

**CITY OF CAYCE
Public Hearing and Regular Council Meeting
January 5, 2010**

A Public Hearing was held at 6:00 p.m. in Council Chambers to obtain public comment on the proposed smoking ban ordinance. Those present included Mayor Elise Partin, Councilmen James Jenkins, Steve Isom, Ken Jumper, and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk and Garry Huddle, Municipal Treasurer. Mayor Partin advised that members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA.

Opening Statement

Mayor Partin stated that the purpose of the Public Hearing was to obtain public comment regarding the Proposed Smoking Ban.

Public Testimony

David Murray, owner of Murray's Neighborhood Bar & Grill – Mr. Murray stated that he is not here as a promoter of smoking. He strongly supports a non-smoking ban, but felt that coordination or the ordinance with West Columbia would be important for the businesses in both cities. He stated that his business has decreased due to the recession and there have been a lot of layoffs within the area. He stated that UPS laid off its third shift employees, car dealerships have had layoffs and that his number of employees has decreased by 10. He stated that his restaurant has a designated smoking area and asked Council to consider tabling the issue until an agreement on the effective date of the Ordinance can be coordinated with the City of West Columbia. He stated that he did not think his business could take a 10% hit at this point.

Tommy Howard – Mr. Howard stated that he is part of the family that ran Howard's and Howard's Sports in Cayce for many years. He stated that he lives in Lexington and the smoking ban in the Town of Lexington and the County has gone into effect. He stated that it may be bad economic times, but felt that smoking or not smoking has caused it. He stated that he has served on the Lexington County Recreation Commission and they do not allow any tobacco products on any of the outdoor fields and have had no problems. He agreed with Mr. Murray's comment that West Columbia should come on board in coordinating the effective date of the ordinance. He stated that he is in favor of allowing outdoor decks for restaurants and bars.

Dr. Katie Wynn, resident of Cayce. Dr. Wynn stated that she is a health consultant and works at DHEC. She stated that there is no debate that smoking causes

health hazards and ventilation does not rid areas of smoke. She stated it is a protection issue and whether it is done tonight or later, it is important to collaborate with West Columbia. She encouraged Council to communicate and come up with a reasonable solution. She asked Council to consider the protection issue, the legalities of not protecting workers, and she was in favor of placing incentives to business owners to go smoke-free.

Marie Knight, SC DHEC employee. Ms. Knight stated that DHEC is committed to healthy people in healthy communities and supports a no smoking ordinance as proposed. (Additional comments attached)

Suzanne Sanders, Chairperson of Rise Above It. Ms. Sanders stated that she was in favor of a no smoking ordinance as proposed. (Additional comments attached)

Louis Eubank, SC Tobacco Collaborative – Mr. Eubank provided Council with signatures obtained on petitions during the Holiday Parade of Lights for a smoking ban ordinance. He stated that during the course of one hour, his group obtained 300 signatures in favor of the smoking ban ordinance as proposed

Rhonda DiNovo – Ms. DiNovo stated that she was in support of the smoking ban ordinance as proposed.

Theresa of Columbia – She stated that she was in support of the smoking ban ordinance as proposed.

Chris Kuney, owner of Sub Station II and resident of Cayce – Mr. Kuney stated that he was in support of the proposed smoking ban ordinance.

Amanda Strickland, American Lung Association – Ms. Strickland stated that she was in support of the smoking ban ordinance as proposed. (Additional comments attached)

Joe Tranquilla – He stated that he did not smoke and does not allow smoking in his shop. He stated that the issue is who owns his property. He stated that if it is the government then fine, we live in a socialist country. If it is him, then we live in freedom.

George Xanthakos, Southside Restaurant - Mr. Xanthakos stated that he felt it was the wrong time to consider the ordinance because of the economy. He stated that the Waffle House banned smoking the first of the year and their customers come to his restaurant instead. He agreed with Mr. Murray's comments.

Ian Hamilton, SC Cancer Alliance – Mr. Hamilton stated that he was in support of the smoking ban ordinance as proposed.

Harvey Watford – Mr. Watford encouraged Council to work with West Columbia on this issue.

Nicole Wilson – Ms. Wilson advised that one day she will inherit her family's business and she would like the freedom to choose whether her establishment is smoke-free or not. She stated that she did not believe government had any right to dictate this to businesses.

Debbie Summers, Lexington County Council – Ms. Summers stated that she was in favor of the proposed smoking ban ordinance and encouraged Council to act on the issue.

Perry Mack – Mr. Mack stated that he was not in favor of the proposed smoking ban ordinance.

Close Hearing

There being no further testimony, Mayor Partin closed the public hearing.

Regular Meeting

The Regular Council Meeting immediately followed the Public Hearing. Those present included Mayor Elise Partin, Councilmen James Jenkins, Steve Isom, Kenneth Jumper and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Ken Knudsen, Director of Planning & Development, Frank Robinson, Director of Utilities and Chief Charles McNair 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 opened the meeting by asking Councilman Jumper to give the invocation. Mayor Partin then led everyone in the Pledge of Allegiance.

Approval of Minutes

The minutes of the November 29, 2009 Special Meeting were presented for approval. Mr. Jenkins made a motion to approve the minutes as presented. Mr. Jumper seconded the motion which was unanimously approved by roll call vote.

The minutes of the December 1, 2009 were presented for approval. Mr. Isom asked that the following changes be made to the minutes—

Page 6, 7th line: change "state" to "stated"

Page 11, 3rd paragraph, last sentence should read "Mr. Myers stated that his opinion is that the newsletter should not be used for political opinions.

Mayor Partin asked that the following changed be made to the minutes—

Page 6, 26th line should read "September Council minutes and in addition"
Page 11, 4th paragraph remove duplicate "regarding the"

Mr. Isom made a motion to approve the minutes with noted changes. Mr. Jumper seconded the motion which was unanimously approved by roll call vote.

Presentations

A. Presentation of Ambassador Award

Mr. Jenkins and Mayor Partin presented Ms. Coles with the City's Ambassador Award. Mr. Jenkins thanked Ms. Coles for caring for others through the goodness of her heart.

B. Presentation of Employee of the Quarter Award

Mayor Partin advised that the recipient of the Employee of the Quarter Award was unable to be in attendance. She announced the winner, Jeff Lawhon of the Garage Department and thanked him for his dedication to the city and his outstanding effort.

C. Presentation of Decorate Cayce Awards

Mayor Partin announced the winners of the Decorate Cayce Awards. Prizes and certificates will be mailed to the winners. A complete list of the winners is located on the city's web site.

D. Presentation of Treasured Tree Award Certificate

Ms. Christina Hulslander presented Council with the Treasure Tree Award Certificate which was awarded to the City for the Laurel Oak in the Sunnyside Park in Cayce.

Public Comment

Ms. Barkley advised that there were no signatures on the signup sheet.

Resolutions and Ordinances

A. Approval of Resolution stating opposition to H3272, the Point of Sale Bill

Mayor Partin advised that Mr. Ed Schafer from the Municipal Association of South Carolina was in attendance to answer any questions Council may have. Mr. Isom asked Mr. Schafer for an update on recent meetings held. Mr. Schafer stated that MASC staff met with representatives from the school associations, county associations and director of statewide realtors association this morning. He stated that MASC is

working on the statewide level to reach a compromise. He stated that the meeting was productive and a conference call has been set up with the MASC board for this coming Monday. He stated that this bill is on special order so MASC recognizes that it is a very time sensitive subject and they have been asked by the senators to find some middle ground. The City Manager stated that to date approximately 20 municipalities have approved resolutions of opposition. No motion was made to take action on this item.

B. Approval of Ordinance Amending the Cayce City Code to Add a New Chapter 35 Regulating Smoking in Places of Employment – First Reading

The City Manager advised that the City Attorney has slightly revised the Ordinance and a copy of the revised Ordinance had been provided to Council. He stated a second reading would be required before the Ordinance would be in effect. He stated that the Ordinance was prepared using the Lexington County and Town of Springdale's ordinances as examples. Mayor Partin stated that coordinating an effective date with West Columbia is an excellent idea and that West Columbia would be taking up this issue soon. She stated she would like the city to coordinate the start date or effective date with West Columbia. Mr. Jenkins made a motion approve the revised Ordinance on first reading. Mr. Jumper seconded the motion. Mr. Crowe advised Council of the changes that were made from the original ordinance. Mr. Isom stated that the Ordinance has already been changed and wanted to know what other changes would be required and when those changes would need to be made. He stated that he would like to see how other cities' Ordinances work before putting together an Ordinance for the city. Mr. Myers inquired as to how the city would handle violations. The City Attorney reviewed the violations and how they would be handled with Council.

After discussion the motion passed three to two by roll call vote as follows: Mr. Isom voting no, Mr. Jenkins and Mr. Jumper voting yes, Mr. Myers voting no and Mayor Partin voting yes.

C. Approval of Ordinance to Amend Chapter 2 Regarding Expenses of Council – Second Reading

The City Manager advised that at the December 1, 2009 Council Meeting, Council considered the Ordinance for second and final reading. He stated that discussion took place on several changes and additions to the proposed regulations. As instructed by Council, he stated that the City Attorney and himself went through the regulations and made revisions based on Council's discussion. He stated that copies of the revised regulations were sent to Council prior to the meeting for review. Mr. Isom made a motion to approve the Ordinance and regulations on second and final reading adding that item 6 under Transportation state "30" miles of Cayce City Hall, item 6 under Lodging/Registration state "30" miles of Cayce City Hall, and that under Out of State Travel, Meals, item 1 state "\$75" per day for meals and that the second sentence be deleted. Mr. Myers seconded the motion. Mr. Myers stated that the original copy of the

regulations stated 30 miles as a radius. Mr. Isom amended his motion to state the mileage in the regulations as "15" miles in the two sections mentioned above. Myers seconded the amended motion.

Mayor Partin inquired if additional cost would be incurred for the auditing of expenses as stated in item 3 under Claims. The City Manager advised that this would not affect the cost of the audit. The motion was unanimously approved by roll call vote.

Other

A. Approval of Appointment of Cayce Representative to the Gills Creek Watershed Association

The City Manager advised that the city received a request from the Gills Creek Watershed Association asking that the city appoint a representative to serve on the board. He stated that a portion of this area is in the city limits of Cayce, District 4 and the Mayor has asked that Councilman Myers consider serving in this capacity. He stated that Mr. Myers has agreed to attend several of the meetings as a visitor to determine the city's need to be a member of the board. Mr. Isom made a motion that Mr. Myers be appointed to attend meetings on behalf of the city and report his findings to Council for further consideration. Mr. Jumper seconded the motion which was unanimously approved by roll call vote. Mr. Myers asked that staff notify the association with his contact information.

B. Bid Award – Asbestos Material Removal and Remediation – 1972 Old Dunbar Road (Utilities Compound)

The City Manager advised that as part of the City's due diligence process for the property purchase and proposed renovations, the city had a Phase One environmental study and an asbestos study conducted. He stated that the asbestos inspection and testing identified the existence of asbestos in the sheet rock joint compound and in the floor tiles and tile mastic in the office area. He stated that is it necessary for the city to contract with a DHEC licensed asbestos contractor for the removal of the asbestos so that the office facilities may be renovated. He stated that several of these contractors were contacted and quotes were obtained for the asbestos removal process. He recommended that Council approve contracts and authorize the City Manager to sign the contracts with R&R Associates Environmental and with ABS Engineers for a total cost of \$8,300 which was the low combined bid for the project. Mr. Jenkins inquired if this amount was deducted from the purchase amount of the property. The City Manager advised that this is an additional cost the city will bear in that the negotiated selling price was the lowest the buyers would consider. Mr. Myers made a motion to award the bid to R&R Associates Environmental and ABS Engineering as recommended and that the City Manager be authorized to sign the contracts. Mr. Isom seconded the motion which was unanimously approved by roll call vote.

C. Bid Award – Purchase of New Trailer Sewer Jetter Unit

The City Manager advised that \$48,000 for this piece of equipment was included in the approved FY 2009-2010 O&M budget and is needed to replace two existing trailer mounted sewer cleaner units. He recommended awarding the bid to the low bidder, Durand Wayland in the amount of \$43,801.67. Mr. Jumper made a motion to award the bid to Durand Wayland as recommended. Mr. Isom seconded the motion. Mr. Jenkins inquired as to what would be done with the old unit. The City Manager advised that the old unit would be sent to SC State Surplus Property to be sold at auction as is. The motion was unanimously approved by roll call vote.

Committee Matters

A. Committee Minutes

Council reviewed the following Committee meeting minutes for approval to enter into the official city record:

Beautification Board – November 10, 2009
Planning Commission – December 14, 2009
Cayce Housing Authority – December 15, 2009

Mr. Jumper made a motion to approve that the minutes be entered into the official city record. Mr. Isom seconded the motion which was unanimously approved by roll call vote.

B. Committee Recommendations – Accommodations Tax Committee

Ms. Barkley advised that staff met with Coach Heise in regards to his request for funding for the Palmetto Soccer Classic and at the request of Council due to the fact that the budget included in the request did not balance. She stated that originally Coach Heise had provided a preliminary accounting of the previous sports event and that he has now provided the final figures which do balance with the budget in the request. Mr. Myers made a motion to fund the project in the amount of \$2,500 and that requests for future sporting events be funded at a maximum of \$2,500 per event. Mr. Isom seconded the motion. Mr. Myers stated that he felt funding for these events should be based on the advertising budget for the event. He stated that Cayce motels and restaurants receive a small portion of the economic impact of the events. Ms. Barkley advised that the State's Tourism Oversight Committee while not totally against funding sports events, look at these events as more of a local attraction. After discussion, the motion was unanimously approved by roll call vote.

C. Committee Appointments/Reappointments

Accommodations Tax Committee – One (1) Position

Mr. John Hert's term expires January, 2010. The committee will discuss at their next meeting. There is no recommendation at this time.

Cayce Museum Commission – One (1) Position

Ms. Alice Brooks' term expires January, 2010. The Commission will discuss at their next meeting. There is no recommendation at this time.

Mr. Jenkins made a motion to postpone the above until recommendations are received from the committees. Mr. Isom seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

The City Manager advised that the December financial reports would be sent to Council this Friday and that hopefully tax revenues would be received by the middle of next week.

He provided Council with the following dates:

January 18 – Martin Luther King, Jr. Holiday, City Hall closed, normal pick up

January 20 – Employees Awards Breakfast, Masonic Lodge, 8:30 a.m.

January 25 – Neighborhood Coalition Meeting, Conference Room, 5 p.m.

The City Manager stated that Mr. Myers had requested that the May Council meeting be rescheduled due to a conflict in his schedule. Council rescheduled the meeting for Thursday, May 6, 2010 at 6:00 p.m.

The City Manager advised that Council needed to schedule a Special Meeting for the presentation of the FY 08-09 Comprehensive Annual Financial Report. Council scheduled the Special Meeting for February 2, 2010 at 4:30 p.m.

Comprehensive Plan - The City Manager advised that the Planning Commission would be holding a meeting on January 19, 2010 to review and approve a resolution recommending the Comprehensive Plan to city Council. He stated that Council would need to hold a Public Hearing on the Plan on February 2, 2010 at 6 p.m. prior to the Regular Council meeting and because the plan would need to be approved by Ordinance, the first reading of the Ordinance would be included on the February 2 Regular meeting agenda. Mayor Partin asked that notice be given that the Meet with Mayor meeting would not be held on February 2 prior to the meeting. Mayor Partin inquired if the Ad Hoc Committee and Planning Commission have signed off on the plan. Mr. Knudsen stated that both have seen and approved all facets of the plan and once the plan is printed an email will be sent to all the members of the Committee and Commission to come by and pick up the final and completed printed copy. He stated that there were certain items that were not included in the plan and his recommendation to the Planning Commission was to provide that to Council as a separate supplement.

He stated items in the supplement should be discussed by Council, and not in the plan but are still important items.

Tennis Complex – The City Manager stated that he spoke with Tommy Howard tonight and the Commission is meeting with the contractor next week to begin negotiations in trying to get the price on the contract down below or right at their estimate. He stated he has also spoke with Margaret Pope and updated her on this matter.

OSHA Inspection – The City Manager advised that the city received the results of the OSHA inspection last week and he would be providing Council with a report in this Friday's memo. He stated that based on everything they went through, the city faired reasonably well.

Lexington County Green Business Program – The City Manager advised that he is pleased to report that the city has been issued Certificate #2 under Lexington County's Green Business Program.

Mr. Isom inquired as to the status of his request for repairs. The City Manager advised that there were a lot of wash outs due to the rains and SC DOT has been notified. He stated that parts have been ordered for the leaky fire hydrant and that the sign that was vandalized has been repaired.

Mr. Isom stated that in terms of audio/video recording, anyone can bring these devices to the Council meetings. He thanked the Mayor for instituting roll call voting.

Mr. Isom thanked the previous administration, specifically Avery Wilkerson and Bob Malpass and members on Council who have served for many years. He stated that what Council is doing is laying the ground work for years and years to come. He stated that he felt that is why Council is successful today because of the ground work done by previous Mayors and long serving Council members.

Mr. Myers inquired as to when the lower part of the Riverwalk would be open to the public. The City Manager advised it is open now. He stated there was a mud slide behind the quarry and that staff is currently working on the fencing in that area and call boxes removed due to flooding will be replaced.

Mr. Jenkins stated that water is steadily running down Lucas Street and asked that the issue be reviewed. He stated it was not a great deal of water, but needs to be checked.

Mayor Partin inquired if the request for placing forms on line on the web site has been completed. Ms. Barkley advised that due to the holidays and jury duty she has not had a chance to make the update but would have done by the end of the week.

Mayor Partin inquired if any action had been taken on the storm drainage issue brought before Council by Mr. Earl Smith. The City Manager advised that Mr. Smith attended the Lexington County Stormwater Consortium meeting as an educational partner and will be invited to the next quarterly meeting. He stated that in reference to the issue Mr. Smith brought forward, the Consortium has taken no action. He stated those corrections would go through the County when they start the portion of the program for correction of deficiencies and illicit discharges. Mr. Myers stated to clarify, the Consortium has one Council appointed member on the Consortium and that is the Chair of the Planning Commission, Daytona Jarman. The City Manager stated that is correct and that citizens are also welcomed to attend the meetings and that he and Mr. Knudsen are members of the Consortium.

Mr. Isom inquired if the city has heard from Councilman Cullum regarding the Indigo drainage issue. The City Manager stated the city is waiting to hear from Mr. Cullum on the County's participation in the project. He stated that he and Mr. Fechtel completed the wetlands determination and a copy of that has been sent to Mr. Cullum. He stated he would contact Mr. Fechtel on the status.

Mr. Jenkins asked for an update on Taylor Road and the various speed limit signs on 12th Street. The City Manager advised that in his last memo, the County advised that the contractor cannot begin the project until the Spring. He stated he did not know what the developer or contractor can or cannot do. He stated that he has tried to reach Mr. Erskine Suber regarding the speed limit signs and will continue to try and reach him.

Mr. Isom inquired as to when the city would receive the results from the Public Safety patrol cars accident review. The City Manager advised that the report has not yet been received from the Highway Patrol.

There being no further business, the meeting adjourned at 8:45 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk