

**CITY OF CAYCE
Regular Meeting
August 1, 2006**

The regular monthly meeting of Cayce City Council was held this evening at 7:00 p.m. in Council Chambers. Those present included Mayor Avery B. Wilkerson, Jr., Councilmen James Jenkins, Kenneth Jumper, Robert Malpass, and Rick Myers, City Manager John C. Sharpe, Municipal Clerk, Tammy Barkley, and Garry Huddle, Municipal Treasurer. Also in attendance were Danny Crowe, City Attorney, Frank Robinson, Director of Utilities, Ken Knudsen, Director of Planning & Development, and Chief Charles McNair, Director of Public Safety. Mayor Wilkerson advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mayor Wilkerson called the meeting to order. Mr. Jumper offered the invocation and Mayor Wilkerson led everyone in the Pledge of Allegiance.

Approval of Minutes

The minutes of the July 11, 2006 Regular Meeting were presented for approval. Mr. Malpass made a motion that the minutes be approved as submitted. Mr. Jumper seconded the motion which was unanimously approved.

Mr. Myers made a motion to amend the agenda to include the Approval of Proclamation – Good Neighbor Day. Mr. Jenkins seconded the motion which was unanimously approved.

Proclamations and Resolutions

A. Approval of Proclamation – National Payroll Week

Council considered for approval a Proclamation proclaiming the week of September 4-8, 2006 as National Payroll Week. Mr. Jumper made a motion to approve the proclamation as presented. Mr. Jenkins seconded the motion which was unanimously approved.

B. Approval of Resolution Declaring Election Open for Filing and Advising Deadline for Declaration to be a Write-In Candidate

The City Manager advised that as in the past, the City Attorney suggests that a resolution be approved to declare the City of Cayce General Election to be held November 7, 2006 open for filing. He stated that, in addition, by State Law, it is the city's responsibility to notify write-in candidates of the deadline for filing. Ms. Barkley advised that filing will close at 5:00 p.m. on September 8, 2006 at 5:00 pm. Mr. Myers made a motion to approve the Resolution as presented. Mr. Jumper seconded the motion which was unanimously approved.

C. Approval of Proclamation – Good Neighbor Day

Council considered for approval a Proclamation proclaiming September 6, 2006 as Good Neighbor Day as submitted by Rish Flower Shop. Mr. Myers made a motion to approve the proclamation as presented. Mr. Malpass seconded the motion which was unanimously approved.

Ordinances, Agreements, and Other

A. Approval of Zoning Ordinance Amendment Re Tattoo Facilities and Body Piercing Facilities – Second Reading

Council considered for second and final reading a Zoning Ordinance Amendment regarding tattoo and body piercing facilities. The City Manager advised that as suggested by the City Attorney, the Zoning Ordinance amendment has been revised to allow these types of businesses to operate in areas zoned as M-1 districts only. Mr. Myers made a motion to approve the revised Zoning Ordinance Amendment as presented on second and final reading. Mr. Malpass seconded the motion which was unanimously approved.

B. Approval to Designate the Lexington County Joint Water & Sewer Commission as the Management Agency for the 208 Water Quality Plan

The City Manager advised that as requested by Council, the City Attorney has provided a confidential memorandum that addresses Council's concern regarding the designation of the Lexington County Joint Water & Sewer Commission as the Management Agency for the 208 Water Quality Plan replacing Lexington County. He stated that the City Attorney's opinion is that the requested designation would have no impact on the city and would not interfere with any current contractual rights of the city to collect and treat wastewater in the areas at issue. Mr. Malpass made a motion to approve the designation of the Lexington County Joint Water & Sewer Commission as the Management Agency for the 208 Water Quality Plan. Mr. Jumper seconded the motion which was unanimously approved.

C. Bid Award – Purchase of Kubota Backhoe for Utilities Department

The City Manager advised that the backhoe is needed for the performance of the daily responsibilities of the Utility Field Crew in water distribution and wastewater collection responsibilities. Mayor Wilkerson stated that there is a business in the city that provides this equipment. Mr. Robinson stated that the equipment will come from that company, but the original purchase order must be submitted to the organization that has acquired the State contract. The City Manager stated that under State contract, Greenwood Equipment & Repair could provide the unit for a total of \$34,268.74 which includes attachments (pallet forks) and sales tax and that there is an approved appropriation of \$35,000.00 in the FY 2006-2007 budget for the purchase of this unit. Mr. Myers made a motion to approve the purchase of the Kabota L-39 Backhoe unit from Greenwood Equipment & Repair Company under State contract in the amount of \$34,268.74. Mr. Jenkins seconded the motion which was unanimously approved.

D. Approval of Realtor Listing Agreement for City Owned Property –
7th and Knox Abbott Drive

The City Manager advised that now that the city has acquired the property located at 615 Knox Abbott Drive from Lexington School District 2 under the terms of the settlement agreement, a licensed realtor should be engaged to negotiate the sale of the property in order to place it back on the tax rolls and generate business from business license fees, taxes, and utility services. It was suggested that Mr. Jim Boland of Russell and Jeffcoat be contacted as he was instrumental in assisting the city when it acquired the Jones property on State Street. The City Manager advised that he contacted Mr. Boland and he has provided a letter with his proposal for Council's review. Mr. Myers made a motion to engage Mr. Jim Boland of Russell and Jeffcoat Realtors to list and sell the city owned property at 615 Knox Abbott Drive and to authorize the City Manager to negotiate the selling price and percentage of commission on behalf of the city. Mr. Malpass seconded the motion which was unanimously approved.

Committee Matters

A. Committee Minutes – Approval to Enter Into Record

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

Cayce Housing Authority – June 20, 2006
Accommodations Tax Committee – July 11, 2006

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

City Manager's Report

The City Manager advised that the June and July financial reports would be forwarded to Council next week. He stated that the city's auditors were currently in-house and that a draft of the FY 2005-2006 audit should be available in the very near future.

The City Manager provided Council with the following dates.

August 10, 2006 - Town of Lexington Building Partnerships gathering will be held at the Lexington Town Hall at 5:30 p.m. This will be in conjunction with the LCMA Meeting.

August 14, 2006 – Council Workshop at 4:00 p.m. regarding Utility issues.

August 29, 2006 – Special Council Meeting at 5:30 p.m. This will be a continuation of the Business License Denial Hearing – Boulevard Café.

Indigo Drainage Issue – The City Manager advised that he has talked to Senator Setzler and County Council Chair Todd Cullum and has also placed a call to the LPA Group. He stated that both Senator Setzler and Councilman Cullum are waiting to hear from the South Carolina Department of Transportation. He stated that Mr. Cullum suggested that the city start looking for grant funds or other funding sources for the city's portion of the project. He stated that as soon as Senator Setzler and Mr. Cullum heard back from DOT, more meetings will be scheduled.

Taylor Road/CSX Issue – The City Manager provided Council with a copy of the letter received from CSX Transportation regarding the closing of Godley Rd., Taylor St., and State Street crossings in exchange for the reopening of the Taylor Road crossing. He stated that the letter mentioned "additional incentives" and he has written to CSX and asked them to provide the city with a list of the incentives. He stated that the developer has not closed on the property and that the Manning family has agreed to also sell him the additional property across the road from the proposed development. He stated that the closing would include both properties. He advised that the developer is also meeting with Lindsay Graham and Joe Wilson in reference to obtaining funds to reopen the Taylor Road crossing.

Midlands Utility Issue – The City Manager stated that once the approval to purchase the system has been received from the Public Service Commission, the city will be able to schedule the closing and will have a lot of work to do at that time.

Granby Road Water Issue - Mr. Wilson Lee – The City Manager stated that at the July meeting, Mr. Lee appeared before Council regarding problems with his water. He stated that staff has done some thorough investigation work, and found that Mr. Lee was on a dead end line. He stated that staff constructed a connection loop in the system and the city has not been notified of any further problems. He stated that hopefully this has solved the problem with Mr. Lee and others in the area.

Animals Services Issue – Mr. Bill Davenport – The City Manager advised that Mr. Davenport appeared before Council at the July meeting to discuss animal services issues. He stated that the city's Animal Services Officers met with Mr. Davenport, answered his questions and went over the ordinance in detail with him. He stated that Mr. Davenport was satisfied with the information he received and the issue has been resolved.

Lloydwood Sewer and Bellemead Sewer Issue – The City Manager advised that bids would be opened on August 15, 2006 and the project will include both of those subdivisions. He stated that the city has received grants from DHEC and the Department of Commerce for the Lloydwood project and that information should be available for Council's review at the September Council meeting.

The City Manager advised that he received an inquiry from Jeff Bessonette of DHEC. He asked if the city would be interested in going ahead and accepting the title to the Lloydwood system. He stated that Mr. Bessonette advised that the city would be held harmless. Mr. Malpass inquired if DHEC had plans to close the lagoon. The City Manager stated that he would check on that issue. He stated that the main issue is getting the Midlands deal completed and that the city auditor, Bob Milhous and currently working on the city audit and will be providing additional information. He stated that the contract states that both the Town of Lexington and the Lexington County Joint Water & Sewer Commission will share the costs pro rata on upgrades that do not increase capacity, and based on what has been seen, their shares could have a very good impact. The City Manager stated that as Council has been advised previously, the Town of Lexington did contact the city for additional capacity and that issue will be discussed at the August 14, 2006 Council workshop. He again reiterated his suggestion that a joint meeting of the Town and City be scheduled to discuss current and future contracts.

Mr. Myers inquired if Council would be provided with any raw numbers from the auditors for the August 14 meeting. He stated he was interested in knowing how this will affect the City of Cayce's current customer base on a percentage basis. The City Manager advised that these figures would not be available for the August 14 meeting. Mr. Malpass stated that if the contracts with those requesting future capacity can be renegotiated, that would help the city's current customers as well.

Mr. Malpass inquired if the November meeting could be rescheduled as he has a conflict with the November 14 date. Mr. Myers stated that he would be out of town the first week of November. Council rescheduled the meeting for Monday, November 20 at 7 p.m.

Mr. Jumper stated that he would like to place the issue of building a substation in the Three Fountains area on an upcoming agenda. He stated that was one of the items planned when the homes in Hunters Mill were developed. Mr. Myers stated that Council

has recently discussed this issue and has requested that staff include the substation along with other projects for Council's review for a possible bond or TAN. The City Manager advised that there were some developments being worked on in regards to this issue and he would provide Council with an update in the near future.

Mr. Jumper asked staff to check a discolored water problem in the 600 block of Holland Avenue.

Mr. Jenkins asked that Council review the Animal Ordinance and revisit the possibility of limiting the number of animals an owner could have on his property or if areas could be zoned for those who have more animals than the limit. Mr. Malpass asked that staff review existing ordinances throughout the area to compare. It was stated that the cities of West Columbia and Columbia have limitations on the number of animals a person could have on his property.

Mr. Myers inquired if the city had received a response from Norfolk Southern regarding the condition of the railroad overpass on Hwy. 321. Mr. Crowe advised that issue had bogged down and essentially the city has been advised that Norfolk Southern did not have funds in their budget to take care of the issue. Mr. Myers inquired if the condition of the overpass was in violation of city ordinances. Mr. Crowe advised that it was not in violation but that Council could initiate an ordinance that can address that issue. He stated that discussion was held on the possibility of the railroad contributing in some way if a civic group or the city took on the project, but it would be difficult to force them to do so. Mr. Myers stated that he would like to have that issue addressed in some fashion.

Mr. Myers asked for an update on the Midlands Utility issues. Mr. Crowe stated that Mr. Lambert of his office has advised that the recorded legal title to the lines of the Midlands system is not clear and that was known from the beginning. He stated that the purchase agreement is where is, as is, and most of their systems were not titled or recorded so in those situations, a bill of sale or quick claim deed would be obtained. He stated that Midlands have lines in the ground that have been in use for years, but there is no paper trail. He stated that Mr. Lambert plans to get the best type of land deal as he can and it may be a variety of deeds. He stated that it was an imperfect title situation with the Midlands property, but he is sending out fair warning that it is going to be a little bit of a mess. Mr. Myers asked if these issues would be settled by the closing. Mr. Crowe stated that he could not guarantee that there would be no claims and if they do occur, they will be dealt with accordingly. He stated that Midlands has apparently not experienced any claims, however, there are defenses to those types of lawsuits that can be raised. He stated that he did not know what is out there and the system is not perfect. He stated he would be glad to see if there is any kind of escrow that can be established to handle these issues. He stated that Mr. Lambert will get the best title he can get and Midlands has indicated their willingness to work on these issues with the city.

Mr. Myers thanked Ms. Verla Swygert, Director of Parks and Sanitation and Mr. Thomas White for their help in assisting a resident on Lexington Avenue with pick up of limbs in front of her house on a day that was not her normal pickup day.

Mayor Wilkerson recognized Ms. Melanie Dozier of the Municipal Association of South Carolina who was in attendance to observe the role of the Municipal Clerk. Mayor Wilkerson thanked Ms. Dozier for attending.

There being no further business, the meeting adjourned at 7:45 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk