

**CITY OF CAYCE  
Regular Council Meeting  
November 1, 2011**

The Regular November Council Meeting was held this evening 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 called the meeting to order at 6:00 p.m., 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 October 4, 2011 Regular Meeting and October 25, 2011 Special Meeting as submitted. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

**Presentations**

A. Presentation by Ms. Patricia Shull Re Sewer Availability Charge

Ms. Shull appeared before Council to discuss her concern with paying a sewer availability charge even though she is not tied on to the City's sewer system. She stated that she feels the sewer availability fee is unfair. She thanked Council for their time and for including this issue on tonight's agenda.

B. Presentation by Mr. Earle Smith re Storm Drainage Issues

Mr. Smith appeared before Council to discuss storm drainage issues (see notes attached).

C. Presentation by Mr. Ron Shelton re 70<sup>th</sup> Anniversary of the Columbia Army Air Base (CAAB)

Mr. Shelton appeared before Council to provide information on the 70<sup>th</sup> Anniversary celebration of the Columbia Army Air Base to be held on December 3, 2011

from 11:00 a.m. – 3:00 p.m. at the SC Aeronautics Division Hanger at the Columbia Metro Airport. He stated that the public event is also to honor the soldiers that trained and worked at the base as well as hundreds of families that had workers there and supported the operation in many ways. He stated that remembering the 70<sup>th</sup> anniversary of Pearl Harbor will also be a part of the activities. He invited Council and those in attendance to join in this celebration and provided Council with the list of activities for the day. (Additional information provided is attached to the minutes.)

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

Mr. Earle Smith regarding Items IV. C. and VIII. A. – Mr. Smith stated that in reference to Item IV. C. prohibiting the unauthorized depositing of solid waste on public streets, public rights-of-way and public property. He stated that he reviewed Chapter 35 of the Code of Ordinances regarding Solid Waste and felt that the new ordinance being considered by Council would create duplication in the code and that Chapter 34 may not be the best place to put it. He also commented on the notification of violations and pointed out the fines for the violations seem to conflict.

He stated that in reference to Item VIII. A. Executive Session, that the wording of the item to be discussed is very vague and not within the guidelines of the Freedom of Information Act. (See additional notes attached)

### **Resolutions and Ordinances**

- A. Approval of Resolution Recognizing Mr. & Mrs. David Murray and Murray's Neighborhood Grill and Bar as the recipient of the 2011 Greater Columbia Restaurant Association Lifetime Achievement Award and Induction Into the Columbia Restaurant Hall of Fame

Council considered for approval a Resolution recognizing Mr. and Mrs. David Murray and Murray's Neighborhood Grill and Bar as the recipient of the 2011 Greater Columbia Restaurant Association Lifetime Achievement Award and Induction Into the Columbia Restaurant Hall of Fame. Mayor Partin stated that this is the highest award given to any business owner in South Carolina. Councilmember Isom made a motion to approve the Resolution. Councilmember James seconded the motion which was unanimously approved by roll call vote. Mayor Partin presented the Resolution to Mr. & Mrs. David Murray and thanked them for being a vital part of the Cayce community.

- B. Approval of Resolution Ratifying a Mutual Aid Agreement between the Lexington County Health Services District and the City of Cayce

Council considered for approval a resolution ratifying a Mutual Aid Agreement between the Lexington County Health Services District and the City of Cayce. Mayor Partin advised that a revised resolution had been placed at Councils' desks and that a change had been made in the name of the entity from Lexington Medical Center to

Lexington County Health Services District. Councilmember Jenkins made a motion to approve the revised resolution as submitted. Councilmember Jumper seconded the motion. Councilmember Jenkins commented on some of the guidelines in the agreement regarding when officers can be let go and liability issues. Ms. Rhodes stated that when the City responds as mutual aid, we follow their incident command. She stated there is a release in the agreement that addresses this situation. Mayor Partin stated that since this is a mutual aid agreement this is reciprocal if we are asking for their mutual aid. In reference to liability, Ms. Rhodes stated whether the City's officers are working for us or with other agencies, they are under the city's liability and workers compensation insurance. After discussion, the motion was unanimously approved by roll call vote.

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 – First Reading

Council considered for first reading approval of an Ordinance amending the Cayce City Code, Chapter 34, by adding a section prohibiting the unauthorized depositing of solid waste on public streets, public rights-of-way and public property. Ms. Rhodes asked Mr. Greenwood to come forward to provide Council with additional information on this issue. Mr. Greenwood stated that after discussions with the City's code enforcement officers who have been responding to issues of businesses blowing their clippings and leaves and other debris onto cars as they were driving by, staff researched the ordinance and realized that the City did not have a clause that specifically addressed that type of activity. He stated staff also researched other municipal ordinances to see how others handle the situation. He stated that Public Safety has been addressing the situation using the State statute on littering and felt it would be better dealt with using a local Ordinance to address not only commercial, but residents blowing their debris out into the street. He stated all of that debris goes into the City's storm drains and loose green waste will clog up drains and as it breaks down, it actually contributes to some of our water quality problems. Eliminating this waste in the city's storm drains helps with flooding issues and addresses one of the City's permit requirements with DHEC in dealing with storm water run off. He stated the ordinance now specifically addresses and defines green waste.

Discussion took place regarding natural causes such as wind blowing debris into the street and enforcement. Mr. Greenwood stated that in order for a public safety officer to cite a person they will have to observe someone blowing the debris into the street. Ms. Rhodes stated that the idea behind the Ordinance is to eliminate people actively blowing debris into the street. It was suggested that the word "intentionally" be included in the Ordinance. Chief McNair stated it would be very difficult to prove "intent." Ms. Rhodes stated she would discuss this with the City Attorney and get his input on how best to word. After discussion, Councilmember Jumper made a motion to approve the Ordinance on first reading. Councilmember James seconded the motion

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which 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 an Ordinance Amending Cayce City Code, Chapter 28, Article IX, By Adding Section 28-231 Relating to Time Restrictions on Peddlers and Solicitors at Residences – Second Reading**

Ms. Rhodes stated that an error was made on the agenda and this is the second and final reading of this Ordinance. She stated that as requested by Council, the Ordinance has been amended to include the hours of operation for solicitors and peddlers at residences of 9 am to sunset and sunset has been appropriately defined. Councilmember Jenkins made a motion to approve the Ordinance as amended on second and final reading. Councilmember Jumper seconded the motion which was approved four to one by roll call vote with Councilmembers Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

**E. Approval of Ordinance Establishing a Payment in Lieu of Business License Tax and Franchise Fee and a Payment In Lieu of Property Tax for the City Water and Sewer System – Second Reading**

Councilmember James made a motion to postpone the issue until the next regular Council meeting. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

**Other**

**A. Discussion of the City of Cayce Sewer Use Ordinance Re Sewer Availability Charge**

Mayor Partin inquired about a few questions she had previously asked regarding how the city keeps track of individuals who request that their septic system be pumped out. Mr. Robinson stated the City gives individuals approval to pump their system one time only after they pay their tap fee and agree to connect to the City's sewer system in 60 days. He stated the individual calls a septic tank company to have their system pumped out and the company calls the City to receive approval to do so. Mayor Partin inquired if the staff is aware if the seven people left on the list have requested their system be pumped. Ms. Rhodes stated from those left on the list the city has not been contacted regarding requests for their systems be pumped. Ms. Rhodes stated that occasionally we find people who do not even know they are on a septic tank and think they are on the city's sewer system and the city is not aware until a call is received regarding a sewer problem. She stated for these anomalies there is really nothing that can be done until they can be found or they contact the City.

Ms. Rhodes provided Council with several options to consider. After discussion, Councilmember Isom made a motion to authorize the City Manager to provide Council

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with an Ordinance to amend the Sewer Use Ordinance to reduce the sewer availability charge to zero for known property owners who are currently not connected to and discharging into the sewer system and to require those individuals to pay the current tap and capacity fees when they do decide to connect to the sewer system. Council-member James seconded the motion which was approved four to one by roll call vote with Councilmembers Isom, Jumper, James and Mayor Partin voting yes and Councilmember Jenkins voting no.

**B. Bid Award – Purchase of UFOC Pole Building for Utilities Compound**

Ms. Rhodes stated that as part of the FY11-12 O&M budget, Council approved funds in the amount of \$50,000 to accommodate the purchase of a 50'x50'x16' pole building to house the two sewer vacuum trucks and other sewer equipment. She stated that the low bid was received from Congaree Builders Inc. for the amount of \$41,900 and recommends that the bid be awarded to them. After discussion, Councilmember James made a motion to award the bid to Congaree Builders in the amount of \$41,900. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

**C. Bid Award – Purchase of Directional Drilling Equipment for Utilities Distribution and Collection Department**

Ms. Rhodes stated that as part of the FY11-12 O&M budget, Council approved funds in the amount of \$135,000 for the purchase of directional drilling equipment for the Utilities Distribution and Collection Department. She stated that the low bid was received from Ditch Witch of the Carolinas in the amount \$98,731.62. Discussion took place regarding the warranty offered by the bidders. After discussion, Councilmember Jenkins made a motion to award the bid to the low bidder, Ditch Witch of the Carolinas, in the amount of \$98,731.62, that an inquiry be made regarding the availability of an extended warranty, and that if practical, purchase the extended warranty with funds left over from the amount budgeted versus actual costs. Councilmember James seconded the motion which was unanimously approved by roll call vote.

Due to a pressing engagement, Councilmember Jumper departed the meeting at 7:32 p.m.

**City Manager's Report**

Ms. Rhodes advised Council that a list of dates had been provided to Council for the next two months including holiday obligations.

She stated the Lexington County Municipal Association dinner will be held on December 8 and will be hosted by the City of Cayce.

Ms. Rhodes provided Council with a brief report on the OSHA violations that were found last year and the resolution to each and wanted Council to be aware that this issue has been completed.

Ms. Rhodes advised that the suggested changes to the future Land Use Map will be discussed by the Planning Commission at their next meeting and recommendations will be brought back to Council for review and approval.

She stated that the Wastewater Treatment Plant is scheduled to be completed by February 16, 2012. She stated that obviously weather or a number of things could affect that date, but it is approximately 70% complete as of October. She stated that it may take a while to get the DHEC permit to operate the plant and push the opening to the Fall of 2012.

In reference to the Sign Ordinance, she stated that the consensus of Council is to look at some changes to the Ordinance and staff will be reviewing the Ordinance and will provide a side by side comparison to be discussed in a workshop session. After obtaining Council's input, the revisions will be sent to the Planning Commission to review. She stated that staff would contact Council regarding available dates for a workshop session. Councilmember Jenkins stated that at the intersection of Frink and 12<sup>th</sup> Street there are several signs. Ms. Rhodes stated that until decisions are made as to what to change in the ordinance, enforcing the ordinance will be difficult.

Mayor Partin inquired if staff could check the dates provided to Council. There appears to be some conflict in dates/times between the list, calendar and newsletter. Mayor Partin thanked staff for preparing the OSHA report for Council. She stated that Councilmember Jenkins was awarded a watch from his employer congratulating him on 1,000,000 safe work hours and that is the sentiment that we now operate under and she appreciates staff's efforts in this regard.

### **Committee Matters**

- A. Approval to Enter the Following Approved Committee Minutes into the City's Official Record
  - Cayce Housing Authority – August 16, 2011
  - Cayce Events Committee – September 8, 2011
  - Beautification Board – September 13, 2011
  - Cayce Museum Commission – September 14, 2011

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

- B. Committee Appointments

**Beautification Board – One Position**

Ms. Gloria Cook has resigned from the Board. The Board reviewed potential member applications received and recommends the appointment of Patricia Burton to this position. Mayor Partin advised that she just received word today that Ms. Burton had to withdraw her potential member application for the Beautification Board and there is no recommendation at this time. Councilmember Isom made a motion to postpone the issue until the next Council meeting. Councilmember James seconded the motion which was unanimously approved by roll call vote.

**Municipal Election Commission – Four Positions**

Ms. Eunice Bowman passed away in October. According to State Law 7-13-70, the City is required to have no more than five and no less than three members on the Commission. With the passing of Ms. Bowman, there are three remaining members—Mr. Will Chavis, Ms. Thedora Washington, Mr. Ed Barwick. Their six-year terms have expired. Mayor Partin advised that staff recommends the positions for the Municipal Election Commission be postponed until the next Council workshop session. Councilmember Jenkins made a motion to postpone the issue until the next Council workshop session. Councilmember James seconded the motion which was unanimously approved by roll call vote.

**Executive Session**

A. Discussion of negotiations incident to proposed contractual arrangements

Ms. Rhodes stated that the matter to be discussed is the contract for wastewater services between the Town of Lexington, Lexington Joint Water & Sewer Commission and City of Cayce. Councilmember Jenkins made a motion to move into Executive Session to discuss the matter above. Councilmember James seconded the motion which was unanimously approved by roll call vote.

**Reconvene**

After the Executive Session was concluded, Councilmember James made a motion to reconvene the Regular meeting. Councilmember Jenkins 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**

Councilmember James made a motion to authorize the Mayor to sign Amendment No. 2 of the SRF Loan Agreement for the new Wastewater Treatment Plant for an interest rate reduction. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

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Council asked staff to contact them to set up a Council workshop session the week of November 14-18, 2011.

Mayor Partin asked Council to please review the revised Holiday drop-in list provided and to return their changes to staff by the end of this week.

Councilmember Isom advised that again this year he would be assisting with the neighborhood trees program and that trees will cost \$20 each.

Councilmember James reminded Council of the Imagine Cayce Gala to be held on Friday, November 4 at the Farmers' Market.

There being no further business, Councilmember Jenkins made a motion to adjourn the meeting. Councilmember James seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 8:10 p.m.

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Elise Partin, Mayor

ATTEST:

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Tammy P. Barkley, CMC, Municipal Clerk