

**CITY OF CAYCE  
Regular Council Meeting  
September 2, 2008**

The Regular Council meeting was held this evening at 6:05 p.m. in Council Chambers. Those present included Mayor Robert Malpass, Councilmen James Jenkins, Kenneth Jumper, and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Ken Knudsen Director of Planning & Zoning, Chief Charles McNair, Director of Public Safety, and Frank Robinson, Director of Utilities were also in attendance. Mayor Malpass advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

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

**Approval of Minutes**

The minutes of the August 7, 2008 Regular Meeting were presented for approval. Mr. Jumper made a motion that the minutes be approved as submitted. Mr. Jenkins seconded the motion which was unanimously approved.

**Presentations and Resolutions**

A. Presentation of the Whole Sole Award

Mayor Malpass presented the Whole Sole Award to PSO Detective John Reese who was nominated by the Employee of the Quarter Selection Committee. The award is given to City employees who go beyond the call of duty. Mayor Malpass congratulated Reese on receiving the award and thanked him for his dedication to his profession and helping keep the city safe.

B. Approval of Resolution to commend Howard Duvall, Executive Director of the Municipal Association of South Carolina for his service to South Carolina Cities and Towns

Council considered for approval a Resolution commending Howard Duvall, Executive Director of the Municipal Association of SC for his service to South Carolina cities and towns and congratulating him on his retirement. Mr. Myers made a motion to approve the Resolution as presented. Mr. Jenkins seconded the motion which was unanimously approved. The City Manager reminded Council that the celebration for Mr. Duvall's retirement would be held on September 25, 2008 at the Columbia Convention Center.

### C. Approval of Resolution – City Safety Policy Statement

Council considered for approval a Resolution supporting the City's safety policies. Mr. Jenkins made a motion to approve the Resolution as presented. Mr. Jenkins seconded the motion. The City Manager advised that the city is a participant in the SCMIT workers compensation program through MASC which does an annual report card on all participants. He stated that the City did not receive 100% on the report card, but by Council approving the Resolution it will give the City extra points along with other things being done which will assist the City in obtaining lower workers compensation rates. After discussion, the motion was unanimously approved.

### **Ordinances**

#### A. Approval of Ordinance Granting Consent to a Notice of Application for the State issue Certificate of Franchise Authority filed by AT&T – First Reading

The City Manager advised that the City has received notice from the Secretary of State that they have received a Notice of Application for the State issue Certificate of Franchise Authority (COFA) from AT&T South Carolina under Act No. 228, the Competitive Cable Act. He stated that the city must respond within 65 days and provide the Secretary of State with the franchise rate in effect, number of public and educational channels currently activated under the franchise and if the City grants consent to the COFA which must be done by Ordinance. He stated that he proposes that the franchise fee be set at 5% which is the same fee rate that was granted to Time Warner for their franchise.

The City Manager advised that AT&T South Carolina will be delivering its new U-Verse video service through fiber optic cable and that Cayce is one of a few select cities in which the new service will be rolled out.

Mr. Myers made a motion to approve the Ordinance granting consent to a Notice of Application for the State issue Certificate of Franchise Authority filed by AT&T as prescribed by State law, establish the franchise fee at 5% and authorize the City Manager to execute the COFA on behalf of the city. Mr. Jenkins seconded the motion. After discussion, the motion was unanimously approved.

#### B. Approval of Updated Flood Damage Prevention Ordinance – Second Reading

Council considered for second and final reading the approval of the updated Flood Damage Prevention Ordinance. The City Manager advised that this issue was discussed at last month's Council meeting and that a deadline of September 1, 2008 has been required for the approval of the Ordinance. He stated that since this date was a holiday, DNR on behalf of FEMA had provided the City with an

extension. As background, he advised that the City's current ordinance is not sufficient and the City had the option of either correcting those deficiencies or adopting the FEMA model ordinance. Mr. Jenkins made a motion to approve the Ordinance on second and final reading. Mr. Jumper seconded the motion. Mr. Myers inquired about the requirement in the current ordinance that if homes, businesses, and other building structures are damaged 50%, they cannot be rebuilt or remodeled. Mr. Knudsen stated that this requirement is included in the FEMA model ordinance as well and it does not mean that property that is at least 50% damaged cannot be rebuilt or remodeled. It does however state that if the property owner wants to rebuild or remodel, it must be built to compliance. He stated that this would also include if someone wants to put an addition onto their home, it would have to be built to compliance. Mr. Myers inquired if the model ordinance changed that portion of the current ordinance. Mr. Knudsen stated that the model ordinance also includes this requirement. Mr. Malpass inquired if the model ordinance includes the adoption of the latest FEMA map. Mr. Knudsen advised that it did. After discussion, the motion was unanimously approved.

C. Approval of Ordinance to Annex and Zone Property Located on the East Side of Twelfth Street Extension – Second Reading

Council considered for second and final reading the approval of an Ordinance to annex and zone property owned by SCANA and located on the east side of Twelfth Street Extension. The property consists of 232.6 acres and the proposed zoning classification is D-1, Development District. Mr. Myers made a motion to approve the ordinance on second and final reading. Mr. Jumper seconded the motion which was unanimously approved.

D. Approval of Ordinance to Annex and Zone Property Located at 107 Haynes Lane – Second Reading

Council considered for second and final reading the approval of an Ordinance to annex and zone property located at 107 Haynes Lane. The proposed zoning classification is RS-3, Single Family Residential. Mr. Myers made a motion to approve the ordinance on second and final reading. Mr. Jenkins seconded the motion. Mr. Myers inquired as to the cost to the City to annex property. Mr. Knudsen advised that the cost is approximately \$150 which mostly goes towards advertising costs. Mr. Myers suggested that it be made a policy that annexations be done in November and December of each year so that properties can be placed on the tax rolls by the end of the year and services can begin the first of the year thereby allowing the city to recoup expenses for providing services. Mr. Jumper stated that this has been tried in the past but there are times that the policy cannot be followed. After discussion, the motion was unanimously approved.

**Other**

A. Bid Award – Lease/Purchase Contract for Purchase of Sanitation Roll Carts

The City Manager advised that Council gave approval for the purchase of the balance of the roll carts (3,500) to complete the delivery to all in-city residents for sanitation pick up service. Then roll carts will be financed through a lease-purchase contract agreement. In anticipation of financing the roll cart order, he stated that a request for financing proposals was sent to six local area banks for a 3 and 4-year contract. He advised that five responses were received and provided Council with the quotes and also advised that Southern First Bank did not submit a quote. He stated that the low bid was received from BB&T at 3.08% and recommended that the bid be awarded to BB&T for a 3 year contract with monthly payments of principal and interest of \$5,533.84 and that Council approve a resolution for the contract. Mr. Jenkins made a motion to award the bid to the low bidder BB&T at 3.08% for a 3-year lease-purchase contract agreement and to approve the resolution for the contract. Mr. Myers seconded the motion. After discussion, the motion was unanimously approved.

B. Approval to Authorize City Manager to sign Grant Agreements – State Street Phase III Grants and Senior Center Feasibility Study

The City Manager advised that approval from Council is needed to permit the City Manager to execute grant agreements for the purpose of the State Street Phase III Revitalization Project Grant and for the Senior Center Feasibility Study Project Grant. He stated that the approval would also permit him to execute the necessary contracts and related documents to begin both projects. Mr. Jenkins made a motion to approve the authorization of the City Manager to sign grant agreements, contracts and related documents for the projects mentioned above. Mr. Myers seconded the motion. Mr. Myers suggested that the street lights installed in the residential areas be spaced out. In addition, he inquired if the old sidewalks could be refurbished rather than replacing them completely. The City Manager advised that the old sidewalks are not ADA compliant and would need to be replaced. Mr. Jumper asked if a maintenance plan was in place to keep the trees watered. The City Manager stated that a maintenance plan was in place. After discussion, the motion was unanimously approved.

C. Approval/Ratification of Intergovernmental Agreement with Richland County for Detention Services

The City Manager stated that Chief McNair has been in contact with the jail administrator at the Richland County jail in regards to using the facility for anyone arrested in Richland County (within the Cayce city limits) as Lexington County will not accept these individuals. He stated that the Richland County jail administrator provided the city with a copy of the Intergovernmental Agreement that they have with the City of Columbia and staff has prepared a similar document based on that document. He stated that this was done due to the pending urgency in that

football games and other events have already begun. He stated that he was hopeful that the jail administrator would promptly approve the agreement and asked that Council ratify and approve the Intergovernmental Agreement for detention services.

Mr. Jenkins made a motion to ratify and approve the Intergovernmental Agreement for Richland County detention services. Mr. Myers seconded the motion which was unanimously approved.

**D. Approval of Intergovernmental Agreement for Stormwater Discharge Permit Requirements with Richland County**

The City Manager advised that the city delegates review of storm water plans to Lexington County by contract, but that the agreement does not include areas of the city that are in Richland County. He stated that to avoid any problems, a separate agreement between the city and Richland County must be executed similar to the agreement that exists between Richland County and the Town of Irmo which would allow Cayce to delegate review to Lexington County. He stated that the next development in Richland County is Phase II of The Retreat and plans are on hold until a storm water delegated plan review is resolved and approved. He stated that developers of The Retreat plan to construct an additional 60 townhomes that will hopefully be ready for occupancy the summer of 2009.

Mr. Myers made a motion to approve the Intergovernmental Agreement for Stormwater Discharge Permit Requirements with Richland County. Mr. Jumper seconded the motion which was unanimously approved.

**Committee Matters**

**A. Committee Minutes**

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

Beautification Board – August 6, 2008  
Accommodations Tax Committee – August 12, 2008  
Cayce Events Committee – August 14, 2008  
Cayce Housing Authority – August 19, 2008

Mr. Myers made a motion that the Committee meeting minutes be entered into the official city record. Mr. Jenkins seconded the motion which was unanimously approved.

**B. Committee Recommendations**

Accommodations Tax Committee – The City Manager advised that at the August 12, 2008 Accommodations Tax Committee meeting, the Committee voted to recommend funding in the amount of \$5,000 to the Brookland-Cayce High School Palmetto Cup Soccer Classic for FY 2008-2009. Mr. Myers made a motion to approve the recommendation. Mr. Jenkins seconded the motion which was unanimously approved.

#### C. Committee Appointments

##### Beautification Board – One Position

Ms. Linda Felkel has submitted her resignation from the Board. The Board reviewed potential member applications received from Felicia Lorick, Beth Montgomery, Tanya Tarwala, Gloria Cook, and Carrie Sulton (attached). The Committee recommends the appointment of Ms. Felicia Lorick to the Board.

Mr. Jenkins made a motion to appoint Ms. Lorick to the Board. Mr. Jumper seconded the motion which was unanimously approved.

##### Cayce Events Committee – One Position

Mr. Tim Williams has submitted his resignation from the Committee. There is no recommendation at this time. Mr. Myers made a motion to postpone the issue until a new member is recommended. Mr. Jenkins seconded the motion which was unanimously approved. Mr. Jenkins suggested that staff contact potential Beautification Board members to see if they would like to serve on the Events Committee.

With the upcoming election in November, Council discussed the Cayce Municipal Election Commission. The City Manager advised that originally, the Commission consisted of 7 members and currently have 4 members who serve on the Commission—Eunice Bowman, Theodora Washington, Willard Chavis, and Ed Barwick. He stated that terms of these members would expire in November, 2010. Mr. Jimel Boyd recently resigned to work with the County on the general election. Ms. Darlene Walton resigned in 2006 when she ran for office. There is also one open position. The City Manager stated that according to State law, Council must appoint three people to serve on the Commission. Council suggested that the Committee remain at 4 members.

#### **Public Comment**

Mayor Malpass 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 reports will be submitted to Council this week. He provided Council with the following dates:

September 3, 2008 – Last day for write-in candidates to file  
September 6, 2008 – Guided Nature Tours at Cayce Riverwalk Park at 10 am and 1 pm  
September 16, 2008 – West Metro Chamber Annual Dinner at Embassy Suites (black tie optional)  
September 25, 2008 – Retirement Party for Howard Duvall at Columbia Convention Center  
October 4, 2008 – Congaree Bluegrass Festival, Granby Gardens Park from 11 am to 7 pm

The City Manager advised that staff would be meeting with Bill Bingham of American Engineering on Wednesday, September 3<sup>rd</sup> to discuss the status of the Wasterwater Treatment Plant expansion and that he would provide Council with an update after the meeting.

The City Manager stated that also on September 3<sup>rd</sup>, he would be meeting with Bob Milhous, the City's auditor, to review the FY 2007-2008 audit and the GASB 45 issue. He stated that funding for post retirement benefits was included in the FY 2008-2009 budget pending Mr. Milhous' recommendation. He stated that he would have the recommendation for Council to review at the October Council meeting.

### **Executive Session**

- A. Discussion of negotiations incident to proposed contractual arrangements regarding Taylor Road

Mr. Myers made a motion to move into Executive Session to discuss the above matter. Mr. Jenkins seconded the motion which was unanimously approved.

### **Reconvene**

After the Executive Session was concluded, the Regular meeting was reconvened. Mayor Malpass announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

### **Possible Actions by Council in follow up to Executive Session**

Mr. Myers made a motion to direct the City Attorney to draft a agreement between the City and the developer of the Concord Park project regarding potential reimbursement and/or credits up to an amount to be determined for improvements to Taylor Road and that the agreement be brought back to Council for review. Mr. Jenkins seconded the motion which was unanimously approved.

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

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Robert E. Malpass, Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk