

Mayor
Elise Partin

Mayor Pro-Tem
Tara S. Almond

Council Members
Phil Carter
Eva Corley
James E. Jenkins

City Manager
Tracy Hegler



CITY OF CAYCE
Regular Council Meeting
April 2, 2019

The April Regular Council Meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council Members Tara Almond, Phil Carter, Eva Corley and James Jenkins. City Manager Tracy Hegler, Assistant to the City Manager Rachelle Moody, Municipal Clerk Mendy Corder, Municipal Treasurer Garry Huddle, Planning and Development Director Carroll Williamson, Utilities Director Blake Bridwell, Human Resources Director Lynn Dooley, Administrative Coordinator Katinia Taylor, Deputy Director of Public Safety Jim Crosland and City Attorney Danny Crowe were also in attendance.

Mayor Partin asked if members of the press and the public were duly notified of the Council Meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

Call to Order

Mayor Partin called the meeting to order. Council Member Corley gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Approval of Minutes

Council Member Jenkins made a motion to approve the March 5, 2019 Special Council Meeting minutes, the March 5, 2019 Regular Council Meeting minutes, the March 19, 2019 and the March 20, 2019 Special Council Meeting minutes as written. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

No one signed up for Public Comment.

Presentation

A. Presentation of the Tnemec People's Choice Award for Tank of the Year

Mr. Nick Vause with Tnemec asked Mr. Blake Bridwell and Mr. Craig Kirby to join him at the podium. Mr. Vause stated that the Tnemec Company, Inc. manufactures coatings and coating systems for exterior and interior environments. He stated that Tnemec has a Tank of the Year Competition annually and Cayce won for 2018 with the

most votes ever cast. He congratulated the City on the beautiful water tank and presented Council with the trophy.

Proclamation and Other

A. Approval of Proclamation – 2020 Census

Mayor Partin stated that the Census is very important for the City and its residents since the amount of Federal money the City receives is based on the Census numbers. She stated that on April 1, 2020 the Census count will occur and the City will be talking about the importance of the Census a lot for the next year. She stated that everyone needs to participate so the City will have an accurate count. Mayor Partin stated that a University of South Carolina student is working with the City to get the numbers for the City's response rate from the last Census so the City can beat that response rate. Council Member Corley made a motion to approve the Proclamation that details the importance of the Census and the City's commitment to an accurate count. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

B. Discussion and Approval of the Accommodations Tax Committee's Recommendation for Distribution of Funding FY19/20

Ms. Taylor stated that the City received 14 requests for Accommodations Tax funds for FY19/20. The Accommodation Tax Committee recommended funding all the amounts requested except for one. Mayor Partin stated that the Committee recommended to partially fund one event because it is a new festival and they were not sure if it could bring people to the event from 50 miles out which is a requirement for Accommodations Tax funding. Council Member Jenkins made a motion to approve the Accommodations Tax Committee's recommendations for funding. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

C. Discussion and Approval to Proceed with an Agreement with Central Midlands Council of Governments for Technical Assistance with the City's Comprehensive Plan

Ms. Hegler stated that the current Comprehensive Plan was completed in 2010 and last revised in 2015. The 2018-19 budget identified \$50,000 to pay for contract services to assist in the update of the City's Comprehensive Plan. CMCOG is requesting \$42,520 to assist with the update. She stated that the CMCOG will work closely with staff and the Planning Commission during 2019 and 2020 to update all of the nine (9) required elements of the Comprehensive Plan. Cayce citizens will be encouraged to provide their input at public meetings throughout this process. Staff anticipates having the plan

completed and presented to Council for review and approval by August 2020. Council Member Jenkins asked if the CMCOG had worked with the City before on the Comprehensive Plan. Ms. Hegler stated that it was the first time but they have helped other municipalities with their Comprehensive Plan.

Council Member Almond made a motion to authorize the City Manager to enter into a Technical Assistance Agreement with CMCOG to assist with the City's next Comprehensive Plan. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

D. Discussion and Approval of a Research and Preservation Plan Development Agreement Related to the American Battlefield Protection Program Grant Project

Ms. Hegler stated that The City of Cayce received an American Battlefield Protection Program (ABPP) grant from the U.S. Department of the Interior, National Park Service for \$23,000. There is no cash match required for the grant and all expenses are reimbursable by a federal grant. However, the City will provide in-kind match through staff grant management time and mapping resources. She stated that the purpose of the grant is to create a Preservation Plan for the Battle of Congaree Creek Battlefield Earthworks. A request for proposals was placed in SCBO and while five (5) firms expressed interest, only one (1) firm responded.

Council Member Almond made a motion to approve. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

Ordinances

A. Discussion and Approval of Ordinance 2019-02 Amending City Code Sections 12-45 and 12-47 Concerning Inspections, Audits and Penalties Related to Business License Taxes – First Reading

Ms. Hegler stated that staff recommends amending the language concerning inspections and audits to comply with the language in the Municipal Association of South Carolina Model Business License Ordinance Section 12-45. This section clarifies the authority of the business license official or his designee to make inspections and conduct audits. The current business license ordinance states that the penalties for delinquent license taxes shall not be waived. The proposed amendment to Section 12-47 will give the City Manager the authority to waive penalties only under certain circumstances if there is an extraordinary hardship or if the enforcement of the penalty requirement creates inequitable consequences relative to previous enforcement of the business license tax.

Council Member Almond made a motion to approve the portion of the amendment regarding the audits and inspections and stated that she would like to make an alternative motion regarding the penalty portion of the amendment. She made a motion that penalties may be waived for notifications of unpaid business license taxes issued in 2019 if payment in full of past and present license taxes owed is made prior to May 22, 2019. Council Member Corley seconded the motion. Council Member Carter stated that he was not sure if he completely understood Council Member's Almond's motion. Council Member Almond stated this would give people a chance to catch up since there was quite a large group of businesses in the same category that fell out of the City's review of business licenses and have not been paying a business license tax. She stated that City staff would like to get this group into compliance. Her motion would waive their penalties but they will still have to pay their business license taxes.

Council Member Almond stated that the consultant that the City hired discovered that this category had not been paying a business license tax. Council Member Carter asked how staff was going to notify this group of businesses. Mr. Crowe stated that the City's current business license ordinance provides that penalties may not be waived. He stated that the consulting service that was hired to find additional revenue found additional revenue based on business license taxes that had not previously been sought by the City from a segment of business. Mr. Crowe stated that it was felt that rather than require them to pay penalties for three (3) years it would be fairer to waive the penalties if those businesses would agree to pay the past and present taxes that were due. He stated that the basis of the May 22, 2019 date was that the consultant sent out notices on January 22, 2019 so this would give the businesses four (4) months to pay the amount owed in business license taxes and this was viewed as a fair catch up time.

Council Member Carter stated he wanted to make sure that the businesses were given enough time since many of the complaints were that they did not know that they owed a business license tax. Mayor Partin stated that this would be at least the third letter these businesses had received about this issue so they have had plenty of time to reach out to City staff. She stated that however this would be the first letter to clarify a window of time for when the amount owed is due. Mr. Crowe stated that the due date is an arbitrary date that he suggested so it could be pushed further out if Council thought more time would be helpful for these businesses. Council Member Jenkins asked what would be the next steps if one of these businesses failed to pay the amount due by the deadline. Mr. Crowe stated that the City has several means of enforcement. One would be to issue uniform ordinance summons. The other would be to file a civil action to try to collect the monies owed. Council Member Jenkins asked if the businesses did anything wrong by not paying their taxes. Mr. Crowe stated that in his view it is clear that anyone who operates a business within the City owes a business license tax. He stated that in the past there has not been a systematic program to collect those from a particular kind of business. He stated that statistically only a very small percentage of those businesses

voluntarily paid so now that the City has uncovered this group of businesses that has not paid it has to be enforced.

Mr. Crowe stated that the amendment to the inspections and audits part of the Ordinance was suggested in case the Business License Official learned that a particular business was not paying for a business license then the Official could inspect and audit and it would not have to be random or systematic like the current Ordinance states. Council Member Carter asked when the second reading would be for the amendment. Mr. Crowe stated that the letters to the businesses could be sent out after the first reading. Mayor Partin called the question which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that she wanted to make Council aware that the City had launched a new Cayce Curbside Collections app (also known as Re-Collect). She stated that through this app and the Collections Calendar on the Sanitation Department webpage (www.caycesc.gov/sanitation.php), residents can easily stay informed of their curbside sanitation and recycling schedules. Ms. Hegler stated the City has not yet made a formal launch, but will have an article in the upcoming summer newsletter and will issue a news release.

Ms. Hegler stated that Tartan Day South was the upcoming Saturday and Ms. Corder and Ms. Taylor would be there handing out Soiree flyers. She stated that Soiree on State billboards were going up that week. She stated that Council may have seen some COMET transit stop signs around the City. She stated that the signs are located where COMET is proposing new bus stops for the new route to Nephron and Amazon. She stated that staff had seen a couple of signs that are in less than ideal locations so they are working with COMET to revise the locations. Ms. Hegler stated that the General Fund Budget workshop and second Council Meeting, if necessary, will be held Wednesday, April 24, instead of the third Wednesday.

Ms. Hegler stated that the SCDOT held a public information session on March 26, 2019 regarding the bridge replacement over Congaree Creek. She stated that the bridge will be lifted four (4) feet and the grade will span a long length as opposed to having a sudden bump in the road. She stated that the bridge and road span will not be widened at all and the height of the bridge will be designed for a 50-year flood. Ms. Hegler stated that most of the work will be done during the daytime, with little nighttime work. The roadway will never be fully closed since traffic will flow in three (3) lanes at all times. She stated that construction will begin in two (2) years and will take two (2) years to complete.

Committee Matters

- A. Approval to enter the following Committee approved Minutes into the City's Record
Museum Commission – February 6, 2019
Events Committee – February 7, 2019

Council Member Carter made a motion to enter the approved Museum Commission and Events Committee meeting minutes into the record. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

- B. Appointments and Reappointments
Beautification Foundation – Two (2) Positions
Events Committee – One (1) Position

Mayor Partin stated that Ms. Joyce Coleman and Ms. Kim Wells' terms on the Beautification Foundation have expired. She stated that both have served on the Foundation since 2010. Council Member Jenkins made a motion to reappoint Ms. Coleman and Ms. Wells to the Foundation. Council Member Almond seconded the motion. Council Member Corley stated that Ms. Coleman's home address was not a Cayce address. Mayor Partin stated that Ms. Coleman grew up in the City and volunteers for many City events and causes. She stated that it is not a requirement to live in the City to serve on this Foundation. Mayor Partin called the question which was unanimously approved by roll call vote.

Mayor Partin stated that the Events Committee had two open positions and received a potential member application from Ms. Teresa Mitchell. She stated that Ms. Mitchell attended a recent Events Committee Meeting and the Committee recommends her for appointment. Council Member Almond made a motion to appoint Ms. Mitchell to the Events Committee. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

Council Comments

Council Member Corley stated that she was looking forward to attending Tartan Day South. She stated it was always a fun event. Council Member Almond stated that the City's spring Plant Exchange was the following weekend and the Soiree on State was the last Saturday in April.

Executive Session

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

- B. Discussion and negotiations incident to proposed contractual arrangements regarding proposed redevelopment of 800 Lexington Avenue (Cayce Grammar School)
- C. Discussion of negotiations incident to proposed contractual arrangements regarding proposed Project Eiffel

Council Member Jenkins made a motion to move into Executive Session. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

Reconvene

After the Executive Session was concluded, Council Member Corley made a motion to reconvene the Regular meeting. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

Possible Actions by Council in follow up to Executive Session

IX. B.

Council Member Almond made a motion to authorize the City Manager to continue discussions with regard to 800 Lexington Avenue as discussed in Executive Session. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

Adjourn

There being no further business, Council Member Corley made a motion to adjourn the meeting. Council Member Almond seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 7:25 p.m.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, CMC, Municipal Clerk

