

**CITY OF CAYCE  
Regular Meeting  
September 5, 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, Blake Bridwell, Engineer, 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. Jenkins offered the invocation and Mayor Wilkerson led everyone in the Pledge of Allegiance.

**Approval of Minutes**

The minutes of the August 1, 2006 Regular Meeting and the August 14, 2006 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 Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Set Off Debt Collection Act – First Reading

Council considered for first reading the approval of an ordinance formally establishing by ordinance the city's administrative fee of \$25.00 for processing and collecting delinquent debts under the Setoff Debt Collection program administered by the Municipal Association of South Carolina. The City Manager advised that since the program is always subject to legal review, MASC has asked that participating cities formally adopt by ordinance its administrative fee even though the same fee amount has been charged since the inception of the program. He stated that MASC's attorney drafted the model ordinance which

must be approved by November 1, 2006 in order to participate and set off delinquent debts for 2006. Mr. Crowe advised that he has reviewed the ordinance and that although this fee has been charged since the inception of the program, a public hearing should be held prior to second reading of the ordinance to formally follow State law guidelines on fees charged by municipalities. Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Malpass seconded the motion which was unanimously approved.

B. Approval of Ordinance to Annex and Zone Property Located at 111 Cherry Lane – First Reading

Council considered for first reading an Ordinance to annex and zone property located at 111 Cherry Lane. The City Manager advised that the city received a petition from the property owner asking that the property be annexed into the city and that the Planning Commission at their August 21, 2006 meeting reviewed the request and has recommended approval of the annexation and establishing the zoning as RS-3, single family residential. Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Myers seconded the motion which was unanimously approved.

C. Approval of Ordinance to Annex and Zone Property Located at 104 Haynes Lane – First Reading

Council considered for first reading an Ordinance to annex and zone property located at 104 Haynes Lane. The City Manager advised that the city received a petition from the property owner asking that the property be annexed into the city and that the Planning Commission at their August 21, 2006 meeting reviewed the request and has recommended approval of the annexation and establishing the zoning as RS-3, single family residential. Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Jumper seconded the motion. Mr. Myers inquired as to how many additional homes in the Edenwood area were outside city limits. Mr. Knudsen advised that there were approximately 10 properties outside city limits in that area. The motion was unanimously approved.

D. Approval of Ordinance to Annex and Zone Property Located at 3959 Platt Springs Road (Sonic Drive-In) – First Reading

Council considered for first reading an Ordinance to annex and zone property located at 3969 Platt Spring Road (Sonic Drive-In). The City Manager advised that the city received a petition from the property owner asking that the property be annexed into the city and that the Planning Commission at their August 21, 2006 meeting reviewed the request and has recommended approval of the annexation and establishing the zoning as C-4, highway commercial. He stated that the requested annexation is in response to the city's desire to expand into the Three Fountains area and its surrounding commercial properties. Mr. Jumper made a motion to approve the

Ordinance on first reading. Mr. Myers seconded the motion which was unanimously approved.

- E. Approval of Ordinance Granting Consent to Inclusion of Certain Property of "Project First Park" within Joint Multi County Industrial Park of Lexington and Calhoun Counties – First Reading

Mayor Wilkerson asked that this item be moved to the end of the agenda as it deals with economic development, and needs to be discussed in Executive Session.

### **Contracts, Agreements, Other**

- A. Approval of Automatic Aid Agreement Between Lexington County and the City of Cayce

The City Manager advised that in May 2006, City Council was presented with a proposal for an automatic aid agreement with Lexington County for both entities to assist each other in providing fire protection services in the city limits and Lexington County fringe areas. He stated that at that time, Lexington County put a price tag on such an arrangement at \$142,052 that the city would be required to pay. He stated that because Council was not in favor of the agreement in that form, Public Safety officials from both the county and city met again to re-evaluate the agreement and redraft a new agreement for both the City of Cayce and the City of West Columbia. Chief McNair provided Council with an explanation on the difference between mutual aid and automatic aid. Mr. Myers inquired as to the length of the agreement. Chief McNair stated that the agreement was for a one-year period.

He stated the revised agreement requires that the city and the county will jointly serve a defined geographic area and that both entities would respond in the "Cayce Dual Response Area" as defined on the map provided to Council. He stated that as proposed in the redrafted agreement, there would be no fee levied by Lexington County or by the City of Cayce. Fire units from the city would respond from the 12<sup>th</sup> Street fire station and Lexington County would respond from the Pine Grove, South Congaree or Gaston fire stations as needed. Mr. Malpass made a motion to approve the Automatic Aid Agreement between Lexington County and the City of Cayce. Mr. Jenkins seconded the motion which was unanimously approved.

- B. Consideration and Discussion of Bid Award – Lloydwood and Bellemeade Sewer Pumpstation and Forcemain

The City Manager advised that the city assumed operation of the Lloydwoods sewer system in October 2005 under the terms of a DHEC Receivership Agreement. He stated this agreement provided for the city to operate the sewer system, sewer lagoon and collection system to provide the residents of the subdivision with efficient sanitary sewer service. Since that time, he stated that the city signed a purchase

agreement with Midlands Utility for the Bellemeade sewer system. He also advised that the city engineers have designed a sewer system to serve both subdivisions. He stated that bids for the Lloydwood portion of the bid exceeds the amount of grants the city was awarded from the State and Lexington County. He stated that city engineers designed the project to accept bids for three options, Lloydwood only, Lloydwood and Bellemeade, and Lloydwood, Bellemeade, and the Dry Creek area. He stated that the question is if the City should move forward and award the contract. He stated that Option 3 has been recommended by the City Engineer which would provide sewer service to the existing Lloydwood and Bellemeade sewer customer base and provide additional sewer capacity for future growth in a sizable area of the Dry Creek Drainage Basin. He stated that the City had reserves available for either Option 2 or 3.

Mayor Wilkerson inquired as to how quickly Council needed to make a decision on awarding the bid. Mr. Robinson advised that the bid award should take place 90 days once the bids are open. Mayor Wilkerson stated that during meetings on the subject, DHEC and ORS were advised that the City would move forward with these systems if the project were fully funded. He stated that the city should request the additional \$45,000.00 needed for Option 3 from the State entities. The City Manager advised that staff has already been in contact with these agencies and briefly discussed the additional funding required. Mr. Myers inquired as to why the cost of the project is out of sync with the original funding amount. Mr. Robinson explained that when the design was completed for Lloydwood and Bellemeade, the price went up. Mr. Myers made a motion that a letter from the Mayor be sent to the State entities requesting additional funding required and that bid award be tabled until further information is received regarding the funding for the project. Mr. Jenkins seconded the motion which was unanimously approved.

C. Bid Award – Purchase of Vacuum Jetter Truck, Main Line Sewer Camera Unit and Sewer Easement Machine for Utilities Department

Council reviewed bids received for the purchase of a vacuum jetter truck, main line sewer camera unit and sewer easement machine for the Utilities Department. The City Manager advised that the purchase of these items in the amount of \$380,000.00 were approved by Council in the FY 2006-2007 budget. He provided Council with the background on repairs and upgrades of the department's current sewer camera inspection equipment

In reference to the sewer easement machine, the City Manager stated that this is a necessity with the amount of new and existing sewer lines that are in customers' back yards, in wooded areas, and where the crew has limited access spaces. He stated this piece of equipment would provide the city's crews the ability to enter yards that have no drive through or limited access for vehicles and because of its design would eliminate yard damage by heavier equipment now being used.

He stated that the vacuum and water jet truck currently in use is a 1995 Ford Vac-con unit which has been in service since it was purchased new. He stated the existing truck would be retained for additional back up and support.

He recommended that the bid be awarded to Rodders & Jet Supply Company as the low bidder in a purchase package in the amount of \$379,390.00. He stated that the Vac/all truck will be purchased through a lease purchase contract and that the bids for the lease purchase will be presented to Council for review and approval at a future Council meeting.

Mr. Malpass made a motion to award the bid for a purchase package to Rodders & Jet Supply Company in the amount of \$379,390.00. Mr. Jenkins seconded the motion which was unanimously approved.

D. Review of Carolina Clear Program and Approval to Enter Into Partnership with Lexington County

The City Manager advised that as part of the NPDES Phase II General Permit, the minimum control measures include public education, public involvement, illicit discharge detection and elimination, construction site runoff control, and pollution prevention/good house keeping. He stated that Council approved the city's participation with Lexington County in the NPDES Phase II General Permit. He stated that under the requirements of the permit, it is time for the public education and involvement phase to take place. He stated that Lexington County has met with the Clemson Extension service to handle this phase under a joint discounted contract under the joint program known as Carolina Clear. He stated the program uses a marketing approach to storm water education through the creation of TV and radio public service announcements, newspaper ads, billboards, publications, and web site information. He stated the regular rate for the entire program is \$71,000.00, but with the discount being offered, the total cost is \$50,000.00. He stated that the City of Cayce's pro rata share, based on population, would be an annual cost of \$5,210.00. He advised that there is a specific line item included in the General Fund budget for the NPDES permit fee and associated programs and recommends that the city participate in the Carolina Clear program as proposed to meet the public education requirements of the NPDES Phase II General Permit. Mr. Myers made a motion to approve the city's participation in the Carolina Clear Program as recommended. Mr. Malpass seconded the motion which was unanimously approved.

E. Discussion of City of Cayce Animal Ordinance

Mayor Wilkerson stated that at the August 1 Council meeting, Council Member Jenkins requested information on the ways and means to address, through the animal control ordinance and/or zoning ordinance, the number of animals at a location. He stated that the City Attorney has prepared a confidential memorandum for Council in regards to this issue. Mr. Crowe suggested that the definition of kennel be expanded

much like that defined in the City of Columbia and City of West Columbia ordinances. He stated that if Council is interested in pursuing this avenue, he needed some guidance and also suggested that Council hold a public hearing on this issue. Mr. Jenkins suggested that Mr. Crowe also review the city's Nuisance ordinance along with current city animal ordinance using West Columbia and Columbia's as a guide on defining kennels. Mr. Myers stated that he wanted to be sure that people who take care of their animals would not be penalized by any changes that may be made to the ordinances. Mr. Crowe stated that he would prepare information for Council to review at the next Council meeting. Mayor Wilkerson asked that Chief McNair ensure that the animal issue in Mr. Davenport's neighborhood be taken care of as quickly as possible.

F. Approval to Install Street Light – Julius Felder Street

The City Manager advised that at the July 2006 Council Meeting, Councilman Jenkins' asked that a streetlight placed on Julius Felder Street. As the SPAT Committee will not meet again until October, it is recommended that Council consider the request for direct approval in order not to delay this issue further. Mr. Jenkins made a motion to approve the installation of a streetlight on Julius Felder Street on pole number 159794. Mr. Jumper seconded the motion which was unanimously approved. Mr. Jenkins stated that the correct pole number is 964 located at the intersection of Julius Felder and Frink Street.

G. Approval to Accept SC DOT Grant for State Street Streetscape Project – Phase I and Authorization to Proceed

The City Manager advised that some time ago, the city submitted and was awarded an enhancement grant for the State Street Streetscape Project Phase I under the old TEA-21 funding through SCDOT. The project is for streetscaping both sides of State Street from the Railroad north to Lexington Avenue and includes new sidewalks, new curb and gutter, landscaping, lighting and relocation of underground utilities as necessary. He stated the total cost of the project is estimated at \$177,125 and the grant requires an 80/20 match. The city's cash match for the grant will be \$35,425.00.

The City Manager advised that Ken Simmons and Associates assisted the city in preparing this grant with the understanding that his company would be included in the bid process for architectural landscaping design services. He stated that since that time, his company has been pre-approved by SCDOT for projects of this type and bidding is not necessary since a State contract is in place for his services. He stated that the total charges for architectural landscape services for survey work and design and landscape management services is \$24,820.00. It is recommended that Council give approval to formally accept the enhancement grant and authorize the City Manager to sign a contract with Ken Simmons and Associates for his services to proceed with the project. He stated that the city match for the grant could be taken from city reserves. Mr. Myers inquired as to the time frame on spending the grant funds. The City Manager advised that the funds must be used within 18 months. Mr. Myers made a motion to

approve the acceptance of the SCDOT Grant for the State Street Streetscape Project Phase I and to authorize the City Manager to sign a contract with Ken Simmons and Associates for his services to proceed with the project. Mr. Jenkins seconded the motion which was unanimously approved.

#### **IV. Committee Matters**

##### **A. Appointments and Reappointments**

###### **Planning Commission – Two Positions**

Mr. Ed Fuson's and Mr. Butch Kelly's terms have expired. Due to new training requirements for Planning Commission members, the Commission and staff recommend that this item be tabled at this time. Mr. Myers made a motion to table the appointments. Mr. Jenkins seconded the motion which was unanimously approved. Mr. Jumper inquired as to the members of the Planning Commission and Board of Zoning Appeals who had not taken the required training. Mr. Knudsen stated that now that he has been appointed as a certified trainer, he would be setting up a class to ensure all members are trained.

###### **Municipal Election Commission – One Position**

Ms. Eunice Bowman's term expires November 2006. She has been contacted and would like to serve again. It is recommended the Ms. Bowman be reappointed to the Commission. Mr. Jenkins made a motion to reappoint Ms. Bowman to the Commission. Mr. Myers seconded the motion which was unanimously approved.

###### **SPAT Committee – One Position**

Mr. Barton Jones was appointed to the Committee in April 2006. Since that time, he has not attended the meetings on a regular basis. In accordance with the By-Laws, the SPAT Committee recommends the removal of Mr. Jones for missing three or more consecutive meetings. Mr. Myers made a motion to approve the Committee's recommendation. Mr. Jenkins 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:

Planning Commission – May 15, 2006

SPAT Committee – August 8, 2006

Cayce Housing Authority – August 15, 2006

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

### C. SPAT Committee Recommendations

The City Manager advised that the SPAT Committee met on August 8, 2006 and recommends the following:

1. Approval to request that SC DOT paint double yellow lines on L Avenue from State Street to Charleston Highway – Committee request. Mr. Jumper inquired if the person making the request lived on L Avenue. Lt. Jeff Simmons, staff liaison, stated that the person who made the request did not live on L Avenue. Mr. Myers suggested that Lt. Simmons check on the cost to have the lines painted and then obtain comment from those who live along L Avenue. Mr. Jumper stated that Glenn Street also needs lines painted. Mr. Malpass made a motion to approve the recommendation to contact SC DOT on the cost involved and then notify residents along L Avenue to obtain their comment. Mr. Jenkins seconded which was unanimously approved.

2. Approval to request that SC DOT install left turn signal (in both directions) on Frink Street at 12<sup>th</sup> Street – Council Member Skip Jenkins' request. Mr. Jenkins made a motion to approve the request. Mr. Jumper seconded the motion which was unanimously approved.

3. Approval to install streetlight on or near 2720 Riverside Lane – request received from Mr. Mack Johnson of 2719 Riverside Lane. Mr. Myers made a motion to approve the installation of the streetlight. 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. Ms. Barkley advised that no signatures had been obtained.

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

August Financial Report – The City Manager advised that the report would be sent to Council on Friday.

The City Manager provided Council with information on the following dates.

- September 8, 2006 – 5:00 p.m. – Filing deadline for 2006 Election
- September 15, 2006 - Deadline for Sunrise Newsletter submissions
- September 23, 2006 – Guided Nature Tour with Rudy Mancke – Riverwalk Park - Tours at 10:00 a.m. and 1:00 p.m.

- September 29, 2006 – Last day for twice per week garbage pickup
- October 21, 2006 – Native American History Walk – Riverwalk Park – 10:00 a.m. Sponsored in part by the Cayce Historical Museum
- November Council Meeting Date – The City Manager stated that the November Council meeting was rescheduled for November 20 as Mr. Malpass had a conflict with the November 14 date. He advised that Mr. Malpass no longer has a conflict and has requested that the November meeting be scheduled for November 14. Mr. Myers stated he had a conflict on November 20. Council will rescheduled the meeting at a later date.

Riverwalk Park Extension Update – The City Manager distributed photos of the construction under progress and advised that 1000 feet of boardwalk had been installed. He stated that he has authorized Ken Simmons & Associates to prepare the bid package for the second phase of the extension. He stated that the project is on schedule, under budget and should be completed on time.

CDBG 2007 Grant Projects – The City Manager provided Council with a proposal indicating eight projects the City wants to apply for in the CDBG 2007 grant-funding year. He asked Council to provide him with a list of any other projects they would like to be considered for funding.

Mr. Jenkins stated that there was a large pothole near the intersection of Taylor Street and New State Road and asked staff to notify SC DOT.

Mr. Myers stated that a new store is opening or has opened on the corner of Frink Street and Julius Felder which will be selling alcohol. He inquired if this type of business met the zoning guidelines for the area. Mr. Knudsen advised that the business did meet the zoning requirements. Chief McNair advised that the store has not yet opened for business.

### **Executive Session**

- A. Discussion of negotiations incident to proposed contractual arrangements and discussion of matters relating to proposed location or expansion of businesses in the City of Cayce

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

Mayor Wilkerson advised that Item II. E. would now be brought before Council for consideration. Mr. Myers made a motion to approve on first reading the Ordinance granting consent to the inclusion of certain property of "Project First Park" within a Joint Multi County Industrial Park of Lexington and Calhoun Counties. Mr. Jenkins seconded the motion which was unanimously approved.

There being no further business, the meeting adjourned at 8:40 p.m.

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Avery B. Wilkerson, Jr., Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk