

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

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, 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 and Mr. Jumper said the invocation. Mayor Wilkerson led everyone in the Pledge of Allegiance.

Approval of Minutes

The minutes of the October 28, 2005 Special Meeting, November 1, 2005 Regular Meeting, November 2, 2005 Special Joint Meeting, and November 28, 2005 Special Meeting were presented for approval. Mr. Jumper made a motion that the minutes be approved as submitted. Mr. Jenkins stated that the November 1 minutes did not reflect his question to Mr. Thompson regarding whether or not he would be starting the project from scratch. He stated that Mr. Thompson indicated the project would not be starting from scratch. Mr. Jenkins seconded the motion to approve the minutes with this change. The motion passed unanimously.

Ordinances

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

The City Manager advised that in preparing an Ordinance to revise the Zoning Ordinance in regard to the NAICS Code references, the City Attorney was instructed to investigate how check cashing companies and title loan companies fit into the scheme of the NAICS codes revisions. He stated that Mr. Crowe prepared an ordinance amending Section 6.6 Table 2 and Section 6.9-2 of the Zoning Ordinance relating to the zones in which these

companies are permitted based on the NAICS Code classification. He stated that basically these companies would be a permitted use in C-4 and M-1 zones only. He stated the proposed amendments were submitted to the Planning Commission and they agreed that some type of limitations should be placed on these types of businesses. He stated that those currently operating would be "grandfathered" in as non-conforming uses. The City Manager advised that the Planning Commission also agrees that this would protect the characteristics of the other commercial zones and recommends approval of the ordinance amendment. Mr. Crowe suggested that it would be helpful for Council to hold a public hearing on the issue so that Council would have the opportunity to hear from witnesses on the effects of these types of businesses in the area with regard to Public Safety issues, value of property, etc. He stated that if the city is called to defend this statute in court, holding the public hearing would add substance. He stated the hearing could be held prior to the Council meeting where the second reading of the Ordinance is scheduled on the agenda. Mayor Wilkerson stated that he understood that part of the reason these businesses have increased is due to the fact that most local banks will not cash out of state checks. Mr. Crowe advised that the Ordinance allows the city to treat these businesses under the NAICS classification the same as that of a pawn shop and that existing businesses would be grandfathered in as a non-conforming use. The City Manager advised that the grandfathered businesses would not longer have this status after they have been physically closed for a period of time. Mr. Jenkins made a motion to hold a public hearing prior to second reading and to approve the text amendment to the Zoning Ordinance regarding Check Cashing and Title Loan Companies on first reading. Mr. Malpass seconded the motion which was unanimously approved.

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

The City Manager advised that while preparing another proposed amendment to the Zoning Ordinance, the City Attorney noted an omission of text in Section 6.10-2 in reference to the Knox Abbott Drive overlay district. He stated that the City Attorney also proposed a minor amendment to the overlay district in reference to pennants, banners and inflatable signs. He stated that the proposed text amendment was submitted to the Planning commission and they concurred with the recommendation and recommends approval of the ordinance enacting the text change. Mr. Myers made a motion to approve the text amendment to the City of Cayce Zoning Ordinance regarding Overlay Districts on first reading. Mr. Jumper seconded the motion which was unanimously approved.

C. Approval of Ordinance Re Proposed "Project Film" FILOT Agreement – First Reading

Mr. Myers made a motion to approve the Ordinance regarding the proposed "Project Film" FILOT Agreement on first reading. Mr. Jumper seconded the motion which was unanimously approved.

D. Approval of Ordinance to Amend Cayce City Code Animal Ordinance, Chapter 8 – Second Reading

Council considered for second and final reading the approval of an Ordinance to Amend the Cayce City Code Animal Ordinance, Chapter 8. Mr. Myers made a motion to approve the ordinance on second and final reading. Mr. Jenkins seconded the motion which was unanimously approved.

E. Approval of Ordinance Re Proposed SCE&G/Lexington County FILOT Agreement and Resolution – Second Reading

Council considered for second and final reading the approval of an Ordinance authorizing the proposed SCE&G/Lexington County FILOT. Council also considered an Agreement and Resolution which would authorize the city to sign and approve all documents. Mr. Myers made a motion to approve the ordinance on second and final reading and to approve the resolution and agreement. Mr. Jenkins seconded the motion which was unanimously approved.

F. Approval of Ordinance to Amend Cayce City Code Re Procurement Policies – Second Reading

Council considered for second and final reading the approval of an Ordinance to amend the Cayce City Code regarding procurement policies. The City Manager advised that as requested by Council, the \$50,000.00 maximum limit for approval by the City Manager has been reduced to \$25,000.00. Mr. Myers made a motion to approve the ordinance on second and final reading. Mr. Malpass seconded the motion which was unanimously approved.

Contracts and Agreements

A. Bid Award – Sanitation Equipment

The City Manager advised that the FY2005-2006 budget included an appropriation of \$27,825 for lease-purchase payments of a new rear end loader garbage truck (estimated to be \$152,000) to replace vehicle #1082, a 1993 Ford rear end loader garbage truck. He stated that bids were received and publicly opened November 14, 2005. He provided Council with the bids received and reviewed by staff based on the needs of the city. He stated that it is recommended that the bid be awarded to Amick Equipment at \$146,825.00. He advised that while this is not the lowest bid, staff felt that the quote from Amick provided the type of body that is more reliable and equipped to handle the wear and tear than the other body types included in the quotes. He stated that once the bid is awarded, staff will solicit quotes for the financing through a lease-purchase contract and the quotes would be brought back to Council in the Spring. Mr. Myers made a motion to award the bid to Amick Equipment as recommended. Mr. Jenkins stated that on other bids they specifically state the type of return and supply filter system. Mr. Edgar Heustess, Fleet Maintenance Manager,

provided Council with the information and advised that this was automatically built into the unit quoted on by Amick Equipment. Mr. Jenkins seconded the motion which was unanimously approved.

Committee Matters

A. Appointments and Reappointments

Accommodations Tax Committee – 2 Positions

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

Planning Commission – 2 Positions

Mr. John Raley's term expired September 2005. He has been contacted and would like to serve again. The Commission recommends the reappointment of Mr. Raley.

Due to the passing of Mr. Kelley Jones, his position is now vacant. The Commission has no recommendations at this time. Mayor Wilkerson advised that a potential member application had been received from Mr. Butch Kelly after the agenda was sent to Council. A copy of the application was provided to Council for review.

Mr. Myers made a motion to reappoint Mr. Raley and appoint Mr. Kelly to the Planning Commission. Mr. Jumper 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 – August 22, 2005

Cayce Historical Museum Commission – November 9, 2005

Mr. Malpass made a motion to approve that the minutes be entered into the official City record. Mr. Jenkins seconded the motion which was unanimously approved. Mayor Wilkerson commended the Museum Commission for their efforts in a successful Christmas Traditions.

City Manager's Report

The City Manager advised that the November financial statements would be sent out Friday of this week. He provided Council with a list of upcoming events and dates.

The City Manager stated that at the last Council meeting, Mayor Wilkerson asked Council to review their calendars so that the January 2006 Council meeting date could be rescheduled. The January 2006 meeting was rescheduled for January 10, 2006.

The City Manager advised that the suggested 2006 Council Meeting calendar would be presented to Council at the January 2006 meeting for approval as required by State law or earlier if a special meeting is scheduled.

The City Manager provided Council with an update on the easement request and appraisal received from L-J Inc. An appraisal report on this issue was received just yesterday and this is the reason the issue was not placed on the agenda. He stated that basically what they have proposed is to give the city the easement based on how much of the property is made unusable. He stated that L-J Inc. is asking \$12,000 for the easement. He stated that he would be sending the appraisal to Mr. Crowe for his review and the item will be placed on the January agenda for Council final review and approval. Mayor Wilkerson inquired if there was any way to tie this in with the SCE&G easement request. The City Manager stated that he and Mr. Crowe would review that issue and provide additional information to Council at the January meeting.

The City Manager advised that the 2006 City of Cayce Elections would be held on November 7, 2006. He stated that the city received a letter from Mr. Dean Crepes, Director of the Lexington County Registration and Elections Commissions offering to handle the city's election for a small programming fee in light of a ruling by the Department of Justice that requires all ballots to be electronic. He stated that Mr. Crowe and MASC were not aware of this requirement and that Mr. Crowe would be looking into this will report his findings at the next meeting. Council agreed that the County should handle the elections and that the city should maintain its own Municipal Election Commission. The item will be placed on the January 2006 Council meeting agenda for further discussion.

The City Manager advised that the city is currently buying diesel and bio diesel fuel from United Energy. This company would be holding their grand opening tomorrow on Fish Hatchery Road at 10:30 a.m.; every one was invited to attend.

Mr. Malpass advised that in reference to the Indigo drainage project, he had been working with the land owners to obtain signatures for their approval for right of entry. He stated that County Council member, Todd Cullum, was also working on the project and information will be forwarded to the City Manager once all signatures are received.

In reference to the Lexington School District 2 issue, Mr. Malpass stated that he felt Council needed to move forward as soon as possible and schedule another meeting for Council to be brought up to date on conversations the Mayor has had with the School Board Chairman, Mr. Bill Bingham. Mayor Wilkerson provided a general overview of his conversations with the Board's chairman. He suggested that a Council workshop meeting be set the first week of January so that Council can be fully briefed. The workshop was scheduled for January 5, 2006 at 4:30 p.m.

Mr. Jumper stated that the Edenwood neighborhood has worked diligently with the city and with SCDOT in order to repair some of their road and noticed that most of

the issues have been resolved. He stated his area needed to be reviewed as well. Mr. Jenkins suggested that Council review the list previously submitted by Council to Lexington County earlier this year at the January 5, 2006 meeting.

Mr. Jumper advised that he attended the RTA meeting last Wednesday and ridership on the system has picked up in the last couple of months. He stated that apparently there are a lot of people using this form of transportation, but as gas prices go down and ridership reduces, he feels that the RTA will more than likely ask municipalities to financially support the RTA system. He stated RTA did not come out and say it, but the implications are noticeable. He stated the trolley system would cease to operate by January 2006, but would remain available for rental for special occasions.

Mr. Jenkins inquired about his request to have a turn signal installed on both sides of Frink and 12th Street Extension. The City Manager stated that the issue was referred to the SPAT Committee.

Mr. Myers thanked the Museum staff and Commission for their efforts in producing a very successful Christmas Traditions, the Woman's Club of Cayce and city staff for all the decorations and their efforts. Mr. Jumper stated that the trash along Wilkerson Street has been cleaned up and thanked those who were involved with this effort.

There being no further business, the meeting adjourned at 7:50 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk