

**CITY OF CAYCE
Regular Meeting
September 6, 2005**

The regular monthly meeting of Cayce City Council was held this evening at 5:30 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 with the invocation and led everyone in the Pledge of Allegiance.

Mr. Malpass made a motion to amend the agenda to add receipt of legal advice regarding the TIF bond under the Executive Session portion. Mr. Myers seconded the motion which was unanimously approved.

Approval of Minutes

The minutes of the August 2, 2005 Regular meeting were presented for approval. Mr. Jumper made a motion that the minutes be approved as submitted. Mr. Myers seconded the motion which was unanimously approved.

Proclamations and Presentations

A. Approval of Proclamation – National Payroll Week

Council considered for approval a proclamation proclaiming September 5 thru 9, 2005 as National Payroll Week. Mr. Malpass made a motion to approve the proclamation. Mr. Jenkins seconded the motion which was unanimously approved.

B. Approval of Proclamation – Good Neighbor Day

Council considered for approval a proclamation proclaiming September 7, 2005 as Good Neighbor Day in the City of Cayce.

Mr. Myers made a motion to approve the proclamation. Mr. Jenkins seconded the motion which was unanimously approved.

C. Presentation by Mr. Paul Guigliano Re Code Enforcement Issues

Mr. Guigliano appeared before Council to present his concerns regarding code enforcement issues in his neighborhood. He distributed a copy of a letter that he recently sent to the City Attorney regarding his concerns. Mr. Guigliano stated that he forwarded the letter via e-mail to the City Attorney on July 22, 2005 and to date he has not received a reply from the City Attorney or his Councilman, Mr. Malpass. He stated that the issues were not only his, but those of his neighbors as well. He expressed his concern with the fact that he has lived in Cayce for 21 years and has seen no growth during that time. He stated that he has invested tens of thousands of dollars into his home to improve it. He stated that due to no growth in the city, he put his house up for sale. In a year's time, he did not have any offers of a contract on his home. He advised that during this time, numerous people visited his home and had nothing but praise for the home. However, every person who looked at the home commented on their concern with the home across from him, the lot on the side of his home, and the crack house on State Street. He stated that he met with the City Manager regarding these issues who stated he would get in touch with the proper authorities. Mr. Guigliano stated that three weeks later he received a call from the city's Planning Director, Ken Knudsen. He stated that the City of Cayce has its own ordinances and feels that the ordinances should be followed and applied when infractions are confirmed. Mr. Guigliano advised that he has always felt that Cayce was a good place to live, but he did not think there was an economical plan for the City and he was very frustrated in the fact that City staff has not replied to his concerns. He stated that he has seen numerous complimentary items in the newspaper about the Avenues but stated that Holland Ave., Lexington, and Popular, is pathetic in that homes and yards are kept up. He asked for Council's assistance in getting residents to clean up their properties and make the city beautiful and appealing. He stated that these issues were only those at the top of the heap, and that he and his neighbors are watching the progress of this issue and wanted larger issues taken care of as well. He stated that as tax paying citizens and voters, he and his neighbors would campaign and look for candidates who will make it their platform to improve Cayce and encourage economic growth. Mayor Wilkerson stated that the city should proceed forward and enforce the ordinances in that area. He stated that Mr. Guigliano might not be getting information sent back to him on the status of the issues and asked staff to be sure that this occurs. The City Manager advised that he would review all the information presented and would be in touch with Mr. Guigliano to provide him with an update.

D. Presentation by Mr. Ron Moore Re Lexington School District 2 Strategic Plan

Mr. Moore of 403 Deliesseline St., and who is the Chairman of the "Citizens for Lexington District 2 School Improvements" group, appeared before Council to present

the Lexington School District 2 Strategic Plan. He stated that he had thought long and hard about the letters that have been going back and forth, and advised that he was in receipt of Council's letter dated August 31, 2005 in response to his previously written letter. He stated that he felt that two issues seem to keep appearing in the letter— parking and economic development. He stated that in most cases when a location for a football stadium is being considered, there is normally an economic boom and his group felt that the location would assist growth on Knox Abbott Drive. In reference to parking, he stated that at every stadium he has visited, parking has been an issue. He asked Council to reconsider their rejection of the Planning Commission's recommendation and asked for Council's assistance in getting the strategic plan passed. Mayor Wilkerson thanked Mr. Moore for providing this information to Council.

Mr. Myers advised that he wanted to correct Mr. Moore on the issue of Council not approving the Planning Commission's recommendation. He stated that as previously explained to Mr. Moore, the Planning Commission's recommendation included six conditions of which three were highly likely to be unenforceable or even illegal. This point, Mr. Myers stated, has been continuously left out of the information provided to citizens.

Ordinances

- A. Approval of Ordinance to Rezone Airport High School from C-1
To PDD – First Reading – Withdrawal of Request

Council considered a request received from the Lexington School District Two Board to withdraw their request to rezone property located at Airport High School from C-1 to PDD. Mayor Wilkerson stated Council had received information from the City Attorney proposing an alternate action by Council in that if the request is granted, the issue cannot be considered again for one year unless substantial changes are made. The City Attorney provided Council with an explanation of the alternative action that would allow the issue to remain open to see if a negotiated resolution could be reached between City and the School Board. Mr. Malpass made a motion to postpone consideration of the withdrawal of the request until the November, 2005 meeting. Mr. Jenkins seconded the motion which was unanimously approved. Mr. Myers asked that the City Attorney send a letter to the School Board advising them of the issue and explanation of the action by Council.

- B. Approval of Ordinance to Annex Mungo Property – First Reading

The City Manager advised that a request from the Mungo Company had been received to annex an additional 7.52 acres adjacent to the existing Hunters Mill subdivision into the City of Cayce. He stated that the Planning Commission met on August 22, 2005 and has recommended the annexation of the property and that it be zoned as PDD-R. Mr. Myers made a motion to approve the Ordinance to annex the

Mungo property on first reading. Mr. Jumper seconded the motion which was unanimously approved.

C. Approval of Zoning Ordinance Text Amendment Table 2 – First Reading

The City Manager stated that an amendment to the Zoning Ordinance was necessary in order to synchronize the NAICS codes to those same codes approved and adopted by the city in the current Business License Ordinance. Mr. Myers inquired as to the classification of a title loan company. Mr. Ken Knudsen, Director of Planning & Development, advised that it was classified as banking services within the NAICS code. Mr. Myers asked that the City Attorney provide Council with the legal definition of this type of business at the next meeting. Mr. Malpass made a motion to approve the Zoning Ordinance Text Amendment Table 2 on first reading. Mr. Myers seconded the motion which was unanimously approved.

D. Approval of Zoning Ordinance Text Amendment Re Digital Reader Board – First Reading

The City Manager stated that several businesses located within the city have made inquiries regarding the city's position on digital or LED signage. He stated that under the current Sign Regulations, the city has been successful in limiting the use of these types of signs. He stated that while the Planning Commission feels that some limitations should be placed on these types of signs, they also realize that this should be addressed. The proposed addition to the sign regulations section will allow such signage, however, it will not allow for scrolling or changing copy every few minutes. He stated that as recommended by the Commission, the digital reader signage would only be allowed in C-3, C-4, and M-1 districts. Mr. Myers stated that he would like to hear from the sign companies and businesses to see if this is the trend they are going to. He stated that we needed to understand how this will affect everyone including the churches, schools, West Metro Chamber, etc. Mr. Malpass inquired how many municipalities currently have this ordinance. Mr. Knudsen stated no one in South Carolina has this type of ordinance. Mr. Myers made a motion to approve the Zoning Ordinance Text Amendment regarding Digital Reader Board on first reading. Mr. Jenkins seconded the motion which was unanimously approved. Mayor Wilkerson asked that the additional information requested be submitted to Council at the October meeting for review.

E. Approval of Amendment to Zoning Ordinance and Cayce City Code Prohibiting Parking of Heavy Vehicles and Tractor-Trailers in Residential Districts – Second Reading

Council considered for second and final reading an Amendment to the Zoning Ordinance and Cayce City Code which would prohibit the parking of heavy vehicles and tractor-trailers in residential districts. The City Attorney explained to Council the revisions made to the ordinance to clarify the weight of the vehicles as requested by

Council. Mr. Myers made a motion to approve the Ordinance on second and final reading. Mr. Jumper seconded the motion which was unanimously approved.

Contracts and Agreements

A. Bid Award – Purchase of Garbage Bags

The City Manager advised that a supply of plastic garbage bags is needed to replenish the city's stock. He stated that bids were received from three companies with the low bid coming from Jadcore at a price of \$103.80 per thousand bags for 150,000 bags or \$16,504.20 (including tax). He stated that the FY 2005-06 budget included an appropriation of \$19,000.00 for the purchase of the bags and recommends that the bid be awarded to Jadcore. Mr. Malpass made a motion to award the bid to the low bidder, Jadcore in the amount of \$16,504.20. Mr. Jumper seconded the motion which was unanimously approved.

B. Bid Award – Purchase of Air Compressor

The City Manager advised that the FY2005-2006 budget included an appropriation in the amount of \$12,000.00 for the purchase of an air compressor and accessories that will be used to power equipment in the cutting of asphalt and concrete roads, driveways, and sidewalks by the Utilities field crew personnel. He stated that the proposed new compressor would replace a 1983 air compressor that is extremely worn and will not hold enough air pressure to operate most of the city's necessary pneumatic equipment. He stated that quotes were received from three companies with low bid coming from United Rentals in the amount of \$12,252.54 for the purchase of the air compressor and accessories. Mr. Myers inquired if the two local companies who have this equipment were asked to quote. Mr. Robinson advised that this type of air compressor was not an item handled by local companies. Mr. Jumper made a motion to award the bid to United Rentals in the amount of \$12,252.54. Mr. Jenkins seconded the motion which was unanimously approved. Mayor Wilkerson asked that businesses inside the city be considered, if applicable, when quotes are obtained.

C. Bid Award – Purchase of Replacement of Engineering Plan Copier

The City Manager advised that the existing engineering plan copier was purchased used as surplus equipment through State Surplus Property approximately eight years ago. He stated that the last time the copier was serviced due to improper operation, the service technician advised that parts for the copier were no longer manufactured and were unavailable. The FY2005-2006 budget included an appropriation in the amount of \$9,300.00 for the purchase of a new plan copier. The city advised that quotes were received from two companies and that Imaging Technologies Services Inc. presented the lowest quote of \$8,624.70 and that the purchase price included a one-year service contract. Mr. Malpass made a motion to award the bid to Imaging Technologies Services Inc. in the amount of \$8,624.70.

Mr. Jenkins seconded the motion which was unanimously approved. Mr. Myers again asked that businesses inside the city be considered when quotes are obtained.

D. Bid Award – Purchase of Backhoe

The City Manager advised that the FY2005-2006 budget included an appropriation in the amount of \$52,882.00 for the purchase of a Loader Backhoe to replace the 1989 John Deere unit. He stated that the city has incurred total maintenance costs on this unit of approximately \$16,650.00 and that it still needs additional repairs. In addition, he advised that the frame was cracked and then welded back together causing the unit not to be as structurally stable as it should be. He stated that quotes were obtained from three local equipment dealers and that the CAT 416D Loader Backhoe was the best-priced equipment with the city's specification for the type of usage it will be performing. He stated that low bid for this specific Loader Backhoe was received from Blanchard Equipment in the amount of \$52,882.00 and is under a South Carolina State Purchasing Contract. Mr. Malpass made a motion to award the bid to Blanchard Equipment in the amount of \$52,882.00. Mr. Jumper seconded the motion which was unanimously approved.

E. Approval of Request for TIF Funds – Parkside Cottages

Mr. David Diamond appeared before Council to request the city's financial assistance from the TIF account in the development of the Parkside Cottages development. He provided Council with a list of the costs involved in infrastructure and stated that the overall project would have a value of over \$1.7 million. Council reviewed the plans with Mr. Diamond and Mr. Knudsen's recommendations regarding TIF funding that would be allowable according to the adopted guidelines. Mr. Knudsen suggested that the infrastructure be funded at 60% and the landscaping at 90% in that Council had asked for additional landscaping for the entrance in connection with this project. He stated that the City of Cayce's reimbursement would be \$77,331.00. Mr. Myers stated he would like to see more improvements on N Avenue. The City Manager stated that improvements requested by Council such as lighting and sidewalks could be funded at 100%. Mr. Myers stated that he would like to see a final plan before approving a final reimbursement amount. The City Manager advised that he would prepare a letter of agreement along with an addendum with the city's participation for the lighting and sidewalks once the final information was received from Mr. Diamond.

F. Consideration of Consent to Closing a Portion of Lorick Street and Approval of Agreement

Mr. Crowe stated that initially BC Development had filed suit to close a portion of Lorick Street in connection with the development of their property. He stated that city responded by filing opposition to the closing in that the city's water and sewer lines were on the property and there might be interest from the public to use that portion of the road as an access to the Cayce Riverwalk Park. He stated that at a meeting held

July 20, 2005 with all parties concerned, BC Development advised that they would provide the City with the proper easements for the water and sewer lines and that their development would be constructed in a way to protect the lines and have them remain in use. He stated that with that assurance, the City stated that it would be willing to withdraw its opposition to the closing of a portion of Lorick Street. Council asked that the City Attorney draw up an agreement with BC Development's attorney regarding these issues. Mr. Crowe provided Council with a copy of the draft agreement. He suggested that approval be given to authorize the City Manager to sign the agreement which sets out the specifics and protection of the water and sewer lines. He stated that he would work with Mr. Robinson, the Utilities Director, to make sure the appropriate easements are received by the City. Mr. Malpass made a motion to withdraw Council's opposition of the lawsuit to close a portion of Lorick Street and to authorize the City Manager to sign the agreement on behalf of the city. Mr. Jumper seconded the motion which was unanimously approved.

Committee Matters

A. Appointments and Reappointments

Accommodations Tax Committee – One Position

One open position remains and must be filled by an individual from the restaurant industry. There is no recommendation at this time and the item remains tabled.

Cayce Events Committee – Two Positions

Ms. Darlene Walton's term expired July 2005. She has been contacted and would like to serve again. The Committee recommends the reappointment of Ms. Walton. Mr. Myers made a motion to reappoint Ms. Walton to the Committee. Mr. Jenkins seconded the motion which was unanimously approved.

Ms. Cathy Gunter has resigned from the Committee due to family commitments. There is no recommendation at this time. Mr. Malpass made a motion to table the issue. Mr. Myers 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:

Zoning Board of Appeals – January 24, 2005
Beautification Board – August 3, 2005
SPAT Committee – August 9, 2005
Cayce Museum Commission – August 10, 2005
Cayce Events Committee – August 11, 2005
Cayce Housing Authority – August 16, 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

City Manager advised Council of the following dates:

- September 15, 2005 – Homeless Summit – 1:00 p.m. Columbia Convention Center
- September 24, 2005 – History Walk at Cayce Riverwalk Park – 10 am – 4 pm
- September 30, 2005 – End twice a week sanitation service
- December 6-10, 2005 – National League of Cities Conference, Charlotte, North Carolina – September 15th deadline for “early bird” registration special

The City Manager advised that a draft copy of the FY 2004-2005 Audit has been received and a date needed to be set for the FY 2004-2005 Audit presentation. Council scheduled a special workshop for September 21, 2005 at 9:00 a.m. for the presentation.

The City Manager stated that the Pumpkin Carriage has been primed and painted and is now at the Garage. He stated that staff will be installing the seats and placing it in the park for unveiling at the October meeting. He stated that the City would invite representatives from RECO USA and Rose-Talbert Paints for the presentation of the Corporate Ambassador Awards in appreciation for their assistance with this project.

The City Manager advised that the New Brookland Lion's Club had forwarded a proposal to the City on the installation of playground equipment at Guignard Park. He stated that they were requesting that the city come up with a maximum of \$15,000 for the project. He stated that he had researched the title on the park and this is an allowable project. He advised that funding for the project could come from either the ABC Fund Account or the TIF Fund Account. Council gave authorization to proceed with the project using TIF funds for the match.

In reference to the City's Utilities Compound property, the City Manager advised that the appraisal should be received in approximately two weeks.

The City Manager stated that the August financial reports would be distributed to Council on Friday.

Chief McNair provided Council with an update on the New Orleans evacuee situation stating that as of 6:30 p.m. the evacuation of individuals from Texas had been

suspended and he was unsure when others may be coming from Louisiana or Mississippi.

Mr. Jenkins thanked staff for their assistance in helping the family in Riverland Park who is caring for 21 members of their family who evacuated from New Orleans.

Mr. Myers stated that at last month's Council meeting, a presentation was made by the President of the Edenwood Neighborhood Association. He stated that part of the process of studying the issues was to put together a consortium of citizens from the area. He proposed that a committee be appointed to go through the process of researching the issues, designating the proper agencies, contacting the agencies and report their findings to Council. He asked that the Municipal Clerk, Tammy Barkley, be appointed as the staff liaison for the Committee and suggested that the Committee be made up of 2 individuals appointed by the Association, 2 appointed by the Mayor, and one appointed by the City Manager. Council agreed that the Committee should be formed and should report back to Council in December. It was suggested that the Mayor and the City Manager attend the Committee's first meeting in order to go over guidelines with the members.

In reference to the CSX Railroad overpass on Hwy. 321, Mr. Myers asked that the City continue the quest to have the overpass repaired/repainted.

Executive Session

- A. Lloydwood Sewer System Proposed Contractual Agreement
- B. Midlands Utility Proposed Contractual Agreement and Letter to Midlands Utility Concerning Utility System
- C. Receipt of Legal Advice re Lexington School District 2 Zoning Issue

Mr. Myers made a motion to move into Executive Session to discuss the matters listed above and the additional item to receive legal advice regarding the TIF bond as previously approved. 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.

Mr. Malpass made a motion to authorize the City Attorney to initiate discussions with the Lexington School District 2 Board's attorney concerning a negotiated solution

between City Council and the School Board relating to the zoning of school property. Mr. Myers seconded the motion which was unanimously approved.

Mr. Myers made a motion to approve the City Manager's execution of the Lloydwood Receivership Agreement as modified by the suggestions of the Utilities Director and the City Attorney subject to all financing commitments being in place. Mr. Malpass seconded, unanimous

Mr. Jumper made a motion to approve the letter of intent for the acquisition of the Midlands Utility Wastewater System. Mr. Jenkins seconded the motion which was unanimously approved. Council instructed the City Attorney to advise Midland's attorney re 15-day deadline to receive signed agreement.

Mr. Jenkins made a motion to authorize the City Manager to resolve the Midlands Utility unpaid billings and penalties. Mr. Myers seconded the motion which was unanimously approved.

Mr. Myers made a motion to approve a resolution confirming the Cayce Riverwalk Park Connection project as part of the Redevelopment Plan and authorize the use of TIF funds for the project. Mr. Jumper seconded the motion which was unanimously approved.

There being no further business, the meeting adjourned at 11:10 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk