

**CITY OF CAYCE
Public Hearing and Regular Council Meeting
July 6, 2010**

Public Hearing – Proposed Amendments to the TIF Redevelopment Plan

A Public Hearing was held at 6:00 p.m. in Council Chambers to obtain public comment on the proposed amendments to the TIF Redevelopment Plan. Those present included Mayor Elise Partin, Council members Steve Isom, James Jenkins, Kenneth Jumper and Rick Myers, Interim City Manager Steve Brown, Municipal Clerk Tammy Barkley, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Ken Knudsen, Director of Planning & Development Chief Charles McNair, Director of Public Safety, and Joe Lucas of Pope Zeigler, the City's Bond Counsel, 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.

Opening Statement

Mayor Partin stated the purpose of the Public Hearing was to obtain public comment on proposed amendments to the City's existing TIF Redevelopment Plan dated January, 1998. She stated that after the Public Hearing Council would give consideration to first reading of an ordinance adopting the amendments, including modification of the list of redevelopment projects and expansion of the boundaries of the existing redevelopment project area described in the plan.

Public Testimony

No public testimony was given.

Close Hearing

Mayor Partin closed the public hearing noting that no further public comment was received.

Regular Meeting

The Regular July 2010 Council meeting immediately followed the Public Hearing. Those present included Mayor Elise Partin, Council members Steve Isom, James Jenkins, Kenneth Jumper and Rick Myers, Interim City Manager Steve Brown, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Ken Knudsen, Director of Planning & Development, Chief Charles McNair, Director of Public Safety, and Joe Lucas of Pope

Ziegler, the City's Bond Counsel, 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 entire assembly recited the Pledge of Allegiance.

Upon a motion by Councilmember Isom duly seconded by Councilmember Myers and unanimously approved by roll call vote, the City Council amended the agenda to move Item V. H. prior to Item IV. A.

Introduction of interim City Manager

Mayor Partin introduced and welcomed the Interim City Manager, Mr. Steven Brown who retired from the City of Greenwood where he served as City Manager for more than 20 years.

Approval of Minutes

Upon a motion by Councilmember Myers duly seconded by Councilmember Jumper, City Council unanimously approved by roll call vote, the minutes of the June 1, 2010 Public Hearing and Regular Meeting, June 22, 2010 Public Hearing and Special Meeting, June 28, 2010 Special Meeting and June 30, 2010 Special Meeting with the following changes:

Councilmember Jenkins – Regarding the June 22, 2010 minutes, he asked that the minutes show that he had the floor when Councilmember Myers made a motion to adjourn.

Councilmember Jenkins – Regarding the June 30, 2010 minutes, he asked that the minutes show that he had the floor when the motion was made to adjourn.

Mayor Partin – Regarding page 4 of the June 22, 2010 minutes, the Mayor stated that she did contact Mr. Milhous to clarify the statement that if Council decided to make the transfer of the full amount if that would affect the Utility rate. She stated that it should read if that transferring the full amount would not affect the utility rate that they just set, and he stated that was a true statement. Mr. Isom requested that the tape be reviewed to be sure the wording is correct.

Mayor Partin – Regarding page 19 of the June 1, 2010 minutes, the Mayor asked that the word judge be added. On page 3, the Mayor asked that indoor enclosed spaces be changed to not outdoor spaces.

Mayor Partin stated as a cost reduction measure she would not be attending the MASC Annual Meeting. Mr. Isom stated that he would not be attending as well. Ms. Barkley stated that all Councilmembers have advised that they will not attend.

Discussion and Appointment of Board Member to the Gills Creek Watershed Association

Councilmember Myers provided Council with an update on the City's appointment of a board member to the Gills Creek Watershed Association. He advised that he had attended several meetings and felt that the city could monitor the association through receipt of minutes from their meetings and their web site. He stated that if the city is approached by a developer with plans for the in-city property in Richland County, the city staff could become more involved. He stated his recommendation would be that Cayce not become a member of the association at this time and continue to monitor their minutes and information from meetings in order to keep the lines of communication open. Mayor Partin inquired if the city could obtain documentation on what the board is requesting of their members. Councilmember Myers advised that he would be glad to obtain the information and share it with council.

Presentations

A. Presentation of Cayce Calendar Photo Contest Awards

Mayor Partin presented awards to winners of the Cayce Calendar Photo Contest. The first place winner received \$100, a Cayce Reflections poster and Cayce tee shirt. All other winners were presented with a poster and tee shirt. Mayor Partin thanked those who participated for submitting great photos of the City of Cayce.

B. Presentation by Councilman James Jenkins Re Andrew J. Burnette Park

Councilmember Jenkins advised that students from Clemson University decided to take on this project which came by way of the Charrette. He shared with Council the drawings and plans submitted by the Clemson students which could also be incorporated in all Cayce parks. He stated that he wanted to obtain Council's approval to move forward with the project to be funded totally by donations. Mr. Isom stated that he thought this was a great plan but is concerned where the money will come from with the economy in its present state. Mr. Myers inquired if this would be brought back to Council in a couple of months as a project for consideration. Mr. Jenkins stated that was correct and felt this may be a good project for the Beautification Foundation.

C. Presentation of FEMA Community Rating System Program Award

Mr. Ken Knudsen presented to Council the FEMA Community Rating System Program Award recently received by the City.

D. Presentation by Scott Long Re Cayce's Smoking Regulation Ordinance

Mr. Long appeared before Council to discuss his concerns regarding the Smoking Regulation Ordinance. Mr. Long's comments are attached.

Public Comment regarding Items on the Agenda

Ms. Kay Hutchinson and Mr. Earl Smith appeared before Council to discuss Item V. B. Their comments are attached.

V. H. Approval of Payment for Legal Services

Upon a motion by Councilmember Jenkins duly seconded by Councilmember Jumper and approved on a 3-2 roll call vote, the City Council approved payment of legal services to Gignilliat, Savitz & Bettis, L.L.P. obtained by the Mayor. Mr. Isom and Mr. Myers voted no.

Mayor Partin stated these were costs that she incurred asking for assistance from the city's labor attorney for guidance of a personnel matter. She stated this was city business and after meeting with the city municipal attorney, she needed additional guidance. She advised that the city has been using this legal firm for quite some time and asked Council to note that the client number on the invoice is 521 and this firm is now in the 1800s for client numbers. She asked Council to note that on two of the bills there are calls from the city's HR Manager, so this is not something that is not city business and that this is a city attorney. She stated she was happy to convey this information to Council and hopefully it clears up some questions.

Councilmember Isom read the City Attorney's memo addressed to the Interim City Manager providing his opinion on the city's payment of unauthorized legal fees. He also read excerpts from the Attorney General's opinion regarding this type of matter both of which stated that these types of charges incurred should have received prior authorization from Council and/or the City Manager. Mr. Isom read comments made by Mayor and Council during the April 6, 2010 Council meeting's discussion of unauthorized legal expenses (see verbatim transcription notes attached provided by Councilmember Isom).

Councilmember Myers stated that the City Attorney's memo states that the Mayor does not have the authority to act alone and has to be in conjunction with this Council. He stated the Attorney General opinion states the same. He stated that this Council has no knowledge of this issue whatsoever, has still not received any information and there are at least three Councilmembers who have no information on this matter at all. He stated that Councilmember does not have authority to act outside their authority and charge a fee back to the city to a firm who is outside of the scope of this Council. He stated the city manager can use a firm for personnel reasons, and in this case this firm was used to inquire about military leave. However, this Council has

not had any dealings with this firm nor has it approved this firm for this Council to use. He stated the fact that the City Manager was not brought into this conversation on whether the Mayor should seek legal advice, when the bills were received by the city, the city had no knowledge of this, the City Attorney had no knowledge of this and the Council had no knowledge of this. He stated he did not see why this Council should be approving a bill after the fact when the Mayor did not have the authority to do this nor has she yet provided any information to Council. He asked once this is done, what precedent is being set for this Council and Councils in the future and what is stop him or any Councilmember from going out and hiring an attorney on their own and charging it back to the city for any kind of business that is related to the city. He stated that he did not think the Mayor had that right under the city's form of government. He stated the Mayor was wrong on this issue and that she way overstepped her boundaries. He stated that the conversations and questions she asked the labor attorney were out of line with the city's form of government. He stated the copy of the invoice he had stated that the Mayor needed to consult with the City Manager. He stated that these are notes that the HR Manager obtained at the request of the City Manager when she was asked to call the firm and inquire about the bill. Her notes basically state the conversations were about personnel matters and dealing with employees and the attorney advised the Mayor to talk to the City Manager. He stated even beyond that date, the Mayor continued to contact the attorney without discussing the issues with the City Manager or this Council. He stated that if Council is going to approve paying a bill, he would like to know what we're paying for.

Mayor Partin stated that the information being requested by Councilmember Myers is on personnel matters which cannot be discussed in an open meeting and called for the question. During the roll call vote, Mr. Myers stated that before he voted he asked that the Attorney General be asked for an opinion prior to the payment being made because he did not think that Council had legal authority to authorize payment under this scenario. Mr. Isom concurred. Mayor Partin stated that Council had a motion on the table that passed to pay the bill and that was the only motion on the table.

Resolutions and Ordinances

- A. Approval of Resolution Declaring Filing Dates for Candidacy for Municipal Elections and Advising of Deadline for Declaration to be a Write-In Candidate

A resolution entitled Resolution Declaring Filing Dates for Candidacy for Municipal Elections and Advising of Deadline for Declaration to be a Write-In Candidate was given first reading and adopted upon a motion by Councilmember Myers duly seconded by Councilmember Isom and unanimously approved by roll call vote.

- B. Approval of Ordinance Amending the City of Cayce's Redevelopment Plan – First Reading

An ordinance entitled Ordinance Providing for the Approval of Certain Amendments to the Redevelopment Plan of the City of Cayce, South Carolina and Other Matters Related Thereto was given first reading upon a motion by Councilmember Myers duly seconded by Councilmember Jumper and approved by roll call vote. Councilmember Isom recused himself from the vote due to a potential conflict of interest.

Mayor Partin recognized Joe Lucas of Pope Zeigler of the City's bond counsel's office. Mr. Lucas provided Council with a detailed explanation of the Ordinance and procedures followed.

C. Approval of Ordinance to Annex and Zone Property Located at 2706 Haynes Lane – First Reading

An ordinance entitled Ordinance Annexing Certain Property into the City Limits under the Provisions of South Carolina Code Section 5-3-150(3) located at 2706 Haynes Lane was given first reading upon a motion by Councilmember Jumper duly seconded by Councilmember Jenkins and unanimously approved by roll call vote.

D. Approval of Ordinance to Annex and Zone Property Located on the Southern Side of I-77 (SCANA) – First Reading

An ordinance entitled Ordinance Annexing Certain Property into the City Limits under the Provisions of South Carolina Code Section 5-3-150(3) located on the southern side of I-77 (SCANA) was given first reading upon a motion by Councilmember Myers duly seconded by Councilmember Isom and unanimously approved by roll call vote.

Other

A. Approval of Request for TIF Funds – Brickworks Project

Upon a motion by Councilmember Myers duly seconded by Councilmember Isom and unanimously approved by roll call vote, the City Council approved an Agreement between Brickworks Associates LLC and the City of Cayce to reimburse eligible expenses of the project not to exceed \$706,619 from the TIF account with the conditions that reimbursements will be provided in accordance with the city's current policy and that paid invoices and proper documentation must be presented for reimbursement and authorized the City Manager to sign the agreement on behalf of the City.

B. Approval of Intergovernmental Agreement between Lexington County and the City of Cayce – NPDES Illicit Discharge Outfall Screening Program

Upon a motion by Councilmember Isom duly seconded by Councilmember Jumper and unanimously approved by roll call vote, the City Council approved an Intergovernmental Agreement between Lexington County and the City of Cayce regarding the NPDES Illicit Discharge Outfall Screening Program. The Agreement allows the City to perform 25 program lab tests over a three year period at a cost of approximately \$875.00 as requested by the county. In exchange, the County will perform the screening of the city's 41 priority outfalls within the program.

C. Bid Award – Municipal Buildings Lighting Upgrades and LED Exit Signs

Upon a motion by Councilmember Jumper duly seconded by Councilmember Myers and unanimously approved by roll call vote, the City Council awarded the bid for the project to the low bidder, Omni Services, in the amount of \$46,500.

D. Approval to Accept 2010 Recreational Trails Program Grant Award

Upon a motion by Councilmember Myers duly seconded by Councilmember Jumper and unanimously approved by roll call vote, the City Council approved acceptance of the 2010 Recreational Trails Program Grant Award, that match funds be obtained from the ABC Permit fees, and authorized the city's Grants Coordinator to sign the grant agreement on behalf of the city. The Grant will extend the Cayce Riverwalk Park an additional one-half mile from south of the city water intake facility. Mayor Partin asked that Council be provided with a map showing the portion of the Riverwalk that will be extended.

E. Approval to Participate in the Milestones on the Greenway Program

Upon a motion by Councilmember Myers duly seconded by Councilmember Jumper and unanimously approved by roll call vote, the City Council approved the city's participation in the Milestones on the Greenway Program. The program consists of the installation of antique milestones that were used in the late 19th and early 20th century to mark the miles from the stone to a destination. It also includes funding in the amount of \$2,500 for the fiberglass interpretive panel and wooden frame which can be funded through the ABC Permit Fees. Ms. Barkley stated that the City of West Columbia and the West Columbia Beautification Foundation will also be participating in the program.

F. Approval of DJJ Memorandum of Agreement for FY2010-2011

Upon a motion by Councilmember Myers duly seconded by Councilmember Jumper and unanimously approved by roll call vote, the City Council approved the DJJ Memorandum of Agreement for FY2010-2011 with revisions presented. Ms. Barkley stated the revisions were the same as those recommended by the City Attorney and included in last year's agreement.

G. Approval of Street Light Request

Upon a motion by Councilmember Jenkins duly seconded by Councilmember Jumper and approved on a 4-1 roll call vote, the City Council approved the installation of a street light in the 1900 block of Stratford Road as recommended by Lt. Jeff Simmons and Sgt. David Hoffman. Mr. Isom voted no. Councilmember Isom inquired as to the cost to install the light. Ms. Barkley stated she would provide Council with the cost.

Committee Matters

A. Committee Minutes

Upon a motion by Councilmember Jumper duly seconded by Councilmember Jenkins and unanimously approved by roll call vote, the City Council approved that the following Committee minutes be entered into the official city record.

Beautification Board – April 13, 2010 and June 8, 2010
Planning Commission – April 19, 2010
Cayce Events Committee – June 10, 2010
Cayce Housing Authority – June 15, 2010

B. Committee Appointments/Reappointments Planning Commission – 2 Positions

Upon a motion by Councilmember Myers duly seconded by Councilmember Jumper and unanimously approved by roll call vote, the City Council approved the reappointment of Mr. Robert Power to the Planning Commission.

Upon a motion by Councilmember Jenkins duly seconded by Councilmember Isom and unanimously approved by roll call vote, the City Council approved the reappointment of Mr. Ed Fuson to the Planning Commission.

C. Public Safety Foundation Appointments – 3 Positions

No appointments were made to the Public Safety Foundation.

City Manager's Report

The Interim City Manager stated that he has been on the job for three days and has enjoyed meeting with the staff. He advised that the June financial reports would be sent to Council next week. He stated that Taylor Road is now open and that the crossings at Godley, Taylor Street and State are permanently closed. He stated that the developer of Concord Park has approached the city about hosting a grand opening of Taylor Road the week of July 19 and further details would be provided to Council.

Executive Session

- A. Discussion of negotiations incident to proposed contractual arrangements for Interim City Manager

Upon a motion by Councilmember Jenkins duly seconded by Councilmember Jumper and unanimously approved by roll call vote, the City Council moved into Executive Session to discuss the matter above.

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

Upon a motion by Councilmember Myers duly seconded by Councilmember Isom and unanimously approved by roll call vote, the City Council approved the Interim City Manager's Contract as discussed in Executive Session and authorized the Mayor to sign the contract on behalf of the City.

There being no further business, the meeting adjourned at 8:30 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk