

**CITY OF CAYCE
Regular Council Meeting
November 10, 2009**

(Please note: due to technical difficulties, the tape recording of the first 90 minutes of the Council meeting was unavailable for transcription. Action by Council was taken in writing and is reported here accordingly.)

The Regular November 2009 Council meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council members Steve Isom, James Jenkins, Kenneth Jumper and Rick Myers, City Manager John C. Sharpe, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Ken Knudsen, Director of Planning & Zoning, Frank Robinson, Director of Utilities, and Chief Charles McNair, Director of Public Safety, were also in attendance. Tammy Barkley, Municipal Clerk, was not in attendance due to a family illness. 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. Mr. Jumper gave the invocation and Mayor Partin led everyone in the Pledge of Allegiance.

A. Approval of Minutes

The minutes of the October 6, 2009 Regular Meeting were presented for approval. Mr. Myers made a motion to approve the minutes as submitted. Mr. Jumper seconded the motion. The motion was unanimously approved with noted corrections.

Presentations

A. Introduction of Sanitation Manager and Parks Manager

The City Manager stated that in preparation for the Director of Sanitation and Parks, Verla Swygert's, retirement from the city in December, an advertisement was run in the newspaper for her position. He stated that the city received a total of 75 applications and after reviewing each, there were six potential applicants. He stated these applicants were interviewed and while each had their own special qualities, it was felt that no single applicant possessed all the qualifications. He stated that after much thought he made the decision to not hire a Director of both departments, but to offer manager positions for each department. He stated he felt the best applicants for the manager positions were Thomas White (Sanitation) and James Denny (Parks). He introduced Mr. White and Mr. Denny to Council noting that both have been with the city over 20 years each and have worked closely with Ms. Swygert in a supervisory position

in the Sanitation and Parks departments. Council congratulated each on their new positions.

B. Presentation of Whole Sole Awards

Mayor Partin presented the Whole Sole Awards to employees Donald Duncan, James Denny, Mike Clayborn, John Kirk, Finley Wihlidal, and George Jeffcoat for going above and beyond in assisting an elderly female who attended the Congaree Bluegrass Festival. She thanked them for their effort in returning the woman and her disabled wheelchair to her home.

C. Presentation by Habitat for Humanity re Plans for the West Metro Area

Representatives from Habitat for Humanity were unable to attend the meeting.

D. Presentation by John Banks and A.J. Blue re Proposed New Year's Eve Bash at the Speedway

Mr. Banks and Mr. Blue appeared before Council to discuss a proposed New Year's Eve party to take place at the Columbia Historic Speedway. They provided Council with an outline of the event. It was pointed out that the City's Noise Ordinance would need to be amended in order to continue the event past 10:00 p.m. and there may not be enough time to do so as the Ordinance amendment would take two readings by Council.

Proclamations

A. Approval of Proclamation – World Diabetes Day

Council considered for approval a proclamation proclaiming World Diabetes Day. Mr. Myers submitted a revised proclamation for approval. Mr. Myers made a motion to approve the revised proclamation. Mr. Isom seconded the motion which was unanimously approved.

B. Approval of Proclamation and Presentation of Proclamation – Palmetto Health HomeCare and Hospice Month

Council considered for approval a proclamation proclaiming Palmetto Health HomeCare and Hospice month and recognizing their 30th Anniversary. Mr. Jenkins made a motion to approve the proclamation. Mr. Myers seconded the motion which was unanimously approved. Mayor Partin presented the approved proclamation to a representative of Palmetto Health HomeCare and Hospice.

Public Comment regarding Items on the Agenda

The following individuals presented public comments regarding items on the agenda:

Darlene Walton – Items V. A., V. B. and VI. D.
Sally Hert – Item V. B.
Angela Hoyle - Items III. B., V. A. and V. B.
Alice Brooks – Items V. A. and V. B.
Stuart Greeter – Items V. A. and V. B.
Daytona Jarman – Item VII. B. (comments attached)
Robin Morris – Items V. A. and V. B. (comments attached)
Earle Smith – Items V. A. and V. B. (comments attached)
Larissa Simon – Item V. C.
Tara Almond – Items V. A. and V. B. (comments attached)
Gerald Cromer – Items V. A. and V. B. (comments attached)
Hellen Dekle – Item VI. D.
Einor Vevik – Items V. A. and V. B.
Joyce Coleman – Item V. B.
Chris Kunev – Item V. B. (comments attached)
John Ivey – Item V. A. (comments attached)
Deborah B. Washington Jones – Item V. C.
Cindy Pedersen – Item III. B. (comments attached)
Karen Wigfall – Items V. A. and V. B.
Archie Moore – Items V. A. and V. B.
Christina Huslander – Items V. A. and V. B.

Ordinances

- A. Approval of Ordinance to Amend Chapter 2 Regarding Expenses of Council – First Reading

Council considered for first reading approval an ordinance to amend Chapter 2 of the City Code regarding expenses of Council. Mr. Isom made a motion to approve the ordinance on first reading. Mr. Jumper seconded the motion. The motion passed three to two with Mr. Isom, Mr. Jumper and Mr. Myers voting yes and Mayor Partin and Mr. Jenkins voting no.

- B. Approval of Ordinance to Amend Chapter 2 Specifying Circumstances of Representation of the City by a Mayor or Council Member – First Reading

Council considered for first reading approval an ordinance to amend Chapter 2 of the City Code specifying circumstances of representation of the City by a Mayor or Council Member. After discussion, Mr. Isom made a motion to approve the Ordinance with amendments suggested by the City Attorney to include “no council member or mayor shall bind or commit the city to a particular course of action without the prior approval of the council by vote at a public meeting.” Mr. Jumper seconded the motion.

Mr. Jenkins stated he felt there may be a need for this type of ordinance in the future and not at this time, but would rather the Ordinance be a little more put together than going back and forth with amendments.

Mr. Myers stated again that he felt the intent of this ordinance was to put something in front of Council for discussion purposes. He did not think that the City Attorney or Mr. Isom intended this to be a final product. He stated that he has difficulties with this ordinance. He stated that what has brought this about is that the Mayor has publically gone out to support a project, specifically the Airport Corridor Project, has presented it to other agencies outside the City of Cayce, has yet to present it to this Council, and has yet to ask this Council for a resolution to agree with it. He stated he did not think there was anyone on Council that would be opposed to it, but unfortunately there has been no communication between this Council and the Mayor on that specific subject. He stated that there are resolutions floating around from the Airport Commission that the Mayor drafted or had another city clerk draft and did not communicate with the City Manager or Assistant City Manager on it. He stated that there is another resolution from the Central Midlands Council of Governments that has been approved that the Mayor drafted or had drafted by another clerk from another municipality and again there was no communication with the City Manager. He stated that are two or three resolutions from West Columbia, Springdale, and Lexington County that have been approved with the same verbage and again, the Mayor has not decided that her Council deserves to have that same information and he felt that is where the problem lies. He stated he is not opposed to the Airport Corridor Project from what he read about it in the news, but it needs to come before this board and it needed to come here first and that is what has brought this issue to Council tonight.

He stated he will not and cannot support this Ordinance, but felt that the Mayor needed to hear this in public, although it has been stated to her privately. However, he stated that to move this city forward which is what everyone said here tonight, this is the information that needs to come forward. He stated that everyone needs to know what this Council is dealing with and felt that it is not the Mayor's intent to keep Council out of the loop. He stated that he felt it is a learning process and to some degree, the Mayor may feel that this Council is trying to sabotage this issue. He stated the Mayor would be incorrect if she believed that. He stated that Council needs to be all on the same page and be in agreement with the projects that the city is going to move forward with. He stated that this one issue is the only thing that has been divisive among this Council. He stated that this Council has done some great things such as passing the agreement for the proposed tennis complex, the City is in the process of building a \$52 million plus wastewater treatment plant, and Council has passed a good budget for the citizens without increases in taxes. He stated that this communication ordinance does not hit the right points and he is not comfortable that it can be an Ordinance where the Mayor or any member of Council can do what they were elected to do which is to speak to the citizens and business owners in Cayce.

Mayor Partin stated she wanted to clarify certain comments. She referred Council to the September Council meeting minutes where she showed on the screen

the Charrette portions dealing with the Airport corridor. She stated that the Chair of the Airport Commission made a presentation to Council and updated Council so to say that Council is not aware of the project is a complete mistruth. Mr. Myers stated that he did not say he was not aware of the project but that it had not been presented to this Council. Mayor Partin stated that a resolution from the City of Cayce is not needed because this came out of the Charrette and that did pass, it is a Council policy. She stated that she did not ask another clerk to do work. She stated that there are two other mayors and the chair of County Council who are working on this and everyone is working together and taking a piece of this. She stated that in reference to the resolutions that the other cities have passed, they all have passed unanimously and Cayce is the only one who is considering whether or not it is a good thing to take care of our city. After discussion, the amended motion failed three to two with Mayor Partin, Mr. Jenkins and Mr. Myers voting no and Mr. Isom and Mr. Jumper voting yes.

C. Approval of Ordinance to Rezone Property Located on Middleton Street From RS-3 to M-1 – First Reading

Council considered for first reading approval an Ordinance to rezone property located on Middleton Street from RS-3 (Single Family Residential) to M-1 (Light Industrial). The Planning Commission vote was split, three to approve and three opposed the request to rezone the property. This is considered a negative vote by the Planning Commission which is equivalent to a recommendation of denial to rezone the property. Mr. Isom made a motion to accept the recommendation of the Planning Commission and deny the request for rezoning. Mr. Jenkins seconded the motion. The motion passed four to one with Mr. Isom, Mr. Jenkins, Mayor Partin, and Mr. Jumper voting yes and Mr. Myers voting no.

D. Approval of Ordinance Re Sale of City Property – Second Reading

Council considered for second and final reading the approval of an Ordinance authorizing the sale of city property located east of Airport Boulevard with frontage on Windsor Road to the SC DOT for construction of the John Hardee Expressway. Mr. Jumper made a motion to approve the ordinance on second and final reading. Mr. Jenkins seconded the motion which was unanimously approved.

Other

A. Approval of Home Builders Association of Greater Columbia's Request to ask for Local Building Code Modification

Mr. Isom made a motion to approve the request of the Home Builders Association to ask for the Local Building Code modification. Mr. Myers seconded the motion. After discussion, Mr. Isom amended his motion to approve the request subject to the process of being finalized through other approving agencies. Mr. Myers seconded the amended motion which was unanimously approved.

B. Approval of Intergovernmental Agreement for Stormwater Management Program in Support of the NPDES MS4 General Permit and Resolution Authorizing Agreement

Mr. Myers made a motion to approve the Intergovernmental Agreement for Stormwater Manager Program in support of the NPDES MS4 General Permit and the Resolution authorizing the Agreement. Mr. Jenkins seconded the motion which was unanimously approved.

C. Approval of Resolution Authorizing the City Manager to Execute the Wastewater Treatment Plant Construction Contract

Mr. Myers made a motion to approve the Resolution authorizing the City Manager to execute the Wastewater Treatment Plant Construction Contract with the contractor, Wharton-Smith. Mr. Jenkins seconded the motion which was unanimously approved.

D. Review and Discussion of Proposed Smoking Ban Ordinance

Mr. Jumper made a motion to postpone this issue until the January 10, 2010 Council Meeting. Mr. Isom seconded the motion which was unanimously approved.

E. Approval of 2010 City Holidays

Mr. Myers made a motion to approve the list of 2010 City Holidays as submitted. Mr. Jumper seconded the motion which was unanimously approved.

Committee Matters

A. Committee Minutes

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

Planning Commission – September 21, 2009
Beautification Board – October 13, 2009
Cayce Historical Museum Commission – October 14, 2009
Cayce Housing Authority – October 20, 2009
Cayce Events Committee – October 22, 2009

Mr. Myers made a motion to approve that the minutes be entered into the official city record. Mr. Isom seconded the motion which was unanimously approved.

B. Committee Recommendations – Beautification Board

Council considered for approval a recommendation from the Beautification Board and Planning Commission to incorporate a City of Cayce Beautification Foundation. Mr. Jenkins made a motion to approve the recommendation. Mr. Jumper seconded the motion which was unanimously approved.

C. Committee Appointments/Reappointments

The following issues have been postponed until recommendations are submitted by the Board/Commission.

Beautification Board – 1 position
Cayce Historical Museum Commission – 1 position

City Manager's Report

October Financial Report – The City Manager advised that the October Financial Reports would be distributed to Council this Friday.

The City Manager provided Council with the following dates:

November 11 – Veteran's Day Holiday – City Hall Closed; normal garbage pickup
November 12 – Business Forum, 8 a.m., Cayce United Methodist Church
November 19 – Smoke-Free Ordinance Educational Summit, 8:30 a.m., Harbison State Forest Education Center
November 23 – Neighborhood Coalition Meeting, 5:30 p.m., Conference Room
November 26 & 27 – Thanksgiving Holidays – City Hall Closed; no pickup service on November 26. November 26 household garbage only will be picked up on November 27. November 27 – normal pickup
December 1 – Regular Council Meeting, 6 p.m.
December 2 – Cayce Historical Museum 20th Year Dinner, 6 p.m., SC Farm Bureau
December 3 – Tree Lighting Ceremony, 6 p.m.
December 4 – Christmas Traditions at the Museum, 6:30 p.m.
December 5 – Living History Encampments and Lantern Tours at the Museum
December 6 – Holiday Parade of Lights, meet at City Hall at 4:30 p.m.
December 11 – Cayce Holiday Drop In, 6:30 p.m., SC Farm Bureau
December 12 – Employee Christmas Party, 2 p.m., Cayce United Methodist Church
December 17 – LCMA Christmas Dinner, 6:30 p.m., Town of Lexington Municipal Complex

The City Manager provided Council with the following updates:

Taylor Road Construction Project – Work was progressing well until rain caused some delay. In addition he stated that some soil problems were discovered and John

Fechtel has advised the construction is on hold pending the replacement of the soil that will support the road bed itself. He stated that the railroad crossing is basically in.

Lexington County "Green Business" Membership Application – The City Manager advised that staff attended Lexington County's Green Business seminar on October 23. He stated the purpose of the seminar was to enlist businesses to participate in and apply for Green Business certification. He stated the City has applied for the certification and is awaiting confirmation.

Leaf Season – The City Manager stated that all the equipment is in place and ready to go beginning this Thursday.

Mr. Isom inquired if the City Manager had heard from County Council member Todd Cullum regarding the Indigo Avenue drainage issue. The City Manager advised he has not heard from Councilman Cullum on this issue.

Mr. Jenkins stated that he understood that negotiations for Mr. Walker's property on the corner of Lee and Lucas has broken down and inquired as to the status. The City Manager advised he had not heard anything on this issue. Chief McNair stated he is currently checking on this issue. The City Manager advised he would check with the Columbia Housing Authority to get an update.

Mayor Partin stated that Lexington County offers a Home Repair program that would also be beneficial to veterans and the elderly as it is a forgivable loan. She asked if it would be possible to host a meeting at the City on this program for our residents. The City Manager stated he would contact the County on the possibility of hosting a meeting here at the City.

Mayor Partin asked that the City Manager to update Council at the next meeting on services offered by the city for on line payments.

There being no further business, the meeting adjourned at 9:00 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk