

**CITY OF CAYCE
Regular Council Meeting
City Council Chambers
Tuesday, February 1, 2011 – 6:00 P.M.**

The Regular February 2011 Council meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Councilmembers Steve Isom, Tim James, James Jenkins, and Kenneth Jumper, City Manager Rebecca Rhodes, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Ken Knudsen, Director of Planning & Development, 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. Councilmember Jumper gave the invocation and the assembly recited the Pledge of Allegiance.

Approval of Minutes

Councilmember James made a motion to approve the minutes of the December 28, 2010 Special Meeting, January 4, 2011 Regular Meeting, and January 18, 2011 Special Meeting as submitted. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Presentations

- A. Presentation by Mr. Earle Smith re Storm Drainage Issues

Mr. Smith appeared before Council to express his concern with storm drainage issues in the City of Cayce. (see comments attached.)

- B. Presentation by Ms. Julie Isom, Chair of Cayce Events Committee re Funding for Congaree Shag Festival

Ms. Julie Isom appeared before Council to request funding for the Congaree Shag Festival tentatively to be held in May, 2011. She stated that previously she came before Council with an idea for a shag event and at that time Council asked that more research be done. She provided Council with information that the Events Committee members had researched regarding the event. Mayor Partin inquired as to the amount of funding that was initially requested for the event. Ms. Barkley stated the amount was \$4,500 and that was a very rough estimate. Ms. Rhodes inquired if the \$4,500 was

approved by the Accommodations Tax Committee or just Council. Ms. Barkley advised that it was approved by Council. Council asked that the application be re-presented to the Accommodations Tax Committee with the new information to obtain their recommendation for funding. Mayor Partin asked that the Committee reconsider the location of the event and suggested the event be held on the Blossom Street bridge. Ms. Isom stated that due to the complexity of receiving appropriate permission to close the street and other obstacles, it may not be possible to hold the event in that location this year. Mayor Partin also suggested that the Committee reconsider not charging an entrance fee for the first year. She asked that the City Manager check with staff to ensure their schedule would allow time to manage and/or provide security for the event. Councilmember Jenkins asked that Council be provided with a comparison on requests for funds for the Bluegrass Festival and this new event.

C. Presentation by Mr. Dean Crepes, Lexington County Voters Registration, re Moving Municipal Elections to Odd Years

Mr. Dean Crepes appeared before Council to request that Cayce Municipal Elections be moved from even to odd years. He stated that it is very confusing for the poll workers and voters to hold the election on the same day as the General Election and it creates duplication of effort on the part of his office. Councilmember Isom stated that his concern was extending Council member's terms without approval from the voters. Councilmember Jenkins inquired as to the location of the Cayce election on the ballot which followed the referendum. Mr. Crepes advised that the order on the ballot is determined by State law. Mayor Partin inquired as to how the City could be of assistance to the County if the elections remained on the same day of the General Election. Mr. Crepes stated that Council could help by getting the word out to the voters to bear with us and have patience with us. He stated that they need to know if they vote absentee, they will receive multiple forms and need to return all forms at one time. He stated that keeping the voters informed of the process would be of great help. Mr. Horace Mann, the County's Commissioner, was in attendance and stated that the City could also help by having potential poll workers and managers get in touch with the County Commission. Mayor Partin advised that this could be done through the City's newsletters and on Facebook.

D. Presentation by Ms. Kathy Treadway re Chapter 35 Smoking In Places of Employment

Ms. Treadway appeared before Council to request that Council amend or rescind the Smoking In Places of Employment Ordinance. She stated that her business continues to lose customers due to the fact that they can no longer smoke in her bar. She stated that as owner, her rights are being taken away on how she can run her business. She provided a letter from one of her customers and asked that copies be given to Council (attached).

Public Comment regarding Items on the Agenda

Mr. Chris Kueny re Item IV. C. – Mr. Kueny, speaking on behalf of the Riverland Park Neighborhood Association, stated that last fall Bill Greg addressed the group and gave details about a planned quarry that he wanted to build across from the Riverland Park Neighborhood. He stated that at the Association's December meeting, the members voted to pass a resolution opposing the quarry because of the detrimental effect it would have on the neighborhood. He stated he would appreciate Council's support by approving the Resolution under Item IV. C.

Resolutions and Ordinances

A. Approval of Ordinance re Amendment to Chapter 35 Smoking In Places of Employment - First Reading

Ms. Rhodes stated that after the last meeting, staff and the City Attorney met and went over some of the options to consider and also spoke with Mr. Moore, Mr. Long's attorney, to try and figure out some things the city could do to provide some relief without violating the intent of the Ordinance. She provided two options on ways the Ordinance could be amended. She stated that one of the proposed Ordinances would effect the enforcement of the smoking ban and would put that enforcement into the hands of the City Manager or his or her designee. She stated this is much like the way the Town of Lexington handles their complaints. She stated the second proposed Ordinance would change the enforcement as mentioned and remove the section of current Ordinance that applies to private clubs and the exemption with no employees. She stated that she asked Mr. Moore to provide her with the information where he would be able to comply with the city's ordinance if Council was to make that change and that Mr. Long provided this information right before the meeting tonight so staff and the City Attorney has not been able to review it. She recommended that Council move forward with the amendment regarding the enforcement of the Ordinance and that after the City Attorney has reviewed the information submitted by Mr. Long, that a second amendment to the Ordinance be submitted for consideration. Councilmember Jenkins made a motion to approve the first reading of an Ordinance amending the enforcement portion of the current ordinance as recommended. Councilmember Jumper seconded the motion.

Councilmember Isom inquired as to the amount of taxpayer funds and the amount of time it would take the City Manager on enforcing the smoking ban versus having Public Safety officers enforce the ban. Mayor Partin stated that it was her understanding that the Town of Lexington has not had any complaints. Ms. Rhodes pointed out that the enforcement would be handled by the City Manager and/or her designee and could designate Tammy Barkley or the Code Enforcement office to handle. She stated that speaking to the Town of Lexington, they have not had many complaints and the one thing she wants to discourage is some of the tit for tat that people were doing earlier coming from other places of businesses from other towns. Mayor Partin stated that there is a concern that it is more of a civil matter than a criminal

manner and should be handled that way. Councilmember James stated that the Court Administration sent out a memo on April 24, 2009 that no uniform traffic tickets could be issued, nor warrants issued, and from smoking ban violations that it can only be a monetary civil action. He stated that moving enforcement to the City Manager's office is in no way reflective of the job that has been done by the Public Safety officers. Ms. Rhodes stated that changing the enforcement to the City Manager does not affect weekend or nightly routine safety checks of bars and restaurants by Public Safety officers and that they would continue this practice.

Councilmember Isom stated that this is a private property rights issue and this would not be an issue if Council had not voted to put the Ordinance in place. He stated that going back now and modifying it to make exceptions is a waste time. He stated that to him ideally it should be done away with. Councilmember Jumper stated whether the Ordinance was in place or not, Council will not be able to please everyone. After discussion, the motion was unanimously approved by roll call vote.

B. Approval of Ordinance re Franchise Fee and Fee In Lieu of Taxes –
Utilities – First Reading

Councilmember Jenkins made a motion to approve the 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 on first reading. Ms. Rhodes stated that during the budget process, a transfer of funds is normally made from the O&M Fund to the General Fund that accounts for indirect costs which is the cost that the General Fund incurred as the result of the utility function and we also transfer an amount that is a franchise fee or a fee in lieu of property taxes. She stated that this is a normal practice that a lot municipalities do and that a question was posed on the listserv in this regard which supports this fact. She stated that the City Attorney is suggesting that Council basically codify what is already being done so that it is in the City's Code of Ordinances that this is how we proceed and handle our budget. Mr. Crowe stated that City's accountants have suggested that the determination of the full cost of operations of the water and sewer system should include the equivalents of the property tax, business license tax or franchise fee. He stated that the underlying idea is that in order to achieve an appropriate accounting of cost, the system should recognize the same types of taxes and fees that a similar business in the private sector would be required to pay. For this reason, he stated that the accountants have suggested that we establish two payments from the water and sewer system to the city as described under the proposed ordinance. He stated that what is being proposed is not a tax or fee assessed on the public, but an accounting function. He stated that there are a number of municipalities within the State that already do fund transfers. He provided Council with percentages that other municipalities use for these fees. He stated that this does not affect any private utilities but only is directed toward the accounting and fund transfer procedure that's been recommended by the City's accountants. Ms. Rhodes stated that this helps the citizens understand that the Utility function of the City is a completely separate function that is to be run like a business. It is not funded by tax

dollars but by revenues that are created by the system with rates and structures and has to stand on its own. After discussion, Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

C. Approval of Resolution Re Potential Richland County Quarry Development

Councilmember Jenkins made a motion to approve the Resolution opposing the potential Richland County quarry development. Councilmember James seconded the motion. Councilmember Isom stated he respects the other Councilmembers' opinions on this, but in looking at current economic times, this appears to be suppressing jobs and does not feel this is something Council should be doing. Mayor Partin stated that this is about the residents in this city that we stand up for and we heard from the leader of a neighborhood association tonight stating they have voted to oppose this development due to flooding concerns. She stated that she did contact a Richland County Councilmember advising that Cayce's Council would be considering this resolution tonight and felt we needed to stand up for our residents and neighborhoods. After discussion, the motion passed three to two by roll call vote with Councilmembers James and Jenkins and Mayor Partin voting yes, Councilmembers Isom and Jumper voting no.

Other

A. Discussion of City of Cayce Sewer Availability Charge

Ms. Rhodes stated that at Council's request staff has done additional research on the City's sewer availability charge. She stated that Council's agenda packet included a copy of the Sewer Availability Ordinance, a list of residents that have paid a reduced fee and are currently paying this charge, a copy of the minutes where the Ordinance was adopted, and at Council's desks is a copy of a letter written to residents by former Mayor Avery Wilkerson explaining the charge. She stated the Ordinance is very clear—if a sewer line is within 250 ft. of a house, the resident either signs up and taps onto that line or pays a sewer availability charge. She stated that after doing more research, a lot of these residents came from outside the city and were annexed in and were on septic tanks. She stated the City made an effort to try and run sewer lines by their houses and that the City did try and encourage people to sign up. She stated that if they signed onto the system during the construction, the homeowner got a reduced rate and this is a normal practice by many municipalities. She stated there were 79 residents who paid a reduced fee and have not tapped onto the City's sewer system. Staff is suggesting to give some relief to these residents and instead of charging the sewer available charge based on their water usage, that the City reduce that to the base charge based on their class and they would only pay that amount. She stated that doing so the City would lose \$11,319.12 in revenues a year but hopefully going through this process staff would contact these residents to see if they would like to go ahead and tap onto the system now.

Councilmember Isom inquired if people tap onto the system if DHEC had any requirements regarding the removal of the septic tank. Mr. Robinson stated that the City requires that the septic tank be pumped out and filled in. Councilmember Isom inquired as to the cost to do so. Mr. Robinson stated he did not know but could be very expensive depending on how the line has to be placed. Councilmember Isom stated he did not see why someone is charged if they do not use the service and inquired if the list of 79 included all residents in the City who have not tied onto the system. Mr. Robinson stated that this is the number of work orders the City has on file and most of those are in Edenwood which was annexed into the City and does not know how many others are paying the charge and not connected to the system. Mayor Partin encouraged Council to keep in mind the goal of the Ordinance which is to get people to tie onto the system. She stated that if Council does end up pursuing this option as presented there are a couple of additional pieces to review—does the City continue to let the people have the benefit of the reduced tap fee or does that go away and also if Council goes this route is there something the City could do that might be a benefit or incentive to get them to tap on. Councilmember James stated there seems to be other avenues for us to explore to prior to making a decision and asked that the City Manager contact Ms. Shull to let her know that we are making progress and we do hear her. Councilmember Isom again reiterated that he did not feel people should pay for a service that they do not use. Mayor Partin asked Council to contact Ms. Rhodes this month and share their thoughts with her so that she has time to work with staff to bring something back to Council next month.

B. Approval to Join the South Carolina Mayors Association

Councilmember James made a motion to approve that the City join the South Carolina Mayors Association. Councilmember Jenkins seconded the motion. Councilmember Isom inquired if tax dollars would be used to fund membership. Mayor Partin stated all the money the City has is tax dollars or revenues of fees. Councilmember Isom disagreed saying that there is private enterprise and hopefully they could fund this endeavor. Mayor Partin stated that what is before Council is an application to join the Association based on population which is \$400.00. Mayor Partin stated the Association is looking for private donations but there would also be membership fees. After discussion, the motion passed four to one by roll call vote with Councilmembers Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

C. Annual Report on the City of Cayce Comprehensive Plan Elements

Ms. Rhodes stated she just found out two weeks ago that she was to give Council a report every February on the status of goals in the Comprehensive Plan. She stated that she and staff are working on the report and asked that she be able to make the report in March. She stated there were two reporting elements, one being the City Management report and the other asks that the Planning Commission go through the schedule of projects in Table 36 and they are scheduled to do that at their February 28

meeting and will be providing Council with their report as well. Mayor Partin stated she was disappointed that Council did not have a presentation from the Planning Commission. She stated that Mr. Knudsen talked a lot about the Comprehensive Plan and its importance. She asked Mr. Knudsen how many meetings the Planning Commission has had since its approval to review the Comp Plan. Mr. Knudsen stated that there have been no zoning issues to discuss so there have been no meetings. Mayor Partin stated she was not speaking of regular business that we need to be proactive. She stated she has heard from Mr. Knudsen and the Chair of the Comprehensive Plan many times on how important this Plan is to the City moving forward, and asked if the Planning Commission has been addressing that at every meeting. Mr. Knudsen stated that there have been no meetings since September and it was not discussed at that meeting. Mayor Partin asked what the Planning Commission's plan is to be proactive with the Comprehensive Plan. Mr. Knudsen stated that this would be discussed at the February 28 meeting.

Committee Matters

- A. Approval to Enter the Following Committee Minutes into the City's Official Record

Planning Commission – September 13, 2010 – Councilmember James made a motion to approve that the minutes be entered into the City's official record. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Cayce Events Committee – November 4, 2010 and January 13, 2011 - Councilmember Isom made a motion to approve that the minutes be entered into the City's official record. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Cayce Housing Authority – December 21, 2010 - Councilmember Jenkins made a motion to approve that the minutes be entered into the City's official record and that his notes in reference to the Cayce Housing Authority's minutes dated January 9, 2011 be attached to the minutes of tonight's meeting for clarification. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Cayce Historical Museum Commission – January 12, 2011- Councilmember Isom made a motion to approve that the minutes be entered into the City's official record. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Beautification Board – January 18, 2011- Councilmember James made a motion to approve that the minutes be entered into the City's official record. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

B. Committee Appointments/Reappointments

Beautification Board – One Position

Ms. Gloria Cook's term expires January 2011. She has been contacted and would like to serve again. The Board recommends the reappointment of Ms. Cook and provided Ms. Cook's Reappointment Application for review. Councilmember Jenkins made a motion to reappoint Ms. Cook to the Board. Councilmember James seconded the motion which was unanimously approved by roll call vote.

Cayce Housing Authority – One Position

Ms. Willistine Mosley's term expires January 2011. She has been contacted and would like to serve again. The Authority recommends the reappointment of Ms. Mosley and provided the reappointment application for Council's review. Councilmember James made a motion to reappoint Ms. Mosley to the Authority. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Rhodes thanked staff for being very helpful and getting her caught up as much as possible. In reference to Phase III and IV of the streetscaping project which is being funded by CDBG money, Ms. Rhodes stated that staff met and came up with vegetation items and the Mayor made a choice of one. She stated that the encroachment permit was signed and delivered today, the plans were delivered to SC DOT today and the project will be advertised in the South Carolina Business Opportunities in their run on Thursday. For the Phase III and IV of the streetscaping project which is funded by SC DOT, Ms. Rhodes stated that she has contacted Roger Seers of SC DOT and expressed Council's concern regarding the approval of their portion of the plan and the resolution that Council reviewed at the last meeting. She stated that Mr. Seers advised that was not what they meant and that the City has approval of the project plan. She stated she advised Mr. Seers that the resolution was not stated this way and Mr. Seers is going to check to see if the resolution can be changed or if it can be accompanied by a letter saying that the City will have the ultimate approval of their project plans. She stated that hopefully she will have this information to present to Council at the March meeting.

She stated Council received copies of the letters and the Wastewater Treatment Plant rates and charges information were mailed on Friday to the City's two municipal customers. She stated that she has not had any response to date and would keep Council up to date.

Ms. Rhodes advised that VC3 has completed their assessment of the City's IT systems and has made presentations to the City Manager and staff and the City's management team. She asked Council to review their calendars and give her potential dates for a workshop so that the presentation can be done for Council.

She stated that she has reviewed the applications for the grants writer position and is going to start interviews soon. She stated that the City has several grants that requires monthly or quarterly reports and right now that is being handled by the Planning Department's administrative coordinator. Ms. Rhodes said she is doing a very good job in keeping up with the reports but right now we are not approaching grants proactively.

Executive Session

- A. Receipt of legal advice relating to claims by the City and other matters covered by the attorney-client privilege

Councilmember Jenkins made a motion to move into Executive Session to discuss the matter above. Councilmember Jumper 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 Isom seconded the motion which was unanimously approved. 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

No action by Council was taken in follow up to Executive Session.

Councilmember James made a motion to adjourn the meeting. Councilmember Isom seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 8:10 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk