

**CITY OF CAYCE  
Regular Meeting  
July 10, 2007**

The regular monthly meeting of Cayce City Council was held this evening at 6:00 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, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities and Director of Planning & Development, Ken Knudsen was also in attendance. Municipal Clerk, Tammy Barkley, was unable to attend due to a conflict in schedule. 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. Myers made a motion to amend the agenda to add Item III. C. Approval to Issue Notice to Award Contract – State Street Streetscape Project, Item III. D. Consideration of Approval of New Proposed Agreement with CSX Transportation and Item VII. Executive Session re Discussion of Consideration of New Proposed Agreement with CSX Transportation. Mr. Malpass seconded the motion which was unanimously approved.

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

**Approval of Minutes**

The minutes of the June 4, 2007 Public Hearings and Regular Meeting and the June 29, 2007 Special Meeting were presented for approval. Mr. Myers made a motion that the minutes be approved as submitted. Mr. Jenkins seconded the motion which was unanimously approved.

**Ordinances**

- A. Approval of Ordinance Authorizing and Approving Implementation, Administration and Enforcement of Lexington County Stormwater Management Ordinance within the Corporate Limits of the City of Cayce – First Reading

Council considered for first reading the approval of an Ordinance authorizing and approving the implementation, administration and enforcement of Lexington County's Stormwater Management Ordinance within the corporate limits of the City of Cayce. The City Manager stated that some time ago, the city chose to participate with Lexington County under a General Permit for the NPDES Stormwater Phase II program. He stated that the City has participated in the public education program, has had its outfalls analyzed and mapped in accordance with the county and that the next phase is for the city to adopt an ordinance which adopts the County's Stormwater Ordinance within the corporate limits of the city. He stated that the city attorney became active in the process as well as staff meeting with the County's stormwater manager and staff. He advised that County Council has approved their ordinance. He stated that after final reading of the ordinance, City staff and the City Attorney will work together with the County and move to the next phase which will hopefully be the beginning of repairing and replacing drainage lines in the whole county. He stated that the City would retain its Flood Plain Management program and its ability to try cases in court and collect fines.

Mr. Myers stated that on page 17, section 4.1, item 2 it discusses water line flushing performed by governmental agencies. He stated that this basically gives the Public Works Director for the County the authority to prohibit those things from happening and wanted to bring this to Council's attention.

Mr. Jenkins asked if this was a state or Federal mandate. The City Manager stated this was an EPA directive through the State. He inquired if this would require construction sites to have settling ponds to catch the run off. The City Manager stated that would be part of it, but perhaps not in every instance. Mr. Jenkins stated that in a class he recently attended, the washing of automobiles may be an issue. He stated he would bring the instruction booklet from the class. The City Manager stated that one of the first things that the city did was to identify the outfalls and that will be the first focus of the project.

Mr. Malpass inquired as to any discussions that have taken place regarding funding. The City Manager advised that these discussions have not yet taken place but as one of the several cities under this permit with the County, the impact to the city should be less than if it had participated on its own.

Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Malpass seconded the motion. The Mayor asked that Council direct their questions or concerns to the City Manager so that they can be reviewed with the City Attorney. After discussion, the motion was unanimously approved.

**B. Approval of Ordinance Amending Chapter 22 of the City of Cayce Code of Ordinances to Regulate and Control Outdoor Burning – First Reading**

The City Manager advised that currently the City does not address outdoor burning in its Code of Ordinances although there are DHEC regulations. He stated that

the City does receive complaints from residents regarding this issue. He stated that the city spoke to DHEC several months ago and also discussed the issue with the County and it was decided to wait until the County approved their ordinance prior to moving forward. He advised that the City Attorney has drafted the City's Ordinance based on the County's ordinance and it is now up for first reading. He stated that this Ordinance will give the City more control over outdoor burning and the issue of pollutants which feeds back into the State Street pollution issue.

Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Malpass seconded the motion. Mr. Myers stated that he was not necessarily opposed to the Ordinance but felt that the public and businesses should be educated and recommended that the City's Fire Marshall make a point of attending some of the homeowner's association meetings to discuss with this issue and that the information be placed on the City's web site. He stated he would like for Lt. Gardner to report back to Council once this has been done prior to second reading of the Ordinance. After discussion, the motion was unanimously approved.

C. Approval of Text Amendment to Section 7.14 of the City of Cayce Zoning Ordinance Re Big Box Regulations – Second Reading

Council considered for second and final reading the approval of a text amendment to Section 7.14 of the City of Cayce Zoning Ordinance regarding big box regulations. Mr. Malpass made a motion to approve the Text Amendment on second and final reading. Mr. Myers seconded the motion which was unanimously approved.

D. Approval of Ordinance Amendment to Section 10-32 of the City of Cayce Code Re Building Permits – Second Reading

Council considered for second and final reading the approval of an Ordinance Amendment to Section 10-32 of the City of Cayce Code regarding building permits. The City Manager stated that the modification requested by Council had been made which would give the Building Official discretion to extend the period due to illness. Mr. Malpass made a motion to approve the Ordinance Amendment on second and final reading. Mr. Jenkins seconded the motion which was unanimously approved. Mr. Jumper stated that two years seems too long of a time to give owners to complete a project, but felt the amendment was better than what is currently on the books.

**Contracts, Agreements, Other**

A. Approval of Central Midlands COG Memorandum of Agreement between the City of Cayce and the SC Department of Commerce Re GIS

The City Manager advised that by participating in this agreement, it would benefit the city as the information could be used as a recruiting tool for new industry and new businesses. He stated the City's data would be protected. Mr. Malpass inquired if it was up to each city to quality assure the data. Mr. Norman Whittaker of the Central

Midlands COG was in attendance and stated that the COG would take the responsibility to make sure the data is correct. He stated that the COG is developing a higher quality database for this project than required. He stated the project is being developed to provide as much information as possible to the SC Department of Commerce allowing them to advise a prospective developer on the availability of water and sewer. He reiterated that the COG would take the responsibility of the accuracy of the data.

Mr. Myers inquired in reference to the distribution of data, it basically says the data will be shared among the participants and wanted to know if this would be a concern for the City. The City Manager stated that he did not feel this would be a concern for the City. Mr. Myers made a motion to approve the Central Midlands COG Memorandum of Agreement. Mr. Jenkins seconded the motion which was unanimously approved.

#### B. Bid Award – Garbage Bags

The City Manager advised that only one bid was received from the three solicited. He stated that one of the largest suppliers used by the City has retrofitted its plant and can no longer make the bags. He stated JanPack did not submit a bid. He advised that the bid received from Jadcore is \$109.40 per thousand bags which is less than when the city purchased the bags last time. He stated that based on the bid and including tax, the total cost would be \$17,558.70 for 150,000 bags and that the current budget includes a line item appropriation of \$27,000.

The City Manager also requested that Council look at the possibility of instituting a pilot program for roll carts. He stated the city has two trucks capable of handling the carts and the carts sell for approximately \$46-48 each and can be purchased in lots of 522 per tractor trailer lot which would cost approximately \$24,000-\$25,000. He stated that he further proposed that when the city purchases its Front Loader truck which will be under a lease-purchase contract, that the city include 500 or 1,000 carts to see how it will work and maybe get into the roll cart system full time next year and phase out of the garbage bag system. He stated that if the pilot program is successful, the City could use the money saved on not purchasing garbage bags to pay down the lease purchase contract when the truck is purchased. He stated there were two issues, one is the awarding of the bid for the bags and two, approving the pilot program so that staff can proceed to solicit bids.

Mr. Jumper inquired as to the lifespan of the roll carts. The City Manager stated that he was not sure and would review this once a decision is made. He stated that the City of Columbia has been using this system for several years and have experienced no problems with the life of the carts. Mr. Myers stated that he has had one for twenty years and it is still in good shape.

Mr. Jenkins inquired if carts would be emptied from both sides of the truck. The City Manager advised that the city has a side loader which throws the garbage in the side of the truck and the latest truck purchased has two positions to perform this duty.

Mr. Jenkins inquired as to who would be responsible if the city damages the carts. The City Manager stated that this issue would need to be resolved before entering the program and he felt that if the City damages a roll cart, the City should be responsible for replacing the cart. Mr. Malpass made a motion to award the bid for the purchase of garbage bags to Jadcore and authorized the City Manager to move forward with soliciting bids for the pilot program of using roll carts. Mr. Jenkins seconded the motion. After discussion, the motion passed unanimously.

C. Approval to Issue Notice to Award Contract – State Street Streetscaping Project

The City Manager stated that today staff opened the bids received for the Phase I State Street Streetscaping Project which will extend from Lexington Avenue to the railroad tracks. He stated that the low bidder was L-J Inc. and Mr. Ken Simmons, the architect for the project, is currently analyzing the bids. However, based on Mr. Simmons knowledge of this contractor, the City Manager stated that Mr. Simmons will recommend that they be awarded the contract. Mr. Simmons also asked if Council could proceed to give him notice of the bid award for the contract so that he can begin to secure his bonds. The City Manager advised that by doing so, this would speed up the project by about one month. He stated that the total cost of the project is \$178,000 of which \$145,000 was TEA21 funding and that the city has to make up the difference. He stated that the low bid was \$6,000 over the estimated cost of the project and the city would have to absorb that as well.

Mr. Myers asked if Council could be provided with a final document or drawings on what's going to be done. Mr. Knudsen provided Council with the details of the project. Some discussion took place regarding the upgrade of water and sewer lines and drainage issues. The City Manager stated that he would have Mr. Ken Simmons attend the August Council Meeting to make a presentation on the project. Mr. Myers made a motion to give approval to issue notice to award the contract for the State Street Streetscaping Project. Mr. Malpass seconded the motion which was unanimously approved.

D. Consideration of Approval of New Proposed Agreement with CSX Transportation

Council asked that this issue be taken up for action after the Executive Session.

**Committee Matters**

A. Appointments and Reappointments

Cayce Events Committee – One Position

Ms. Darlene Walton's term expires July 2007. She has been contacted and would like to serve again. It is recommended that Ms. Walton be reappointed to the

Committee. Mr. Jumper made a motion to reappoint Ms. Walton to the Committee. Mr. Malpass seconded the motion which was unanimously approved.

#### Cayce Housing/Construction Board of Appeals – One Position

There is one open position on the Board. There is no recommendation at this time. Mr. Malpass made a motion to postpone the issue until a potential member can be presented for Council's review. Mr. Jumper seconded the motion which was unanimously approved.

#### B. Committee Minutes – Approval to Enter Into Record

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

Beautification Board – June 6, 2007

Accommodations Tax Committee – June 12, 2007

Cayce Housing Authority – June 26, 2007

Mr. Jumper stated that in the Beautification Board's minutes it states that Ms. Pat Brown was noted as absent from the meeting, but within the minutes, it states that she made a motion. The City Manager stated he would point this out to the Board and have the minutes corrected.

Mr. Myers made a motion to approve that the minutes be entered into the official City record with correction as noted above. Mr. Jenkins seconded the motion which was unanimously approved.

#### **Public Comment**

Mayor Wilkerson inquired if anyone in attendance had signed the speakers' list to address Council on municipal matters listed on the agenda. The City Manager advised that no signatures had been obtained. Mr. Myers stated that Mr. Chris Kuney was in attendance and wanted to bring to Council's attention information on a potential canoe input. Mayor Wilkerson stated that he had spoken with Mr. Kuney and advised that the City Manager would be providing Council with a brief report on the issue and would be welcome to address Council after the report.

#### **City Manager's Report**

The City Manager advised that the June, 2007 Financial Reports would be provided to Council next week.

The City Manager provided Council with information on the following dates:  
July 11, 2007 – Park Bench Dedication at Cayce River walk Park – Blossom Street bridge entrance  
July 12-15, 2007 – MASC Annual Meeting, Greenville Hyatt

July 23, 2007 - City Manager on vacation this week  
Reschedule August Council Meeting date – Council rescheduled the August Council meeting for August 14, 2007 at 6:00 p.m.

DNR – Potential Canoe Launch for Congaree Creek – The City Manager advised that the city recently received a letter from Paul League of DNR who wanted to resurrect the issue of the canoe input on Hwy. 321. He stated that the city tried to work out this project in 2000 and had prepared a contract for a lease and there were some concerns of insurance and liability. He stated that when the Tin Products issue occurred, the issue went by the wayside.

He stated that one thing that came to mind is that the City is also working on the extension of the Cayce Riverwalk Park to extend the Park to the Thomas Newman Boat Landing. He stated that this extension phase will require the acquisition of property from SCANA and he believed that DNR also owns property in that area as well. He proposed that the City consider a land swap with DNR. He stated that the city will need a 25' strip of land that goes through the DNR property for the extension and the city owns a quarter of acre on Hwy. 321 which is a highly visible sight which could be swapped. The City Manager advised that the city also received a hand-delivered letter today from SCANA stating that they are also joining in on the program and will be providing a canoe landing at the end of their 12<sup>th</sup> Street property.

Mr. Paul League, attorney for DNR appeared before Council. He stated that the Congaree Creek could be a wonderful asset to the City of Cayce. He stated that he had an opportunity to go down the creek and it is really quite amazing to have something like this within an urban setting. He stated that they need a convenient place for people to put in their canoes and kayaks and that the idea of a land swap could certainly be discussed. He also stated DNR would entertain purchasing the city's property as well. In the short term, Mr. League asked that Council consider a temporary lease for the site.

Mayor Wilkerson stated that he felt this would be a great asset for the City and the land swap seems to be very amenable and inquired as to how Council should proceed with the issue. The City Attorney stated that an Ordinance would be needed for the short term lease and that he and Mr. League could work on the document to present to Council at the next meeting. The City Manager stated that DNR has asked that the City patrol the area and pick up the trash and he felt that would not be a problem. The City Attorney provided Council with concerns that Council had during the initial planning of this project. Mayor Wilkerson stated that if DNR could not hold the city harmless, he could not vote to approve an Ordinance or Agreement without proper liability insurance coverage. The City Attorney stated that in the interim the city would need to determine if the city's own liability policy would cover anything that would occur in that area. He stated that the city owns the property now and it should be covered. Mr. Crowe advised that he would prepare the Ordinance for Council's consideration at the August meeting.

Customer Service/Citizens Issues Policy – The City Manager stated that in Council Workshops discussions were held on better ways to handle complaints. He provided Council with a draft copy of the proposed Customer Service/Citizens Issues Policy that will be discussed with Department Heads and put into action. He asked Council to review it and provide any feedback to him.

Public Relations – The City Manager stated that in this year's budget, funds were set aside to include some public relations assistance. He stated that an RFP will be developed to outline the exact needs of the city and that Ms. Barkley would be meeting with MASC to seek their guidance on preparing the RFP.

The City Manager stated that the new citizen's calendars and garbage bags for in-City residents are available for pick up.

Mr. Myers asked that Public Safety remind towing companies to completely clean up after accidents. He stated that glass is still splattered on L Ave. and 9<sup>th</sup> Street from an earlier accident.

### **Executive Session**

- A. Discussion of Consideration of New Proposed Agreement with CSX Transportation

Mr. Malpass made a motion to move into Executive Session to discuss the matter above. Mr. Myers 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.

Mr. Malpass made a motion to approve the new proposed Agreement with CSX Transportation. Mr. Myers seconded the motion which was unanimously approved.

There being no further business, meeting adjourned at 8:00 p.m.

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Avery B. Wilkerson, Jr., Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk