

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

The Regular December 2008 Council meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council members Steve Isom, James Jenkins, Kenneth Jumper and Rick Myers, City Manager John C. Sharpe, Mendy Corder, Administrative Coordinator, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Ken Knudsen Director of Planning & Zoning, and Chief Charles McNair, Director of Public Safety, were also in attendance. Municipal Clerk, Tammy Barkley, was not in attendance. Mayor Partin advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mr. Isom asked that the agenda be amended to include Item II. B. Presentation from a representative from the Comptroller General's office to discuss transparency. He stated that the representative had not yet arrived. Mayor Partin inquired as to when the City Manager needed items to be placed on the agenda. The City Manager stated that items needed to be submitted by Wednesday prior to the meeting. Mr. Isom stated that unfortunately, he was not able to schedule the appearance of the representative until late yesterday. Mr. Myers stated that the agenda could be amended when the representative arrives. The City Attorney concurred. Mr. Isom agreed to defer amending the agenda until that time.

Approval of Minutes

The minutes of the November 10, 2008 Regular Meeting were presented for approval. Mr. Myers made a motion to approve the minutes as presented. Mr. Jumper seconded the motion.

Mr. Isom stated that on page 2, paragraph one, where it refers to Item IV.E., a request for TIF funding for Brickworks LLC, is discussed, he had submitted a letter (attached) based on Chapter 2 Section 70 of the Code of Ordinances and the City Attorney stated that Councilman Isom's application of the Ordinance was correct and that his request should be made part of the permanent record. He asked that the minutes be corrected to reflect this discussion.

Mayor Partin asked that the minutes be corrected to reflect her no vote on Item IV. E. Mr. Isom stated that reviewing his video tape of the meeting, it appears Mayor Partin voted yes and asked that the audio tape be reviewed for clarification. (The audio tape was reviewed later and the Mayor's vote was "no".) In addition, she stated that on page 5 under the Beautification Board appointments, it mentions Ms. Wilson's term and

the motion made mentions Ms. Davis. She stated the motion should be corrected to state Ms. Wilson.

Mr. Isom asked that the minutes be corrected by adding the words "and approval" to his motion on Item IV. E. Also, he stated that the word "execution" is stated in the motion and his video tape reflects the wording as "signing." Mr. Jenkins inquired if minutes have to be approved or if they can be deferred for approval until all corrections are made. The City Attorney stated that Council does not have to approve the minutes at this time. Mr. Myers stated that it is important to realize when you talk about executing a contract under the Ordinances of the City, the City Council has to approve any contract before it can be concluded, executed, signed or whatever verbiage you want to use. I think that word under the Ordinances of the City means that City Council needs to approve any contract before it is finalized. The City Attorney stated that execution in this case would be signing.

Mr. Myers amended his original motion to approve the minutes with the above noted corrections. Mr. Jumper amended his second to approve the minutes with the above noted corrections which was unanimously approved.

Presentations

A. Presentation by Ms. Karen Wigfall Re Community Project

Ms. Karen Wigfall appeared before Council to request their assistance in providing community resources for the City's youth. She stated that she appeared before Council last year and requested that a community swimming pool be constructed. She had received a response from the City Manager and the Lexington County Recreation Commission responded that this was not a feasible project to undertake. She stated her concern was that the City's youth has no place to go and are continually hanging out on city streets which is unsafe and could become a problem. She stated that the City of Cayce has no facility specifically designed for the safety of the city's youth. In addition, she stated that the City is in need of a senior center facility.

Mr. Myers inquired as to types of programs being offered at Spires Gym and ages of youth to be served and likely to attend recreation facilities in the city's area. Ms. Wigfall advised that Spires Gym is a basketball facility only that has one and one half employees. She stated they do offer summer programs, but the cost of \$30 to \$40 is sometime cost prohibitive. Mr. Myers inquired as to how many of Ms. Wigfall's neighborhood children go to the after school program at the Tri-City Leisure Center. Ms. Wigfall stated that she was not aware of any children participating in this program. She stated that Mt. Zion also offers a program, but it is also too expensive. Mr. Myers inquired if the problem is a lack of services or a cost prohibitive situation. He stated that he felt that Lexington County offers a lot of services for the area and that a good many of them are located in West Columbia, such as the Tri City Leisure Center, the Howard Park and then off Old Barnwell for soccer. Ms. Wigfall stated that the old Busbee

School has a very nice soccer field. Mr. Myers stated that the field is for the BC High soccer team and it is on school district property.

Ms. Partin asked Ms. Wigfall, with as much knowledge she has and ideas, that she become involved in January and February when the City asks for ideas and get her to be a part of the visioning process of what needs to be happening in Cayce and what will ideally be a part of that as well, is some resource mapping so that the City is aware of where the programs are and where the holes are so that the City can address those and know what is going on and working well. Ms. Wigfall stated that she would be glad to get involved. She asked that Council and City staff make an effort to locate grant funding to help with these projects.

Mr. Jumper asked if Ms. Wigfall felt the right supervision was in place at Spires Gym. Ms. Wigfall stated that some of the staff has been there for over 20 years, every day and that they have done a good job during those years. He stated that hours posted outside is not adhered to. Ms. Wigfall stated that there are other entities who use the building after hours, including church groups. Mr. Jenkins stated that the supervisor has a college degree in dealing with children. Mr. Jenkins stated that he would like clarification on the Commission's letter regarding liability and that he would like to see it broken down as to the responsibility and liability which would give a more visual idea on the issue. The City Manager stated he would ask the Commission to provide that information.

Ordinances

A. Approval of Ordinance Amending the Project Description Narrative of the Retreat PDD Ordinance – Second Reading

Council considered for approval the above Ordinance. The City Manager stated that this was the second and final reading of the Ordinance correcting the omission from the description of the Planned Development District (PDD) that the attorney for the Retreat prepared. Mr. Myers made a motion to approve the Ordinance on second and final reading. Mr. Jumper seconded the motion. Mr. Isom asked for clarification on the fifth page of the ordinance and the statement that there shall be no restrictions applied to occupancy of residence by unrelated persons. Mr. Knudsen explained that City Code states that in a single family dwelling you are allowed to have three people unrelated by blood or marriage. He stated that the Retreat units are set up for four or five bedrooms, so if this part of the code is enforced, it would not work for this type of property. Mr. Isom inquired if it meant that there was no restriction on the number of people who could live in each unit. Mr. Knudsen stated that if there are five bedrooms, five people unrelated by blood or marriage will occupy the residence.

Mr. Jenkins inquired if this applied because it is a gated community. Mr. Knudsen stated yes. He stated it is their security but the way the units are constructed as a planned development district is to have their differences and address them up front so there are no problems. Mayor Partin inquired if the developers have pulled

additional permits. Mr. Knudsen advised that they have pulled 60 additional permits and that Phase II is the end of the project. He stated that this phase will be built and sold by August, 2009. Ms. Partin inquired about the 206 residences. Mr. Knudsen stated that was the first initially estimate and now it will be a little bit less. After discussion, the motion was unanimously approved.

Committee Matters

A. Committee Minutes

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

Board of Zoning Appeals – September 29, 2008
Cayce Museum Commission – November 12, 2008
Cayce Events Committee – November 13, 2008

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

Committee Appointments

Mr. Jenkins inquired as to why Council received three applications for the Beautification Board if there were only two positions open. The City Manager stated that Ms. Barkley handles that Committee matters is unavailable tonight. Mr. Myers made a motion to postpone committee appointments until the end of the meeting so that staff could research the committee's bylaws. Mr. Jenkins seconded the motion which was unanimously approved.

Public Comment

Mayor Partin inquired if anyone had signed up to speak during the Public Comment period. Ms. Corder advised that no signatures were received. Mayor Partin inquired if there was anyone in attendance who had not signed up and would like to speak to Council.

Mr. Freddie Mitchell appeared before Council to express his concern of the lack of facilities for the city's youth. He stated that are two churches in the area that has a business near the churches selling beer and inquired if the City has an Ordinance that addresses this situation. The City Manager stated that it is a beer and wine license that was issued by the state ABC Commission. He also noted that Public Safety received notice of the application. He stated that the City appealed the application and notified Pastor Glenn of Mt. Zion church who was to appear at the ABC meeting to protest the license. He did not attend. Mayor Partin inquired if the business was there prior to the church taking over the building. The City Manager advised the city has nothing to do with the ABC permits issued by the State, but the City did appeal and no one showed

up for the hearing. Mr. Mitchell stated that this is his community and his home and cannot accept this. He stated that he was going to recruit with young men in our community and form an organization similar to the Cayce Men's Club to assist with this issue and he asked Council for their help to clean up the community. Mr. Isom inquired as to how long this has been an issue. Mr. Mitchell stated that every Friday, Saturday and Sunday that a group comes from the VFW club and when it is time for them to leave, shooting starts. Mr. Isom asked Mr. Mitchell for his opinion on what needs to be done. He stated that law enforcement should be there at that time in the morning and if he can find out who is doing it, he will turn them in, but they cannot do it by themselves. Mr. Jumper stated that he knows this area is a problem. Mr. Mitchell stated there should be something the City can do to strengthen its laws to handle situations like this. Mr. Jenkins stated that the City's Public Safety Department did its job to try and stop them from selling beer and wine and the City Manager was correct that no one showed up for the hearing when it was time to issue the ABC permit. Mr. Myers inquired if the City was proactive in notifying individuals about the meeting that was coming up before the Commission. The City Manager advised that the City filed a protest and appeal and notified the churches. Chief McNair stated that they notified five churches in the area, but no one showed up. Mayor Partin inquired as to what the State law is as to how close that type of business can be to a church, school or day care. Chief McNair stated that the State law deals with liquor sales which have to be 500 feet from churches, schools, etc. He stated the City uses that as a guide for beer and wine and had maps and diagrams showing churches in the area to show to the judge at the hearing, but again, did not have an outside person to protest and attend the hearing. He stated the City did not want to protest, because if it protested against one person, it would have to protest all persons in the City from selling alcohol and that is not the city's business. He stated that his office did have a conversation with the owner, with the understanding that the City felt he needed to strictly control what was going on at his business as the City's concern is the same as the church's concern. He stated that anytime anyone has applied for an alcohol license and renewals, he gets a hand-delivered copy.

Mayor Partin asked for clarification on renewals. Chief McNair stated that once a business is issued the permit, it becomes more difficult to have it revoked. He stated that there has to be a real issue rather than the church just doesn't want it there and it takes a lot to do that. Mr. Myers suggested that Public Safety build a case on the history of the issue relating to calls received, incident reports, arrests and when it comes up for renewal, maybe Mr. Mitchell can get people in the community to come forward if the City has enough to substantiate a reason to pull their license. Chief McNair stated that the City has not documented that many cases and his officers keep a close eye on it. Mr. Isom inquired as to what Public Safety has done above and beyond what it is doing now. Chief McNair stated that officers are keeping an eye on the VFW club and prioritize certain things depending on the calls they are getting in other areas of the City and limited staff. He stated that they do compliance checks as can be done as is done with all of the City's night clubs. Mr. Isom inquired as to how many additional officers Chief McNair felt the City needed. Chief McNair stated he had asked for 8 additional officers last year. He stated if you put on one extra person per shift, it would take 4 people per shift for a total of 8. Mr. Isom inquired as to how many local departments

actually incorporate both police and fire under one roof. Chief McNair stated there are a number of cities including Orangeburg, Aiken, North Augusta, Spartanburg, and North Myrtle Beach. Mr. Isom stated that they were a minority in the entire state. Chief McNair stated yes, but there are pros and cons on both sides.

Council resumed discussion on the Committee appointments.

Beautification Board – Two (2) Positions

Ms. Felicia Lorick's term expires November, 2008 (she was originally appointed to fill an unexpired term). She has served on the Committee for two months. The Board recommends the reappointment of Ms. Lorick.

Ms. Gloria Evans Singleton has resigned from the Board. The Board reviewed potential member applications and recommends the appointment of Gloria Cook for this position. Her application is attached for your review.

Mr. Knudsen advised that according to the bylaws for the Beautification Board, there are seven positions on the Board. He stated that in reviewing the Board's minutes, there were three applications submitted for the two open positions. He stated that the minutes reflect the Board's recommendation to appoint Ms. Gloria Cook to one of those positions and reappoint Ms. Lorick to the other position. Mr. Myers stated that Council can choose to either approve the recommendation or review the applications and appoint another applicant. Mayor Partin inquired as to how the recommendations are made by the committees. The City Manager advised that the members review the applications and make recommendations to Council.

Mr. Isom stated that the Ms. Cook is not a resident of Cayce. Mr. Myers stated that in-city businesses or property owners or residents can serve on a committee. Mr. Jenkins inquired if there was a time frame as to how long someone can serve on a committee. Mr. Knudsen stated there were no restrictions on how long a person could serve on a committee. Mayor Partin stated that the City's ordinance currently states that a person will be asked to leave the committee if they miss three consecutive meetings a year. Mr. Knudsen stated that the person could be removed based on the Ordinance and that is why Council has asked and will receive the committee attendance records in January each year. Mayor Partin stated that Council does not receive this information when a person is up for reappointment. Mr. Knudsen advised that this information could be provided on reappointments. Mayor Partin stated that information would be helpful. Mayor Partin asked the City Attorney to research other cities' policies regarding attendance of members at committee meetings and give us some guidance.

Mr. Jenkins stated that he has an issue with unexpired terms when a member is appointed to a committee, serves a couple of months and then has to go back through the motions of being reappointed. He stated that when Council appointed Ms. Lorick they were not aware the appointment was for an unexpired term. The City Manager advised that both Council and Ms. Lorick was advised of the term. Mr. Knudsen advised that the committees are set up very similar to the way Council is set up and

initially members are set up on staggered terms so that everyone would not be reappointed at the same time. He stated that doing it any other way would cause mass confusion after a while.

Mr. Jenkins made a motion to postpone the appointments on the Beautification Board until clarification can be received on the criteria the Board uses for making recommendations. Mr. Isom seconded the motion which was unanimously approved.

Mr. Jenkins stated that he received a call from Mr. Dickerson who serves on the Board of Zoning Appeals who advised that his wife passed away.

Cayce Events Committee – One (1) Position

Mr. Steve Isom has resigned from the Committee. There is no recommendation at this time. Mr. Myers made a motion to postpone the issue until a recommendation has been submitted. Mr. Isom seconded the motion which was unanimously approved.

Cayce Museum Commission – Three (3) Positions

Ms. Ann Diamond's term expires November, 2008. She has served on the Commission since its inception in 1989. The reappointment application is attached for your review. The Commission recommends the reappointment of Ms. Diamond.

Mr. Steve Isom has resigned from the Commission. The Commission recommends the appointment of Ms. Lynn Summer to the Commission and the potential member application is attached for your review.

Mr. Andy Cross has been asked and he has agreed to step down from his position on the Commission as he has been absent from most of the meetings this year. The Commission recommends the appointment of Mr. Archie Moore to fill the unexpired term of Mr. Cross. The potential member application is attached for your review.

Mr. Myers made a motion to reappoint Ms. Diamond, and appoint Ms. Summer and Mr. Moore to the Commission. Mr. Isom seconded the motion which was unanimously approved.

Board of Zoning Appeals – Two (2) Positions

Mr. Frank Dickerson's term has expired. He has been contacted and would like to serve again. He has served on the Board since 2003 and his reappointment application is attached for your review. The Board recommends the reappointment of Mr. Dickerson. Mr. Myers made a motion to reappoint Mr. Dickerson to the Board. Mr. Jenkins seconded the motion which was unanimously approved.

City Manager's Report

The City Manager advised that the financial reports for month of November will hopefully be sent out to Council this week. He then provided Council with an updated

list of events for the month of December. The City Manager provided Council with the following updates:

TIF Agreement-Brickworks Project

Attorney Crowe has met with Attorney Jones in reference to the revised agreement. They are trying to agree on totals included in Exhibit A. After review, the city deducted the land disturbance permit that Southern First took out and paid for July 17, 2008. The value of the permit was \$250,777. Mr. Thompson states that this was not included in his Exhibit A. The attorneys are attempting to confirm what exactly is included in the exhibit to complete the revised agreement that will be brought back to Council for approval. This was not ready for the December meeting.

Taylor Road Agreement

The draft "skeleton" agreement has been drafted by the City Attorney; the City is awaiting the bids to be complied by Lexington County to fill in the blanks for the agreement. Lexington County will advertise for 30 days the project in December and then open bids and award the contract. It appears that construction could start February 2009 or so. The basics approved by City Council included a cash contribution from Lexington County C Funds not exceeding \$275,000, a cash contribution from the city and a 50% discount on water and sewer capacity fees to "put cash" in the developers pocket to pay for the road construction. The final numbers in the agreement depend on the amount of the contract approved by Lexington County for the project.

Farmer's Market Water and Sewer Issue

Staff met with Mr. George Lee, the developer for the project. His engineering firm, B.P. Barber submitted the entire project for the city to issue a letter of intent so DHEC could issue the construction permit. In order to do this the developer would have to pay for all 247 REU's in order to own them. This breakdown is \$229,710 for water and \$387,790 for sewer. A map of the project was submitted to Council. Mr. Lee explained that the State Department of Agriculture is purchasing two parcels for State Agriculture Department buildings and will pay capacity directly (these are the green parcels on the map). The wholesalers (Senn Bros., Hook, etc.) are also purchasing their parcels (purple on the map) and will also pay capacity directly. The Farmer's Market developer will pay for the parcels for the retail side (the orange on the map). On his parcels he will have The Porches (large retail, restaurants, shops, etc) and The Stables (for smaller short term rental). He will pay capacity once he configures the construction. The balance of the property (yellow on the map) will not be developed in the current phase. Property is being cleared with actual construction to begin in about 90 days. To resolve the water and sewer capacity issue, Mr. Lee was given a Sewer Capacity Reservation agreement to reserve until construction starts the 247 REU's, with purchasers paying their own fees. He will have to return the signed document to the city to reserve the capacity. This also guarantees the Farmer's Market capacity in the 14-inch sewer line on Dixiana Rd. that was negotiated with Lexington County when they agreed to tie in the Saxe Gotha Industrial Park into the 12th Street line.

Mr. Myers inquired if there is an expiration date on the capacity deadlines. The City Manager advised that there is an expiration date. Mr. Myers inquired if it will be at current rates. The City Manager stated that upon receipt of the agreement, the prevailing out of city rates at that time would apply. Mr. Robinson stated that Capacity Reservation agreements are for a one year period and the City Manager advised they can be renewed. Mr. Myers inquired if that is the city's option to renew or the developer's option to renew. The City Manager stated it would be their option. Mr. Myers stated the city needed an out in case it does not develop and they are still holding the city's capacity. He stated the agreement would be brought to Council for review when it is received.

12th Street Lighting Plan

The City has been in discussion for several months with Mr. Gary David, lighting consultant with SCE&G, on a lighting plan for 12th St. in and around I-77, Saxe Gotha Dr., and on 12th to Frink St. Staff has met on-site and reviewed and revised several plans for the project. The plan proposes to use black metal light poles (breakaway) with metal halide Cobra flat lenses (to correspond with what will be in the SCANA complexes). The project has been broken down into three phases (Saxe Gotha Drive would be the 4th phase at a later date, since road construction on Saxe Gotha is planned). Phase 1A would go from I-77 to the first bridge on 12th St. Phase 1B from this bridge to Godly St. Phase 2 would extend from Godley St. to Frink St. (mostly on the elevated bridge). Phases could be done in any order or all at once. The City Manager provided costs estimates as proposed by SCE&G for the number of lights and poles in each phase. Also enclosed is an engineering rendering of how the area would look with the poles installed. Also included is a sample draft agreement for Phase 1A which includes the monthly energy cost associated with Phase 1A. If Council agrees and decides to approve such a lighting plan for 12th St., funding would have to be obtained and a funding source would have to be identified, i.e. include a phase in FY 09-10 budget; capital lease-purchase contract, include with financing for the Tennis Complex with the Lexington County Recreation Project. Mayor Partin inquired as to the time line of the project construction. The City Manager advised that no time line has been provided at this time.

Contracts-Wastewater Treatment Plant-Town of Lexington and the Water & Sewer Commission

Staff has met several times with the City's auditors, bond counsel, and City Attorney in reference to preparing new contracts with the Town and Commission going forward with the 25 MGD wastewater treatment plant. The first draft agreement was just received this afternoon and will be reviewed by staff this week.

Mr. Isom inquired as to difference in the percentages of the City's contribution for each phase of the 12th Street Lighting project. The City Manager advised that some of them are underground lighting and the city will have to pay more for this and some of the poles are breakaway and some are not.

Mr. Jenkins inquired if there would be a way to address the lighting in the scrap yard in this same area. The City Manager stated that the lights will light up the road and will not bleed out. Mr. Jenkins asked if there was any kind of buffer than could be placed on the bridge. Mr. Myers stated there may be enough room in the burm to plant some type of buffer in the area.

Mr. Jumper requested that staff review the sound system in Council Chambers to see what can be done to improve it so that those in attendance can hear better. Mr. Isom suggested that ear plugs be provided for Council. Mayor Partin stated she would like to have her microphone moved closer to her.

Mr. Isom requested that the January agenda include a presentation on the transparency issue. He stated that Curtis Loftis, Jr. would be the contact. The City Manager advised he would contact Mr. Loftis and invite him to attend the January meeting to give a presentation.

Mr. Isom suggested that Council give thought to the possibility of establishing an "improvement committee" whereby a group of people would look at the City of Cayce from a vantage point of increasing efficiency and looking at any problems and roadblocks it may have now. He stated his thoughts would be that committee would have the authority to collect information and suggestions from employees at all levels and keep a certain degree of anonymity. He stated that his thoughts were that each member of Council would recommend two people for the committee and the Mayor could recommend the chair person for the committee. He stated that he felt the intent of the committee would have a very positive impact on the efficiency in the City.

He stated the other committee he would like to see established is a "Fire/Public Safety Committee" and that this committee would consist of experts in the area; individuals from SLED and individuals that have long experience within the City of Cayce.

Mr. Jenkins thanked Chief McNair and his department for their support and time they took to spend with the congregation of Mt. Zion Chuch.

Mayor Partin asked Council to review their calendars for January 28, 2009 as the date to hold a Council Retreat in Council Chambers. She stated that it would give Council an opportunity to set goals, meet with department heads and other items.

There being no further business, the meeting adjourned at 7:40 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk