

**CITY OF CAYCE
Regular Council Meeting
March 3, 2009**

The Regular March 2009 Council meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council members Steve Isom, James Jenkins, Kenneth Jumper and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Ken Knudsen Director of Planning & Zoning, 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. Mr. Jumper gave the invocation and Mayor Partin led everyone in the Pledge of Allegiance.

Approval of Minutes

The minutes of February 3, 2009 Regular Meeting were presented for approval. Mr. Jumper made a motion to approve the minutes as submitted. Mr. Myers seconded the motion. Mr. Jenkins asked that page 7, second paragraph of the minutes be corrected to reflect that Community Service Awards would begin at 5 years of service as stated in Mr. Myers amended motion. Mr. Jumper amended his motion to approve the minutes with correction noted. Mr. Myers amended his second to the motion. The motion was unanimously approved.

Presentations and Proclamations

A. Presentation of Community Service Awards

Mayor Partin announced that Council wanted to recognize citizens who volunteer their time and effort for the City by serving on one of the various committees. She stated that there are several who have served for a great length of time and provided invaluable service to the city and residents. She stated that Community Service Awards would be given to those who have served for 5 years, 10 years, 15 years and 20+ years and awards would be given at each Council meeting until the end of June. After that time, presentation of the awards would be held annually at the December Council meeting.

On behalf of Council, Mayor Partin presented Community Service Awards to Mr. Pete Cassidy for his 23 years of service as a member of the Accommodations Tax Committee, Ms. Ann Diamond for her 22 years of service as a member of the Cayce

Historical Museum Commission, and Mr. Mark Burt for his 21 years of service as a member of the Accommodations Tax Committee. Mr. Burt was unable to attend the meeting and his award will be mailed to him.

B. Presentation by Ms. Doris Jones of the US Census Bureau re Partnership Program

Ms. Jones appeared before Council to discuss the 2010 Census and its importance to the city. She encouraged the city to become involved in the Census Partnership Program. She provided Council with details regarding the program. She stated that everyone will receive the short form from the Census Bureau for the census count and how important it is for the city that everyone is counted. She stated the 10-10 pledge has been adopted by the region covering the city and explained further that it is 10 questions, 10 minutes to complete, and tell 10 people you completed yours and mailed it back. She provided Council with the timeline and activities for the 2010 census.

Mr. Jenkins made a motion that the City participate in the Census Partnership Program. Mr. Isom seconded the motion which was unanimously approved.

C. Approval of Proclamation – Sunshine Week

Council considered for approval a proclamation that proclaims March 15-21, 2009 as Sunshine Week. Mayor Partin advised that this is a national initiative to encourage dialogue about the importance of open government and freedom of information. Mr. Jenkins made a motion to approve the Proclamation. Mr. Isom seconded the motion which was unanimously approved.

Public Comment regarding Items on the Agenda

Mayor Partin inquired if anyone in attendance had signed the speakers' list to address Council on municipal matters listed on the agenda. Ms. Barkley called speakers in order as signed.

Ms. Karen Wigfall – Item IV. A. and V. E. – Ms. Wigfall inquired if the City would be receiving any funding regarding Item IV. A. The City Manager advised that he did not know at this point. Ms. Wigfall asked for clarification on the Joint Resolution stated as Item V.E. Mr. Isom advised the resolution would be joint with the Lexington County School District 2 to honor Ms. Frankie Newman

Mr. Johnny Dowd – Item V.E. – Mr. Dowd commended the Mayor for pursuing her candidate platform of citizen involvement and stated he would like to volunteer in any way needed to assist with the transparency project. He also thanked the Mayor for providing her time this evening prior to the meeting to listen to citizen's issues and concerns.

Mr. John Ivey – Item V. E. – Mr. Ivey expressed his gratitude for the service of Council and staff and especially wanted to thank members of Council who have served for many years and decades and provided great service to the community. In reference to the transparency project, he stated that he felt it was essential to create openness in government and to hold government accountable. He stated that transparency would also be invaluable to Council members as a shield in adversities and would be a great boon to the whole life of the city council as it would allow them to keep someone at arms length.

Ms. Angela Hoyle – Item V.E. – In reference to the transparency project, Ms. Hoyle stated that she felt the project would go a long way in answering questions that citizens have and will provide continuity to the community.

Resolutions and Ordinances

A. Approval of Resolution – State Revolving Fund Loan Application

Council considered for approval a Resolution that authorizes the application for a South Carolina Water Quality Revolving Fund for a loan for the construction of the Cayce Wastewater Treatment Plant. The City Manager advised that the city is in the process of finalizing the engineering plans and contracts for the construction of a new Wastewater Treatment Plant and that the plant is a joint project among the city, the Town of Lexington and the Joint Municipal Water and Sewer Commission. He stated that the estimated cost of the project is \$79,000,000 and that the city is in negotiations with the State Revolving Fund Loan authority for a loan to cover a portion of the cost of the project for the city and the Commission. He stated that the Town will be selling its own revenue bonds to pay for their share and will not be included in the SRF loan. He stated that the SRF authority has tentatively committed to the city a \$20 million loan at 3.50%. He stated that in order to apply for the SRF loan and to authorize the SRF authority to begin the application approval process, Council has to authorize the application for the loan by resolution. He pointed out that the amount stated in the Resolution is \$44,600,000 and this is a “not to exceed amount” since the SRF loan could be larger than the \$20 million that has been reserved. He stated that the city would not know the exact amount of the loan until a loan commitment letter has been issued. The application will be submitted within the next day or so once the Resolution has been approved.

Mr. Myers made a motion to approve the Resolution authorizing the application to the SC Water Quality Revolving Fund in order to obtain the SRF loan for the construction of the Wastewater Treatment Plant. Mr. Jenkins seconded the motion. Mr. Isom inquired as to the monies listed in the Resolution. The City Manager advised that these were rough working numbers. Mr. Isom inquired if the city would be liable for the entire amount of the loan. The City Manager stated that it will be a loan of the city, but agreements with the other entities will be put in place to protect the city. After discussion, the motion was unanimously approved.

B. Approval of Amendment to Sec. 2-67 (b) of the City of Cayce Code of Ordinances Re Executive or Conference Sessions – First Reading

The City Manager stated that during the Council Retreat, the City Attorney advised that Sec. 2-67 of the City's Code of Ordinances concerning Executive or conference sessions did not conform with State law by conflicting with the Freedom of Information Act. The City Attorney stated this is essentially a cleanup ordinance. He stated that the city's current code section was based on earlier law in the Freedom of Information Act. Mr. Isom inquired as to the conflict with State law. Mr. Crowe stated the conflict was that the current code section states Council could informally take a poll in an executive session and that since the law has changed, the code section is not in compliance. Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Jenkins seconded the motion which was unanimously approved.

Other

A. Approval to Proceed with Research Regarding Transparency Program offered through the SC Comptroller General's Office

Mr. Isom made a motion authorize staff to proceed with researching the transparency program. Mr. Jenkins seconded the motion which was unanimously approved. Mr. Isom asked for a roll call vote. Mayor Partin advised the vote was unanimous.

B. Approval to Apply for Department of Public Safety Highway Safety VOCA Grant

The City Manager advised that applications are being accepted for the new cycle of Victims of Crime Act grants and that staff would like to apply for a VOCA grant for supplies and equipment for the Victims Advocate. He stated the total project is \$31,870 and that the grant would cover 80% of the cost. He stated the city would be responsible for 20% or \$6,375 of the project which could be included in the FY09-10 budget. He stated that grant awards would be made in May. Mr. Myers made a motion to authorize and approve staff's request to apply for a VOCA grant in the amount of \$25,495 with a city match of \$6,375 for supplies and equipment for the Victims Advocate. Mr. Jenkins seconded the motion. Mr. Myers inquired if this is the same annual grant as the city has received in the past. The City Manager advised that the grant comes available from time to time and the city applied three years ago when it was available. Mr. Isom inquired as to how the city's match is funded. The City Manager advised the match funds would be included in the General Fund budget. After discussion, the motion was unanimously approved.

C. Approval to Apply for Department of Transportation Enhancement Grant – State Street Revitalization – Phase IV

The City Manager advised that Phase I and II of the State Street Revitalization project has been completed and Phase III has been approved and funding is in place for that portion of the project. He stated that staff has been working on Phase IV to extend the project from M Ave. down to K Ave. and the total estimated cost for this phase is \$421,524. He stated a CDBG grant application has been submitted for \$266,774 leaving a balance of \$154,750 and staff is recommending that the city apply for a SCDOT Enhancement Grant in the amount of \$145,000. This would leave a city share of \$9,750. He stated that in order to apply for the SCDOT grant, authorization by Council is needed. Mr. Jumper made a motion to authorize and approve staff's request to submit a grant application in the amount of \$145,000 for a SCDOT Transportation Enhancement Grant for Phase IV of the State Street Streetscaping Project. Mr. Myers seconded the motion. Mr. Jenkins inquired if the city could apply for this grant for projects in other parts of the city. The City Manager advised that the projects would have to meet certain requirements. Mr. Jenkins inquired the city could apply for CDBG grant funds to repair a street. The City Manager stated that he did not know if this would be an eligible project. Mr. Jenkins stated that since the city is doing this project through a SCDOT grant, could the city also apply for projects in other areas of the city. The City Manager advised that staff has submitted several others projects for funding, but only was awarded funding for the State Street project. Mr. Jenkins inquired if the City could send grant requests in advance. The City Manager stated this could not be done as there are specific timelines in grant cycles and the city must wait until the appropriate time to file a grant request. The City Manager suggested that Mr. Jenkins meet with the city's grants coordinator to discuss grant opportunities available. Mayor Partin added that it would be a good idea for Council to meet with appropriate staff and prioritize plans for grants. After discussion, the motion was unanimously approved.

D. Bid Award – Contract for Charrette Master Plan

The City Manager advised that there was some question on the need to go through a formal bid process for contract services for the Charrette Master Plan. Because private funds were to be used for the project, it was felt that the normal bidding process did not have to be followed. He stated the City Attorney advised that although public funds would not be used for the project, the city's procurement policy still needed to be followed since this project would provide a service to taxpayers. He stated that requests for proposals were mailed on February 6th with a deadline of February 19, 2009 to respond. Those who received an RFP were the Central Midlands Council of Governments, Sid Thomas & Associates, USC's Institute of Public Service and Policy Research Department, Clemson University, and Vismor & Associates. He stated that both Sid Thomas & Associates and Vismor & Associates responded that they would not be able to handle the project, no response was received from the Central Midlands Council of Governments or USC and that Clemson University submitted their proposal in the amount of \$31,900.

Mr. Jenkins made a motion to award the bid to Clemson University and sign the agreement once funds are available. Mr. Jumper seconded the motion. Mr. Myers inquired if the bid received would be good for an extended period. The City Manager

stated that he did not see anything in the agreement stating funds were needed prior to the beginning of the project. Mayor Partin stated that the amount quoted in the proposal would be good for an extended period. Mr. Isom stated that Council was in favor of the charrette plan, and asked for details on the city's RFP procedure. The City Manager provided details on the city's procedures. Mr. Isom inquired if the city was in line with the State procurement code. The City Attorney advised that the city was in line with the code. After discussion, the motion was unanimously approved.

E. Update Concerning Joint Resolution with Lexington 2 School Board

Mr. Isom provided Council with an update on his meeting with the Lexington 2 School Board regarding the possibility of presenting a joint resolution with the City to honor Ms. Frankie Newman. He stated that the Board was in agreement to make this joint presentation and that the presentation is tentatively scheduled to take place on April 16th. If not then, he advised it would be done in May. Mr. Isom made a motion to proceed with the preparation of the joint resolution honoring Ms. Newman. Mr. Myers seconded the motion which was unanimously approved. The City Manager stated that staff would provide information to the School Board on Ms. Newman's contributions to the city.

Committee Matters

A. Committee Minutes

Council reviewed the following Committee meeting minutes for approval to enter into the official city record:

Beautification Board – February 10, 2009
Cayce Museum Commission – February 11, 2009
Cayce Events Committee – February 12, 2009
Accommodations Tax Committee – February 26, 2009

Mr. Myers made a motion that the Committee meeting minutes be entered into the official city record. Mr. Isom seconded the motion which was unanimously approved.

B. Committee Appointments

Housing Construction Board of Adjustment and Appeals – Two (2) Positions
The following members' terms expire February and March, 2009--Frank Strange, Don Golightly. Each has served on the Board for 11 years. Reappointment applications have been received and are attached for your review. It is recommended that these two members be reappointed to the Board. Mr. Myers made a motion to reappoint Mr. Strange and Mr. Golightly to the Board. Mr. Isom seconded the motion. Mr. Jenkins inquired if members of the Board had to live or work in Cayce and noted

that Mr. Golightly's application indicates that he does not live or work in Cayce. The City Attorney stated that he is not aware of this stipulation in State law, but would research the issue and advise Council of his findings. Mr. Jenkins stated that he would like the city to have something on file indicating that State law does not require residency to serve on this Board. Mr. Myers amended his motion to reappoint Mr. Frank Strange to the Board. Mr. Isom amended his second. The motion was unanimously approved. Mr. Myers made a motion to appoint Mr. Golightly to the Board. Mr. Isom seconded the motion. The motion passed three to two with Mr. Myers, Mr. Jumper and Mayor Partin voting yes and Mr. Isom and Mr. Jenkins voting no.

Planning Commission – One (1) Position

The Planning Commission received a total of 9 potential member applications for this position. All applicants were interviewed by the Commission. Council was provided with copies of the applications received. The Commission recommends the appointment of Mr. Robert Power to the Commission. Mr. Myers made a motion to appoint Mr. Power to the Commission. Mr. Isom seconded the motion. Mayor Partin commended the Planning Commission for conducting interviews with the applicants, but stated that she was somewhat concerned that a variety of neighborhoods were not represented on the Planning Commission. Mr. Knudsen provided Council with the procedure used in selection a candidate for Council consideration. After discussion, the motion was unanimously approved.

SPAT Committee – One (1) Position

Mr. Robert Power's term expires March, 2009. He has been contacted and does not want to serve again. There is no recommendation at this time. Mr. Myers made a motion to postpone the issue until a potential member application is received. Mr. Isom seconded the motion which was unanimously approved.

C. Accommodations Tax Committee Recommendations for Funding

The City Manager advised that the Accommodations Tax Committee met on February 26, 2009 to review funding requests received for FY 2008-2009 and FY 2009-2010. He provided Council with a current financial report on the Accommodation Tax account and the Committee's following recommendations:

FY 2008-2009:

Columbia Speedway Racers Reunion Spring Festival – Requested \$9,500. The Committee recommends funding in the amount of \$9,500.

FY 2009-2010:

City of Cayce Ad Specialties (to replenish stock) – Requested \$900. The Committee recommends funding in the amount of \$900.

Cayce Museum Christmas Traditions 09 – Requested \$4,500. Based on the percent of visitors who attend from 50 or more miles, the Committee recommends funding in the amount of \$3,800.

Cayce Museum Ongoing Acquisitions – Requested \$2,000. The Committee recommends funding in the amount of \$2,000

Cayce Museum Aide's Salary – Requested \$9,500. The Committee recommends funding in the amount of \$9,500

Cayce Museum Special Advertising – Requested \$5,000. The Committee recommends funding in the amount of \$5,000

Christmas In Cayce Festival of Lights – Requested \$6,000. The Committee recommends funding in the amount of \$6,000

Congaree Bluegrass Festival – Requested \$12,500. The Committee recommends funding in the amount of \$12,500. It was noted that additional funds are being requested to expand advertising and to bring in top name entertainment.

Columbia Metro Convention & Visitors Center – Requested \$10,000. The Committee recommends funding in the amount of \$2,000

Guided Nature Tours – Requested \$885. The Committee recommends funding in the amount of \$885

West Metro Visitors Center – Requested \$22,000. The Committee recommends funding in the amount of \$22,000

Cherokee Trail Riverfest – Requested \$5,550. The Committee recommends funding in the amount of \$5,550

Mr. Myers made a motion to approve all recommendations. Mr. Jenkins seconded the motion. Mayor Partin inquired if the City received more attention from the West Metro Visitors Center since the city gives the most money. Mr. John Banks, Tourism Director for the Visitors Center was in attendance and explained that the Center promotes the entire West Metro area. He stated that there are times that Cayce may be favored due to the fact that more activities are presented in the Cayce area and that any additional funds received from Cayce during the year are earmarked specifically for the promotion of Cayce activities. After discussion, the motion was unanimously approved.

City Manager's Report

The City Manager advised that the February Financial Report will be sent out this week.

The City Manager provided Council with the following dates:

March 9, Special Council Meeting in reference to the wastewater contract with Town of Lexington and Joint Municipal Water and Sewer Commission at 9:00 a.m. Conference Room. The City Manager also gave an update on the SCANA 12th street water line project.

April 15 is the deadline for filing the 2009 Statement of Economic Interest forms.

The City Manager provided Council with the following updates:

Budget Issues and Concerns
Local Government Fund Update
Cuts in Current Budget
A Possible Hiring Freeze on Vacant positions
Health Insurance Renewal

Complete Count Committee

Ad Hoc Committee for Comprehensive Plan

The City Manager advised that 25 potential member applications have been received for the Ad Hoc Committee. He provided Council with a breakdown of the applications by Council districts. Mr. Jenkins, noting that only 2 applications were from his district, stated that he would like to have additional representatives from his district on the Committee. Mr. Knudsen suggested that the 25 applicants received be appointed and in the meantime, Councilmen who would like to have at least 5 representatives from their district on the Committee, could submit the applications prior to the first meeting of the Ad Hoc Committee. Mr. Myers stated that he was concerned with the number of businesses who submitted applications. Mr. Knudsen pointed out that several applicants who are residents are also business owners.

Mr. Jumper made a motion to appoint the 25 applicants received to date to the Ad Hoc Committee and add 3 additional member slots for District 2 and 1 additional member slot for District 4. Mr. Isom seconded the motion. Mr. Knudsen advised that he has only received 18 responses to the City's survey. It was suggested that copies of the questionnaire be available at Council meetings, on city hall counters, and as an attachment to e-newsletter. After discussion, the motion was unanimously approved.

Executive Session

- A. Receipt of legal advice related to a matter covered by the attorney-client privilege

Mr. Myers made a motion to move into Executive Session to discuss the matter above. Mr. Jenkins seconded the motion which was unanimously approved.

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

There being no further business, the meeting adjourned at 9:00 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk