

**CITY OF CAYCE
Regular Council Meeting
December 1, 2009**

The Regular December 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, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Ken Knudsen Director of Planning & Zoning, and Chief Charles McNair, Director of Public Safety, 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 called the meeting to order. Mr. Jumper gave the invocation and Mayor Partin led everyone in the Pledge of Allegiance.

The City Manager provided Council with an update on the health of Mr. Joe Owens. Mayor Partin reminded those in attendance the guidelines for the public comment section of the agenda. She also advised that the city is now providing a copy of the complete agenda packet for review for regular meetings the Monday prior to each regular meeting.

Approval of Minutes

The minutes of November 10, 2009 Regular Meeting were presented for approval. Mr. Myers made a motion to approve the minutes as submitted. Mr. Jumper seconded the motion. Mr. Jenkins stated that he notice the first 90 minutes of the meeting was unavailable due to technical difficulties. As Mr. Isom video tapes each meeting, he asked Mr. Isom to provide the missing audio portion to the City so that it can be placed in the official city record. Mr. Jenkins asked that page 8 be corrected to indicate the property owner as Mr. Green instead of Mr. Walker. Mayor Partin asked that the minutes page 3 under Ordinances, Item A, to include that input was requested from all Council members and that the City Manager and Mayor work together on combining the comments. Mr. Myers amended his motion to approve the minutes with correction noted. Mr. Jumper seconded the amended motion which was unanimously approved.

Presentations

A. Presentation by Earle Smith re Storm Drainage Issue

Mr. Earle Smith appeared before Council to discuss storm drainage issues (see

comments attached).

Public Comment regarding Items on the Agenda

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

Charles Salley and Chip Kreps, Item IV. C. Both gentlemen asked Council to defer making a decision on the Resolution regarding the Point of Sale bill. They stated that the realtor association is currently in communication with MASC to try and work out a solution regarding their differences with the bill.

Linda Casey, Item IV. B. Ms. Casey stated that she was at the meeting to endorse the Airport Corridor project. She stated that the project was presented at the Churchill Neighborhood Association meeting and the plan was well received by those who were present.

Richard Allison, Item IV. B. Mr. Allison withdrew his name from the list.

Harvey Watford, Item IV. A. Mr. Watford stated that he was in favor of Council putting together guidelines for expenses to be reimbursed and the guidelines should be crystal clear.

Charlene Frye, Item IV. B. Ms. Frye asked Council to defer making a decision on the Resolution regarding the Point of Sale bill. She stated that this bill is detrimental to the economy in that it would pass on an extra tax burden. She asked that Council not oppose the Point of Sale bill.

Ordinances

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

The City Manager stated that the Ordinance has been amended based on Council's discussions at the recently held workshop and that a motion to approve the amended Ordinance is required. Mr. Myers made a motion to amend the Ordinance as set out in the revised draft. Mr. Isom seconded the motion.

Mr. Jenkins stated that he felt Council should go back and review the guidelines as items 7, 9, and 15 seems to repeat itself. He stated there are too many items in the

guidelines that hinder Council from doing its job. He specifically pointed out reimbursing the cost for cell phone minutes if Council is using their private cell phone to do city business. Mr. Myers stated that further in the guidelines an option is provided for submitting expenses over and beyond what is normal. Mr. Jenkins stated that is his reason for sitting down and going over the guidelines and come up with a good plan. Mr. Jenkins stated he felt Council needed to table the issue, set up another workshop and come up with a better plan. He stated that as mentioned earlier, Council was asked to submit their comments for the guidelines in advance. Mr. Myers stated that just because you have a personal cell phone and you take calls on behalf of the city does not mean you bear an expense related to that. He stated that if you have a limited number of minutes, and the minutes exceed the limit, that may be a reimbursable expense. He stated that because he has a personal cell phone and uses it for city business does not mean that as a Council member necessarily that Council needs to be reimbursed for the cell phone because he is going to have one either way. He stated that the Mayor may be a different situation because he/she receives more phone calls than other members of Council. Mr. Jenkins stated that he felt the guidelines needed to be cleaned up. Mr. Myers stated that in what he presented originally, he included a statement whereby the guidelines would be reviewed upon election of a new Mayor or Council member. However, he stated that some Council members did not agree with that and it was not included in this version.

Mr. Isom stated the whole point of the workshop last Monday was to come up with something fairly clean and not something ambiguous. He reviewed guideline number 9 with Council. He stated that he did not understand why we should not move forward. He stated that he originally brought this up during the City Manager's review. Mr. Jenkins stated that in reference to the workshop, he did not feel this was a workshop and stated that Mr. Isom did not bring anything to the table to be discussed at that time. Mr. Isom stated that he was the one who originally had the City Attorney draft an Ordinance for discussion by Council. Mr. Jenkins stated that he felt this item should be postponed and be discussed in another workshop. Mr. Myers inquired as to what items Mr. Jenkins wanted to change. Mr. Jenkins stated that he felt this needed to be worked on in a workshop.

Mayor Partin stated in reference to cell phones, she suggested that number 9 be changed to include both Mayor and Council and by doing so would not leave the guess work up to the City Manager. Mr. Myers stated that from his perspective, he did not feel that the City should reimburse him for his cell phone. He stated that Mr. Jumper made a very good point at the workshop reference the stipend that Council is paid which is a minimal amount of money but it has always been perceived by Council and Councils in

the past, that the money was used to offset the expenses we incur in and around the city. Mr. Jenkins stated that if that is the case, there should be an Ordinance telling Council what the money should be spent on. Mr. Myers stated that Council chooses how they want to spend their money. He stated that he chooses to spend his to offset Council expenses. He stated he was not saying it was the right thing for each Council member, but it is what he chooses to do. Mr. Jenkins stated that this is the reason why he felt Council needed to hold another workshop to discuss the issue. Mr. Myers stated the form we met in, and the Mayor decides that, was a workshop. He stated Council had open discussion and that was the only item on the agenda. Mayor Partin stated that during the Public Comment period, it was stated that Council needed to create something crystal clear and felt this was an excellent point. She stated that the regulations could be written a lot clearer so it sets out some clear expectations and has that bite and teeth to it that it needs to have. She stated that she did not necessarily have a problem with what is contained in the regulations, but did not feel it was compiled in an exemplary manner. She stated that she felt Council did need an expense ordinance, it would have clarified things at the very beginning, it would set clear expectations and she would like to see Council come up with a document that is good and useful for everyone and a benefit for the city.

Mr. Myers asked if there were any specifics within the regulations that Council felt needed to be revised. Mr. Jumper stated that he felt there was some duplication within the regulations. Mr. Jumper stated that the amount quoted for a 24 hour period, may not be high enough depending on which area of the state you may be located. Mr. Isom stated that some of Mr. Myers comments and Mr. Jenkins comments overlapped, but it appeared that the comments were included in the revised regulations. Mr. Jenkins again asked that the item be tabled and discussed in another workshop. Mr. Jumper stated that Council tried to have a workshop on this issue, but as soon as Council gets started, the meeting has to be adjourned before tempers flare. He stated that when you do that, you are not accomplishing anything. He stated if Council has a workshop to discuss a specific issue, then that is what should be discussed and nothing else. Mr. Myers stated that his point was to first, see if Council needed guidelines, and secondly the basic structure of the information included is reasonable and fair or is it just the wording and duplication within the guidelines that needs to be revised. If the latter, he stated that the City Manager and the City Attorney could work together to revise the guidelines and represent it to Council.

Mayor Partin stated she had a few concerns, but was in favor of his suggestion to have the City Manager and City Attorney revise the guidelines to make them clearer. She stated that under number 7, it sounds like the City Manager has to give approval to

attend a business meeting, and this is a concern because Council is trying to keep the City Manager out of the position of where he is having to decide these things. She also stated that she had a concern with the audit of the reimbursement of expenses in that she wanted to know if this would be an additional expense to the City's regular audit and would like to have an answer to that before adding extra costs to the city with something we are trying to do to make sure we are being wise with taxpayer dollars. She stated that in her opinion if those two issues were addressed and the language cleaned up and brought back to Council, she would be in favor of that. Mr. Myers stated that in reference to item 7, he felt that if it was an economic development meeting outside the 30 mile radius listed in the regulations, he felt it should be scheduled through the City Manager and hopefully he/she would be involved in the process and be invited to go to that meeting. Mayor Partin stated that if it was clarified as Mr. Myers suggested, it would make more sense. Mr. Myers felt that it would be a very minimal expense to have the audit include expenses reimbursed broken down by Districts and those of the Mayor. Mr. Isom stated that he felt it would be important for taxpayers to see where the money is going in detail.

After discussion, Mr. Myers withdrew his original motion. Mr. Myers made a motion to postpone the issue until the January meeting. Mr. Jenkins seconded the motion which was unanimously approved. Mr. Myers asked if the City Manager and City Attorney could work on the clarification and concerns with the regulations. Mayor Partin asked that the revised regulations be submitted to Council two weeks prior to the January 5th Council meeting. She asked that Council review the revision and share their comments/concerns with the City Manager for any further revision prior to the January Council meeting packet mail out.

B. Discussion of Airport Corridor Status and Approval of Related Resolution and Motion

Mayor Partin advised that she sent an email to Council today to clarify that this is talking about the Airport Boulevard project and would like Council to consider two different motions—one to support the resolution and the other would express your support of using city funds to go to Washington, DC to ask for funding for this project. Mr. Myers made a motion to approve the Resolution as submitted. Mr. Isom seconded the motion which was unanimously approved. Mr. Isom stated that he had a concern in the fact that there are resolutions with other cities and the City of Cayce is represented in an official capacity and did not know that Council approved this before resolutions were approved in other cities. He stated he did not have anything against seeking funding for the project, though. He stated his concern is that other cities and the county

approved a resolution in conjunction with the City of Cayce before the project was presented to Council. Mayor Partin stated that was untrue. Mr. Isom inquired if it was the Mayor's contention from the earlier email that because Council approved the Charrette September 1, that approval gave authorization for the other components of the plan to be approved. Mayor Partin stated that on September 1 there was no approval, but was an update on the project that came out of the Charrette. Mayor Partin state no, she would not say that. Mr. Isom stated that the projects listed in the Charrette were given to the Planning Commission to review and submit recommendations to Council. He stated projects have not come back to Council as of this date. He inquired if she means that a member of Council can represent the City without the authorization of Council. Mayor Partin stated that absolutely, any Council member can be in the public talking about projects and things they would like to see happen in the city, but no one on this Council can bind the City and no one has done such. Mr. Isom stated that the resolution that Mayor Bobby Horton of West Columbia signed, the City of Cayce is referenced in this resolution. He inquired if that meant then that any Council member can produce a resolution and include another town without their permission. He stated that makes no sense. Mr. Myers stated that he agrees with Mr. Isom that this body has never approved a project called the Airport Corridor Project to allow anyone to go out and pursue partners on funding or anything. He stated he did not feel that Council was not against it, but felt that the technical parts of it not ever being approved was the emphasis of what Council is doing. He stated he felt that Mr. Isom's point is that Cayce's Council should have been the first ones to approve the Resolution and had some discussions and then publically behind the Mayor going to other cities seeking partnership. He stated it is not the process of the project itself, but the logistics of how it came about. Mayor Partin stated just to be clear that Council should refer to the September Council minutes, Council was in attendance when it was presented at the West Metro Chamber breakfast, and it was heard from her first. Mr. Myers stated it was presented as the Charrette Plan as a whole and there was not an Airport Corridor project. He said that he has heard the Mayor say publically that the Charrette focused on the Airport corridor, but the Charrette was done as a city-wide plan. Mayor Partin stated that the Charrette itself encompasses the entire city and when you get the point shown on the screen, it is about streetscaping. She stated it was interesting that they did end up looking at the Airport Corridor. She stated that fell into our laps to look at one entire stretch that is important in the Midlands as far as the gateway into our community. She stated that is her clarification and that is her frustration when what I hear is not all truth because you are taking parts of what I say and not taking all of it. Mr. Myers stated that the Airport Corridor project has never been approved by the City of Cayce Council as a project and it has never been voted on or presented officially to this Council as a project. He stated Council has seen the Charrette over and over again

and this Council chose to act on the Charrette and that is history. He stated that he felt there would be some good things coming back from it. However, he stated the whole point was that the Mayor of Cayce was out building partnerships with other cities and counties and that is okay, but was done without the knowledge of this Council and presenting resolutions to other Councils to be passed without even presenting one to the city's own Council. He stated that this should have been done earlier. He stated that the Mayor's contention is that this has been approved all along and he felt this is a point that they will never agree on. Mayor Partin asked Mr. Myer's to please be clear in his communication and to be truthful. She again pointed Council to the September minutes whereby a presentation was made by Larry Koester, Chair of the Airport Commission regarding Charrette Master Plan – Proposed Airport Boulevard Project. Mr. Myers stated it had not been presented to this Council for a vote. After discussion, the motion to approve the Resolution was unanimously approved.

Mayor Partin advised that from discussions with other Mayors involved in the project, the trip to Washington, DC to seek funding for the project has been tentatively scheduled for the end of January. She stated that she was unsure if she would be able to go at that time and the date has not been set in stone. Mr. Jenkins made a motion to approve the expenditure of City funds for the Mayor to travel to Washington, DC to seek funding for the Airport Corridor Project. Mr. Myers inquired as to the plans for this trip. Mayor Partin stated that to date no solid plans have been made. Mr. Jumper stated during the this time of the year and holidays, the senators and representatives will be in town and inquired if the group has made arrangements to meet with the senators and representatives while they were at home. He stated that this has been done in the past. Mayor Partin advised that preliminary meetings have taken place with the Columbia offices. Mr. Myers suggested that a plan be devised prior to the trip so that no time will be wasted. Mr. Jenkins stated that Council has already approved the resolution to support the project and now is the time to approve the trip to Washington, DC to seek funding. After discussion, Mr. Myers seconded and amended the motion that approval for the trip to Washington, DC be given based on item 8 of the pending expense reimbursement guidelines which was unanimously approved.

C. Approval of Resolution Stating Opposition to H3272, the Point of Sale Bill

The City Manager advised that he received a call from Rebecca Best of the Residential Home Builders Association and Mark James of the Commercial Builders Alliance who have asked for a deferral on this issue. He stated that he also spoke with MASC who asked that all cities adopt this resolution. He stated that the legislator convenes on January 12th to consider this and the next Council meeting is January 5th

so there would be no problem if Council deferred the issue for 30 days. Mr. Myers made a motion to postpone the issue until the January 5th Council meeting. Mr. Isom seconded the motion which was unanimously approved.

Other

A. Approval to Purchase Utility Rescue Equipment

The City Manager advised that this request comes from the city's recent OSHA inspection. He stated that one item of concern that the inspector cited was that Public Safety does not have the equipment available to perform entry confined space rescue. He stated that the city does have trained personnel and a confined space entry program and policy. He stated that the OSHA inspector has classified this violation as a serious violation of OSHA regulations. He stated that in light of this deficiency and to satisfy OSHA regulation, it would be necessary for the city to purchase the appropriate rescue equipment. He provided Council with a list of all equipment that would need to be purchased.

After discussion, Mr. Myers made a motion to approve funding in the O&M fund in the amount of \$37,707.81 for the purchase of confined space rescue equipment as recommended from the low bid supplier, SAFE Industries and that the budget be amended accordingly. Mr. Jumper seconded the motion which was unanimously approved.

B. Approval of 2010 Council Meeting Dates

The City Manager advised that SC state law requires a municipality to make public the dates of Council Meetings at the beginning of each calendar year and provided Council with a suggested schedule. Mr. Myers requested that the May, 2010 meeting be rescheduled as he would be unavailable for the first Tuesday of that month. Mayor Partin requested that all Council members bring their calendars to the January meeting to reschedule the meeting. Mr. Jenkins made a motion to approve the 2010 Council Meeting dates as submitted. Mr. Jumper seconded the motion. The motion passed four to one with Mr. Jenkins, Mayor Partin, Mr. Jumper and Mr. Isom voting yes and Mr. Myers voting no.

Committee Matters

A. Committee Minutes

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

Zoning Board of Appeals – June 15, 2009
Planning Commission – October 12, October 19 and November 9, 2009
Accommodations Tax Committee – November 10, 2009
Cayce Events Committee – November 12, 2009
Cayce Museum Commission – November 11, 2009

Mr. Jumper made a motion that the Committee meeting minutes be entered into the official city record. Mr. Isom seconded the motion which was unanimously approved. Mayor Partin asked that the typographical errors in the minutes be corrected. She specifically asked that Mr. Harris' name be corrected from Ed to Walter Harris.

B. Committee Recommendations

Accommodations Tax Committee - The City Manager advised that the Accommodations Tax Committee met to consider the funding request for the Palmetto Cup Soccer Classic. He stated that the Committee has made the recommendation to fund the project in the amount of \$5,000. Mr. Myers stated that the budget submitted by Coach Heise and the budget included with the application did not match. He further stated that if the budget submitted by Coach Heise is correct, the event is making a huge profit and if that is the case, he would recommend funding in the amount of \$2,500. Mr. Myers made a motion to postpone the issue and asked that Coach Heise be invited to the January Council meeting to clarify the budget figures. Mr. Isom seconded the motion which was unanimously approved.

C. Committee Appointments/Reappointments

Cayce Historical Museum Commission – 1 Position
Mr. Marion Hutson's term expired September 2009. The Commission recommends the reappointment of Mr. Hutson. Mr. Isom made a motion to reappoint Mr. Hutson to this position. Mr. Myers seconded the motion which was unanimously approved.

City Manager's Report

The City Manager advised that the November financial reports would be distributed to Council within the next week.

The City Manager provided Council with the following dates:

December 2 – Cayce Historical Museum 20th Year Dinner, 6 p.m., SC Farm Bureau

December 3 – Tree Lighting Ceremony – 6 p.m.

December 4 – WWTP Groundbreaking Ceremony – 10 a.m., WWTP

December 4 – Christmas Traditions – 6:30 p.m., Museum

December 4 - LMJW&S Commission Drop In – 7 p.m., Embassy Suites

December 5 – Lantern Tours and Living History Exhibits – 4 p.m., Museum

December 6 – Holiday Parade of Lights – 5:30 p.m., meet at City Hall at 4:30 p.m.

December 9 – Home Rehabilitation and Minor Home Repair Program Informational Meeting – 4 p.m., Chambers

December 11 – City Holiday Drop-In – 6:30 pm, Farm Bureau

December 12 – Employee Party – 2 p.m., Cayce United Methodist Church

December 14 – Verla's Retirement Drop In – 12 noon, Chambers

December 16 – Utilities Luncheon – Chambers

December 17 – LCMA Christmas Dinner, 6:30 p.m., Lexington Municipal

Complex

December 24 – Christmas Holiday – City Hall Closed – normal garbage pick up

December 25 – Christmas Holiday – City Hall Closed – household garbage only will be picked up on December 24.

January 1 – New Year's Day Holiday – City Hall Closed – normal garbage pick up

January 5 – Regular Council Meeting – 6 p.m.

The City Manager provided Council with the following updates:

West Metro Mayors' Prayer Breakfast, February 10, 2010 – The City Manager inquired if the City would like to sponsor a table at this event. Council agreed that the city would sponsor a table.

Smoke Free Ordinance Summit Report – The City Manager provided Council with an update on the summit he recently attended.

On-Line Payment Services – The City Manager advised that the City is currently accepting on-line payments for water and sewer billing. He stated the city is using sc.gov which is a portal of the State of South Carolina. Mayor Partin inquired if forms are on-line for business licenses, building permits, etc. The City Manager stated that the business license application is available for downloading, but other forms are not

due to the fact they are multi-part forms. He stated that building permits, business licenses, etc. payment services is not available on-line due to the complexity of the processes. Mr. Myers inquired if traffic tickets could be paid on-line. The City Manager stated this service is not available at this time, but will research what can be done.

Mr. Isom stated that several months ago he reviewed the animal shelter and received a complaint about the bathroom facilities and wanted to know if that is still an issue. The City Manager advised that it was still an issue and will be until the city can get a new facility. Mr. Isom inquired if a temporary facility could be placed there for the time being. The City Manager stated he would work on a solution.

Mr. Isom stated that in reference to the city's newsletter if a section should be included to express Council's views regarding some of the political issues Council is currently facing. He stated that in the future he hoped it would be more factual and less political. Mr. Myers stated that his opinion is that the newsletter should be used for political opinions.

Mayor Partin pointed out the Christmas events to take place this week. She also highlighted a meeting that will take place at City Hall on December 9 regarding the regarding the Lexington County Home Repair and Rehabilitation programs. She asked staff to notify veterans groups of the meeting as there is a special forgivable loan program for seniors and veterans.

Mr. Isom reported on the Neighborhood Christmas Tree project and stated that 345 trees were sold. He thanked the 30 volunteers (see list attached) who helped distribute the flyers, collected orders and those who worked at the lot on the day of distribution. He stated that with everyone's help, the Museum made over \$1,000 on the project.

Executive Session

- A. Discussion of negotiations incident to proposed contractual arrangements with SCANA regarding transfer of property

Mr. Myers made a motion to move into Executive Session to discuss the matter above. Mr. Jumper seconded the motion which was unanimously approved.

Reconvene

After the Executive Session was concluded, the Regular meeting was reconvened. 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

Mr. Myers made a motion to authorize the City Manager and the City Attorney to proceed as discussed in Executive Session and authorize the City Manager to sign the documents based on those guidelines. Mr. Jumper seconded the motion which was unanimously approved.

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

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk