

**CITY OF CAYCE
Regular Meeting
August 2, 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.

Approval of Minutes

The minutes of the July 5, 2005 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 Resolutions

- A. Approval of Resolution Congratulating South Carolina Farm Bureau Mutual Insurance Company on their 50th Anniversary

Council considered for approval a Resolution congratulating the South Carolina Farm Bureau Mutual Insurance Company on their 50th anniversary. Mr. Myers made a motion to approve the resolution. Mr. Jenkins seconded the motion which was unanimously approved. Mayor Wilkerson presented the Resolution to Mr. Mike Meyers of the South Carolina Farm Bureau. Mr. Meyers stated that he appreciated the Farm Bureau's long relationship with the City of Cayce and hoped that it would continue for many years to come.

Mayor Wilkerson advised that the agenda needed to be amended to include under the Executive Session, receipt of legal advice in reference to the Tin Products suit. Mr. Malpass made a motion to amend the agenda as noted. Mr. Myers seconded the motion which was unanimously approved.

B. Presentation by Mr. David Diamond Re Parkside Cottages Development

Mr. Diamond appeared before Council to discuss his plans for the Parkside Cottages development at the entrance to the Cayce Riverwalk Park and to request Council's assistance in providing TIF funds for the project. He provided Council with a schematic of the proposed development. A representative from the Studio 2LR firm was also in attendance. Mr. Diamond provided Council with a letter that included particulars and specific details of both Scheme A and Scheme B. He noted that Scheme A would be the best scenario in regards to the best use of the property. Mr. Myers stated that he also liked Scheme A pointing out that the average price per housing unit is listed as \$150,000. He stated that he would like to see that the entrance to the proposed project be enhanced to give it a "wow" factor as it is at the main entrance of the park. He stated that enhancing the entrance would not only provide benefits for the developer, but for the community as well. He suggested that the pitch of the roofs of the housing units be upgraded to give them greater appeal. Mr. Diamond stated that most of the housing units' pitch are 9-12 and the Charleston style units are 12-12. He stated that the home would not be placed on slabs and that each would have a foundation. He stated that the development would include more than one style of home due to the differences in the size of the lots. He stated that the homes would contain 1200 to 1600 sq. ft.

Mr. Myers inquired if regular vinyl siding would be used. Mr. Diamond stated that the plans call for regular vinyl siding but that could change. Mr. Myers stated that any upgrade to the development would be beneficial to all concerned. Mr. Jenkins stated he was concerned about the underpinning of porches. Mr. Diamond explained that the photos provided to Council were of homes under construction at the Canal Park Development and were provided to give Council an idea of the style of the units. Mr. Jumper agreed that Scheme A seemed to be best scenario because it provides better access to the homes and more homes can be built. Mr. Malpass inquired if the exact style of the homes had been finalized. Mr. Diamond advised that it would really depend on the size of the lots and the best use of the property as far as style is concerned. Mayor Wilkerson inquired if brick was prohibited in that area. Mr. Diamond stated that it was not prohibited, but that this development would create a bungalow environment that is the current market style preference.

Mr. Diamond stated that the development would begin with four homes and estimated that the build out would be within two years. The City Manager asked if the access road to the homes would be built to State standards. Mr. Diamond advised that it would be classified as a private road and homeowners would be required to pay regime fee to cover maintenance costs. Mayor Wilkerson stated that he felt that Mr. Diamond and city staff could work on specifics of the project and come up with an agreement regarding an offer for the use of TIF funds. He asked that the guidelines for TIF funds requests be followed and that an offer be made so that the project can move forward. Mr. Myers stated that he felt that enhancing that section of N Avenue should be tied into the project.

C. Presentation by Ms. Darlene Walton, President of Edenwood Neighborhood Association

Ms. Walton appeared before Council to discuss several neighborhood concerns. Mayor Wilkerson advised that he had met with Ms. Walton in July and brought Council up to date on that meeting and items that had been resolved since that time. He stated that when the original development of the Edenwood neighborhood was done, the property was in the county and not the city limits. The neighborhood was built under the county's rules and building regulations. The city had no control over where or how the drainage was installed in the area. He advised that he had been in touch with both Senator Setzler and Representative Bingham regarding a recent meeting with the neighborhood and both are 100% on board on what we need to accomplish not only from the city's prospective, but also from those in attendance at the meeting tonight. Ms. Walton reiterated the issues of concern including improper and insufficient storm drainage on all streets, streets in disrepair, inadequate lighting, sewer system, and pump station noting that not all issues were under the guidance of the city, but also the SC Department of Transportation. She also provided Council with additional data which included which streets that did not have include storm drains and those that did not have streetlights. She stated that she understood that requests for street lighting needed to be submitted to the SPAT Committee for review and recommendation. She asked for Council's assistance in getting the issues resolved. The Mayor advised that he appreciated the fact that Ms. Walton brought this data to Council. He stated that if the city had been aware of the specific issues, some of them could have been resolved before now. He stated that he felt that all five issues were very well founded and recognizes that some are under the City control, while others are State, County and Federal issues. He stated that the city's best eyes and ears are that of the people in the communities. He stated that Council would like to address each of these issues and submit recommendations for resolution directly to Ms. Walton as President of the Association. He stated that the city would be happy to have staff and/or Council members attend a neighborhood association meeting. Mayor Wilkerson stated that a committee within Edenwood may actually be formulated to study and come up with ideas to resolve some of these issues. He stated that some of the issues are rather extensive and expensive; some will require right of way clearance, access on properties, and easements. He stated that once the resolutions for all issues were formulated, a budget for the resolutions and how they would be funded would need to be put together. He stated that some funding might need to come from the city's annual budget and a large majority of funds may need to come from the residents in the neighborhood. He recognized the attendance of Senator Nikki Setzler and Representative Kenny Bingham and stated that they are on board to help us out through the process. He stated that these representatives and members of Council are the conduit that can help get some of these issues resolved. He stated that these individuals are spokespersons for those in the audience and the bottom line is that they are here to help facilitate and fix issues under the City's control. He stated that he wanted to be sure that the audience understood these individuals' roles in the overall

process and from what he understood, everyone is on board to assist in resolving the issues. He thanked Ms. Walton for taking the time to appear before Council and urged Ms. Walton keep the dialogue going by notifying either himself or the City Manager of any further issues as they occur.

Mr. Myers stated that he had the opportunity of speaking with some of the residents on various issues and that one of the things that did not come up in Ms. Walton's presentation was the issue of those in the neighborhood who park on the sidewalk on North Eden Drive. He stated that the city does have an ordinance in this regard and requested that the area be carefully monitored to remind residents that they cannot park on the sidewalks. He stated that in reference to streetlights, there may be inadequate lighting in some areas, but it also could be that the residents in that area do not want the lights installed. He stated the request to install a streetlight must be done by the signing of a petition and that the association needs to be aware of that fact and respect the wants and needs of all members. He stated that there was also concern that the trees around the streetlights needed to be trimmed and asked that staff contact SCE&G to have this done.

Mayor Wilkerson asked those in the audience if they had any additional comments to make in reference to the Edenwood neighborhood issues presented. One resident advised Council that Ms. Walton had a video showing the damage being done by heavy rains. Mayor Wilkerson asked if the city could have a copy of the video. Ms. Walton provided Council with a copy of the video. Ms. Cheryl Cooper of 804 N. Eden Drive expressed her concern over the number of dogs being kept by her neighbor and the fact that when it rains, all the trash and animal waste from her neighbor's yard drains into her yard. Mayor Wilkerson thanked members of the Edenwood Neighborhood Association for attending and bringing these issues before Council.

Ordinances and Other

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

The City Manager advised Council that this issue was tabled at the July 5, 2005 Council meeting pending an interpretation from the City Attorney of the six conditions placed on the request. He stated that on July 8, 2005 a letter from Lexington Two Superintendent Barry Bolen was hand delivered to the city withdrawing the School District's rezoning request of this property. Mayor Wilkerson stated that he was concerned with taking any action of the item in that although the City received a letter advising of the Board's withdrawal of the request, the Board's minutes where this issue was voted upon have not been approved. The City Attorney, Mr. Danny Crowe, advised that Council could consider action at a later date. Mayor Wilkerson stated he would be more inclined to take action on the item once the City receives a copy of the approved minutes from the School Board. Mr. Myers made a motion that the item remain tabled. Mr. Jenkins seconded the motion which was unanimously approved.

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

The City Manager advised that in response to residents concerns regarding the parking of tractor-trailer trucks in neighborhood areas, the City Attorney was directed to draft an Ordinance to address the issue. He stated that after research was completed, the City Attorney proposed to amend both the Zoning Ordinance and the City Code based on his review of the Dorchester County Whaley Case which was similar in nature and was upheld upon challenge in court. Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Malpass seconded the motion. Mr. Myers stated that he felt the GVW should be adjusted and/or clarified as some of the newer extended cab pickup trucks may be over the pound limitation stated in the ordinance and wanted to make sure that people who have these common vehicles in the neighborhood are protected. The City Manager stated that the intent of the ordinance is for commercial vehicles. The City Attorney advised that the ordinance was drafted based on a Dorchester County ordinance on the same issue and that the definition of a commercial motor vehicle in State code should be sufficient. He did, however, ask for guidance in this regard from Council so that the weights could be clarified and that the information be submitted for his review prior to second reading of the ordinance. After discussion, the motion passed unanimously.

C. Approval of Lease/Purchase Contract

The City Manager advised that in the approved FY 2005-2006 General Fund budget, a Capital Equipment Schedule for equipment in the amount of \$175,850.00 was included. He stated that informal quotes were solicited from area banks that provide lease/purchase contracts for capital equipment leases. He provided Council with the quotes noting that BB&T for a 36-month contract at 3.38% was the lowest quote received. He stated that funding was included in the budget for the principal and interest payments on the lease. Mr. Malpass made a motion to award the Lease/Purchase Contract to BB&T and issue a resolution for the 36-month contract at 3.38%. Mr. Jumper seconded the motion which was unanimously approved.

D. Approval of Equipment Purchase – Public Safety Vehicles

The City Manager advised that included in the approved FY 2005-2006 General Fund budget were six Public Safety vehicles included in the three-year lease purchase contract. He stated that the six vehicles would replace six that have high mileage and/or excessive repair cost history. He stated that State Contract purchase for these vehicles is available, however, delivery is 90 to 120 days after receipt of the order at a cost of \$17,250.00 plus tax. He advised that Love Chevrolet has secured from a National pool from General Motors, ten police package units which are immediately available for delivery. He stated that if the city desires to purchase them, the cost would

be \$18,877.00 plus tax (the unmarked unit is slightly lower). He stated that while the difference in pricing per vehicle is approximately \$1,600.00 each, the city is in very desperate need to replace the six cars. He reminded Council that no Public Safety vehicles were purchased in the FY 2004-2005 and deemed it very critical that the new vehicles be purchased and delivered on the earliest possible date. The City Manager advised that funding for the purchase would come from the lease/purchase contract that was just approved. Mr. Myers stated he felt that the cost of \$18,877.00 was too much of a difference in the State Contract price of \$16,500.00. He pointed out that the cars being offered by Love Chevrolet are 2005 models and that the cars under State Contract are 2006 models. Mr. Malpass made a motion to approve the purchase of six Public Safety vehicles from Love Chevrolet in the amount of \$18,877.00 each plus tax. Mr. Jumper seconded the motion. Mr. Jenkins asked for an explanation on why the cars were needed immediately. The City Manager advised that currently the city has either unsafe vehicles on the road now, cars that require high maintenance costs, and two cars that have been taken out of service (which will be very expensive to repair and place back in service). Mr. Myers stated that he felt the cars should be purchased under State contract. After discussion, the motion passed three to two with Mayor Wilkerson, Councilmen Jumper and Malpass voting yes and Councilmen Myers and Jenkins voting no.

Committee Matters

A. Appointments and Reappointments

Accommodations Tax Committee – Two (2) Positions

Two open positions remain open and must be filled by and individuals from the restaurant and hotel/motel industry. A potential member application has been received from Ms. Tammy Helfrich, the new General Manager of the Country Inn & Suites (and is attached for your review). Ms. Helfrich has been asked to fill the unexpired term of Ms. Gayle Tipton, former General Manager of the Country Inn & Suites. Mr. Jumper made a motion to appoint Ms. Helfrich to the Committee. Mr. Jenkins seconded the motion which was unanimously approved.

There are no recommendations for the second position at this time. This item remains tabled.

Cayce Events Committee – One (1) Position

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. Jumper made a motion to table the reappointment. 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:

Planning Commission – June 20, 2005
Beautification Board – July 6, 2005
Cayce Museum Commission – July 13, 2005
Cayce Events Committee – July 14, 2005

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

City Manager's Report

The City Manager reminded Council of the following dates/events. Lexington School District Two begins school on Thursday, August 5. He stated that the new Busbee Middle School was scheduled to open then as well.

He advised that the Lexington County Municipal Association would meet on August 18, 2005 hosted by the Town of Lexington. He advised that Mayor Charlie Haggard of the Town of Pelion would be handling the meetings this year.

The City Manager inquired if the September Council meeting date needed to be changed due to it being the original scheduled date is the day after the Labor Day holiday. Council agreed to keep the date, as is, September 6, 2005 at 7:00 p.m.

The City Manager advised that the July financial reports would be sent to Council on Friday. He stated that city experienced extensive lightening damage to the City's computer system during a recent storm which has caused the delay.

The City Manager advised that draft revisions to the Animal Control Ordinance is being put together and that a side by side comparison of the current ordinance and proposed revisions will be provided to Council in the near future.

The City Manager asked the Director of Utilities, Mr. Frank Robinson to provide Council with an update on the Wastewater Treatment Plant project. Mr. Robinson advised that all the applications have been submitted to the appropriate entities and that the only one that has been received back is the grading application for the plant. He stated that DHEC has the design of the plant in their hands and the city should receive comments back from them in a couple of months. He stated that the project could possibly go out for bids in November and then 45 days after that, the city could issue a notice to proceed. The City Manager advised that Council workshops would be scheduled as the construction date nears to review financials for the project. Mr. Myers asked in the City Engineer has reviewed the plans and is involved with the project processes. Mr. Robinson advised that the City Engineer came on board after the plans

were drawn up and approved, and that he has reviewed the plans and is involved in the process.

In reference to TIF projects, the City Manager stated that in addition to the request from Mr. Diamond at tonight's meeting, Mr. Charlie Thompson advises that he will be moving forward with the Brick Works project. He has also advised that he has met with a new developer regarding a proposed project on the former South Hampton project property and would be back in touch with the city in 30 days. The City Manager advised that he has heard nothing further from Mr. Thompson since that time and asked Council if there was anything else to be done at this point. Council asked that the City Manager get back in touch with Mr. Thompson to see if he has a time schedule, etc. for any of the mentioned projects.

Lexington County Sheriff's Office Regional Transportation Facility – The City Manager advised that the City received a letter from Sheriff Metts on July 20th advising that he was closing the transportation facility in Cayce. He stated that Chief McNair had recently met with Sheriff Metts and he was happy to report that Sheriff Metts has decided to keep the facility open and maintain it indefinitely.

The City Manager, at the Mayor's request, distributed an article that appeared in the *Uptown* publication regarding Council's appearance and actions at Committee meetings.

The City Manager advised that the Department of Natural Resources would be highlighting the Cayce Riverwalk Park on their August 13, 2005 South Carolina Wildlife show on ETV. The show will air at 6:00 p.m. and Leo Redmond, Director of the Cayce Museum, will assist in providing the historical information about the area.

Mr. Malpass inquired as to the status of the Mayors Web project. The City Manager advised that the script has been approved and are now waiting to hear from CGI on scheduling a date for the film crew to visit the area.

The City Manager distributed a copy of a letter received from SC Department of Transportation which included a quote to purchase the city's Utilities Compound property for the John Hardee Expressway project. He stated that their offer is \$244,100.000 for 2.473 acres and damagers or \$258,800 for 5.75 acres of land and all improvements. He stated that the letter was just received today and that he nor the City Attorney has had a chance to analyze the quote. He stated that the City Attorney may suggest that the city has it's own appraisal done, and then sit down with appropriate parties and work out a price mutually beneficial to all parties. Mr. Myers stated that he felt the City should build its own case for the value of the property. Council asked the City Manager to move forward and have an appraisal prepared.

Mr. Malpass stated that he has met with a resident, Mr. Smith, who has a very severe problem with water drainage. The City Manager advised that he and Mr. Ken

Knudsen had talked to Mike Wilson of SCDOT today in reference to this issue and will meet with him on Wednesday, August 3 at 1:30 p.m. to discuss it further. He advised Mr. Malpass he would be happy to have him attend the meeting as well.

Mr. Jenkins advised that the drain cover at 2224 Lee Street had been knocked off and asked that staff contact SCDOT to have this issue resolved. Mr. Jenkins advised that the streetlight bulb on corner of James and Lucas needed to be replaced. The City Manager advised that this is one of the decorative lights installed several years ago and that SCE&G nor the city repairs those lights. Mr. Jenkins asked if the light could be replaced with a regular streetlight. The City Manager advised that he would contact SCE&G regarding this matter.

Mr. Myers stated that in the Legislative Update provided at the MASC Annual Meeting, information was included regarding dilapidated shopping centers and incentives that may be available. He asked that his information be forwarded to Mr. Ken Knudsen.

Mr. Myers stated that several months ago he asked that Norfolk Southern be contacted regarding the refurbishment of the bridge on Hwy. 321. Chief McNair advised that Norfolk Southern did take care of the graphitti and cut the grass. He stated that he would contact them and advise that the whole area needs to be refurbished.

Mr. Myers inquired as to the status of the Springdale Sewer issue and specifically the collection of user fees. Mayor Wilkerson explained that the collection of user fees was not made part of the contract and that the Springdale Council chose not to pursue this issue with their residents. He stated that the City had a verbal agreement with the former City Administrator that this would be done, but he never pursued it in his conversation with his Council members. Mr. Myers asked that financial information be prepared and that it be readily available to Council. The City Manager advised that Phase I has been permitted. Mr. Myers inquired as to how Town of Sprindale is paying for the system. The City Manager advised that the system is being paid through tax millage.

Mr. Myers asked for an update on the status of the Lexington Avenue resident in reference to garbage pick up locations. The City Manager advised that this resident complained that her neighbor, whose home faces Northland Dr., was placing her garbage on the back of their property for pick up rather than at the front of the property. Residents whose homes front Northland have been instructed to put their trash on Northland Dr. Mr. Myers stated that having the residents place their garbage in other locations after they have been placing it in another for more than 20 years was unfair. Mr. Jumper stated that this resident's son advised him that his mother has problems getting out in the morning and she puts the garbage out in the afternoon because it is more convenient for her. The City Manager stated that the city received complaints from residents on live on Lexington St. and that the city's ordinance specifies the location of where the trash is to be placed for pick up.

Mr. Jumper stated that the two homes on Hwy. 302 purchased by SCDOT and the right of way from the creek out to the airport, have tall grass that needs to be mowed. In addition, he stated that the right of way on 12th Street also needed to be mowed. The City Manager stated that he has contacted SCDOT and they have advised that they are running behind schedule due to the rainy weather. He stated he would again remind them of these two areas.

Executive Session

- A. Receipt of Legal Update Regarding Proposed Contractual Agreement/Litigation – Midlands Utility
- B. Receipt of Legal Update Regarding Proposed Contractual Agreement – Lloydwood Sewer System

Mr. Jumper made a motion to move into Executive Session to discuss the matters listed above and to receive legal update on the Tin Products suit. Mr. Malpass 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 8:03 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk