

CITY OF CAYCE
Regular Council Meeting
August 3, 2010

The Regular August 2010 Council meeting was held this evening at 6:10 p.m. in Council Chambers. 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 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.

Mayor Partin called the meeting to order. Councilmember Jumper gave the invocation and the entire assembly recited the Pledge of Allegiance.

Approval of Minutes

Councilmember Myers made a motion to approve the minutes of the July 6, 2010 Regular meeting as submitted. Councilmember Jumper seconded the motion. Due to requests for several corrections to the minutes, Councilmember Myers withdrew his motion and Councilmember Jumper withdrew his second.

Upon a motion by Councilmember Jenkins duly seconded by Councilmember Myers, City Council unanimously approved by roll call vote, that the matter be postponed until the September meeting and resubmitted with corrections as follows:

Councilmember Isom – Requested that comments from all Council members regarding the agenda item entitled Approval of Payment for Legal Services be included in the minutes and provided the clerk with a transcript to be attached to the minutes.

Councilmember Myers – Requested that minutes indicate that he attended several meetings of the Gills Creek Watershed Association.

Upon a motion by Councilmember Myers duly seconded by Councilmember Isom and unapproved on a 3-2 roll call vote, City Council did not amend the agenda to include the discussion and approval and of an oral resolution to add two questions on the City's ballot for the November election. Mr. Myers and Mr. Isom voted yes.

Councilman Myers apologized for the lateness of the issue, but stated it all came about within the past few days.

Councilman Jenkins stated he wanted to make a counter motion. Councilman Isom asked for point of order from the Mayor. He stated he did not know you could have a counter motion when there was a motion and a second on the table and would like clarification on that. Mayor Partin asked if Councilman Isom was not comfortable hearing what Councilman Jenkins had to say. Councilman Isom stated he was trying to follow Roberts Rules of Order. Councilman Myers stated the issue was up for discussion and wanted to know if Council could not just discuss it without a counter motion because he was not going to accept an amendment to his current motion until there was some discussion. He stated he would be glad to lay it all out and thinks it an important matter and if Council delays it, it will not be on the ballot. Councilman Isom asked Mayor Partin if it was in accordance with Roberts Rules of Order to have a counter motion. Councilman Jenkins stated whatever he needed to do whether it is a counter motion or amended motion. Mayor Partin stated that there was a motion on the table and Council could vote yea or nay. Councilman Jenkins stated that was fine and asked Mayor Partin to call for the vote.

Councilman Isom asked Councilman Myers to describe his motivation and reason for the questions being on the ballot. Councilman Myers stated the questions he is suggesting be added are non-binding advisory type opinions from the public to be voted on. One, he stated, was if city funds should be used to support the Midlands Housing Alliance in Columbia and second if the city should support the Central Midlands Transit Authority with taxpayer funds as well. He stated that he thought it would give the next council the opportunity to adjust the budget for 2011/2012 in whichever way the votes come down. He stated he felt it was a good advisory opinion and would not hold Council to anything but it gives a sense on where the citizens stand on these two very volatile issues. He stated that Council has had three to two votes on these issues and getting guidance from the citizens is what we would be asking. Councilman Isom asked, to be clear, if what Council would be doing is asking for the opinions of the voters of this city on how to spend their tax money. Councilman Myers responded yes, on those two issues relating to the transit authority and the Midlands Housing Alliance who has asked the city for \$25,000 for a homeless shelter in Columbia. Councilman Isom asked why would anyone up here say no to giving the taxpayers a voice on how to spend their money. Councilman Myers stated that everyone would have to make their own decision, but if Council does not do this now and stated this issue was not intentionally just brought up. He stated that he was asked to attend a meeting last week with the Chair of Midlands Housing Alliance and during those discussions, this issue came to mind that and made sense since it is an issue that is somewhat controversial to ask the citizens for their opinion. Then naturally the funding for the transit authority would have been the second question. He stated his thought is to give the citizens the opportunity to vote on it to give Council some guidance moving forward on how Council would like to fund these issues.

Councilman Jenkins stated Council would be asking the citizens to vote on something when they don't have all the information on the issues. He stated that the city is doing all it can do to find revenue. He stated there are grants that can address these issues and until someone applies for the grants and is denied, he was not in favor of asking the citizens to vote. He stated that no one is going to vote yes to raise taxes. He stated that this was addressed last year in an October issue of the Lexington Chronicle regarding the bus transit system. He stated that there is money out there to help with these issues and that should be brought about before bringing something to the taxpayers who is absolutely going to vote no to raise their taxes.

Councilman Myers stated that the point of this is not to dissuade this Council from obtaining other funding such as grant funds or other sources of revenue. He stated this specifically addresses property taxes and if the folks here decide that property taxes is not the way to fund either of these two, then that tells this Council we need to look for other sources of revenue. He stated that Council and the group studying these two issues are looking for grants. He stated that whether or not the city can afford to spend some \$25,000 for the Midlands Housing Alliance this year and potentially years to come and funding for the transit authority is something that has to be decided. He stated that if folks here do not want to spend property taxes and potentially have their taxes raised for these issues then we need to know that as Council.

Councilman Jenkins stated that he understands that but Council constantly brings stuff to Council to vote on that we haven't presented to the public and it's about time that is stopped. You need to address the issue by giving the citizens all the information they need. Show me where we have been denied grants, show me where we couldn't get any funds. He stated that you can't go out and say we're going to do this and that, but haven't tried to do anything. He stated that no one has tried to get any grants.

Councilman Myers stated he disagreed in the sense that this Council voted three to two to continue funding the transit authority in June in the amount of \$5,000 to get them through September. He stated at that time Council was told, and he stated he was not holding the Mayor to this because he knew she was going by what she was told, that we would have a plan in place in September to help move forward. He stated as early as in the paper yesterday, they can't get the information together that quick and it's going to take months to get this done and they're coming back and saying can we get additional funding now moving forward. He stated that he could see this happening again in January and likely again at budget time again next year. He stated Council needs direction from the citizens on how to fund this. He stated that if they don't want Council to use property taxes or raise business license fees, Council needs to know that and abide by that, and figure out another way to do it. He stated Council has three months to educate the public giving them the pros and cons and we would be obligated to do that if these initiatives are added to the ballot.

Councilman Jenkins stated that he can honestly say that Council would be putting the wrong information out first. He stated that he did not know why Council finds it so hard to notify the public and that it is harder to go back. He stated you can state non-binding all day long, but that's a loaded gun. He stated that they are not going to vote on more taxes. He stated his opinion is to notify the public and give them all the information they need. He stated that Council needs to let them know that the city has tried to get a grant here a grant there and then they can understand when Council presents something to them telling them we have tried to do everything we can and used all the means we had to find the resources to fund the issues.

Councilman Myers stated that all Council was doing tonight was to vote on adding the questions to the ballot. He stated that the questions have to be voted on and Council has three months to educate the public on the pros and cons, if they don't want to use property taxes and that is what the specific question is. He stated that obviously this Council and future Council is going to work hard not to raise property taxes and work hard to find other revenue sources for worthwhile ventures. He stated that whether the Midlands Housing Alliance in the city of Columbia is good for the City of Cayce, he did not know. He stated that Council would need a lot more information on that. He stated that the city has a Cayce Housing Authority that no one seems to know about who provides housing to low income and people who don't have homes. Councilman Jenkins stated that is his point exactly; no one seems to know about it. Councilman Isom stated that what Councilman Jenkins' claims is not true. He stated that the people of this city need to have the information and Council should let them decide. He stated that these people have the right to decide and information is not the same. He stated that anyone up here who says the citizens don't have the right to decide how their money is spent should resign from their office. Councilman Jenkins stated okay, let's go.

Councilman Myers stated he would like to clarify for the record and read the questions:

Should the City of Cayce provide funding to the CMRTA currently requesting \$20,000 or similar transit authority with Cayce city taxes or fees to provide bus service to areas within Cayce whether a property tax increase would be required or not?

Should the city of Cayce provide funding for the operating cost currently requesting \$25,000 for the Midlands Housing Alliance for the homeless shelter in the City of Columbia with Cayce city taxes or fees whether this would cause an increase in property taxes or not?

He stated that those are the questions that he is asking be placed on the ballot and stated that if Council does not approve this tonight and pass an oral resolution there is no way from a time frame that it can be placed on the November ballot. He stated that Council would be asking for an advisory non-binding opinion from the citizens on both of these issues to give Council guidance on how to fund these two items. Councilman Isom stated that these are both excellent suggestions and thought the

people should have the right to give their input on how to spend their tax dollars and would like to hear from other Council members regarding these issues.

Councilman Jenkins stated that he is not denying that these are important issues. He stated that Councilman Myers is just bring something up and you're educating Council up here, but what you need to do is tell the citizens and tell them in advance and not tonight. Councilman Isom asked Mayor Partin if she could describe why that premise is valid.

Mayor Partin stated that she commended Councilman Myers because she always appreciates the opportunity to ask the residents for their opinion, but thought the way it is being posed is skewed. She stated that Councilman Isom stated that anyone who disagrees asking residents how they want to spend money that they should step down, however when Councilman Myers made a motion to have the Utility Department pay for the new animal control shelter Council didn't ask for guidance on that so she's not sure why we're asking for guidance on these two particular questions. She stated that she thinks the way the questions are written are tainted in one direction. She stated that as Councilman Isom mentioned, she feels that information transparency is incredibly important. She stated that Councilman Myers mentioned he had a meeting last week and it would have been beneficial to have that information before tonight so that it could have been added to the agenda and the press and public could have been duly notified and would have been an entirely different situation. She stated that you can't say that you're giving the residents a voice in November, but we're not giving them a voice when we do our daily business. Councilman Isom stated that was a totally inappropriate analogy.

Councilman Myers stated this is an opportunity we only have every two years. These are very important issues that will have long term effects positively or negatively on our community and on our budget moving forward. He stated that he did not mind having a discussion on rewording the questions if that is a big concern. He stated he sent the information to each Council member very early today to look at and did not get any response back in regards to the issues or rewording the questions.

Mayor Partin called for the question. After the vote, Councilman Jumper stated that he did not receive the information until 3:00 pm today.

Presentations and Proclamations

A. Presentation of the Employee of the Quarter Award

Mayor Partin presented the Employee of the Quarter Award to Public Safety Officer Doug Curry.

B. Presentation by Earl Smith re Storm Drainage Issues

Mr. Smith advised that he did not want to make a presentation to Council at

tonight's meeting.

C. Presentation of Charrette Report – Ms. Daytona Jarman

Ms. Daytona Jarman, Chair of the City's Planning Commission, made a presentation to Council on the status of the Charrette Report.

D. Approval of Proclamation – National Payroll Week

A Proclamation proclaiming September 6-10, 2010 as National Payroll Week was given approval upon a motion by Councilmember Jenkins duly seconded by Councilmember Jumper and unanimously approved by roll call vote.

E. Presentation by Mr. Jeffrey Nettles re Railroad Crossing Closing

Mr. Nettles appeared before Council to request that consideration be given to reopening at least one of the railroad crossings recently closed to give better access to the Riverland Park subdivision. He provided Council with a petition from residents.

Public Comment regarding Items on the Agenda

Mr. Freddy Douglas regarding Item VIII. B. Mr. Douglas expressed his concerns about the elimination of the recent bus route in Cayce. He provided Council with a copy of a petition requesting that CMRTA reconsider their decision.

Ms. Christina Hulslander regarding Item II. C. Ms. Huslander advised she did not wish to speak at this time.

Ms. Karen Wigfall regarding Item VIII. B. Ms. Wigfall expressed her concerns about the elimination of the recent bus route in Cayce.

Ordinances

A. Approval of Ordinance Amending the City of Cayce's Redevelopment Plan – Second 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 second and final 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.

B. 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 postponed upon a motion by Councilmember Isom duly seconded by Councilmember Myers and unanimously approved by roll call vote.

The City Manager advised that the proper signature page was not obtained initially and staff has been unable to make contact with the property owner. He recommended that the issue be postponed until the proper signature page is obtained. The City Manager also recommended that once the proper signature is obtained that first reading be given to the Ordinance.

C. 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 second and final reading upon a motion by Councilmember Myers duly seconded by Councilmember Isom and unanimously approved by roll call vote.

Other

A. Approval to Install Street Light at Churchill Gardens Park

Upon a motion by Councilmember Myers duly seconded by Councilmember Isom and unanimously approved by roll call vote, the City Council approved the installation of a street light at Churchill Gardens Park.

B. Bid Award – Purchase of AMR Program Equipment

Upon a motion by Councilmember Isom duly seconded by Councilmember Myers and unanimously approved by roll call vote, the City Council approved awarding the bid to Miller Supply Company not to exceed the approved budgeted amount of \$300,000 for the AMR Program Equipment and authorized the Interim City Manager to approve such purchase.

C. Approval for the City to Host the September Meeting of the Regional Mayors' Meeting

Upon a motion by Councilmember Jenkins duly seconded by Councilmember Jumper and unanimously approved by roll call vote, the City Council approved the Mayor Partin's request to host the September 14, 2010 meeting of the Regional Mayors' Meeting to be held at the Cayce Historical Museum.

D. Approval to Authorize City Staff to Dispose of the 1974 and 1986 Fire Trucks

Upon a motion by Councilmember Jumper duly seconded by Councilmember Jenkins and unanimously approved by roll call vote, the City Council approved staff's request to dispose of the 1974 and 1986 Fire Trucks.

Committee Matters

A. Committee Minutes

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

Cayce Events Committee – July 8, 2010
Beautification Board – July 13, 2010

B. Public Safety Foundation Appointments – 3 Positions

Upon a motion by Councilmember Isom duly seconded by Councilmember Jumper and unanimously approved by roll call vote, the City Council approved the appointments of Jim Blevins (District 2), Gail Spires (District 3) and Brice Corbitt (District 3) to serve on the Public Safety Foundation.

City Manager's Report

The City Manager expressed his sincere appreciation to the Mayor and Council and all of the City employees for their expressions of sympathy at the time of his father's death. He stated that his first month on the job has been very rewarding and that staff has responded to him in a very positive manner. He stated that day by day and week by week he and staff are building a team approach to the city's service delivery. He has had the opportunity to meet in depth with each Department Head and together have identified some short term and long term goals for each one. He stated there are many challenges in front of the City but believes the capacity is there to meet them and he and staff are committed everyday to doing our job in the most cost efficient and effective manner.

He stated that he has met with a number of property owners concerning storm drainage and has read studies, documents, plans, papers and much more learning the history of storm water as it relates to Cayce. He stated that while he knew that storm water is a city-wide issue and the eventual resolution is one that will be costly, he is convinced that it must be confronted. He stated that he was aware that at one time Lexington County, West Columbia, SCDOT, and the City of Cayce were collaborating to identify viable and cost effective measures to address storm water. He stated that this issue must be addressed comprehensively with short term and long term strategies adopted and looked forward to City Council providing direction to him.

Executive Session

- A. Receipt of legal advice related to pending or potential claims and matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to proposed contractual arrangements with Central Midlands Regional Transit Authority
- C. Receipt of legal advice related to Gills Creek Watershed Association membership

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 matters 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 voted not to appoint a city representative to the Gills Creek Watershed Association Board and that the City Manager send a letter to the Association advising them of Council's action.

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

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk