

**CITY OF CAYCE
Regular Meeting
February 6, 2007**

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, Robert Malpass, and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Director of Utilities, Frank Robinson, and Director of Public Safety, Charles McNair was also in attendance. Councilman Kenneth Jumper was unable to attend due to illness. Mayor Wilkerson advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

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

Approval of Minutes

The minutes of the December 21, 2006 Special Meeting, December 28, 2006 Special Meeting, January 2, 2007 Regular Meeting, January 10, 2007 Joint Meeting, January 22, 2007 Special Meeting, and the January 26, 2007 Special Meeting were presented for approval. Mr. Myers asked that an addition be made to the January 22, 2007 minutes. He stated that he provided Council with a list of his recommendations at the Planning Session and would like that list to become a part of the minutes. In addition, he asked that the date on the minutes be corrected to reflect 2007 instead of 2006. Mr. Jenkins asked that his list of recommendations distributed at the Planning Session be made a part of the minutes. Mr. Myers made a motion that the minutes be approved with changes as noted above. Mr. Jenkins seconded the motion which was unanimously approved.

Presentations

A. Presentation by Chief Charles McNair – NET Team

Chief McNair appeared before Council to present a general overview of the operations of the NET Team as requested by Council. He presented statistics for both 2005 and 2006 in reference to drug incidents, buys and arrests, seizures including drugs, cash, firearms and vehicles,

parcel interdiction, and counterfeit goods handled by the NET Team and the city's uniform officers.

Ordinances and Resolutions

- A. Approval of Ordinance to Rezone Property Located at 800 Lexington Avenue from RS-3 to PDD-R – First Reading

Council considered for first reading the approval of an ordinance to rezone property located at 800 Lexington Avenue from RS-3 to PDD-R. The rezoning request is to allow for the construction of 24 town homes on the site of the vacant Cayce Grammar School. The City Manager advised that a Public Hearing was held on January 22, 2007. The Planning Commission received input from the surrounding property owners in attendance. He stated that the Planning Commission voted unanimously to recommend the rezoning request. Mr. Malpass made a motion to approve the ordinance to rezone the property located at 800 Lexington Avenue from RS-3 to PDD-R on first reading. Mr. Myers seconded the motion which was unanimously approved.

- B. Approval of Ordinance to Rezone Property Located on Lucas Street from M-2 to RS-3 – First Reading

Council considered for first reading the approval of an ordinance to rezone property located on Lucas Street from M-2 to RS-3. The City Manager advised that the rezoning request is for a portion of Lucas Street that is basically residential in nature. He stated that the property owner proposes to construct two single-family residential homes on the property. The Planning Commission voted unanimously in favor to recommend the rezoning request to Council. Mr. Myers made a motion to approve the ordinance to rezone property located on Lucas Street from M-2 to RS-3 on first reading. Mr. Jenkins seconded the motion which was unanimously approved.

- A. Approval of Ordinance to Rezone Property Located at 2200 State Street from M-2, Heavy Industrial District to C-4, Highway Commercial District – Second Reading

Council considered for second and final reading the approval of an ordinance to rezone property located at 2200 State Street from M-2 to C-4. Mayor Wilkerson inquired if any further comments had been received regarding the rezoning request. The City Manager advised that no further comments had been received. Mr. Jenkins made a motion to approve the Ordinance on second and final reading. Mr. Malpass seconded the motion which was unanimously approved.

Other

A. Approval of Preliminary Engineering Agreement – CSX Transportation - Taylor Road Crossing

Mayor Wilkerson advised that the agreement has been received from CSX Transportation regarding the Taylor Road crossing. The City Manager stated that the attorney for Lexington County is currently reviewing the agreement. In addition he distributed to Council the City Attorney's comments regarding the agreement. Mr. Crowe reviewed his comments with Council. He stated that the city should counter with some other language on the "three miles" and the venue for legal proceedings being held in Florida. The City Manager stated that the city's changes could be combined with concerns of the County. Mr. Jenkins stated his concern with the closing of Godley Street. He stated that there are several dead end streets in this area and there needs to be some sort of agreement whereby residents on Tiffany Trail and Stonehenge would have a way to get out of the neighborhood in the event of a disaster. He stated that this should be addressed with the County and documented. Mr. Myers stated that previous discussions did not indicate that the closings of the two crossings would be in conjunction with the opening of the new crossing. Council asked Mr. Crowe to also address the subject of "within 3 miles of the closed crossings" to the smallest distance possible. Mayor Wilkerson stated that Council needed to protect the city as well as it could and move forward with the process. He stated that the city would need to give and take on this project, but that if at all possible, should not delay a \$40 million project. Mr. Myers made a motion to approve the Preliminary Engineering Agreement with CSX Transportation conditional upon Lexington County also approving the agreement and authorizing the City Manager and City Attorney to amend the agreement based on issues raised by Council and potential issues raised by the County. to proceed with preliminary engineering agreement. Mr. Malpass seconded the motion which was unanimously approved.

B. Approval of Agreement for Annexation – Browder's Creek – Water and Sewer Capacity and Taps

The City Manager advised that Mr. Rock Lucas has almost resolved all the issues with his proposed residential housing and commercial development to be located on Fish Hatchery Road and will soon be ready to apply for a storm water permit from DHEC. He stated that Mr. Lucas is also going to request zoning and annexation of the property. However, since he has proposed to apply for a zoning classification of PDD, he may need additional time for the zoning application process since the project will be built in phases.

The City Manager advised that once the storm water permit is issued by DHEC, Mr. Lucas will be ready to begin with the project prior to the time it takes to apply and receive approval for the annexation and to apply for water and sewer taps, and capacity as well as building permits. Mr. Lucas is asking that Council consider honoring capacity

and taps at the in-city rates during this process. The City Manager stated that Mr. Lucas had his attorney prepare an agreement in which he agrees to annex the property into the city in exchange for the city extending to him in-city water and sewer capacity rates and tap fees. The annexation process could take three months based on scheduling and Mr. Lucas wants to be certain that if he is ready to pay for water and sewer fees, he will receive the in-city rates. The City Manager advised that the City Attorney has reviewed and modified the agreement to protect the city. Mr. Malpass made a motion to approve the agreement for annexation and payment of water and sewer capacity and tap fees for the Browder's Creek Project and authorize the City Manager to sign the agreement on behalf of the City. Mr. Jenkins seconded the motion which was unanimously approved.

- C. Authorization to Proceed with Modification of the NPDES Permit for the WWTP to 24 MGD and Authorization to Proceed with the Engineering for the WWTP Upgrade and Expansion to 24 MGD

The City Manager advised that at the November 27, 2006 Council Meeting, Council, city staff and American Engineering staff discussed the need to expand the proposed 16 MGD wastewater treatment plant expansion/upgrade to 24 MGD due to the requested wastewater treatment capacity needs of the Town of Lexington and the Water and Sewer Commission. He stated that at that time, it was also recommended that American Engineering proceed forward with the NPDES application process to obtain a 24 MGD NPDES discharge allocation and permit. He stated that Council verbally instructed staff and American Engineering to proceed with the 24 MGD NPDES permitting process due to the length of time it would take to obtain the permit. He stated that staff has been working with American Engineering in formalizing the NPDES application process. In addition, both the Town of Lexington and the Water and Sewer Commission have formally submitted their requests for wastewater treatment capacity needs. Mr. Myers stated that the Town of Lexington's resolution does not include a share in the cost for the expansion/upgrade. He stated that he felt the share in costs issue needs to be resolved by a formal letter and an agreement in place with both entities. Mr. Malpass made a motion to approve and authorize that the City Manager instruct American Engineering to proceed with the redesign of the proposed 16 MGD Wastewater Treatment Plant project to 24 MGD pending acceptance of an agreement from both entities regarding the share in cost for the project. Mr. Jenkins seconded the motion which was unanimously approved.

- D. Bid Award – Upgrade of Pump Station No. 1

The City Manager advised that Council voted to proceed with the upgrade and improvement project for Pump Station #1. He stated that American Engineering completed all plans for the upgrade and the plans were submitted to DHEC. DHEC issued a construction permit and if the city does not proceed with construction, the permit will expire in July 2007 and the plans will have to be re-submitted for a new DHEC construction permit. He stated that since Council voted to proceed with the

Pump Station #1 project, bid invitations were sent out and advertised. He stated that American Engineering issued a bid certification on all bidders and provided Council with the list of bidders and their package bid price. He stated that American Engineering recommends awarding the bid to the low bidder, Wateree Construction Co. in the amount of \$2,218,240.00. He stated that funding for the project could be taken from funds currently on deposit in the O&M Investment account (funds originally paid by Lexington and the Commission for capacity) and the O&M Capacity Investment account (capacity payments reserved in this account). He stated another option would be to talk to bond Counsel about a Bond Anticipation Note (BAN). Mr. Myers inquired as to when the original estimate of the project was provided to Council. Mr. Robinson stated that the estimate was submitted in July 2006. Mr. Myers stated he was concerned that in less than a year, the bids have come in \$700,000 higher and asked that this be brought to the attention of American Engineering.

Mr. Malpass made a motion to award the bid to Wateree Construction Co. in the amount of \$2,218,240 and authorize the City Manager to sign the contract documents for the city. Mr. Myers seconded the motion which was unanimously approved.

E. Approval of Parkwood Sewer Agreement

The City Manager stated that the owners of Parkwood Mobile Home Park and The Grove at Methodist Park Subdivision have requested the City's financial participation in the construction of a proposed 12-inch gravity sewer main that will serve the wastewater needs of these two properties and numerous other undeveloped properties in the drainage basin. He stated that the Parkwood Mobile Home Park has its own wastewater treatment plant on the property which discharges into a branch of the Six Mile Creek (previously the Midlands Utility service area).

The gravity sewer main that is being proposed is a 12-inch line rather than an 8-inch line. The City Manager stated that this line would accommodate the needs of the Parkwood Mobile Home Park, the Grove at Methodist Park, and provide additional sewer capacity to accommodate the development in this area of the drainage basin. The engineers for Parkwood Mobile Home Park have estimated the approximate cost of the project at \$246,000.00 and the developers are requesting that the city's participation be in the amount of \$115,395.00 as consideration for the developer constructing a sewer main larger than what is necessary to serve their properties (8 inch line versus a 12 inch line). The City Manager stated that the city would receive \$230,790.00 in sewer capacity fees as payment for the 92 REU's Parkwood capacity fees and 55 REU's for the Grove capacity fees. Mr. Myers stated that he felt the city's participation should be 33% and not the proposed 50%. Mr. Malpass made a motion to approve the Parkwood Sewer Agreement. Mr. Jenkins seconded the motion. The motion passed three to one with Mr. Jenkins, Mr. Malpass and Mayor Wilkerson voting yes and Mr. Myers voting no.

F. Request by Chief Charles McNair for the Installation of a Streetlight – 2400 Block of Taylor Road

Mr. Myers made a motion to approve the installation of a streetlight to be located on the power pole within the 2400 block of Taylor Road. Mr. Jenkins seconded the motion which was unanimously approved.

Committee Matters

A. Appointments and Reappointments

SPAT Committee – Two positions

There are currently two open positions on the Committee. One position has been open for quite some time. The second position is open due to the untimely passing of Mr. Curtis Hipp, Jr. There are no recommendations at this time. Mr. Malpass made a motion to table the issue. Mr. Jenkins seconded the motion which was unanimously approved.

Zoning Board of Appeals – One position

Mr. David Diamond has submitted his letter of resignation as he has been advised by the Office of the Secretary of State that it is a conflict of interest to serve on the Board and hold a position on the Lexington County Recreation Commission at the same time. There are no recommendations at this time. Mr. Myers made a motion to table the issue. Mr. Malpass seconded the motion which was unanimously approved.

Mr. Myers asked that the City Manager review all Committees for any members that may be serving under conflict of interest and report findings to Council.

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 – November 9, 2006
Planning Commission – December 18, 2006
Beautification Board – January 3, 2007
Cayce Museum Commission – January 10, 2007

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

C. Committee Matters

SPAT Committee – Approval to Reduce Membership of the Committee from Nine (9) Members to Seven (7) Members

Chief McNair stated that currently the SPAT Committee is comprised of nine (9) members and that there is one open position. With the passing of Mr. Curtis Hipp, Jr., a second open position has occurred. He stated that due to the number of committee

members, it is difficult to convene a quorum. He provided Council with statistics that indicated that out of the six regular meetings scheduled for 2006, only two meetings took place due to a lack of quorum at the other four meetings. Chief McNair suggested that the Committee either be reduced to seven (7) members or that Council may want to consider dissolving the Committee. Mr. Myers made a motion to reduce the number of members on the SPAT Committee from nine (9) to seven (7). Mr. Jenkins seconded the motion which was unanimously approved. Council asked staff to poll the remaining Committee members to obtain their input on a more convenient day/time for them to meet.

Public Comment

Mayor Wilkerson inquired if anyone in attendance had signed the speakers' list to address Council on municipal matters listed on the agenda. Ms. Barkley advised that no signatures had been obtained.

City Manager's Report

The City Manager advised that the January financial reports.

Dates – The City Manager provided Council with the following dates:

- February 15, 2007 – LCMA – West Columbia City Hall
- February 19, 2007 – City Hall Closed – Presidents Day – normal pick up
- February 27, 2007 – Brookland Cayce High School Foundation Dinner
- February 28, 2007 – MASC Hometown Legislative Day – Marriott

Other Updates

▪ RTA Issue – The City Manager stated that Council met jointly with West Columbia and Springdale Councils regarding the RTA issue. He stated that the city is waiting to hear from Mayor Horton who was to provide statistics and quotes from Flex-Ride and as soon as information is received he will provide it to Council. Mayor Wilkerson advised that the city was also waiting on additional information from Brittany Doten at RTA. The City Manager advised that this issue would be further discussed in future budget workshops for FY 2007-2008.

▪ Changing Zip Code on Annexed Property – The City Manager provided Council with a condensed version of a study that was done regarding municipalities' requests for zip code changes when properties are annexed. He stated that staff would be reviewing the city's needs and contacting the proper authorities.

▪ Suggested Ordinance Amendment re Fireworks and Halloween – The City Manager stated that over the past few months, Council had requested that research be done as to how other municipalities handle the discharging of fireworks and Halloween. He provided Council with information regarding both issues and asked Council to advise staff on how they would like to proceed.

- Update on Sign Ordinance – Political Signs – The City Manager advised that the Planning Commission is reviewing the Sign Ordinance as it relates to political signs placed in neighborhoods. He stated that the issue would be placed on the March Council Meeting agenda for Council's review.

- Update on Animal Ordinance – The City Manager advised that the City Attorney is working on the update to the Animal Ordinance and will present his suggestions to Council at the March Council Meeting.

Council Planning Session Update - The City Manager provided the following updates on issues discussed at the Council Planning Session in January.

- Placing Draft Minutes on Web Site – The City Manager stated that the draft minutes will be placed on the city's web site in the very near future.

- Public Relations and Image Update – The City Manager stated that he and Ms. Barkley have met with four companies who provide public relations and image services. He stated that these companies are in the process of putting together proposals for Council's review during the budget process.

- Web Site Update – The City Manager stated that staff will meet this week with VC3 who currently manages the city's web site to review the site and have them submit a proposal to update the web site and make it more user friendly.

- Public Safety Issues and Updates – The City Manager stated that information requested by Council had been sent to them last week.

- Public Buildings Update – The City Manager stated that he met with management companies regarding the update to City Hall buildings and will provide more details later.

Mr. Jenkins inquired if the business on Foreman and Frink was re-opening. Chief McNair stated that it is re-opening under new management and that he and Lt. Lawrence Gardner have been in touch with the new managers.

Mr. Myers inquired if the poles at the entrance to City Hall could be removed. Staff advised that the poles are permanent.

Mr. Myers asked Council to consider issuing a special beer/wine permit to businesses or charitable groups who may want to use city/public facilities for their activities. The City Manager advised that permits of this type cannot be issued for the Cayce Riverwalk Park as the Land Transfer Agreement prohibits alcohol of any type in the park.

Executive Session

- A. Discussion of negotiations incident to proposed contractual arrangements and proposed sale of property – 615 Knox Abbott Drive

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

Mr. Myers made a motion to accept the offer of \$500,000.00 from GSM Properties, LLC to purchase city-owned property located at 615 Knox Abbott Drive, with the city guaranteeing TIF funds equaling 25% of the total renovation costs, and up to an additional 25% of TIF funds depending on the total cost for more extensive renovations (GSM must submit a detailed cost breakdown of renovations for city consideration and for the city to calculate the total for TIF funding), and to authorize the Mayor and City Manager to continue negotiations regarding the extent of the renovations and issues listed in the addendum to the contract on behalf of the city. Mr. Malpass seconded the motion which was unanimously approved.

There being no further business, the meeting adjourned at 8:45 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk