

**CITY OF CAYCE**  
**Regular Council Meeting**  
**August 7, 2008**

The Regular Council meeting was held this evening at 6:00 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, Capt. Darwin Fulwood 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 opened the meeting. Mr. Jumper opened the meeting with the invocation and Mayor Malpass led everyone in the Pledge of Allegiance.

**Approval of Minutes**

The minutes of the July 1, 2008 Public Hearing and Regular Meeting and July 7, 2008 Special Meeting were presented for approval. Mr. Jenkins made a motion that the minutes be approved as submitted. Mr. Jumper seconded the motion which was unanimously approved.

**Presentations and Proclamations**

- A. Presentations Re Churchill Heights Neighborhood Park –  
Ms. Faye Gregg

Ms. Gregg appeared before Council to discuss the proposed building of a neighborhood park in Churchill Heights (see comments attached). Ms. Pittman and Mr. Paul Graham also made comments regarding their concerns regarding the park being built in their neighborhood.

- B. Presentation by Landscape and Building Architects

The City Manager advised that in order for the city to remain eligible for State and Federal grants, the city must engage an architectural and building firm on an on-call basis for these services. He stated that Council requested that the architects make presentations to Council and representatives from these firms were in attendance.

The following companies made presentations to Council: Grimboll-Cotterill & Associates, Kenneth B. Simmons Associates, and the Urban Solutions Group. Mayor

Malpass asked that staff convey Council's appreciation to those who provided presentations.

C. Approval of Proclamation – National Payroll Week

Council considered for approval a Proclamation proclaiming September 1-5, 2008 as National Payroll Week. Mr. Myers made a motion to approve the proclamation. Mr. Jumper seconded the motion which was unanimously approved.

D. Approval of Proclamation Re 50<sup>th</sup> Anniversary of West Metro Chamber of Commerce

Council considered for approval a Proclamation recognizing the 50<sup>th</sup> Anniversary of the West Metro Chamber of Commerce. Mr. Myers made a motion to approve the Proclamation. Mr. Jenkins seconded the motion which was unanimously approved.

E. Approval of Proclamation – National Alcohol and Drug Addiction Recovery Month

Council considered for approval a Proclamation proclaiming September, 2008 as National Alcohol and Drug Addition Recovery Month. Mr. Jenkins made a motion to approve the Proclamation. Mr. Jumper seconded the motion which was unanimously approved.

### **Resolution and Ordinances**

A. Approval of Resolution Declaring Election Open for Filing

Council considered for approval a Resolution declaring the city's municipal election open for filing. Mr. Myers made a motion to approve the resolution. Mr. Jenkins seconded the motion which was unanimously approved. The City Manager advised that deadline for filing for office is 12 noon on August 15, 2008 at which time the Statement of Candidacy forms would be submitted to Lexington County Voters Registration as required by State law. Mr. Myers suggested that the city code be reviewed so that revisions could be made to coincide with the specific date requirements to all candidates more time for filing.

B. Approval of Updated Flood Damage Prevention Ordinance – First Reading

The City Manager stated that the City received a letter from DNR on behalf of FEMA noting that there were deficiencies in the City's existing ordinance. He stated that DNR requested that the city update the current ordinance or adopt the FEMA and DNR approved model ordinance for South Carolina. He advised that after staff reviewed the additions and changes that needed to be included in the revision, management chose to proceed and adopt an entirely new ordinance based on the

model ordinance provided by DNR with revisions of things not required for the City of Cayce. He stated that since this is a considered a text amendment to the Zoning Ordinance, the issue was reviewed and recommended by the Planning Commission. Mr. Jumper made a motion to approve the updated Flood Damage Prevention Ordinance on first reading. Mr. Myers seconded the motion. Mr. Knudsen stated that the revisions requested were minor in content, but that rather than doing multiple revisions to the City's ordinance, it was decided to adopt the model ordinance. Mr. Knudsen and Mr. Myers expressed the Planning Commission's disappointment that the public did not attend and provide input at the Planning Commission's meeting when this matter was reviewed. 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 – First Reading

Council considered for first reading approval an Ordinance to annex and zone property located on the east side of 12<sup>th</sup> Street Extension. The City Manager advised that this was a 100% petition submitted by SCANA, the sole property owner and that a tennis complex is planned for a portion of the property. The property consists of 232.6 acres and the proposed zoning classification is D-1 (Developmental district). He stated that the Planning Commission has reviewed the annexation request and recommends approval of the annexation and zoning. Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Jenkins seconded the motion which was unanimously approved.

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

Council considered for first reading approval of an Ordinance to annex and zone property located at 107 Haynes Lane. The City Manager advised that this was a 100% petition submitted by the property owner and would close one of the doughnut holes in this area of the city. The recommended zoning classification is RS-3 (Single Family Residential). He stated that Planning Commission has review the request and recommends approval of the annexation and zoning which is comparable with other property in the area. Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Jenkins seconded the motion which was unanimously approved.

E. Approval of Ordinance Re Letter of Credit – Second Reading

Council considered for second and final reading the approval of an Ordinance regarding the Letter of Credit. The City Manager requested that Ms. Margaret Pope of Pope Zeigler, who was in attendance, discuss this issue with Council.

Ms. Pope advised that the Ordinance has not changed in a substantial way from first reading approval. She stated that the letters of credit would extend for one year and that she was able to obtain the best premium than any other city. She stated that BB&T has been great to work with and they did agree to her request that the payment

be made in two payments. She stated the second installment would be due February 13, 2009. However, if the bank loses their credit rating, the second payment would not be due. She stated that she has worked with the bank to provide terms that would protect the city. She advised that the closing would be held on Wednesday, August 13, 2008.

Ms. Pope stated that this time next year, Council will again need to review the situation and options available. She stated that she would continue to monitor this matter and try to be as cost effective as possible and available. Mr. Myers inquired if it would be more advantageous to negotiate a term for more than one year. Ms. Pope stated that this option was considered and the premium increased for the upfront payment. She stated that if Council decides to go with a two or three year term, she would suggest that the banks provide the City a pro rata refund if something happens to their rating to protect the City. She stated that as time goes on and if the City can obtain a discount on the premium then it would make a lot of sense to extend the term for longer than a year.

Mr. Myers asked for the status of the City recouping the premiums that were paid to the former insurance company that has been downgraded. Ms. Pope advised that she spoke to an underwriting firm and inquired if any lawsuits had been filed. She was advised that lawsuits have been filed but did not know what the outcome would be. However, she stated that a lot of the insurance companies are sliding fast and there may not be any proceeds to recoup. Mr. Myers made a motion to approve the Ordinance on second and final reading. Mr. Jenkins seconded the motion which was unanimously approved.

### **Other**

#### **A. Approval to Retain Landscape Architect and Building Architect**

Mr. Myers inquired if there was a difference in the fee structure for the three companies who made presentations. The City Manager stated that there was no difference between the companies since it was based on AIA standard rates. Mr. Knudsen provided Council with additional information on the companies. Mr. Jenkins asked what the term of service would be for the company chosen. Mr. Knudsen suggested that the city contract with the company for a two-year term. Mr. Myers made a motion to award the contract to Kenneth B. Simmons Associates for a two-year term. Mr. Jenkins seconded the motion which was unanimously approved.

#### **B. Approval of FY2008-09 Department of Juvenile Justice Memorandum of Agreement**

Council reviewed for approval the FY 2008-2009 Department of Juvenile Justice Memorandum of Agreement. The City Manager advised that the agreement is virtually the same as previous agreements and that the City Attorney has reviewed the agreement and suggested that the same changes be made on the agreement as has

been done in the past. He stated that the changes include additions and strikethroughs as recommended by the City Attorney. Mr. Myers made a motion to approve the Memorandum of Agreement with changes recommended. Mr. Jenkins seconded the motion which was unanimously approved.

C. Approval of Lexington County Joint Sewer Agreement

The City Manager stated that the City of Cayce has been working with Lexington County over the last several months on an Agreement to provide sewer and water service for the Saxe Gotha Industrial Park that Lexington County is building off Old Wire Rd. He provided Council with a map and explained the project and location of the lines. He stated that a potential customer is the new Farmers Market that would tie into the 14 inch sewer line on Dixianna Rd. Because of this fact the engineers have recommended that the City allow the County to tie into the 30" line on 12ths St. at Saxe Gotha Dr. Mr. Crowe advised that he has worked out the terms of the Agreement with the County attorney with input from staff. This agreement calls for the City to contribute \$195,000 to the project. The original cost to tie in at Dixianna Rd. was \$140,000, but to go to 12<sup>th</sup> St. and tie in will cost \$380,000 more. The agreement calls for the City to pay one-half of the difference or the \$195,000, with the County being able to recover \$195,000 over a 10-year period. The City Manager stated that Mr. John Fechtler, Director of Public Works for the County was in attendance to answer Council's questions.

Mr. Myers made a motion to amend the agenda to include Executive Session – Discussion of negotiations incident to proposed contractual arrangements with Lexington County and possible actions by Council in follow up to Executive Session. Mr. Jenkins seconded the motion which was unanimously approved.

D. Approval to Purchase Magnesium Hydroxide Storage and Feed System Equipment

The City Manager advised that last year Council approved a pilot program to use magnesium hydroxide in an effort to reduce odor problems at the Parkwood pump station. He stated that the City has had great success with the pilot program and would like to make it a permanent installation. He stated that bids were solicited and recommends that the bid be awarded to the low bidder, City Water LLC in the amount of \$26,300.00. Mr. Jenkins made a motion to approve the purchase of the chemical storage tank and feed equipment from City Water LLC. Mr. Jumper seconded the motion.

Mr. Myers stated that he recently spoke with a West Columbia Council Member who stated they had changed their process of treating water. He asked that staff contact West Columbia to obtain additional information. After discussion, 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:

Planning Commission – June 17, 2008  
Cayce Events Committee – July 10, 2008

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

### **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**

The City Manager provided Council with the July financial reports noting that the figures are pretty well on target.

The City Manager stated that a special meeting would possibly be needed for the second and final reading approval of the Flood Damage Prevention Ordinance to comply with the September 1, 2008 deadline required by DNR. Ms. Barkley will poll Council for available date and time to meet the deadline.

The City Manager provided Council with the following dates.

August 8, 2008 – Election Open for Filing  
August 15, 2008 – Deadline for Filing at noon  
August 19, 2008 – Lexington County Municipal Association  
September 2, 2008 - September Council Meeting – (day after Labor Day)  
September 16, 2008 - West Metro 50<sup>th</sup> Anniversary Annual Dinner at Embassy Suites

Mayor Malpass stated that Council has recently received some undue criticism about Council holding Special meetings. He stated that Council Meetings have a fixed date of the first Tuesday of each month and suggested that Council schedule fixed dates for workshops. He stated he felt it would be good to establish another day of the month for those types of meetings. The City Manager inquired if that would have to be done by ordinance. The City Attorney stated it would probably not need to be in an Ordinance. Mayor Malpass asked Council members to think about it and the issue would be discussed further at the next meeting.

### **Executive Session**

Mr. Myers made a motion to move into executive session for discussion of negotiations incident to a proposed contractual arrangements with Lexington County. 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 approve the Lexington County Joint Sewer Agreement for the Saxe Gotha Industrial Park and authorize the City Manager to sign the Agreement on behalf of the City of Cayce. Mr. Jumper seconded the motion which was unanimously approved.

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

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Robert E. Malpass, Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk