

**CITY OF CAYCE  
Regular Council Meeting  
September 6, 2011**

The Regular September Council Meeting was held this evening in Council Chambers. Those present included Mayor Elise Partin, Councilmen Steve Isom, Tim James, James Jenkins, Kenneth Jumper, City Manager Rebecca Rhodes, Tammy Barkley, Municipal Clerk and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Public Safety Major Darwin Fulwood, Thomas White, Sanitation Manager and Planning & Development Director, Shaun Greenwood 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 at 6:10 p.m., Councilmember Jumper gave the invocation, and the assembly recited the Pledge of Allegiance.

Councilmember Jenkins made a motion to amend the agenda to add Item V.H. Approval of SC Department of Transportation Agreement Re Airport Boulevard Beautification Project. Councilmember Jumper seconded the motion. Councilmember Isom stated that as this item concerns taxpayer funds, he suggested that the item be postponed and placed on the agenda in advance to allow taxpayers the opportunity to discuss expending these funds. After discussion, the motion was approved 4 to 1 by roll call vote with Council members Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

**Approval of Minutes**

Councilmember Jenkins made a motion to approve the minutes of the August 9, 2011 Regular Meeting as submitted. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

**Presentations**

- A. Presentation by Katie Bullard of the American Lung Association Re Midlands Dancing with the Stars Fundraiser

Ms. Bullard cancelled her presentation.

- B. Presentation by Ms. Patricia Shull Re Sewer Availability Charge

Ms. Shull appeared before Council to express her concern of paying a sewer availability charge when she is not tied on to the City's sewer service.

- C. Presentation by Mr. Earle Smith re Public Policy – Enforcement of Storm Drainage Regulations

Mr. Smith appeared before Council to express his concern of enforcement of storm drainage regulations (comments attached).

- D. Presentation by Ms. Zikethia Harley re Water and Sewer Rates

Ms. Harley cancelled her presentation.

### **Public Comment regarding Items on the Agenda**

Ms. Barkley advised that no one in attendance signed the roster to make public comment regarding items on the agenda.

### **Ordinances and Resolutions**

- A. Approval of Ordinance Approving a Lease Agreement between the City of Cayce and the SC Department of Natural Resources Re Property for Parking and Public Canoe Access to Congaree Creek – First Reading

Council considered for first reading approval of an ordinance approving a lease agreement between the City of Cayce and the SC Department of Natural Resources (DNR) regarding property for parking and public canoe access to Congaree Creek. Councilmember Isom made a motion to approve the Ordinance on first reading. Councilmember James seconded the motion which was unanimously approved by roll call vote.

- B. Approval of Resolution Approving a Lease Agreement between the SC Department of Natural Resources and the City of Cayce Re Property for Cayce Riverwalk Phase III

Councilmember Isom made a motion to approve the Resolution as submitted. Councilmember James seconded the motion which was unanimously approved by roll call vote.

- C. Approval of 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 – Second Reading

Councilmember James made a motion to postpone the item until the October meeting. Councilmember Jumper seconded the motion. Councilmember Jenkins suggested that this postponement be the final one on this issue. Ms. Rhodes gave Council an update on the issue and advised that a timeline of the issue had been

included in Council's mail. After discussion, the motion was unanimously approved by roll call vote.

D. Approval of Resolution Approving Intergovernmental Mutual Aid Agreements for Fire Service

Councilmember Jenkins made a motion to approve the Resolution. Councilmember Jumper seconded the motion. Ms. Rhodes advised that this Resolution mirrors the one that Council approved for police services at the August meeting. Councilmember James stated that this has always been done, and asked if this would cover mutual aid agreements or automatic aid agreements. Major Fulwood stated it would cover mutual aid agreements and that it helps the City with its ISO rating. After discussion the motion was unanimously approved by roll call vote.

**Agreements and Other**

A. Approval of Agreement to Participate in the Coca Cola Recycle and Win Program

Councilmember Jenkins made a motion to approve the agreement. Councilmember James seconded the motion which was unanimously approved by roll call vote. Ms. Rhodes stated that this program is for those citizens who have recycle bins and the bins are available for sale at City Hall. She stated that she did not think placing stickers on the side of cardboard boxes would qualify for the program. Mayor Partin stated that the city would assist in getting the word out.

B. Approval of Agreement between the City of Cayce and Davis and Floyd for Landscaping Architect Service for Cayce Riverwalk Phase III A

Councilmember Jenkins made a motion to approve the Agreement. Councilmember James seconded the motion. Councilmember Isom asked for clarification of item 16 on page 2 of the contract under standard terms and conditions regarding confidentiality. Mr. Crowe stated he did not know the answer. Councilmember Isom inquired if he could bring up certain items of the agreement in open session. Mr. Crowe stated discussing this in open session is permissible. Councilmember Isom pointed out the per hour rate of the Davis & Floyd staff and felt the rates were extremely high. Ms. Rhodes stated these were normal rates and were in the parameters of the grant funds available and caliber of staff needed for the project. Councilmember Isom stated that in normal times these would be normal rates, but that these are not normal times. He asked that staff contact Davis and Floyd and request a 10% discount across the board. Councilmember Isom stated that he could not vote for approval of the agreement without knowing if the firm would reduce their rates. Councilmember James stated that he agreed that staff should inquire about a discount. After discussion, the motion was approved 4 to 1 by roll call vote with Council members

Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

C. Approval of Memorandum of Agreement Re Congaree Coalition

Ms. Rhodes stated that the Coalition would join the City of Cayce with the Town of Springdale, Richland County, City of Columbia, and the City of West Columbia to form the coalition for the purpose of obtaining grant funds for Brownfield projects. By joining forces, the members would have a better chance of receiving these funds. She stated that last year the Coalition received \$1 million and plans to apply for the same amount of funding this cycle. She stated the City will become a voting member of the Coalition and will be allotted approximately \$150,000 for Brownfield projects if funds are obtained. She stated that previously the City had requested grant funds for these projects on its own and was not awarded any grants. She explained what would be involved in Brownfield projects. She stated she hoped this would offer economic redevelopment incentives to property owners in the City. Mr. Greenwood advised that the City's grants specialist attended a meeting recently where grants were reviewed for their strengths and weaknesses. He provided Council with examples of how funds were used to assist in new development in West Columbia. Mayor Partin inquired if it cost the City any funds to join. Mr. Greenwood advised that there is no cost involved to join the Coalition. Mayor Partin inquired if there was a downside. Mr. Greenwood stated that if we do not join the coalition it will be very difficult to obtain funding as it is very competitive at this time.

Councilmember Jenkins made a motion to approve the Memorandum of Agreement. Councilmember Jumper seconded the motion. Councilmember Isom stated that the \$150,000 is still taxpayers' money and he cannot be in favor of using taxpayer money for these projects during difficult economic times. After discussion, the motion was approved 4 to 1 with Councilmember Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

D. Bid Award – Purchase of Rear Loader for Sanitation Services

Councilmember Isom made a motion to award the bid, as recommended, to Shealy's Trucks in the amount of \$173,584 to purchase the Western Star/Loadmaster rear loader. Councilmember Jumper seconded the motion. Councilmember James inquired as to specifics on the recommendation to go with the middle bid rather than the lowest. Mr. White stated the lowest bid was rejected because it did not meet the specifications on the chassis. Ms. Rhodes stated that staff was pleased also with the warranty on the truck. Councilmember Jenkins inquired if the current fleet included Western Star trucks. Mr. White stated that the fleet currently has Mack trucks, but none of the vendors provided bids on these. Mr. David Shealy with Shealy's Trucks was in attendance. Councilmember Jenkins inquired if there were any trucks in the area that staff could compare with the recommended bid. Mr. Shealy stated that staff could contact Mr. Charles Carlson of Southeastern Concrete. He stated they have had two of

these trucks in their fleet for four years. After discussion the motion was unanimously approved by roll call vote. Mayor Partin thanked staff for working so hard with the current equipment to keep things up and running.

E. Bid Award – Replacement of Roof on Public Safety Building

Councilmember Isom made a motion to award the bid as recommended to Stanick Roofing in the amount of \$51,520.00 to replace the roof on the Public Safety building. Councilmember James seconded the motion which was unanimously approved by roll call vote.

F. Bid Award – Six Mile Creek Pump Station Upgrade Project

Councilmember Isom made a motion to award the bid as recommended to M. B. Kahn Construction Co. Inc. in the amount of \$1,023,040 for the Six Mile Creek Pump Station Upgrade Project. Councilmember James seconded the motion which was unanimously approved by roll call vote.

G. Approval of Membership – MASC Association of South Carolina Mayors

Councilmember Jenkins made a motion to approve membership in the MASC Association of South Carolina Mayors. Councilmember James seconded the motion. Councilmember Isom inquired if this was the same organization organized by Mayor Bobby Horton and others. Mayor Partin stated that this was a different organization and discussions have begun on the possibility of combining the two, but is separate at this point. Councilmember Isom stated that he did not see a need to be involved in both organizations. Ms. Rhodes stated that the hope would be that the two groups would somehow come together and form one group and the city does not want to alienate one against the other. After discussion the motion was approved 4 to 1 with Council members Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

H. Approval of SC Department of Transportation Agreement Re Airport Boulevard Beautification Project

Ms. Rhodes apologized for this item not being placed on the advanced agenda but stated additional research was required. She stated that this project is in conjunction with the Town of Springdale and the City of West Columbia as previously approved by Council. She stated the project is a long way out and that is one of the issues all municipalities have in SC DOT administering these grants. She stated the city's match is \$36,528 of which \$30,000 will be provided by Lexington County C funds. She stated the remainder of the match needed could come from the savings the city will realize from the purchase of the rear loader approved tonight. Mayor Partin stated it was her understanding that the match funds could come from in-kind services provided by the City's Parks Department and asked that Ms. Rhodes check on this option.

Councilmember Jenkins made a motion to approve the SC DOT Agreement for the Airport Boulevard Beautification Project and authorize the City Manager to sign the agreement on behalf of Council. Councilmember James seconded the motion.

Councilmember Isom stated that the beautification project overall is a good project, but again the City is spending taxpayers' money and this was placed at Council's desk just before the meeting. He stated that the public should be afforded the opportunity to give public comment on these types of issues. Being the project is 14 months out, Councilmember Isom suggested that Council give the public the opportunity to do so. Ms. Rhodes stated that her only hesitancy is that if Council takes longer to approve the agreement, SC DOT will push the project out that much further. Councilmember Jenkins stated that this is not the first time this has come to Council. Ms. Rhodes stated it was discussed and approval was given to move forward to look for funding in December, 2009. After discussion the motion was approved 4 to 1 with Council members Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

### **City Manager's Report**

Ms. Rhodes reported that the City has received a 4.0 ISO rating from a 5.0 which will provide a savings of approximately \$100-200 on insurance rates on homes valued at \$100,000. She stated that this is one of those times that putting money into the City's Fire services has provided Cayce residents with a direct benefit. She stated that Chief McNair reported that the City is close to a 3.0 rating and staff will be working toward lowering the rating even further.

Ms. Rhodes stated that, as requested, procedures for utility cut offs and non sufficient funds procedures have been provided to Council.

In reference to the Annexation brochure, Ms. Rhodes advised that in reviewing the current brochure some of the information needs to be updated and she would like to discuss some of the changes with Council at the upcoming Council Retreat.

Ms. Rhodes stated that as she suggested two months ago, there are a couple of options regarding the sewer availability charge. She and Mr. Robinson would like to see it left as is keeping the sewer availability charge in tact. The other option is to return the tap fee paid several years ago to these individuals and stop the sewer availability charge with the understanding that when they do come in, they will pay the existing tap fee. She stated staff needs Council's direction on which way to go with this issue. Councilmember Jenkins stated he felt the procedure needed to stay as is.

Ms. Rhodes advised that City staff attended the Lexington County Stormwater Feasibility meeting and the County is currently working on creating a stormwater utility that would charge a stormwater fee to property owners based on their impervious area. She stated that funding would go into a pool that would help administer a stormwater

management program. She stated the city would be under that program and funds could be available and used for drainage projects as well. She stated it was more of an informational meeting, but it was helpful to know that there may be money available to assist with some of the City's storm drainage problems.

Ms. Rhodes stated that she would be meeting with the SC DOT's resident maintenance manager to build relations between the City and DOT and to discuss drainage issues.

Ms. Rhodes reminded Council of MASC's Regional Advocacy Meeting to be held at MASC's office on September 9, 2011 at 11 a.m.

Ms. Rhodes asked Council to RSVP to Ms. Barkley if they will be attending the West Metro Annual Dinner. She stated that the Town of Springdale is interested in sharing the sponsorship of a table.

Ms. Rhodes stated that in reference to Mr. Smith's comments, there are times that City staff has gone on to personal property to check drainage ditches when the city receives complaints even though it is against the City attorney's advice.

### **Committee Matters**

- A. Approval to Enter the Following Approved Committee Minutes into the City's Official Record
  - Board of Zoning Appeals – May 16, 2011
  - Cayce Events Committee – June 9, 2011
  - Beautification Board – June 14, 2011
  - Cayce Housing Authority – June 21, 2011

Councilmember James made a motion to enter the approved Committee minutes submitted into the City's official record. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Mayor Partin announced the Congaree Bluegrass Festival to be held on October 1 at Granby Gardens Park.

### **Executive Session**

- A. Discussion of negotiations incident to 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**

Councilmember James made a motion to approve the Settlement Agreement with revisions as discussed in Executive Session. Councilmember Jumper seconded the motion which was approved 4 to 1 by roll call vote with Councilmember Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

#### **A. Approval to Amend the Business License Ordinance – Second Reading**

Councilmember Jenkins made a motion to approve the amendment to the Business License Ordinance on second and final reading. Councilmember Jumper seconded the motion which was defeated 4 to 1 by roll call vote with Councilmember Jumper, Jenkins, James and Mayor Partin voting no and Councilmember Isom voting yes.

There being no further business, Councilmember James made a motion to adjourn the meeting. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 8:30 p.m.

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Elise Partin, Mayor

ATTEST:

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Tammy P. Barkley, CMC, Municipal Clerk