

**CITY OF CAYCE**  
**Public Hearing and Regular Council Meeting**  
**July 1, 2008**

**Public Hearing – Adoption of 2006 Standard Building Codes  
and Technical Codes**

A Public Hearing was held at 6:00 p.m. in Council Chambers to obtain public comment on the proposed adoption of the 2006 Standard Building Codes and Technical Codes. Those present included Mayor Robert Malpass, Councilmen James Jenkins, Kenneth Jumper, and Rick Myers, City Manager John C. Sharpe, and Tammy Barkley, Municipal Clerk. Mayor Malpass advised that members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA.

**Opening Statement**

Mayor Malpass stated that the purpose of the Public Hearing was to obtain public comment regarding the proposed adoption of the 2006 Standard Building Codes and Technical Codes. Mayor Malpass inquired if anyone in attendance had any comments regarding the matter.

**Public Testimony**

No one from the public in attendance offered any public testimony or comment.

**Close Hearing**

Mayor Malpass closed the public hearing noting that no public comment was received.

**Regular Meeting**

The Regular Council meeting immediately followed the Public Hearing. Those present included Mayor Robert Malpass, Councilmen James Jenkins, Kenneth Jumper, and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Ken Knudsen Director of Planning & Zoning, Chief Charles McNair, Director of Public

Safety, and Frank Robinson, Director of Utilities were also in attendance. Mayor Malpass advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mayor Malpass opened the meeting with the invocation and then led everyone in the Pledge of Allegiance.

Mr. Myers made a motion to amend the Agenda to add Item IV. D. – Approval to Purchase Roll Carts. Mr. Jenkins seconded the motion which was unanimously approved.

### **Approval of Minutes**

The minutes of the June 5, 2008 Regular Meeting and June 20, 2008, June 24, 2008 and June 27, 2008 Public Hearings and Special Meetings 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.

### **Election of Mayor Pro-Tem**

Mayor Malpass stated that due to the resignation of former Mayor Avery Wilkerson, as Mayor Pro-Tem, he assumed the office of Mayor per the City of Cayce Code of Ordinances. He stated that Council needed to elect a Mayor Pro-Tem in the event he becomes absent or disabled. Mr. Jumper nominated Mr. Jenkins for Mayor Pro-Tem. Mr. Myers seconded the motion which was unanimously approved.

### **Approval of Appointments of City of Cayce Representatives**

Mayor Malpass stated that also due to Mr. Wilkerson's resignation, Council needed to appoint new representatives to the following Boards/Commission.

1. Joint Water & Sewer Commission
2. River Alliance Board of Directors
3. Central Midlands Council of Governments Board of Directors
4. Lexington County Development Corp. Board of Directors

Mr. Myers made a motion to nominate Mayor Malpass to serve on the above Boards/Commissions. Mr. Jenkins seconded the motion which was unanimously approved.

5. West Metro Visitors Center Board of Directors

Mr. Jenkins made a motion to appoint Mr. Myers to the West Metro Visitors Center Board of Directors. Mr. Myers seconded the motion which was unanimously approved.

## **Presentations**

### **A. Presentation of Employee of the Quarter Award**

Mayor Malpass presented the Employee of the Quarter Award to Thomas White of the city's Sanitation Department. He thanked Thomas for his loyalty to the city and the outstanding service he provides to its citizens.

### **B. Presentations Re Churchill Heights Neighborhood Park – Mr. Charles Riley, Mr. Allison, Mr. and Mrs. Harold Davis, Ms. Agnes Pittman, Mr. John Paxton**

Mr. Charles Riley was not in attendance.

Mr. Richard Allison appeared before Council to discuss the proposed neighborhood park. He stated his real advocacy for the park is concerning the children having a safe place to play. He stated that it was his understanding that money has been appropriated from the State and the land has been donated to the City. He stated that the neighborhood association has circulated a petition for those in favor of the park and that petition has been given that to the City Manager.

Mr. Harold Davis appeared before Council to express his opposition to the park which will be located across the street from his house. (See attached comments)

Ms. Agnes Pittman appeared before Council to express her opposition to the park. (See attached comments)

Mr. John Paxton appeared before Council to voice his concern regarding the construction of the park. (See comments attached)

Mr. Knudsen stated that he met with the neighborhood association to explain the process of the park. He stated that plan includes keeping all the trees and none would be cut down. He explained the items that would be in the park and that some clearing will be done. Mr. Myers inquired as to the size of the property. Mr. Knudsen advised that the property is less than two acres. The City Manager stated that this property was deeded to the city with the restriction that it be used for a park. He stated that since that time the city has been looking for funds to do that. Mr. Knudsen advised those individuals are using the property as a trash dump for yard debris. Mr. Myers asked Mr. Knudsen to address some of the concerns mentioned.

Mr. Knudsen stated this is a pedestrian park. Mr. Myers inquired if parking would be allowed. Mr. Jenkins inquired if all the property is needed for the park. Mr. Knudsen stated that the property allows for only a very small park. He stated that if a major rainfall is experienced, the equipment would probably be covered, but stated the Riverwalk does as well and the pressure washer will be used for clean up if flooding occurs. Mr. Myers stated that by clearing the lot and opening it up, the trash, the

loitering, etc. will be less because it will no longer be a secluded non-used area. The City Manager advised that this item is not on the agenda for Council action. He stated that there are other processes to go through before it can be submitted to Council for review.

Mayor Malpass encouraged those in attendance to discuss this further with each other and come to some type of agreement. Mr. Jumper stated that the neighborhood has been working on trying to get this park since the 1980s. He stated that now that the city has the funds, he would like to see the park built and he has received a number of calls from residents with children who are asking for the park. He stated that the majority of the neighborhood wants the park and felt that the park would improve the area. Mayor Malpass encouraged those in the neighborhood to contact Public Safety when they notice any problems in the area. The City Manager stated that staff would tally the petitions and provide this information to Council at the August meeting.

### **Resolution and Ordinances**

- A. Approval of Resolution Thanking Avery Wilkerson for his 18 years of Service and Congratulating him on his Senate Appointment to the Workers Compensation Commission

Council considered for approval a Resolution thanking former Mayor Avery Wilkerson for his 18 years of service and congratulating him on his Senate appointment to the Workers Compensation Commission. Mr. Myers made a motion to approve the Resolution. Mr. Jenkins seconded the motion which was unanimously approved. Council complimented Mr. Wilkerson for his continuous efforts and loyalty to the City.

- B. Approval of Ordinance Re Letter of Credit – First Reading

Council considered for approval an Ordinance regarding a Letter of Credit on first reading. Mr. Belton Zeigler of the Pope Zeigler Law Firm, the city's Bond Counsel, was in attendance and provided Council with a detailed explanation of the matter. He stated that there would be a few minor changes to the Ordinance prior to second reading. He stated the Letters in Credit which are being put into place to replace an insurance policy on the city's bond that the city had for improvements for water and wastewater systems. There are two ways to fund the reserves, you need to put over \$2 million if you fund with cash. The bond holders have allowed you to do is to place an insurance policy in the bond. He stated the insurance companies that were involved with these two issues, got too involved in the subprime business so the city has to replace it. Two ways to do it, insurance policy like it or put cash in. We've looked at the options and the best is the Letter of Credit. BB&T has agreed to offer the Letters of Credit and you actually approved several meetings ago getting those letters of credit via resolution. We're not at the point as to how we structure the letter of credit. The bank has asked for several protections in order to get the money back eventually. In order to provide those protections, an Ordinance is needed. He stated there may be a few small changes to the Ordinance prior to second reading. Mayor Malpass inquired if there has been any

movement forward in the financial world. Mr. Zeigler stated that there used to be 8-10 bond rating companies and that number is now down to two. He stated that it is going to be a while before it turns the corner in the bond insuring business.

Mr. Myers stated that his major concern is that the city would be placing a junior lien on its utility system and inquired how it would affect a new bond issue. Mr. Zeigler stated that junior bonds are not really seen as a problem where financing is concerned and that they would not affect going into a bond issue for the improvements to the city's utility system. Mr. Myers asked the City Manager if he had any concerns regarding the junior bond. The City Manager stated that he did not see a problem with the junior lien bond. The City Attorney stated that he felt that the Pope-Zeigler firm has done the best job possible to assist the city with an issue it has been saddled with.

Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Jenkins seconded the motion which was unanimously approved.

C. Approval of Ordinance Amendment, Section 10-31 of the City Code Re Adoption of 2006 Standard Building and Technical Codes – Second Reading

Council considered for second and final reading the approval of an Ordinance amending Section 10-31 of the City Code regarding the adoption of the 2006 Standard Building and Technical Codes. A Public hearing on the issue had been held this evening prior to the Council meeting. Mr. Jumper made a motion to approve the Ordinance on second and final reading. Mr. Jenkins seconded the motion which was unanimously approved.

**Other**

A. Approval of Town of Lexington Joint Sewer Agreement

The City Manager advised that the Town of Lexington Council and the City of Cayce Council approved the participation in and development of a joint sewer agreement to detail each entity's participation and commitment with respect to the future upgrade of the Town of Lexington's 12/14 Mile Creek Force Main Upgrade Project and the City's Six Mile Creek Pump Station Upgrade Project. Both cities gave approval for their respective staff members to develop a joint sewer agreement. He stated that Cayce staff and American Engineering worked together to provide the necessary framework information and provided that information to the City Attorney for use in drafting the agreement. He stated that the Town of Lexington has reviewed and concurred with the document and the final document is now being presented to Council for review and consideration for approval. Mr. Robinson reviewed the plans of the project in detail with Council and answered Council's specific questions.

After discussion, Mr. Myers made a motion to approve the Town of Lexington Joint Sewer Agreement and authorize the City Manager to sign the agreement and

related documents on behalf of the City. Mr. Jumper seconded the motion which was unanimously approved.

**B. Bid Award – State Street Streetscaping Project – Phase II**

The City Manager stated that Phase II of the project will commence at Lexington Avenue and extend to N Avenue and will consist of sidewalks, decorative street light, new curbing, and landscaping. He stated that all construction will be uniform with the first phase of the project. He advised that bids were received and publically opened on June 3, 2008 and provided Council with the bid tabulation. He stated that Ken Simmons and Associates were awarded the contract for the architectural design of the project based on their prior State Contract and the project will be funded with a CDBG Grant in the amount of \$130,476 with a 90%/10% grant/local ratio.

The City Manager advised that Ken Simmons and Associates have reviewed the bids and has recommended that the city accept the low bid submitted by L-J Inc. in the amount of \$114,347 of which \$102,912.30 will be funded by the grant and \$11,424.70 by the city. He stated that the city's portion will be funded from the TIF bond proceeds and grant funds. Discussion took place regarding the buildings on State Street and whether they would be eligible for TIF funds for renovations. After discussion, Mr. Myers made a motion the award the bid to the low bidder, L-J Inc. in the amount of \$114,347 and to authorize the City Manager to execute the contract on behalf of the city. Mr. Jumper seconded the motion which was unanimously approved.

**C. Approval to Retain Landscape Architect**

The City Manager advised that in order to remain eligible for various local, state and federal grants and monies, the City must retain for on-call services firms that have been selected under the procurement guides of the State of South Carolina. He stated that the city published two legal advertisements for a Request for Qualifications and six positive responses were received. He stated that after careful review of the responses, it appears that there are three firms that should be considered and provided Council with information on the three companies.

He stated that since rates are determined by the scope of work involved and various AIA guidelines, this should not be a factor in deciding the firm to be retained. He stated that Cayce is fast becoming a major factor in the Midlands and should have the best possible firm representing the city in future projects. He stated that Council may want to schedule brief presentations from these firms at the next regular Council meeting or authorize the City Manager and staff to make the final selection presentation and submit to Council for approval. He stated that all future projects, including ones that have already received funding, will have to meet the State's procurement policies. He stated that the company would be on call and would be paid for work done only.

Mr. Myers made a motion to request that the three companies make presentations to Council at the August 5, 2008 Council Meeting. Mr. Jenkins seconded the motion which was unanimously approved.

**D. Approval to Issue Purchase Order for Roll Carts**

The City Manager stated that funds to purchase of 3,500 sanitation roll carts was included in the approved budget for nine months payments on a lease purchase contract. He stated that staff planned to order the roll carts in the first quarter of the new fiscal year and the low bidder, Amick Equipment Co. had agreed to honor the bid price for the remainder of the order. However, he stated that Amick Equipment contacted the city recently and advised that there has been a 12% increase in price from the manufacturer, increasing the per unit cost from \$50.75 to \$56.84. He stated that Amick has agreed to absorb this 12% increase if the City's order is placed by the first of July. He stated that after July 15, the price of the roll carts would increase by another 12%. He stated that the cost of petroleum-based plastic and gasoline for delivery is driving up the cost of the carts. He stated that delivery is expected at least 60 days after the receipt of the purchase order which will still give the city plenty of time to solicit quotes for a lease purchase contract.

Mr. Myers made a motion to approve the issuance of a purchase order for the roll carts and to authorize the City Manager to issue a Request for Proposals for a lease purchase contract. Mr. Jumper seconded the motion which was unanimously approved.

**Committee Matters**

**A. Committee Appointments**

**Cayce Housing Authority – One (1) Position**

There is one open position on the Committee. A potential member application has been received from Ms. Willistine Mosley and is attached for your review. The Housing Authority recommends the appointment of Ms. Mosley. Mr. Jumper made a motion to appoint Ms. Mosely to the Cayce Housing Authority. Mr. Jenkins seconded the motion which was unanimously approved.

**Planning Commission – Two (2) Positions**

The terms of Ms. Daytona Jarman and Mr. Larry Mitchell expires July, 2008. Both have been contacted and would like to serve again. Both reappointment applications are attached for your review. Mr. Myers made a motion to reappoint Ms. Jarman to the Authority. Mr. Jenkins seconded the motion which was unanimously approved.

Mr. Jenkins made a motion to reappoint Mr. Mitchell to the Authority. Mr. Jumper 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:

Board of Zoning Appeals – April 21, 2008  
Planning Commission – May 19, 2008  
Beautification Board – June 4, 2008  
Cayce Events Committee – June 12, 2008  
Cayce Housing Authority – June 17, 2008

Mr. Jumper made a motion that the minutes be entered into the official city record. Mr. Myers seconded the motion which was unanimously approved.

### **Public Comment**

Mayor Malpass 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 staff is working diligently to close the books for the FY 2007-2008. He stated that monthly and end of the year financial reports would be provided to Council next week.

The City Manager provided Council with the following dates:

- July 4, 2008 – Independence Day Holiday – City Hall Closed, normal pick up
- July 17-20, 2008 – MASC Annual Meeting, Charleston, SC
  - Thursday, July 17 – Dinner with Turner, Padgett and Pope-Zeigler
  - Friday, July 18 – Dinner at Avery's – *please RSVP to Tammy for head count*

In reference to the Saxe Gotha Sewer Agreement, the City Manager stated that the City Attorney and Attorney Jeff Anderson have been working on the Agreement and that Lexington County Council has approved the Agreement. He stated that if Council does approve the Agreement, the Taylor Road issue would also need to be resolved. He stated that the city is moving forward on the railroad crossing issue and needed to move forward on the Taylor Road issue. He stated that he spoke with John Fechtel recently and they are trying to work through it. He stated he would remain in contact with the County. He suggested that the Saxe Gotha Sewer Agreement be placed on the August agenda and if there is no movement on Taylor Road issue, Council may want to postpone approval of the Saxe Gotha Sewer Agreement.

The City Manager provided Council with an update on the 12<sup>th</sup> Street lighting plan stating that he met with SCANA representatives to discuss this issue. He stated that SCANA is putting together a preliminary proposal for Council to review which may

be done in two phases. He stated it may be a couple of months before the city meets again with SCANA to review proposals.

The City Manager stated that a Special Meeting needed to be scheduled for the second reading of Ordinances regarding the modification to the Comprehensive Plan Land Use Element and requested annexation. Council scheduled the Special Meeting for July 7, 2008 at 11:00 a.m.

Mr. Jenkins stated he received a phone call from Ms. Porterfield and she is still having problems with the property next to her house. He stated she has been fighting the issue for two years now. Mr. Jenkins asked that a letter be sent to Ms. Porterfield to bring her up to date on what has been done thus far. Mr. Myers inquired if the city could put a tax lien on the property. The City Manager stated that could be done however, a good deal of legal expenses would be incurred to do so.

Council congratulated Mayor Malpass on his position as Mayor.

There being no further business, meeting adjourned at 7:40 p.m.

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Robert E. Malpass, Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk