

**CITY OF CAYCE***MAYOR*  
ELISE PARTIN*MAYOR PRO-TEM*  
KENNETH D. JUMPER*COUNCIL MEMBERS*  
F. STEVEN ISOM  
TIMOTHY M. JAMES  
JAMES E. JENKINS*CITY MANAGER*  
REBECCA V. RHODES*ASSISTANT CITY MANAGER*  
TAMMY P. BARKLEY**CITY OF CAYCE  
Regular Council Meeting  
January 3, 2012**

The Regular January Council Meeting was held this evening at 6 p.m. 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. Frank Robinson, Director of Utilities, Public Safety Director, Charles McNair and Planning & Development Director, Shaun Greenwood and City Attorney, Danny Crowe 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 assembly recited the Pledge of Allegiance.

**Approval of Minutes**

Councilmember Jenkins made a motion to approve the minutes of the December 6, 2011 Regular Meeting as submitted. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote.

**Presentations****A. Presentation of Community Service Awards**

Mayor Partin stated that the Community Service Award presented to Mr. Ed Fuson at the December Council meeting was incorrect and that he has served as a member of the Planning Commission since 1998. The revised certificate and token of appreciation was presented to Mr. Fuson.

**B. Presentation of Decorate Cayce Awards**

Mayor Partin presented the first place Decorate Cayce Award to Mr. Roger Edwards. Second and third place winners, Garrett Humphries and John Hiatt were unable to attend and their awards will be mailed to them. She thanked residents in the City who helped to make the City shine bright during the holidays.

**C. Presentation of FY10-11 Comprehensive Annual Financial Report**

Mr. Bob Milhous, the City's auditor, presented the FY10-11 Comprehensive Annual Financial Report to Council. Mr. Milhous stated that he had good things to

report to Council. He pointed out the independent auditor portion of the audit. In overview, Mr. Milhous went over the financial statements with Council noting the City is in a good financial position. He stated that the General Fund had a positive change in fund balance for the first year in almost 8-9 years and this is the product of Council's policies that have been instilled over the past years including cost controls, budgetary maintenance, capturing all the indirect cost from the Utility Fund to the General Fund to get it reimbursed and managing those two operations. He stated that the city did receive additional revenue during the fiscal year which helped to generate the positive balance. Mr. Milhous stated that all of these things are a result of Council's policies and the management of the affairs of the city. Councilmember Jumper thanked management and staff for their efforts in making this a successful year. Ms. Rhodes thanked Tammy Barkley and all the department heads, Garry Huddle and the Finance Department and Steve Brown for their efforts prior to her arrival and the support they have provided during her time with the City. She stated that the audit will be referred to frequently during the upcoming budget process. Mayor Partin thanked Ms. Rhodes and staff for their efforts in keeping Council advised throughout the entire budget process and looks forward to the same for the next budget process.

**D. Presentation by Carl Sherwood of M&W Towing re Towing Ordinance**

Mr. Carl Sherwood appeared before Council to discuss his concerns with the City's current Towing Ordinance (see comments attached).

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

Mr. Smith appeared before Council to discuss his concerns regarding storm drainage issues (see comments attached).

**Public Comment Regarding Items on the Agenda**

No public comment was given.

**Ordinances**

**A. Approval of Ordinance to Amend Sections 28-242, 2-91 and 40-44 of the City of Cayce Code of Ordinances – First Reading**

Ms. Rhodes stated that staff has been reviewing the City's Code of Ordinances in an effort to update any wording discrepancies. She stated in the sections above, the separation of the clerk-treasurer position had not been corrected and that this request for approval is to correct the wording and update these sections of the Code. 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 Ordinance to Amend the City of Cayce Sewer Use Ordinance Re Sewer Availability Charge – Second Reading**

Councilmember Jumper made a motion to approve the Ordinance on second and final reading. Councilmember James seconded the motion. Councilmember James inquired if the Ordinance included everything that was discussed at the last Council meeting. Ms. Rhodes stated that at the December meeting, Council directed staff to amend the proposed Ordinance to add an opt-in clause so that those residents that are still on septic tanks would be required to sign a form acknowledging that they were opting in or out of the sewer availability charge. She stated that the City Attorney has amended the Ordinance addressing Council's request. Councilmember Jenkins inquired if the option chosen would follow the property. Ms. Rhodes advised that the option chosen would follow the property.

Discussion was held on the handout provided to Council showing the current Ordinance versus the amended version of the Ordinance. A highlighting error on the handout caused some confusion among Council members. Ms. Rhodes stated that the email she sent Council previously was correct and apologized for the highlighting error on the handout. The City Attorney advised that if Council was satisfied with the changes to the Ordinance, a motion, second and vote would be needed to approve the amendment to the Ordinance and then a motion, second and vote would be needed to approve the Ordinance as amended on second and final reading.

Councilmember Jumper agreed to change his motion to amend the Ordinance to conform to the version of the Ordinance presented in the white paper. Councilmember James did not agree to change his second to the original motion. Councilmember Isom seconded Councilmember Jumper's amended motion. Councilmember James stated that since this is a second and final reading on the Ordinance he would prefer that it would be clarified so that Council knows exactly what they are enacting. No vote was taken on this motion.

Councilmember James made a motion to postpone consideration of the issue until the February meeting so that the issue can be clarified. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

**C. Approval of Ordinance to Rezone Property Located on New State and Godley Rd. from D1 Agriculture Holding Zone to M1 Light Industrial – Second Reading**

Council considered for second and final reading an Ordinance to rezone property located on New State and Godley Road from D1 to M1. Councilmember Jenkins recused himself stating he is professionally employed by the principal in the matter. Councilmember James made a motion to approve the Ordinance on second and final reading. Councilmember Isom seconded the motion which was unanimously approved by roll call vote of the remaining four members.

**D. Approval of Ordinance re Franchise Fee and Fee In Lieu of Taxes for City Water and Sewer System – Second Reading**

Councilmember James made a motion to postpone action on the item. Councilmember Isom seconded the motion which was unanimously approved by roll call vote.

### **Other and Committee Matters**

#### **A. Approval to Amend the FY11-12 Budget to add IT Director Position**

Ms. Rhodes stated that as discussed at the Council Retreat, she has offered the City's temporary IT Consultant the full time job of IT Director and he has accepted the position. She stated the City's HR consultant was asked to provide the job description based on our criteria provided to them and a salary range. She stated this information has been provided to Council at their desks. She stated that Council is being requested to approve an adjustment to the FY11-12 budget in the amount of \$51,125. She stated the expenditures will be paid for by increased business license revenues. She stated that the IT function has been spread out in different departments and that staff will be creating a new department in the FY12-13 budget so that expenses can be accurately tracked. She stated that he is already working on reviewing replacements for the current phone system and provided Council with an overview of the tasks that will be assigned to this position. Councilmember Jenkins inquired if there would be a probationary period for this person. Ms. Rhodes stated there would be a six-month probationary period with evaluations at 30, 60 and 90 days.

Councilmember James made a motion to approve the amendment to the FY11-12 Budget to add an IT Director position as recommended. Councilmember Jenkins seconded the motion. Councilmember Isom inquired about the comparison between the annual salary of the IT Director versus the 24-7 Managed Services. He stated that he felt the City could have gotten someone cheaper and possibly better qualified. He stated the consultant has the most experience no doubt about it, but questioned the yearly salary amount. Ms. Rhodes stated that to hire someone full time, a competitive salary has to be offered and that is why we involved a professional HR firm in assisting the City with this issue.

Councilmember James inquired about funding for the equipment that will be identified as required. Ms. Rhodes stated that in this year's budget, funds were approved to replace 18 computers and those are in the process of being replaced. Other equipment included in the budget will be replaced during the next six months. Councilmember James inquired if Council should be prepared for any overages in this regard. Ms. Rhodes stated that she did not think that would be an issue, but will keep Council advised if something comes up that was not planned. She stated that other items such as the upgrade to the City's web site that was discussed at the Council Retreat would require funding and that would be brought to Council for approval as a budget adjustment once the amount is known. Councilmember Isom inquired as to the survey done by VC3 would still be viable. Ms. Rhodes stated that the IT Consultant set his goals and budget requests based on the study and would be implementing the different processes step by step. Councilmember Jenkins inquired if the court system would be tied into the City's system. Ms. Rhodes stated that the court system is tracked

by LawTrack and that system will not be available except to Public Safety. Councilmember Jenkins inquired if the IT Director would be working with Public Safety. Ms. Rhodes stated that he is already working with Public Safety but there are some programs that have to be handled by Public Safety only, such as the NCIC system and will still have to defer to a Public Safety person, but they can work together with the IT Director.

After discussion, the motion was approved by roll call vote four to one with Councilmembers Jumper, Jenkins, James and Mayor Partin voting yes and Councilmember Isom voting no.

- B. Approval to Enter the following approved Committee Minutes into the City's Official Record
  - Zoning Board of Appeals – August 15, 2011
  - Planning Commission – November 21, 2011

Councilmember Isom made a motion to approve entering the above approved Committee Minutes into the City's official record. Councilmember James seconded the motion which was unanimously approved by roll call vote.

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

Ms. Rhodes stated that in reference to the Riverwalk Phases IIIA and IIIB we have a \$100,000 grant with SC PRT and contacted them to see if we can amend the grant. She stated that the city has been asked to go ahead and bid out the project and bring the information back to them. She stated the bid information is being put together and once the bids are received, the project will be brought back to Council to discuss funding and options. She stated that when this is resubmitted to SC PRT we can show them what we can fund and what we cannot fund and hopefully that will allow us to amend our grant.

At the January 23, 2012 Planning Commission Meeting, a Public Hearing will be held regarding the temporary sign ordinance. They did take the recommendation of Council and had a few wording changes.

Ms. Rhodes asked for ideas from Council on web sites and asked that they provide her with websites that they like or features they feel would be helpful. She stated that department heads are also beginning this process.

In reference to the CMRTA Board, she stated that the Board has been revamped and Lexington County now has two spots on that board. She stated that one is a voting member and one is an advisory board member. She stated that Lexington County's voting member is Lillian Mood and County Councilmember Debbie Summers has asked that the City of Cayce appoint someone to be the advisory board member. Ms. Summers has suggested that Council appoint Councilmember Skip Jenkins to the advisory board position because of his interest in this issue, but the ultimate decision is

Council's. Ms. Rhodes stated that the issue would be placed on the next Council agenda for Council's official action.

Mayor Partin shared a card and photo of a home she received over the holidays thanking her for providing information on the Lexington County home improvement grant. The individual was able to participate in the program and get her home repaired. She stated that the elderly and veterans qualify for the grants without having to pay a portion to have their homes repaired and made energy efficient. She thanked staff for helping to get the word out about the program and encouraged Council to pass the word along to those who may benefit from the program.

### **Executive Session**

- A. Discussion of negotiations incident to proposed contractual arrangements for wastewater treatment services between the Town of Lexington, Joint Water & Sewer Commission and the City of Cayce

Councilmember Jenkins made a motion to move into Executive Session to discuss the matter above. Councilmember James seconded the motion which was unanimously approved by roll call vote.

After the Executive Session was concluded, Councilmember James made a motion to reconvene the Regular meeting. Councilmember Isom 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**

No action by Council was taken in follow up to Executive Session.

There being no further business, Councilmember Isom made a motion to adjourn the meeting. Councilmember Jumper seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 9:10 p.m.

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Elise Partin, Mayor

ATTEST:

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Tammy P. Barkley, CMC, Municipal Clerk

## Council 2012 January

By ordinance, the City is responsible for ensuring that its storm drainage ways remain clear and free flowing. It has failed to fulfill that responsibility for yet another calendar year. In October of last year I noticed actions in my neighborhood suggesting that the drainage way leaving my property might finally be cleared in the near future. I expressed my appreciation. Yet as I watch this Council enact ever more ordinances every month, the City fails to enforce its existing storm drainage ordinance. The drainage way leaving my property remains completely blocked, threatening serious stormwater flooding and damages to my residence. I once again ask the City to fulfill its responsibility and see that this drainage way is cleared and free flowing. I believe I have been more than patient. Thanks for listening.

EARLE SMITH  
ITEM II. E.



# RECUSAL STATEMENT

Member Name: James Jenkins

Meeting Date: January 3, 2012

Agenda Item: Section IV. Number B.

Topic: Approval of Ordinance to Rezone Property Located on New State and Godley Road - Second Reading

*The Ethics Act, SC Code § 8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37). A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.*

## Justification to Recuse:

**Professionally employed by or under contract with principal**

**Owns or has vested interest in principal or property**

**Other:** \_\_\_\_\_

Date: 01/03/2012

Member \_\_\_\_\_

Approved by Parliamentarian: \_\_\_\_\_