease, the profitability could be increased.

Mr. Brown stated that on November 5, he called a "team huddle" to discuss the fact that the original number of call boxes on the City's Riverwalk are no longer in place. Ms. Moody, Ms. Dooley, Lt. Beckham, Mr. Denny, Mr. Marini, Deputy Director Crosland, and Ms. Corder were in attendance. He stated that out of the 28 call boxes originally installed only 8 are installed presently. The phase 1 boxes were installed in 2002 and phase 2 in 2004. They were expected to have a 7-10-year life if refurbished. He stated that a critical factor is that the boxes are constantly exposed to the weather and a moist environment due to their location. The electronic boards and other internal parts have been treated with silicone to prevent moisture damage, but it has not eliminated operational problems due to moisture. The call boxes were pulled off the poles during periods of flooding and high water. This process is not gentle and causes them to be banged around and often damaged.

Mr. Brown stated that the boxes were refurbished in 2010. This project included sending them to Call24. They cleaned the boards and electronic connections, replaced parts as necessary and then again sprayed them with silicone. Since the floods of 2015, most of the call boxes have been stored and not reinstalled. With SCE&G providing power, call boxes can no longer be placed on SCE&G's poles. A stand-alone metal post must be installed along with electrical connections. Call24 has informed the City that they support the call boxes designated for phase 1 & 2; however, they are no longer manufacturing motherboards used in these units. Call24 attempts to find spare parts from outside sources but are often unsuccessful. Therefore the boxes have to be removed from the usable call box listing. Mr. Brown stated that these boxes have served their useful life.

Mr. Brown stated that the radio antenna, if continued to be used by the call boxes, will need to be transferred to the City's new water tower. The call boxes operate on 220+ volts of electricity. At times, more often than not, employees who have no formal electrical training are having to address issues of high voltage. He stated that continuing to rely on the electrician employed by the Utility Department may not be the most effective and there will always be conflict on whose work has priority.

Mr. Brown stated that according to staff, the replacement cost of each box is \$5,000. If all 28 are replaced, the call box cost would be a minimum of \$140,000 plus materials and labor to connect each. He stated that with the inability to eliminate moisture infiltration, staff confidently believes the life expectancy of a call box will be 5-8 years. He stated that maintenance is another concern. The preferred method of maintaining the call boxes is to engage a third-party contractor; however, the availability

of contractors is limited. The City of West Columbia's third-party contractor has stated that they do not intend to renew their contract at expiration. Mr. Brown stated that his suggestion is to look at all options to include no call boxes, cellphone technology, LED lighting fixtures that have video and/or photographic capability and adding park rangers.

Mr. Brown stated that the City may consider having an emergency communications consultant evaluate the Riverwalk and parking lots to determine the best system of security. He stated that if the City continues with the same system, it will require large capital expense on a fairly routine basis and hours of staff time.

Mr. Brown stated that he had been reviewing documents and other information pertaining to the question on the applicability of sales tax on Motorola's "subscription service". He stated that the issue needs to be resolved because elements of the new system will come on line soon, and the Cayce Public Safety Department needs to have service once it is operational. He stated that the term subscription service appears to be inclusive of actions required on a continuous basis to keep the system operational. Motorola defines "software" as software delivered as part of the Licensed Product used to provide the Subscription Service. He stated that Licensed Product means 1) software hosted or installed at customer's site, 2) Documentation, 3) associated interfaces, 4) help resources, and 5) any related technology available by the Solution. Solution means collectively, the software, the servers and any other hardware or equipment operated by Motorola and used in conjunction with the Subscription Service.

Mr. Brown stated that he located the following statement in rulings by SC Department of Revenue: By definition, "tangible personal property" does not include the transmission of computer database information by a cooperative service when the database information has been assembled by and for the exclusive use of the members of the cooperative service. Therefore, such transmissions are not subject to the sales tax. He stated that the agreement states that the subscription fees do not include sales tax, all of which will be paid by the customer except as exempt by law. It adds that if Motorola is required to pay any tax, it will send an invoice to the City of Cayce. By demanding payment now before it is determined that sales tax must be paid, Motorola violates this section. He stated that if a transaction is excluded from the tax, it is not subject to sales tax. The exclusions are found in several sections of the sales and use tax statute and apply to a variety of transactions. While a transaction must squarely fall within the requirements of an exclusion in order for the tax not to apply, exclusions are liberally construed. He stated that in other words, if there is doubt as to whether a transaction falls within the requirements of an exclusion, the tax will not be imposed.

Mr. Brown stated that it is his thought that the subscription service is nothing more than a database owned and maintained by Motorola which is the operating system for the Premier One Computer Aided Dispatch System. The main goal in this effort is to

provide a timely completion of the final stages of installation with the goal of going "live" in November 2018, and at the same time possibly saving \$28,700 of Cayce City funds.

Mr. Brown stated that City staff informed him of their Code Enforcement efforts on substandard structures and the lack of the ability to place liens on properties. He stated that he gave Mr. Williamson and his staff a set of forms that the City of Greenwood used to file liens. He stated that he asked Mr. Williamson to discuss this with City Manager Hegler and if she approves, he is confident that the same forms can be utilized by Cayce Code Enforcement staff.

Mr. Brown stated that he provided Council with the minutes of a recent Lexington County Stormwater Advisory Committee meeting and asked them to note that discussions are on-going regarding Lexington County adopting a county-wide stormwater fee. He stated that he thinks close monitoring of future discussions would be warranted because the impact on the residents of the City of Cayce is not known at this time.

Mr. Brown stated that Ms. Moody and Mr. Williamson recently graduated from the South Carolina Economic Development Institute. The Institute is hosted by the Department of Commerce and is the state's leading economic development training program. He stated that entrance into the Institute is limited and competitive. Ms. Moody and Mr. Williamson studied in the Institute over this past year with the leading economic development professionals from across the state.

Mr. Brown stated that the Congaree River is forecast to crest at 16 feet on November 15 so the City will likely experience flooding on November 14. He stated that the Congaree River was currently at 7.09 feet. He stated that sections of the Riverwalk will be closed as necessary due to flooding.

Mr. Brown stated that staff has posted the openings for Municipal Judge and for the Public Defenders positions. Mr. Brown stated that Ms. Moody had an announcement regarding a grant. Ms. Moody thanked Mr. Brown for allowing her to make the announcement. She stated that she was very excited to announce that staff had received notification that the City has been awarded a \$500,000 grant from the Rural Infrastructure Authority to work on stormwater issues in the Avenues. She stated this is the first step in the process and the hope is that this will cause a snowball effect that will lead to many other projects in the future. She stated that the City will replace 5 existing 48" stormwater culvert pipes with 54" culvert pipes at Axtell Drive, Delieesseline and Blake Drive. This will help with overtopping of the associated roads and will allow provision of additional stormwater conveyance and it will lower the velocity flow of the water. Mayor Partin stated that Ms. Moody did a great job writing the grant. She stated that the Grant Administrator stated that the first grant for stormwater assistance Ms.



Moody wrote was amazingly written. Mayor Partin thanked Ms. Moody for her persistence.

### **Committee Matters**

#### **A. Appointments and Reappointments Accommodations Tax Committee – One (1) Position**

Council Member Almond made a motion to appoint Mr. Peter Fikas to the Accommodations Tax Committee. Council Member Corley seconded the motion. Council Member Almond stated that Council Member Carter voiced concern that Mr. Fikas was not a resident of the City. She stated that the City's policy stated that a committee member either has to live in the City or work in the City. Ms. Corder stated that the Accommodations Tax Committee requires that some of the members work in the hotel industry and some in the restaurant industry. She stated that Mr. Fikas recently purchased George's Southside Restaurant. Mayor Partin called the question which was unanimously approved by roll call vote.

Mayor Partin stated that the City has openings on the Accommodations Tax Committee, the Municipal Election Commission, the Consolidated Board of Appeals, the Events Committee and the Public Safety Foundation.

#### **B. Approval to enter the following Committee approved Minutes into the City's Record** Planning Commission – June 8, 2018 Events Committee – August 9, 2018 Cayce Housing Authority – October 16, 2018 Museum Commission – October 17, 2018

Council Member Corley made a motion to enter all the approved City Committee meeting minutes into the record. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

### **Council Comments**

Council Member Almond thanked Council Member Jenkins for his years of service as Mayor Pro Tem and thanked Council for the honor of allowing her to serve in that position and the confidence they bestowed upon her. Council Member Corley congratulated Mayor Partin and Council Members Carter and Jenkins for being reelected and stated it was an honor to work alongside them. Mayor Partin stated she was excited and thrilled that the City has a Council that puts the City before themselves and that they work diligently on a regular basis to make the right decisions to take care

of the City. She stated that she was excited that they get to continue working together. Council Member Jenkins stated that he seconded what the Mayor said. Council Member Carter stated that it has been an honor to serve on Council and he has received feedback from residents stating that they are happy with the direction the City is going in. He stated that there is still a lot of work to be done but a lot of work has already taken place.

### **Executive Session**

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to proposed contractual arrangements relating to the Brickworks Apartments Project
- C. Discussion of negotiations incident to proposed contractual arrangements regarding matching funds for grant for sidewalks on Frink Street
- D. Discussion of appointment of City Attorney

Council Member Jenkins made a motion to move into Executive Session. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

### **Reconvene**

After the Executive Session was concluded, Council Member Almond made a motion to reconvene the Regular meeting. Council Member Corley seconded the motion which was unanimously approved by roll call vote. Mayor Partin announced that no action was taken in Executive Session other than to adjourn and resume the Regular meeting.

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

#### **Item IX. C.**

Council Member Almond made a motion to authorize staff to proceed with acceptance of the Rural Infrastructure Grant and the TAP Grant through SCDOT. Council Member Corley seconded the motion. Council Member Carter stated that at the next Regular Council Meeting he would like to see an assimilation of all City projects and get a state of the City's finance fund balances. He stated that he knows it would only be estimates since the City is just beginning the FY18/19 budget year. He stated that he is very uncomfortable with the amount of money the City is about to spend.

Council Member Almond stated that she would like to see that information as well. She stated that she knows the City will be receiving money soon from FEMA for the 2015 floods. Council Member Carter stated that the problem with the FEMA money is that it will go back to the City's fund balance. Mr. Brown stated that he had seen a document in the City Manager's office that shows every City fund and how much money is in each one. He stated that it needs to be updated since it is probably 45 days old but that should get Council started on having that information. Mayor Partin called the question and she and Council Members Almond, Corley and Jenkins voted yes. Council Member Carter voted no.

Item IX. D.

Council Member Almond made a motion to reappoint the City's Attorney. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

**Adjourn**

There being no further business, Council Member Corley made a motion to adjourn the meeting. Council Member Almond seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 8:06 p.m.

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Elise Partin, Mayor

ATTEST:

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Mendy C. Corder, CMC, Municipal Clerk

