

CITY OF CAYCE
Public Hearing and Regular Council Meeting
January 10, 2006

A Public Hearing was held at 5:30 p.m. in Council Chambers to obtain public comment on the proposed amendment to the City of Cayce Zoning Ordinance. Those present included Mayor Avery B. Wilkerson, Jr., Councilmen James Jenkins, Robert Malpass, and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk and Garry Huddle, Municipal Treasurer. Councilman Kenneth Jumper was absent from the meeting due to a schedule conflict. Mayor Wilkerson advised that members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA.

Opening Statement

Mayor Wilkerson stated that the purpose of the Public Hearing was to obtain public comment regarding the Proposed Ordinance amending the City of Cayce Zoning Code concerning the location as permitted by businesses primarily engaged in the consumer cash lending and check cashing services.

Public Testimony

No one from the public in attendance offered any public testimony or comment. Mr. Ken Knudsen, Director of Planning & Development, informed the Council of the Planning Commission's rationale behind the amendment. He stated that due to the proliferation of check cashing and title loan companies in the central business district, the Commission felt that some type of control should be placed on the location of those companies. He advised that at present there are 10 to 12 businesses of these types on Knox Abbott Drive. They do not blend well with the central business district. He stated that the Commission did not see any issues with the businesses being located in areas zoned as highway commercial and M-1. Mr. Myers inquired if the city would have problems enforcing the amendment to the Ordinance as ownership of the businesses change. Mr. Danny Crowe, City Attorney, advised that the general law would require the businesses that are currently in operation to be grandfathered. He stated that there might be a process where it would take some time where those types of business diminish from the rezoned recommendation. Mr. Malpass inquired if the ordinance amendment was strong enough. Mr. Crowe stated that it was not as strong as it should be. He stated that if a different type business opened in the rezoned areas,

the Ordinance would be enforceable. Mr. Jenkins asked for clarification of the six-month period as stated in the Ordinance. Mr. Crowe advised that this period of time is governed by State law. He stated that title loan and check cashing companies would be allowed to reestablish their business within six months if no other business type occupies the location during that six month period. Mr. Myers inquired if the city could address or limit the number of these types of businesses within certain distances of each other. Mr. Crowe advised that ordinarily the location restrictions are under some authority in State law. He stated that the other basis would be if the city had evidence that the location of these types of businesses in close proximity of each other would cause public safety or public welfare issues then the city possible could address this issue.

Close Hearing

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

The Regular Council Meeting immediately followed the Public Hearing. Those present included Mayor Avery B. Wilkerson, Jr., Councilmen James Jenkins, Robert Malpass, and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk and Garry Huddle, Municipal Treasurer. Councilman Kenneth Jumper was absent from the meeting due to a schedule conflict. 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 by asking Councilman Malpass to give the invocation. Mayor Wilkerson then led everyone in the Pledge of Allegiance.

Approval of Minutes

The minutes of the November 30, 2005 Special Joint Meeting and the December 6, 2005 Regular Meeting were presented for approval. Mr. Myers stated that in the November 30, 2005 minutes, first page, last paragraph, he wanted to clarify the "three lots" mentioned. He stated that of the three lots, two are located on State Street—the property owned by the City and Mr. Jur's lot and the third lot on Indigo Avenue owned by the School District. Mr. Myers made a motion that the minutes be approved with corrections noted. Mr. Malpass seconded the motion which was unanimously approved.

Executive Session

- A. Discussion of negotiations incident to proposed contractual arrangements between City of Cayce and Lexington County School District Two concerning the District's Knox Abbott Drive property

Mr. Myers made a motion to move into Executive Session to discuss the matter as 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. The Regular Meeting resumed at 7:10 p.m.

Presentations

A. Presentation of Decorate Cayce Contest Awards

Mayor Wilkerson stated that the city's Beautification Board again sponsored the Decorate Cayce contest to award citizens and businesses for their efforts in decorating their homes and businesses during the holiday season. The following awards were presented:

Best Overall Business Display - Gingerbread House, 1819 Middleton Street
Best Business Light Display – first place, Twilight Manor, 2306 Forrest Road,
second place, Vista Arts, 1752 Airport Blvd.

Best Overall Residential Display – first place, Robert and Anne Varn, 509 Moss Creek; second place, Brenda & Russell Fox, 201 Haynes Lane; third place, Alice Creech, 104 Pine Lane.

Best Residential Light Display – first place, Brenda Lorick, 1726 Wadsworth; second place, Ellen Catoe, 203 Sweetbriar Circle; third place, Elizabeth and Paul Giugliano, 514 Holland Avenue.

Mayor Wilkerson thanked all the winners for their efforts in making the city a great place to visit during the holidays.

Ordinances

A. Approval of Ordinance to Amend Sec. 20 of the City of Cayce Nuisance Ordinance – First Reading

The City Manager advised that while researching this ordinance, staff found that sections of the code did not coincide with each other regarding the time provisions in notifying the City Manager (10 days) and the amount of time the nuisance must comply with the abatement of public nuisances (7 days). He stated that the amendment would conform with time provisions in other sections of the code and clarify enforcement. Mr. Myers stated that he would recommend that under section (1) the wording be changed from "designated code enforcement official for the words "city manager" to "designated code enforcement official or designee for the words "city manager". Mr. Jenkins made a

motion to approve the Ordinance on first reading with change as noted. Mr. Malpass seconded the motion which was unanimously approved.

B. Approval of Text Amendment to the City of Cayce Zoning Ordinance Re Check Cashing and Title Loan Companies – Second Reading

Council considered for second and final reading the approval of text amendment to the City of Cayce Zoning Ordinance regarding check cashing and title loan companies. Mayor Wilkerson advised that a public hearing on this issue was held earlier this evening and no comment was received. Mr. Myers made a motion to approve the text amendment to the Cayce Zoning Ordinance regarding check cashing and title loan companies as recommended on second and final reading. Mr. Jenkins seconded the motion which was unanimously approved.

C. Approval of Text Amendment to the City of Cayce Zoning Ordinance Re Overlay Districts – Second Reading

Council considered for second and final reading the approval of a text amendment to the City of Cayce Zoning Ordinance regarding overlay districts. Mr. Myers requested that strikethrough copies of ordinances be presented for review for future amendments. Mr. Malpass made a motion to approve the text amendment to the City of Cayce Zoning Ordinance regarding overlay districts on second and final reading. Mr. Myers seconded the motion which was unanimously approved.

D. Approval of Ordinance Re Proposed Project Film FILOT Agreement – Second Reading

Mr. Myers made a motion to table the issue. Mr. Malpass seconded the motion which was unanimously approved.

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

Mr. Malpass made a motion to postpone consideration of the question until the certain time of the March regular monthly meeting. Mr. Jenkins seconded the motion which was unanimously approved.

Contracts, Agreements and Other

A. Approval of 2006 Council Meeting Dates

Council reviewed proposed dates for the 2006 City of Cayce Council meetings. Meetings have been scheduled as follows:

February meeting rescheduled for February 6, 2006 at 6:00 pm, March meeting rescheduled for March 13, 2006 at 6:00 pm.

The following 2006 meetings will be held at 7:00 p.m.

April 4, May 2, June 6, July meeting rescheduled for July 11, August 1, September 5, October 3, November meeting rescheduled for November 14, December 5. Mr. Myers made a motion to approve the 2006 Council meeting dates with changes as noted. Mr. Malpass seconded the motion which was unanimously approved.

B. Bid Award – Parkside Cottages Water and Sewer Project

Council reviewed the bids received for the project bid award for the relocation of an existing 10" sanitary sewer main and new construction of an 8" sanitary sewer and 2" water main to provide service to Parkside Cottages subdivision developed by Diamond Development, LLC. Mr. Myers asked that the city request a check from the developer to be held in escrow for the project rather than doing the project on a reimbursement basis. Mr. Myers then made a motion to award the bid to the low bidder, TNT Inc., in the amount of \$48,590.00 and to obtain a check from the developer to be held in escrow. Mr. Malpass seconded the motion which was unanimously approved.

C. Authorization to Proceed to Solicit Bids – Cayce Riverwalk Park Extension

The City Manager advised that Council previously authorized staff to have Ken Simmons & Associates prepare construction documents for the first of three phases to complete the connection from the existing Cayce Riverwalk Park to the Riverland Park subdivision. He stated that the first phase of the project has been awarded a grant from the S.C. Parks, Recreation & Tourism for 50% of the actual construction costs up to \$100,000.00. He stated that due to the overall size of the project and various permitting processes, the project has been broken down in three phases: Phase One will extend the park at the existing serpentine boardwalk to the big ditch at the creek, north of the government locks. Phase Two will be the government locks property itself; and Phase Three will be the final connection from the locks to the Riverland Park community center.

Mr. Myers asked for an explanation of the box culvert. Mr. Ken Simmons of Ken Simmons & Associates defined the box culvert. He stated that the crossings for the other creeks in the park have been done with wooden bridges. However, due to safety reasons of the government locks area, the project needs to include some type of access for emergency vehicles and wooden bridges would not be feasible. Mr. Myers inquired if the safety and structure of the walkways had been considered during blasting by the quarry. Mr. Simmons stated that the proposal recommends that the majority of the paths in this area be constructed of boardwalks rather than concrete paths for this very reason. Mr. Malpass made a motion to approve the solicitation of construction bids based on the construction documents presented for Phase One and to approve

authorization for Ken Simmons & Associates to produce final construction plans and documents for the project and for negotiated change orders, as recommended. Mr. Jenkins seconded the motion which was unanimously approved.

D. Approval to Authorize the Lexington County Registration and Elections Commission to Manage the Cayce Municipal Elections

The City Manager advised that he reported to Council last month that the City had been approached by Lexington County Registration and Elections Commission with a request for them to manage the city's elections. Since that time, Mr. Crowe has investigated this issue and in order to accomplish this task, Council will need to pass an ordinance and come up with an agreement with the County to do. He stated that pre-clearance from the Department of Justice would also be required. Mr. Myers questioned the County's roll and State law in regard to this issue. Mr. Malpass made a motion to move forward with negotiations with the County Commission and that the Ordinance and agreement be brought back to Council for review. Mr. Jenkins seconded the motion which was unanimously approved.

E. Approval to Purchase Property for Easement from L-J Inc. for Old Barnwell Interconnection and Cayce 10" Water Line Project

The City Manager advised that a property easement offer on Old Dunbar Road for the relocation of a water main has been received from L-J, Inc. in the amount of \$12,000 which is basically a dollar a foot. He stated that he would not recommend condemnation of the property. He advised that the city needs the property in that the existing water line must be removed from the bridge on Old Dunbar Rd.. Mr. Myers advised that he had spoken with the property owner and was advised that the other two parties involved have agreed to pay the amount provided by the appraiser and asked if there would be potential for the city to tie into their areas. Mr. Frank Robinson, Director of Utilities, advised that the city's project is on the inboard side of the Commission's easement and would be the furthest away from the SCDOT right of way. Mr. Malpass made a motion to approve the purchase of property for the easement from L-J. Inc. in the amount of \$12,000.00. Mr. Jenkins seconded the motion which was unanimously approved.

Committee Matters

A. Appointments and Reappointments

Accommodations Tax Committee – 3 Positions

Two open positions remain and must be filled by individuals from the restaurant industry. There are no recommendations at this time.

Mr. John Hert's term expires January 2006. He has been contacted and would like to serve again. Mr. Malpass made a motion to table the two open positions and to reappoint Mr. Hert. Mr. Myers seconded the motion which was unanimously approved.

Cayce Housing Authority – 1 Position

Ms. Bonnie Kelly's term expires January 2006. She has been contacted and would like to serve again. The Cayce Housing Authority recommends the reappointment of Ms. Kelly. Mr. Myers made a motion to approve the reappointment of Ms. Kelly. Mr. Jenkins seconded the motion which was unanimously approved.

Cayce Museum Commission – 1 Position

Mr. Andy Cross' term expires January 2006. He has been contacted and would like to serve again. The Commission recommends the reappointment of Mr. Cross. Mr. Malpass made a motion to approve the reappointment of Mr. Cross. Mr. seconded the motion which was unanimously approved. Malpass, Jenkins

B. Committee Minutes – Approval to Enter Into Record

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

Cayce Events Committee – December 7, 2005

Beautification Board – December 14, 2005

Cayce Housing Authority – December 20, 2005

Mr. Jenkins made a motion to approve that the minutes be entered into the official City record. Mr. Myers seconded the motion which was unanimously approved. Skip, Myers

City Manager's Report

December 2005 Financial Reports – The City Manager advised that the December, 2005 Financial Reports would be distributed to Council at the end of the week.

The City Manager advised Council of the following dates:

- January 12, 2006 – 2:30 p.m. Lexington County Council Economic Announcement (effects City of Cayce)
- January 16, 2006 – City Hall Closed – Martin Luther King Day
- January 25, 2006 – 8:30 a.m. Employee Awards Program – Masonic Lodge
- February 22, 2006 – MASC Legislative Action Day – Columbia Marriott (need to register by January 31, 2006. He asked Council to advise the Clerk of their plans so that registration forms could be submitted by the deadline.

The City Manager provided Council with updates on the following issues:

Draft TIF Agreement – Thompson & Co. – The City Manager stated that a TIF agreement was sent to Mr. Charles Thompson in June 2005 for this project. Since that time, the project was put on hold and then readdressed at the December Council meeting. The City Manager stated that he spoke with Mr. Thompson recently and Mr. Thompson has sent a revised proposed agreement on the Brick Works project. He provided Council with a copy of the draft agreement. He stated that based on the \$15 million project and assuming there would be \$100,000.00 ineligible cost, the project would be eligible for up to \$700,000. He stated that he would be in contact with Mr. Thompson to inquire if he wants to meet with Council to review the proposed agreement in more detail. He stated that a copy of the proposed agreement has been sent to the City Attorney for his review as well.

Norfolk Southern Railroad Trestle Issue – The City Manager advised that the City Attorney has attempted to contact Norfolk Southern to see if they will clean up the trestle and that the confidential memo from Mr. Crowe speaks for itself. He stated other options are being explored that the city can possibly pursue will keep pressing the issue. Mr. Myers suggested that copies of letters, etc. be forwarded to the city's Washington representatives.

Closing of Taylor Road – SCE&G – In reference to the lawsuit filed by SCE&G for the closing of a portion of Old Taylor Road, the city has no objections to this. He provided Council with a memo issued by the City Attorney on this issue. He advised that the project is moving forward and the city is not holding anything up.

Indigo Drainage Project – Right of Entry – The City Manager advised that six signatures were needed in order to begin the project and this information has been forwarded to County Council Member Todd Cullum. He stated that Lexington County has agreed to provide the equipment and labor for the project with the city providing the pipe. He stated that if all signatures are received, the project could begin in the spring of this year.

CGI Banner Program – Sponsors and Installation – The City Manager provided Council with a copy of the banner artwork and stated that 54 sponsor banners have been obtained. He also provided Council with a map showing the locations of where the banners will be placed. He stated that this project has turned into a win-win situation for all parties involved and that installation of the banners is scheduled to begin at the end of January, first of February.

2005 Statement of Economic Interest – The City Manager provided a copy of the 2005 Statement of Economic Interest form to each Council member and advised that the deadline to file is April 15, 2006.

FY2005-2006 Compensation Study – At the request of Council during the FY05-06 budget process, the City Manager provided Council with a copy of a salary comparison completed by staff. He stated that currently the city's salaries stack up pretty good on most positions.

Mr. Jenkins provided information to the City Manager regarding several code enforcement issues and asked that they be reviewed for resolution.

Mr. Jenkins asked for an update on Council's requests for repaving/repairing roads in the city. Ms. Barkley advised that she spoke with County Council Member Todd Cullum on January 4. He advised that County Council has appointed a County Transportation Committee to study the issue and at this time some committee members believe C-Funds should be used for county roads only and that SCDOT should be responsible for maintaining State roads. He advised that he still has the lists submitted by Council and will keep the city posted.

Mr. Myers commended Mr. Blake Bridwell's department report and stated he would like to see all department heads use that format. He provided the City Manager with information regarding cleanup of Tamwood Cr. at the dead end and asked that the city's sanitation procedures be reviewed regarding the pick up of raw trash.

There being no further business, the meeting adjourned at 8:30 p.m.

Avery B. Wilkerson, Jr.

ATTEST:

Tammy P. Barkley, CMC
Municipal Clerk