

**CITY OF CAYCE
Regular Meeting
November 1, 2005**

The regular monthly meeting of Cayce City Council was held this evening at 7:00 p.m. in Council Chambers. Those present included Mayor Avery B. Wilkerson, Jr., Councilmen James Jenkins, Kenneth Jumper, Robert Malpass, and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. Mayor Wilkerson advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mayor Wilkerson opened the meeting and Mr. Jumper said the invocation. Mayor Wilkerson led everyone in the Pledge of Allegiance.

Approval of Minutes

The minutes of the October 4, 2005 Regular Meeting, October 7, 2005 Special Meeting, October 14, 2005 Special Meeting, and October 24, 2005 Special 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

- A. Presentation by Charlie Thompson of LandSource – Update on Brick Works Project and Other Projects

Mr. Charlie Thompson appeared before Council to review the plans for the Brick Works project. He stated that for several reasons, the project has not moved forward. He stated that the letter of agreement regarding TIF funding for the project included certain time restraints and asked that those dates be extended in order for him to prepare a revised presentation to Council. He stated that the previous plan lacked certain density and a specific taxable component and that the revised plan includes such a component. He requested that he be given a 30-day extension on the time specific dates so that he can make a presentation to Council at the January meeting. In the interim, he asked for Council's approval to set funds aside for the project and that he be allowed to work with the City Manager to revise the letter of agreement to spell out the revised specifics. He stated the revised

project has changed and now includes both the old brickyard property and the old Tremont Motel property and from State Street to the Congaree River. Mayor Wilkerson inquired if Mr. Thompson would have drawings or sketches of the plan available at the January meeting. Mr. Thompson advised it was their intention to conceptual plans by that time. Mr. Myers inquired if the project already has lease agreements or sales agreements in place as far tenants and if the project would have a firm ground breaking in 2006. Mr. Thompson advised that there are no firm agreements at this point but he will be moving forward with the design and conceptual phase of the project. He stated the revised project would still be a mixed-use development. Mr. Jenkins inquired if Mr. Thompson would be beginning the project from scratch or pick up where it is at the moment. Mr. Thompson advised that the project would not be starting from scratch. Mr. Myers asked if the amount of TIF funding would be the same amount for the revised project. Mr. Thompson stated that he would welcome any amount of contribution and that the revised plan expands the scope of the project and if there are any additional funding that can be set aside he would certainly be appreciative of that. The City Manager advised that Mr. Thompson's initial request qualified for \$648,682 of applicable TIF funding for the project. Mr. Thompson stated that if an agreement cannot be reached by January 2006, he understood that the funds would be available to other projects. Mr. Jumper advised that currently Council is looking at improving Knox Abbott Drive and would be anxious to see the development happen in that area. Mr. Thompson stated that he would be in contact with the City Manager to work out the details.

- B. Presentation of Bill Nix Memorial Award for Excellence in Fleet Maintenance and the South Carolina Governmental Fleet Managers Association President's Award

Mr. Edgar Heustess, Manager of the City Garage, advised that the City of Cayce was recognized for their accomplishments in excellence in fleet management at the recent South Carolina Fleet Management Association meeting. He stated that the city was in competition with Charleston, Spartanburg, Rock Hill, Greenville, and Columbia for the award. Mr. Heustess introduced the garage staff and presented the city award plaque to Council. He then advised that in addition, he had been presented with the President's Award for Fleet Manager of the Year. Council congratulated Mr. Heustess and his staff for their hard work and dedication in maintaining the city's fleet.

Ordinances

- A. Approval of Ordinance to Amend Cayce City Code Animal Ordinance, Chapter 8 – First Reading

The City Manager stated that Council was presented a side-by-side comparison of the ordinance and suggested revisions at the October meeting. He stated that the City Attorney has prepared the ordinance and Chief McNair has reviewed it as well. Mr. Jenkins asked if the revised version addresses the amount of animals a resident could have at one address. Chief McNair stated that it does not address a specific number, but the issue is addressed in that the ordinance specifies the size of an area you must

have for each animal. Mr. Jenkins asked that as far as offensive smell or noise, if the Animal ordinance covered this issue. Chief McNair stated that it was covered in both the Animal Ordinance and the Nuisance Ordinance. Mr. Malpass inquired if the revised ordinance will assist in enforcing the ordinance. Chief McNair explained that the current ordinance includes a list of animals that a person could not have and the revised ordinance includes what a person can have as a pet and if the animal is not listed, that means a person cannot have that animal in the city. Mr. Malpass stated that the majority of complaints deal with barking and too many animals and wanted to know if the revised ordinance addresses these two issues. Chief McNair advised that the new ordinance should assist with these issues and in conjunction with the nuisance ordinance. Mr. Jumper brought up the fact that there are quite a lot of cats running loose in the city at night. Mr. Myers stated that he felt the revised ordinance did not address a true adoption process and would like to review that issue in the upcoming budget process. Chief McNair stated that the grant staff is currently looking into obtaining grant funds for an adoption program, but currently the grants available are for entities that already have an adoption program in place. He stated that he would put together information for Council to review during the budget process. Mr. Jumper stated that he had a concern regarding pet owners who have huge animals and have problems controlling them because of the animal's weight. Chief McNair stated that the revised ordinance addressed this issue somewhat. Mr. Jumper also stated that owners are not cleaning up animal waste. Mr. Malpass made a motion to approve the revised Animal Ordinance on first reading. Mr. Jenkins seconded the motion which was unanimously approved.

B. Approval of Ordinance – Proposed SCE&G/Lexington County FILOT Agreement – First Reading

The City Manager stated that he has been in contact with the County Treasurer's office regarding the timing of the payments. He stated that this is no longer an issue of concern based on information received from the Deputy Treasurer. Mayor Wilkerson inquired as to any other changes that may have been made. Mr. Crowe stated that the timing sentence was deleted and one other small deletion of language in paragraph 2 was changed. Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Jenkins seconded the motion which was unanimously approved.

C. Approval of Ordinance to Amend Cayce City Code Re Procurement Policies – First Reading

The City Manager advised that when the current budget was reviewed, several purchases were approved by him that were above the \$5,000 limit that according to the current ordinance needs Council's approval. He stated that these purchases were for regular operations of the city including such things as the electric bills and gasoline. He stated that the city's current ordinance is a 1990 vintage is not as comprehensive as it should be and is requesting that the limit for purchases by the City Manager be increased. The City Attorney has drafted such an ordinance revision with a limit of \$50,000. Mr. Myers stated that several of the purchases that have been brought to Council have improved by bringing it before Council for approval. Mayor Wilkerson

stated that he felt the limit of \$50,000 was somewhat high. Mr. Crowe stated that he reviewed several ordinances from other cities and used them as a model for the revised ordinance. He stated there are several items such as gasoline, etc., that has increased and this gives the City Manager the authority to approve these daily operational purchases. He stated that these purchased would be those that Council had already approved in the budget and that any items to be purchased that were not included in the budget would come before Council for approval. He stated that the new language placed in the ordinance relating to other types of procurement, sole source, and on-line bidding, is an attempt to modernize the ordinance and would modernize management's ability to address the financial needs of the city. Mr. Myers stated that he did not have a problem in increasing the limit to the \$25,000 threshold, but purchases over that amount needs to come to Council for review. Mr. Myers made a motion to approve the Ordinance on first reading changing the threshold for purchases by the City Manager to \$25,000.00 if already approved by Council in the budget. Mr. Malpass seconded the motion which was unanimously approved.

D. Approval of Ordinance to Rezone Airport High School from C-1 to PDD – First Reading

Mr. Malpass moved to postpone this issue and place it on the January, 2006 Council Meeting agenda. Mr. Myers seconded the motion which was unanimously approved.

Contracts and Agreements

A. Approval of Condemnation for Water Main Easement

The City Manager advised that Mr. Frank Robinson, Director of Utilities, has been working for months on trying to obtain a water main easement on the L-J Inc. property located on Old Dunbar Road. He stated that the property owner agreed on a price, but has evaded setting up an appointment with the City to sign the easement or accept the payment. He stated that the owner is now getting a second appraisal on his property and he has not received it back yet. He stated that the property owner's assistant called and stated the owner was now ready to move forward and would have final information on Monday. The City Manager recommends that Council move forward with condemnation in the event the meeting does not take place on Monday. Mr. Robinson provided Council with a breakdown on the funding as stated in the memo to Council. Mr. Myers stated that he would be willing to meet with the property owner to discuss this issue to see if it could be resolved. Mr. Malpass made a motion that Council authorize the Mayor to sign a written Resolution of Council (1) setting the amount of the City's appropriate appraisal as the "just compensation" amount, and (2) authorizing the City Attorney to proceed with an offer to the land owner in the "just condemnation" amount and, if the offer is rejected, to proceed with a condemnation action.

Mr. Jumper seconded the motion. After discussion, the motion passed unanimously.

B. Bid Award – Emergency Replacement of Public Safety Roof

Mayor Wilkerson advised that he has met with the City Manager and Public Safety Director to go through the process of how we got to where we are with this issue and it is a long story. He stated that there is a problem in the bay areas with the roof leaking on the firetrucks. He advised that the city's engineer has looked at the problem and the quotes provided and advised that the better product was submitted by Centimark. However, he advised that the quote is extremely high. He stated that the city would continually have problems with the flat roof. He stated that staff believes that the roofing product offered by Aqua Seal will suffice until major renovations of City Hall Complex can be done. Mr. Myers asked if staff researched a pitch roof system and if not, it might be something that should be reviewed. Chief McNair stated that he would discuss this with the vendor. Mr. Malpass made a motion to approve the emergency repair and award the bid to Aqua Seal for the repair of the bay area and two-story section of the Public Safety building in the amount of \$44,550 pending a quote for also installing a pitched roof. Such a motion will also amend the FY 2005-2006 budget. Mr. Jumper seconded the motion, which was unanimously approved.

C. Approval of 2006 Holidays

The City Manager distributed to Council a copy of the proposed schedule for City holidays for 2006 noting that there is no change in the number of days from the previous year's list of holidays. Mr. Jumper made a motion to approve the list of holidays for 2006. Mr. Malpass seconded the motion that was unanimously approved.

Committee Matters

A. Appointments and Reappointments

Accommodations Tax Committee – Two Positions

Two open positions remain and must be filled by individuals from the restaurant industry. There are no recommendations at this time. Mr. Jumper made a motion to table the issue. Mr. Myers seconded the motion which was unanimously approved.

Cayce Historical Museum Commission – One Position

Ms. Ann Diamond's term expires November 2005. She has been contacted and would like to serve again. The Commission recommends the reappointment of Ms. Diamond. Mr. Malpass made a motion to reappoint Ms. Diamond to the Commission. Mr. Myers seconded the motion which was unanimously approved.

Planning Commission – One Position

Mr. John Raley's term expired September 2005. Because the Commission has not met recently, there are no recommendations at this time. Mr. Myers made a motion to table the issue. Mr. Jenkins seconded the motion which was unanimously approved.

B. Committee Minutes to Enter Into Record

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

Beautification Board – September 7 and October 5, 2005
Cayce Museum Commission –October 12, 2005
Cayce Events Committee – October 13, 2005
Cayce Housing Authority – October 18, 2005

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

City Manager's Report

The City Manager advised that the October financial statements would be out Friday this week. He provided Council with the following dates:

- November 8, 2005 – West Metro Annual Dinner – Embassy Suites
6 pm Silent Auction; 7 pm Dinner
- November 10, 2005 – Veterans Day Program – Fulmer Middle School
9 am
- November 11, 2005 – Veterans Day – City Hall Closed (normal pickup)
- November 24 & 25, 2005 – Thanksgiving Holidays – City Hall Closed
(No pickup on Nov. 24 – will be picked up on Nov. 25. Normal pickup on Nov. 25)
- November 28, 2005 – Cayce Riverwalk Extension Press Tour – 2 pm;
SCE&G 24/7 Call Center Tour – 3:30 pm
- December 1, 2005 – Cayce Tree Lighting/Lights of Cayce – 6 pm
- December 1, 2005 – LCJW&SC Christmas Party – Embassy Suites – 7 pm
- December 2, 2005 – Christmas Traditions at the Museum – 6:30 pm
- December 3, 2005 – West Metro Holiday Parade – Council decided to ride on the float and will meet at City Hall at 5:00 p.m.
- December 6, 2005 – December Council Meeting – 7 pm
- December 9, 2005 – Cayce Drop In – 6:30 pm
- December 10, 2005 – Employee Christmas Party – Trinity, Solomon's Porch – 2 pm

The City Manager advised that the city received a letter from Time Warner notifying that cable rates are increasing. Mr. Myers asked that a letter be sent to Time Warner advising that Council is not in favor of the increased rates on our residents considering the service they provide.

In reference to the Cayce Riverwalk Park, the City Manager advised that last week the city wrapped up the purchase of all the property and contracts were signed. He stated that based on what has been done so far, the city has spent approximately \$114,000 and the \$50,000 PRT Grant reimbursement request has been filed. He stated that the property with the fencing installed has been appraised at \$148,200 and that once the grant reimbursement is received the city will have paid a little over \$50,000 for property that is valued at \$148,200.

The City Manager stated that the Employee Awards Breakfast is tentatively scheduled for January 18, 2006. Mayor Wilkerson advised that he had a conflict with that date. Council asked that the event be scheduled for January 25, 2006.

The City Manager advised that the SPAT Committee has asked DOT to do a traffic study of the Axtell Drive and Lorick Street areas near the Cayce Riverwalk Park entrance and will provide Council with an update as soon as this information is received.

In reference to the web video that was produced for the City, the City Manager stated that it is a good product and that he has sent the link to Council members for their review. He stated there were a few changes being made.

The City Manager stated that staff has researched the problem with residents complaints regarding brown water and has found that the city received an inferior treatment chemical. He stated that the plant is now using a different product and should know fairly quickly if this is going to fix the problem. Mr. Malpass stated that the city needed to report this incident to NSF. Mayor Wilkerson asked if the city should keep the drums that are in stock for evidence. Mr. Myers suggested that samples be taken from each drum before they are returned.

Mr. Jumper had a concern not only in his area, with trash on the highways and streets in the city and inquired as to how it can be picked up or eliminated. In addition, he stated that people are using the end of Helen Street to dump their trash and Frink Street is littered with trash on right of way. Mr. Myers stated that funds should be placed in the budget to hire a clean up crew that would take care of cutting the right of way, picking up trash, etc. Mr. Jumper and Mr. Myers suggested that this be considered in the next year's budget.

Executive Session

- A. Receipt of Legal Advice Relating to Pending Law Suit - Lexington School District 2

Mr. Myers made a motion to move into Executive Session to discuss the matter listed above. Mr. Jenkins 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.

There being no further business, the meeting adjourned at 10:25 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk