

**CITY OF CAYCE  
Regular Meeting  
March 4, 2008**

The regular monthly meeting of Cayce City Council was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Avery B. Wilkerson, Jr., Councilmen Kenneth Jumper, Robert Malpass, and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. Councilman Skip Jenkins was not in attendance due to illness. Chief Charles McNair, Director of Public Safety, Utilities Director, Frank Robinson and City Attorney, Danny Crowe was also in attendance. Mayor Wilkerson advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mayor Wilkerson called the meeting to order. Mr. Malpass opened the meeting with the invocation and Mayor Wilkerson led everyone in the Pledge of Allegiance.

**Approval of Minutes**

The minutes of the February 5, 2008 Regular meeting were presented for approval. Mr. Myers made a motion that the minutes be approved as submitted. Mr. Jumper seconded the motion which was unanimously approved.

**Presentations and Proclamations**

- A. Presentation by the Clare Morris Agency Re City of Cayce Strategic Communications Plan

Ms. Karen Owens of the Clare Morris Agency appeared before Council to provide Council with their agency's proposal for the City's strategic communications plan. She discussed tweaking the city's logo a little and showed Council samples of their suggested changes. She stated that the logo basically remained the same, but that a border had been added, additional color to the sky was added and the tag line "Rediscover" had been included. She stated that all three of the proposed logos offer a good opportunity to showcase Cayce in a positive light and needed Council's input on how they felt about them. Mr. Myers stated that he preferred the third proposal with the tag lines of "Rediscover" and "a new kind of city." Mr. Malpass inquired if any

input was obtained from citizens. The City Manager stated that he and staff met with Ms. Owens to review the proposed logos and preferred the third option as well. Mr. Jumper stated that he liked the new colors added, but still preferred the current tag line of "by the river." Mr. Malpass stated that he felt there was more of a message in the third option. Ms. Owens stated that the agency was recommending that the new design be incorporated in items being developed such as the city's website, brochures, and possibly some new signage. Council concurred that the third option with the tag lines of "rediscover" and "a new kind of city" be adopted.

Ms. Owens stated that other recommendations included that the Sunrise newsletter become a quarterly publication and creating talking points for the Mayor and Council members for speaking engagements. Mr. Myers suggested that the talking points be provided to department heads as well. He stated that Public Safety staff does a great deal of public speaking with schools, etc., and if there is a set presentation with special focus to be inserted for each department, it would help solidify the city's message.

Business Forum – Ms. Owens stated that the agency envisions this as being an information sharing and networking opportunity where Council and senior leadership would have a chance to get together with the business community, talk about new ordinances, things that may impact them, get their feedback and make them feel they are important in the decision making process of this community. She stated that an additional cost of \$2,000 would be needed to cover expenses such as catering.

Promoting Tourism and Econ Development – Ms. Owens stated that one thing that needs to happen is a major revision of the city's web site. She stated that it needs to be more user friendly. In addition, she advised that Accommodations Tax funds could be used to update the pages dedicated to the Museum, parks, events, tourism and history of the City. She suggested that the city contract with VC3 to revise the site and that her agency would be doing a lot of the rewriting, the way the site functions, and to make it more attractive to both commercial and residential development.

She recommended expanding the annual Cayce fiscal year calendar and proposed that the city hold an amateur photo contest to encourage citizens and visitors to submit photos for the calendar. She stated that the calendar would also include the information that is on the current calendar.

Concord Park – Ms. Owens recommended promoting Cayce as part of the 2009 Parade of Homes sponsored by the Home Builder's Association. She stated that her agency would do whatever it takes to promote the city. In addition she suggested that joint op-ed articles from the Mayor and a business person be created and sent to the media on the benefits of the City.

She stated that the agency is already working on developing a proactive media relations plan. She stated that they would be more than happy to work with Council and

city staff to provide an educational forum on the do's and don'ts on how to deal with the media and when tricky situations arise, she stated that the agency would be the city's "go to" people to be sure that Cayce is always represented in a positive light.

Mr. Malpass inquired if the agency would be developing training for city staff to assist with communication between the city and the residents. Ms. Owens stated that her agency could develop a training program of this nature.

She stated that she wanted to work closely with the city on the Vista Farms project to make sure that the message is clear and make everyone feel that this will be a cohesive, positive and beneficial project for everyone.

Mr. Malpass inquired as to when we would be going forward with a new logo. Ms. Owens stated that she needed Council's input and any changes that need to be made prior to moving forward. Mayor Wilkerson stated that the tag line of "rediscover" ties back into the city's history. Council agreed that the agency should move forward immediately to incorporate the new logo and that Council could always readdress the issue at a later time to make any changes.

Mr. Myers made a motion to approve the revised logo to include the border and tag lines of "Rediscover" and "a new kind of city." Mr. Malpass seconded the motion. The motion passed three to one with Mayor Wilkerson, Mr. Myers and Mr. Malpass voting yes and Mr. Jumper voting no.

#### B. Presentation of SC Dental Association Certificate of Appreciation

Mr. Bob Schmidt and Mr. Vince Osborne of the city's Water Treatment Plant presented Council with the SC Dental Association/DHEC Certificate of Appreciation over 50 years award the city recently received for contributions made in improving the oral health of the citizens of South Carolina through community water fluoridation.

#### C. Approval of Proclamation – Sunshine Week

The City Manager stated that he has distributed to Council the revised copy of the Uptown newsletter by MASC and pointed out that page 9 includes information on Sunshine Week.

Council considered for approval a Proclamation proclaiming the week of March 16-22, 2008 as Sunshine Week. Mr. Malpass made a motion to approve the Proclamation. Mr. Jumper seconded the motion which was unanimously approved.

### **Ordinances**

A. Approval of Ordinance Amending Cayce City Code Section 2-225 Re Boards, Commissions and Committees – First Reading

The City Manager stated that at the February 5, 2008 Council Meeting, Council requested that the policies, procedures and guidelines for appointments and remove of members from boards, committees and commissions be reviewed based on information provided the City Attorney regarding this matter. He stated that the potential member application and the procedure for reappointments had been revised in order to assist Council in making their decision to appoint or reappoint a committee member. He stated that the City Attorney had also drafted an ordinance amending the City Code to address the issue of misconduct or causes for removal based on Council's request and discussions and was being presented for their review.

Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Malpass seconded the motion. After discussion the motion was unanimously approved.

B. Approval of Ordinance Amending Cayce City Code Section 28-114 to Provide for Certain Exceptions to the Prohibition on Discharging Firearms in the City – Second Reading

Council considered for second and final reading the approval of an Ordinance amending the City Code to provide for certain exceptions to the prohibition on discharging firearms in the city. The City Manager advised that as requested, the ordinance had been revised to state that City Council may impose a fee rather than the Director of Public Safety, to cover the costs associated for administration and enforcement of the permit program.

Mr. Myers inquired if the issue of the city being liable for the background check had been addressed. The City Attorney advised that the Ordinance stated that the city "may" require background checks, but that it is not mandatory and relieves the city of liability. He stated that Chief McNair requested that this be placed in the Ordinance to give Public Safety the additional authority, if necessary, to run a SLED check. He stated that the Ordinance had been amended to include "Council" may impose a fee and to correct a scrivener's error.

Mr. Myers made a motion to amend the ordinance with the change as noted above. Mr. Malpass seconded the motion which was unanimously approved. Mr. Myers made a motion to approve the ordinance as amended on second and final reading. Mr. Malpass seconded the motion which was unanimously approved.

C. Approval of Ordinance Ratifying and Approving the Continuation of a Special Utility Rate Classification for Wastewater Systems Acquired from Midlands Utility, Inc. – Second Reading

Council considered for second and final reading the approval of an ordinance ratifying and approving the continuation of a special utility rate classification for wastewater systems acquired from Midlands Utility. Mr. Myers made a motion to approve the ordinance on second and final reading. Mr. Malpass seconded the motion which was unanimously approved.

### **Contracts and Agreements**

#### **A. Approval to Proceed with Actuarial Study for GASB 45 and Bid Award**

The City Manager stated that the Government Accounting Standards Board has issued their GASB 45 statement requiring accounting for other post employment benefits (OPEB). He stated that in order to comply with GASB 45, the city must have an actuarial study performed to determine the city's liability for the post employment benefits. He advised that currently the city funds these benefits on a pay as you go basis and there is no liability on the city's balance sheet. He stated that the GASB 45 changes the way that report is required on the city's annual audit and after the city determines its liability, the city must choose whether to fund or not to fund the liability. He stated that if the city chooses to fund the liability, the annual required contribution will have to be budgeted to meet the requirements of GASB 45. He stated that the actuarial study is the method that would be used to determine the liability and also takes into consideration the city's work force, age, and other issues such as mortality and morbidity rates. He stated that staff has met with Plan Benefit Services and the Municipal Association of SC (MASC) on this issue and both have provided ways and ideas on how the city can comply with GASB 45, but the first step is to have the actuarial study completed.

The City Manager provided Council with quotes received from Plan Benefits which would be performed by Blackburn Actuarial in the amount of \$4,800 and MASC under their established program called the SC Other Retirement Benefits Investment Trust (SCORBIT) performed by Milliman and Associates who provides this service for the SC Retirement System in the amount of \$3,000. He stated that due to the complexity of this issue, the City Auditor has been included in these discussions and has evaluated the proposals. He stated that the City Auditor recommends that the city proceed with the MASC study for \$3,000 and then decide what direction to take to implement GASB 45 once the OPEB liability is determined.

Mr. Myers stated that currently the city is paying as we go. He stated that what GASB 45 would do is require the city to go to a system whereby on a regular and routine basis as these monies accrue, the city will actually have to be put the funds in a trust account to insure that the money is there when it needs to be disbursed which creates a cash flow problem for the city. The City Manager stated that the city would have to do the actuarial study no matter which way it decides to go. Mr. Myers inquired if the city is required to implement the new procedure. The City Attorney explained that the current system is an "off the books" system and now it will be required that it move

to an "on the books" type of system. Mr. Myers stated that Council should discuss future retirement benefits for new hires during the budget process.

Mr. Myers made a motion to authorize the City Manager to proceed and engage the services of Milliman and Associates through MASC to perform the actuarial study in the amount of \$3,000.00. Mr. Malpass seconded the motion which was unanimously approved.

B. Authorization to Proceed with Highway 1 Sewer System Capacity Upgrades

Mr. Robinson explained that the city is in need of capacity in the Hwy. 1 sewer system in order for the system that was acquired from Midlands Utility to continue to grow. He stated that the Six Mile Creek pump station currently serves that area and has reached its capacity. He stated that during the two years of negotiations to purchase the Midlands Utility systems, the capacity and station were used up. He stated that he brought this to the attention of the City Manager and recommended that American Engineering perform a study to confirm the situation. He stated that the study confirmed that the pump station and capacity is at its peak. He stated that the city has an opportunity to work with the Town of Lexington on this project to basically borrow capacity that they are unable to use in their 24 inch line until they do an upgrade to their pump station. He stated that the Town needs more pumps and a second parallel force main to Cayce in order to bring in additional development along I-20, Coventry Woods, etc. because there is currently no capacity or force main to do so. He stated that the agreement with the Town would be the same as the city entered with the Joint Water and Sewer Commission. He stated that once the Town gets into the city's area, the city would increase the size of the pipe to provide for growth in the Cayce service area. He recommended entering into an agreement with Town and advised that the Town Council has agreed to do so. He stated that the city provided the Town with a copy of American Engineering's report and their Council has agreed to work with Cayce on this issue. Mr. Robinson reviewed a map of the system with Council showing the locations of the lines, etc. and explained the process of the upgrades. He stated that it would be a win-win situation for the City in that the city would have the ability to provide various levels of additional sewer capacity for the US Hwy. 1 service area over a period of years and by the capacity loan of unused line capacity from the Town in the short term. He stated that this also benefits the Town in that Cayce will provide them capacity in the city's 30 inch force main on Saxe Gotha Dr. which will require the Town not to have to construct their second parallel force main all the way to the Cayce Wastewater Treatment Plant.

He stated that American Engineering is proposing an upgrade of the Six Mile Creek pump station and that the city tie into the existing 24 inch force main now which will give the city more taps for the Hwy 1 system. Mr. Robinson stated that the city currently has an emergency connection there now which would have to be scraped and

redone. He stated by doing so, this would give the city additional capacity in a very short period of time and will not stop development in this area.

Mr. Malpass inquired as to the build out in the Hwy. 1 area. Mr. Robinson advised that he did not know the answer, but the area is wide open for development. Mr. Myers inquired if this project would affect the city's ability to meet its required 115% debt service. The City Manager advised that this would not have any affect on the debt service. In reference to funding the project, the City Manager stated that funds could be taken from city reserves and if desired could be reimbursed through a Reimbursement Resolution that could be included in the bond issue that will fund the expansion of the Cayce Wastewater Treatment Plant. Mr. Robinson advised Council of the development that would be coming into the system in a relatively short time. The City Manager stated that the information provided is preliminary work and the estimates provided for the project were done in October 2007. He stated that if approval to proceed is given, more detailed information and updated costs would be provided to Council for review and consideration.

After discussion, Mr. Myers made a motion to authorize proceeding to develop and construct an upgrade of the Six Mile Creek Sewer Pump Station to include the redirection of the station's flow into the existing Town of Lexington 24-inch 12/14 Mile Creek sewer force main; develop an agreement between the City and the Town of Lexington detailing the City's participation and commitment in the future upgrade of the Town's 12/14 Mile Creek force main upgrade project; and to direct the Parkwood Pump Station/Delree Street force main flow from the City's sewer collection system in the Westgate subdivision to the Six Mile Creek pump station. Mr. Jumper seconded the motion which was unanimously approved.

### **Committee Matters**

- A. Committee Appointments
  - Cayce Events Committee – 3 Positions
  - Housing/Construction Board of Adjustments – 1 Position
  - Planning Commission – 1 Position
  - Board of Zoning Appeals – 1 Position

Cayce Events Committee – Three (3) Positions

Ms. Cindy Pedersen's term expires March, 2008. Her reappointment application is attached for Council's review. It is recommended that Ms. Pedersen be reappointed to the Committee.

There are two open positions. A potential member application has been received from Mr. Danny Creamer and is attached for Council's review. It is recommended that Mr. Creamer be appointed to the Committee.

Ms. Barkley advised that she has just received the new potential member application from Mr. Timothy Williams and provided it to Council for review. It is recommended that Mr. Williams be appointed to the Committee.

Mr. Jumper made motion that Ms. Pedersen be reappointed and that Mr. Creamer and Mr. Williams be appointed to the Committee. Mr. Malpass seconded the motion which was unanimously approved.

#### Cayce Museum Commission – One (1) Position

There is one open position. A potential member application has been received from Ms. Cindy Peake and is attached for Council's Review. It is recommended that Ms. Peake be appointed to the Commission. Mr. Malpass made a motion to appoint Ms. Peake to the Commission. Mr. Myers seconded the motion which was unanimously approved.

#### Housing Construction Board of Appeals – One (1) Position

Mr. Ron Lawson's term expires March 2008. Ms. Barkley advised that she is awaiting the receipt of the reappointment application. It is recommended that this appointment be postponed until the new application is received. Mr. Malpass made a motion to postpone the issue until the application is received. Mr. Jumper seconded the motion which was unanimously approved.

#### Planning Commission – One (1) Position

Mr. Milton Fletcher's term expires March 2008. Ms. Barkley advised that she recently received the reappointment application and provided it to Council for review. It is recommended that Mr. Fletcher be reappointed to the Commission. Mr. Myers made a motion to reappoint Mr. Fletcher to the Commission. Mr. Malpass seconded the motion which was unanimously approved.

#### Board of Zoning Appeals – One (1) Position

Mr. Robert McLeod's term expires March 2008. Ms. Barkley advised that she is awaiting the receipt of the reappointment application. It is recommended that this appointment be postponed until the new application is received. Mr. Jumper made a motion to postpone the issue until the application is received. Mr. Malpass seconded the motion which was unanimously approved.

#### B. Committee Minutes

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

SPAT Committee – February 12, 2008  
Cayce Museum Commission – February 13, 2008  
Cayce Events Committee – February 14, 2008  
Cayce Housing Authority – February 19, 2008



Mr. Jumper made a motion to approve the minutes and that they be entered into the official City record. Mr. Malpass seconded the motion which was unanimously approved.

In reference to the Cayce Events Committee meeting minutes, Mr. Myers stated that Mr. Creamer was listed as a member attending the meeting and asked that this be corrected to show Mr. Creamer as a guest.

### **Public Comment**

Mayor Wilkerson inquired if anyone in attendance had signed the speakers' list to address Council on municipal matters listed on the agenda. Ms. Barkley advised that no signatures had been obtained.

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

The City Manager advised that the February financial reports would be sent to Council this week.

The City Manager provided Council with the following dates:

March 6 – BC High School Foundation Dinner at Seawell's, 5:30 p.m.

March 9 – Daylight Savings Time begins

March 11 – Ribbon Cutting Compass 5 Partners, 1329 State Street, 5:30 p.m.

March 21 – Good Friday Holiday – City Hall Closed, normal pick up

April 5 – West Metro Rotary Club Chili Cookoff at Glenforest School – The City Manager advised that the Rotary has asked for a judge from Cayce for the cookoff. Mayor Wilkerson stated that he would be out of town and asked Mr. Malpass as Mayor Pro Tem if he could fill in for him. Mr. Malpass stated he would check his schedule and advise the City Manager.

April 8 – Council Meeting – 6:00 p.m. – The City Manager advised that Councilman Skip Jenkins would be out of the country on this date. Council rescheduled the meeting for April 14 at 6:00 p.m.

The City Manager stated that at the February Council meeting, Council discussed confidentiality requirements for Council and staff. He provided Council with a proposed ordinance drafted by the City Attorney for their review only and asked Council to provide him with any comments. He stated that the proposed ordinance would be placed on the April agenda for action.

Pilot Roll Cart Program – The City Manager stated that staff has distributed a little over 750 roll carts and will be working to see if there are any more that can be delivered while still maintaining an amount in reserve. He stated that program is

running smoothly, however the City has received a few complaints. He stated that he would discuss this with the City Attorney to see if the current Code of Ordinances needed to be amended to include the roll carts.

**Street Sweeper** – The City Manager stated that so far this year, the city has spent \$3,000 in repairs to the street sweeper and it continuously breaks down. He stated that the equipment was purchased in 1995 as a demonstrator model. He stated that to put the equipment back in operation an additional \$8,000 in repairs would need to be made. He recommended that the equipment be taken to surplus and sold. Mayor Wilkerson inquired as to the cost of a new street sweeper. Mr. Heustess advised that they start at \$150,000 and that through research he has found that most cities lease the equipment for three to five years. Council agreed that the street sweeper should be sent to surplus and sold and that the city look into a lease program to replace the equipment.

**FY 2008-2009 budget** – The City Manager asked that a budget workshop be scheduled soon to obtain Council's input. He stated that the employee health insurance quote and renewal on the property and liability coverage should be received by mid-March. In addition, personnel needs and requests for Capital Equipment could also be ready by that time. He stated that he needed Council's input in order to move forward with the process. Council scheduled a workshop for March 24, 2008 at 12:00 noon.

Mr. Malpass advised that he had a conflict with the rescheduled April 14 meeting date. Staff was asked to poll Council to see if they can meet on April 3rd at 4:00 p.m.

### **Executive Session**

- A. Discussion of negotiations incident to proposed contractual arrangements
- B. Receipt of legal advice regarding emergency procurement of Front End Loader
- C. City Manager's Annual Review

Mayor Wilkerson advised that Item C. would be postponed until all members of Council could be present.

Mr. Malpass made a motion to move into Executive Session to discuss the matters above. Mr. Jumper seconded the motion which was unanimously approved.

### **Reconvene**

After the Executive Session was concluded, the Regular meeting was reconvened. Mayor Wilkerson announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

Mr. Myers made a motion to amend the agenda to include the Approval of an Emergency Procurement of a front end loader. Mr. Malpass seconded the motion which was unanimously approved.

Mr. Myers made a motion to authorize the City Manager to move forward with emergency procurement of a front end loader to substitute the purchase of a Mack truck. Mr. Malpass seconded the motion which was unanimously approved.

**Other**

A. Consideration of Settlement Agreement with Robert Chen and Judy Chen

Mr. Malpass made a motion to approve the Settlement Agreement with Robert Chen and Judy Chen and authorize the City Manager to sign the agreement on behalf of the city. Mr. Jumper seconded the motion which was unanimously approved.

There being no further business, meeting adjourned at 7:50 p.m.

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Avery B. Wilkerson, Jr., Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk