

**CITY OF CAYCE
Regular Council Meeting
July 5, 2011**

The Regular July Council Meeting was held this evening in Council Chambers. Those present included Mayor Elise Partin, Councilmen Steve Isom, Tim James, James Jenkins, City Manager Rebecca Rhodes, Tammy Barkley, Municipal Clerk and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Public Safety Director Charles McNair and Planning & Development Director, Shaun Greenwood was also in attendance. Councilmember Jumper was unable to attend due to a conflict in schedule. Mayor Partin advised that members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA.

Mayor Partin called the meeting to order and stated that Councilmember Jumper was unable to attend tonight's meeting due to a conflict in schedule. She noted that a quorum was present. Councilmember Jenkins gave the invocation and the assembly recited the Pledge of Allegiance.

Approval of Minutes

Councilmember Jenkins made a motion to approve the minutes of the June 7, 2011 Public Hearings and Regular Meeting, and the June 21, 2011 Special Meetings as submitted. Councilmember James seconded the motion which was unanimously approved by roll call vote. Mayor Partin asked staff to meet with her regarding a few typos that needed to be corrected.

Presentations

A. Presentation of City of Cayce Safety Banner Contest Awards

Mr. Rodney Thomas, Utilities Department Safety Coordinator, announced the winners of the Safety Banner Contest Award, staff members Ms. Kirsten Davis and Ms. Tara Yates. He and Mayor Partin presented the awards to Ms. Davis. Ms. Yates was unable to attend the meeting.

B. Presentation of City of Cayce Photo Contest Awards

Mayor Partin presented the Cayce Photo Contest awards to the winners who were present at the meeting and thanked them for their participation in this project. She stated that the photos are featured in the Cayce Citizens' Calendar which are available for pick up at City Hall.

C. Presentation of Municipal Association of South Carolina Achievement Award

Mr. Eric Budds, Deputy Executive Director of the Municipal Association of South Carolina presented the MASC Achievement Award to Mayor Partin and members of Council. He stated that the award was given for Cayce's Public Safety Community Service program. Mayor Partin and Council presented the trophy to Chief Charles McNair and Officers of the Community Services unit, Dean Rucker, Dan Crews, Mike Adams, and Findlay Wihlidal and congratulated them on their efforts.

D. Presentation by Ms. Patricia Shull Re Sewer Availability Charge

Ms. Shull stated that she has spoken with the City Manager regarding the sewer availability charge that she has been paying for many years and there does not seem to be a resolution to the issue. She stated that she has asked to receive a refund on all sewer availability charges she has paid to date, but has been told that this is not possible. She advised that she would continue to be at the Council meetings until a resolution is reached.

E. Presentation by Mr. Earle Smith re Storm Drainage Issues

Mr. Smith appeared before Council to express his concerns with storm drainage issues (comments attached).

Public Comment regarding Items on the Agenda

No public comment was given.

Ordinances and Resolutions

A. Approval of Ordinance to Annex and Zone Property Located at 105 Haynes Lane – First Reading

Council considered for first reading the approval of an Ordinance to annex and zone property located at 105 Haynes Lane. Councilmember Isom made a motion to approve the Ordinance on first reading. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Mayor Partin advised that City staff had provided Council with a map of properties that are considered "donut holes" and could be annexed into the City. Councilmember James inquired if staff could provide Council with addresses of the properties by district. Ms. Rhodes advised that a list would be provided.

B. Approval of Ordinance Establishing a Payment in Lieu of Business License Tax and Franchise Fee and a Payment In Lieu to Property Tax for the City Water and Sewer System – Second Reading

Councilmember Isom made a motion to postpone the issue until the August Council meeting. Councilmember James seconded the motion which was unanimously approved by roll call vote.

C. Approval to Amend the Business License Ordinance – Second Reading

Councilmember Isom made a motion to postpone the issue until the August Council meeting. Councilmember James seconded the motion which was unanimously approved by roll call vote. Councilmember James clarified for those in attendance that the reason for postponing this and the previous issues is to give staff more time to bring forth information.

Other

A. Approval of Evaluation Committee's Recommendation for the Selection of a Landscape Architect for Phase 3A of Riverwalk Park

Councilmember Jenkins made a motion to postpone the issue until the July 8, 2011 Special Council Meeting. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

B. Approval of DJJ Memorandum of Agreement for FY11-12

Councilmember Jenkins inquired about revisions made to the Agreement and the fact that these revisions are done each year. Ms. Rhodes explained that this is a standard Agreement that DJJ sends to municipalities and that the revisions are made through the advice of the City Attorney to eliminate some of the financial responsibility and liability on the part of the City regarding medical care and transporting juveniles from one facility to another.

Councilmember Jenkins made a motion to approve the DJJ Memorandum of Agreement for FY11-12 with noted revisions. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Rhodes stated that in reference to Ms. Shull's presentation on the sewer availability charge, she spoke with Ms. Shull this afternoon and after last month's meeting. She stated her suggestion was to offer the seven individuals who are paying this charge that they can quit paying the charge and we will return their tap fee, but when they do actually need to tap onto the system, we would then charge them for whatever the tap fee is at that time. She stated that Ms. Shull feels that if we decided to go with this suggestion then we should reimburse her for all the charges she has paid over the years. Ms. Rhodes stated that logistically that would be impossible because not only would it be a great deal of money, but we do not have records that go back that far that would enable us to come up with the fees paid throughout those years. She stated that her recommendation stands.

She stated that one of the other issues that Ms. Shull has brought up is the current configuration of the sewer line near her house and if she were to be required to tap on now, she would be required to install a pump station and that is something that the Utilities Department has been reviewing. She stated that the City's engineer has come up with a design that would put a line in place near her property that she could tap into that would not require her to install a pump station and that is very cost prohibitive. She stated that the City has the project permitted by DHEC and have obtained the encroachment permits and we are waiting for the cost estimate. She stated that the city would like to go ahead and put this into place so that when Ms. Shull does need to tie on, it would not require the expense of installing a pump station. Councilmember Isom asked if the line would serve more than one customer on that street. Ms. Rhodes stated that it would provide a line to two or three residences on that street. She stated that Council would need to give staff some direction on how to handle the sewer availability charge. Mayor Partin inquired if the City could give those seven residents the option because if their septic tank is close to failing they may want to keep their low tap fee. Ms. Rhodes stated that could be done and then the issue would be whether the city would refund all the sewer availability charges they have paid over the years which is something Council will need to decide.

In reference to the drainage issue, Ms. Rhodes stated that staff has been working on it and staff has located the old Indigo Avenue drainage plan and have reviewed it and passed it along to the City's engineers to review. She stated the plan which would begin to fix some of the problems down stream would cost \$2.5 million just to do that portion of the plan. She stated staff is creating a map that has all the outlets on the Avenues identified for storm drainage and staff is working on placing the exact locations of the outlets. She stated that she hopes to find some funding to have a drainage study done for the upper part of the Avenues. She stated that unfortunately there is no grants for these types of projects.

Ms. Rhodes stated that on July 18, she will meet with all the department heads and do a budget debriefing and set up a plan on how we will purchase the equipment noted in the capital equipment schedule. She stated that she wanted staff and department heads to provide any suggestions to streamline the process for next year and asked for Council's input in this regard as well.

Ms. Rhodes stated that staff is working on an economic development plan and she and Mr. Greenwood have been moving forward on identifying all properties that are available, getting contact information, and putting together a good map. She stated that appropriate data will be developed so that staff will feel comfortable talking to potential businesses and having the information they need to make a decision on moving to the City.

Ms. Rhodes reminded Council of the Special Council meeting on Friday, July 8, 2011.

Committee Matters

- A. Approval to Enter the Following Committee Minutes into the City's Official Record
Planning Commission – March 21, 2011
Events Committee – June 9, 2011
Beautification Board – June 14, 2011
Cayce Housing Authority – June 21, 2011

Councilmember James made a motion to approve that the Planning Commission's March 21, 2011 minutes be entered into the City's official record. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Councilmember Jenkins inquired if motion to approve was approving that draft minutes of committee meetings be entered into the City's official record. Ms. Barkley responded yes. She stated that the Planning Commission or Board of Zoning Appeals minutes that Council receives with their agenda packets are minutes that have been approved by the Commission/Board and all others are draft minutes. Councilmember James also expressed his concern in approving draft minutes to be entered into the official record. Councilmember James made a motion that only "approved" minutes submitted by the Committees/Commission/Boards be placed on the agenda to be entered into the City's official record and that copies of the draft minutes be included in Council's regular mail and that the approval to enter the remainder of the minutes into the City's official record be postponed until approved minutes are received. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

- B. Committee Appointments/Reappointments

Beautification Board – One position

Mr. Eric O'Dell's term expired May, 2011 and he does not want to serve again. The Board reviewed potential member applications received and recommends the appointment of Morgan Gauthreaux to this position. Council was provided with copies of all applications reviewed. Councilmember James made a motion to appoint Ms. Gauthreaux to the Board. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Cayce Housing Authority – Three positions

Ms. Brenda Kegler's term expired May, 2011 and Mr. Bruce Smith's term expires July 2011. Both would like to serve again. The Authority recommends the reappointment of both members. Council was provided with correspondence from the Housing Authority and copies of the applications reviewed by the Authority.

Ms. Willistine Mosley has resigned from the Authority. There is no recommendation at this time.

Councilmember Jenkins made a motion to reappoint Ms. Kegler and Mr. Smith to the Authority and to postpone the third position until additional information is received from the Authority. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Mayor Partin stated that the Cayce Housing Authority has asked for assistance in locating Cayce residents who would be willing to serve. She asked staff to place a notice on the City's website and Facebook page not only about this open position, but for volunteers to serve on any of the City's committees.

Executive Session

- A. Discussion of Increase in Compensation for City Judge as Requested for FY11-12
- B. Receipt of Legal Advice Regarding Possible Resolution Concerning a Business License Matter
- C. City Manager's Six Months Review

Councilmember Jenkins made a motion to move into Executive Session to discuss the matters above. Councilmember James 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 authorize the City Manager to move forward with possible resolution concerning a pending business license matter as discussed in Executive Session. Councilmember Jenkins seconded the motion which was unanimously approved by roll call vote.

Councilmember James made a motion that Council not proceed forward with any additional compensation for the Municipal Judge at this point at her request as Council begins the opportunity for an actual annual review of that position. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

Councilmember Jenkins made a motion to increase the City Manager's salary by \$5,000 as agreed during negotiations to hire the City Manager. Councilmember James seconded the motion. Councilmember Isom stated for the record that Ms. Rhodes has done a great job but because of the economy and his position on the overall economy,

he did not think that anyone should be getting a raise and perhaps things will change soon. After discussion, the motion passed three to one by roll call vote with Councilmembers Jenkins and James and Mayor Partin voting yes and Councilmember Isom voting no.

Councilmember Jenkins made a motion to adjourn. Councilmember James seconded the motion which was unanimously approved by roll call vote. There being no further business the meeting adjourned at 9:30 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk