

**CITY OF CAYCE
Regular Council Meeting
Tuesday, May 3, 2011**

The Regular May 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.

Ms. Rhodes introduced the City's new Director of Planning & Development, Shaun Greenwood. She advised that Mr. Knudsen would be retiring on May 11 and invited Council to come by the office at 2 pm to celebrate his retirement. Council welcomed Mr. Greenwood and thanked Mr. Knudsen for his years of service to the City and wished him a happy retirement.

Approval of Minutes

Councilmember Jenkins made a motion to approve the minutes of the April 5, 2011 Regular Meeting, and the April 11, 18 and 25, 2011 Special Meetings as submitted. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

Presentations, Proclamations and Resolutions

A. Presentation of Whole Sole Awards

Mayor Partin presented the Whole Sole Awards to Erick Kennedy and Calvin Abercrombie of the Utilities Field Crew for going above and beyond the call of duty in assisting residents with their sewer issues. She thanked both staff members for their dedication to their job and for making the City of Cayce a better place to live.

B. Presentation by Ms. Joyce Surrett re Chapter 35 re Smoking In Places of Employment

Mr. Scott Long attended for Ms. Surrett and advised that he did not want to make a presentation to Council at this time.

C. Presentation by Ms. Patricia Shull re Sewer Availability Charge

Ms. Shull appeared before Council to express her concern about having to pay a sewer availability charge when she is not tied onto the system and does not need to use the City's sewer. She stated that she has not yet heard from the City with regard to a resolution of this matter.

D. Presentation by Mr. Chris Kueny regarding Congaree Riverkeeper Fundraiser

Mr. Kueny advised that the Congaree Riverkeeper program is a non-profit, citizen-based advocate promoting a healthy, accessible and sustainable river system and is the primary watchdog for the Lower Broad, Lower Saluda and Congaree Rivers with the purpose of improving water quality, habitat, and recreation through education, advocacy, and enforcement of environmental laws. He provided Council with information on "River Rocks", a fundraising event for the organization and free tickets to the event. He encouraged Council to support the efforts of the organization.

E. Approval of Resolution Recognizing Peace Officers' Memorial Day

Councilmember James made a motion to approve the Resolution recognizing May 15, 2011 as Peach Officers' Memorial Day. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote. It was noted that flags are to be flown at half mast on this day.

F. Approval of Proclamation – Municipal Clerks' Week

Councilmember Jumper made a motion to approve the Proclamation recognizing the week of May 1 – May 7, 2011 as Municipal Clerk's Week. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote. Mayor Partin thanked Tammy Barkley, the City's Municipal Clerk and Mendy Corder, Municipal Clerk in-training, for their assistance to Council and to the City.

Public Comment regarding Items on the Agenda

Ms. Barkley advised that no one had signed up to speak.

Other

A. Committee Recommendations

Accommodations Tax Committee FY11-12 Recommendations for Funding – Ms. Barkley advised that the Chair of the Committee, Dr. Pete Cassidy, was in attendance to answer any questions that Council may have. Dr. Cassidy explained that the committee carefully reviewed each funding request application and made the determination to recommend funding in accordance with the guidelines of State Law, the amount of funds available and the events that would promote tourism to the City. He stated that due to the economy less money had been received from the State than in previous years making it difficult to fully fund the requests. Councilmember Jenkins made a motion and Councilmember Jumper seconded the motion to fund the requests as follows:

- Ad Specialties - \$1,100
- Airport High School Boys Soccer Tournament - \$2,500
- Airport High School Girls Soccer Tournament - \$2,500
- Cayce Museum – Christmas Traditions 2011 - \$2,500
- Cayce Museum Acquisition - \$500
- Cayce Museum Aide’s Salary - \$10,000
- Cayce Museum Advertising - \$500
- Christmas In Cayce Festival of Lights - \$4,500
- Congaree Bluegrass Festival - \$12,500
- Congaree Shag Festival – postpone funding
- Columbia Metro Convention & Visitors Center - \$1,500
- Guided Nature Tours - \$885
- Palmetto Cup Soccer Classic - \$2,500
- Cherokee Trail Riverfest at Cayce Riverwalk - \$2,545
- West Metro Visitors Center - \$18,870

Total = \$62,900
Estimate Available to Distribute = \$62,967

Councilmember Isom asked that the motion be restated for clarification. Mayor Partin repeated the events and proposed funding. Councilmember James inquired as to the total of the amended amounts. Councilmember Jenkins stated that he believed his figures were below the amount available to distribute.

Dr. Cassidy inquired if that means nothing would be included for the Shag Festival which Council had already approved. Councilmember Jenkins stated he would like to see it postponed until additional funds are received from the State. Councilmember Isom inquired as to why the amounts were changed. Councilmember Jenkins said there was nothing specific other than the fact that he felt some of the amounts should have been increased. Councilmember James inquired how long the Accommodations Tax Committee spent on reviewing the applications. Dr. Cassidy stated that it was the longest deliberation the committee has had. Councilmember James inquired if the City finds that the \$10,000 is not going to be used could it be reallocated later. The Mayor answered absolutely. Councilmember James inquired if it

would not be best to go by the recommendations of the Committee who spent hours going through this and keep the \$10,000 and use it later. Ms. Barkley advised that once the funds are distributed they are always used so you would have to wait until future distributions come in from the State to see if any additional funds are available. She advised the figures given are estimates only.

Councilmember James stated he recognized that the Committee has spent a lot of time on this and knows what the groups are doing. Mayor Partin inquired if Dr. Cassidy agreed with what was being proposed by Councilmember Jenkins. Dr. Cassidy stated that would give the groups more money per event. Councilmember Isom stated that Dr. Cassidy and the Committee spent a lot of hours analyzing this and he thinks they know the particulars better than Council. He stated that he did not feel that Council had the experience to amend the amounts and could not justify the changes. Councilmember James inquired if the Shag Festival was something Council wanted to pursue in the future. Mayor Partin stated she would like to see it held in the City and knew that it would bring in people from more than 50 miles.

After discussion, the motion passed three to two by roll call vote with Councilmembers Jumper, Jenkins and Mayor Partin voting yes and Councilmembers Isom and James voting no.

B. Approval to Amend Utility Surcharge Rate Schedule

Ms. Rhodes stated that the City auditors recommended a rate increase for the TSS surcharge from \$.18 per pound to \$.40 per pound as the current rate does not cover the City's actual cost of treatment at the Wastewater Treatment Plant. She stated that the auditors noted this discovery during their evaluation of wastewater treatment costs in conjunction with the development of the rate methodology rate structure for the Town of Lexington and the Joint Municipal Water & Sewer Commission. She stated that she has discussed this increase with both entities and they do not object to this fee adjustment.

Councilmember Jenkins made a motion to approve the amendment to the Utility Surcharge Rate Schedule as recommended. Councilmember Jumper seconded the motion. Councilmember Isom stated that Council needed to be cognizant of raising any burden on any taxpayers at all. He stated that during these economic times, you cannot put stress on fixed income residents. Councilmember Jenkins asked for clarification. Ms. Rhodes stated that this surcharge is only charged to industrial and governmental purchasers when they violate their permit per pound. She stated that currently, if they are in violation, the current rates do not cover the City's costs to treat this stronger waste. Mr. Robinson provided Council with the names of the four customers it would affect. He stated that it would not affect residential customers. Councilmember Isom again stated he could not support any increases to the City's residences or businesses during these dire economic times. After discussion, the

motion passed 4 to 1 by roll call vote with Councilmembers Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

Ordinances

- A. Approval of Ordinance Repealing Sec. 12-2 of the City Code (Fortunetelling, palmistry, phrenology, clairvoyance and use of cards) – First Reading

Council considered for first reading approval, an Ordinance to repeal Sec. 12-2 of the City Code which prohibits this type of business within the City limits. Ms. Rhodes advised that this City Code is in violation of SC State law. Councilmember Jenkins made a motion to approve the Ordinance on first reading. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

- B. Approval of Ordinance to Annex and Zone Property Located at 3916 Platt Springs Road – Second Reading

Council considered for second and final reading the approval of an Ordinance to annex and zone property located at 3916 Platt Springs Road. Ms. Rhodes stated that the business owner has been contacted as requested by Council and detailed information has been supplied to him. Councilmember Isom made a motion to approve the Ordinance on second and final reading. Councilmember James seconded the motion which was unanimously approved by roll call vote.

- C. Approval of Ordinance Adding Section 6.11 to the Zoning Ordinance of the City of Cayce Relating to the Establishment of a Development Agreement District – Second Reading

Council considered for second and final reading the approval of an Ordinance to add section 16.11 to the Zoning Ordinance relating to the establishment of a Development Agreement District. Councilmember Isom made a motion to approve the Ordinance on second and final reading. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

- D. Approval of Ordinance to Amend Sec. 2-31 of the City of Cayce Code of Ordinances – Second Reading

Council considered for second and final reading an Ordinance to amend Sec. 2-31 to update the City's code regarding date of maps for district lines. Councilmember Isom made a motion to approve the Ordinance on second and final reading. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

- E. Approval to Amend the Business License Ordinance – Second Reading

Councilmember Jenkins made a motion to postpone the issue until further information is provided to Council regarding the City Auditor's inspection and advice from the City Attorney. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

F. Approval of Ordinance re Franchise Fee and Fee In Lieu of Taxes for City Water and Sewer System – Second Reading

Councilmember James made a motion to postpone the issue until the May 17, 2011 meeting has been concluded. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Rhodes stated that Phase III of the State Street Streetscaping project is moving forward. The contracts have been signed and approved by the City Attorney.

She reminded Council that the Budget Workshop is scheduled for Wednesday, May 11 at 3:00 p.m. She advised that it is a public meeting and everyone is invited to attend.

She stated that in reference to Phase III of the Riverwalk, that normally the city sets up a committee that reviews the RFQ's and makes recommendation to Council and would like one of the Council members to be on that committee. Councilmembers Jenkins and James offered to serve on the Committee.

In reference to the Airport Boulevard project, the City Manager advised that the grants specialist had a meeting yesterday on site and the project should be moving forward quickly.

Mayor Partin asked that Ms. Rhodes pass along her thanks to Thomas White and the Sanitation Department for getting the word out so quickly to residents regarding the reduction of the twice a week pick up during the summer.

Councilmember Jenkins inquired about the differences in the street lights along State Street. Ms. Rhodes stated that the new replacement panels are now different from the ones that were originally used. She stated that staff would be experimenting the use of lower wattage bulbs to see if this would help.

Councilmember James inquired if the City Manager had received any comments regarding the Amazon situation. Ms. Rhodes advised that she spent some time at the Lexington County offices this afternoon and there a lot of people that are not very happy. She stated that would have been almost \$1 million for the City in capacity fees alone. Mayor Partin inquired if that meant the City would not have to raise rates as

much if it could have gotten Amazon as a customer. Ms. Rhodes stated that obviously any additional revenue would assist the City in this regard. She stated she would advise Council if she heard anything new.

Committee Matters

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

Councilmember James made a motion to approve that the following committee minutes be entered into the City's official record. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Cayce Housing Authority – April 12, 2011
Cayce Historical Museum Commission – April 13, 2011
Cayce Events Committee – April 14, 2011

- B. Committee Appointments/Reappointments

Beautification Board – One (1) Position - Mr. Eric O'Dell's term expires May, 2011 and he does not want to serve again. The Board is in the process of reviewing potential member applications. There is no recommendation at this time.

Cayce Housing Authority – One (1) Position - Ms. Brenda Kegler's term expires May, 2011. The Authority is in the process of reviewing potential member applications. There is no recommendation at this time.

Councilmember Jumper made a motion to postpone both issues until a recommendation is submitted to Council. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Executive Session

- A. Discussion of Possible Amendment to the Agreement Concerning Credits and Payments for Improvements to Taylor Road between the City of Cayce and South Capital Group Inc.
- B. Receipt of Legal Advice Regarding Possible Resolution Concerning a Business License Matter

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 Jenkins made a motion to reconvene the Regular meeting. Councilmember James seconded the motion which was unanimously approved by roll call vote. 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 Jumper made a motion to adjourn the meeting. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 8:40 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk