

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

The Regular October 2008 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, 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. Jenkins gave the invocation and Mayor Malpass led everyone in the Pledge of Allegiance.

Mr. Myers made a motion to amend the agenda to add Item IV. E. Presentation and consideration of proposed TIF Agreement with Brick Works Associates, LLC. Mr. Jumper seconded the motion which was unanimously approved.

Approval of Minutes

The minutes of the September 2, 2008 Regular Meeting were presented for approval. Mr. Myers made a motion that the minutes be approved as submitted. Mr. Jumper seconded the motion which was unanimously approved.

Presentations and Proclamations

A. Presentation of the Employee of the Quarter Award

Mayor Malpass, on behalf of Council, presented the Employee of the Quarter Award to Robert Denny, Custodian for the city. He congratulated Mr. Denny for winning the award and thanked him for his diligence and for setting a fine example for other employees to follow.

B. Presentation by John Banks, West Metro Visitors Center Quarterly Report

Mr. John Banks, Tourism Director of the West Metro Visitors Center appeared before Council and provided a quarterly report on his efforts to promote tourism to the City of Cayce.

Mr. Danny Creamer appeared before Council to thank Council for giving the Events Committee the opportunity to co-host the Congaree Bluegrass Festival with the city.

C. Approval of Proclamation – Silver Star Banner Day

Council considered for approval a proclamation proclaiming May 1st as Silver Star Banner Day, the permanent and official day to honor men and women in the Armed Forces who have been wounded or have fallen ill. Mr. Jenkins made a motion to approve the Proclamation. Mr. Jumper seconded the motion which was unanimously approved.

Mayor Malpass asked that staff contact the Silver Star organization to obtain a list of Silver Star Recipients in the Cayce area so they can be recognized at the April, 2009 Council Meeting.

Ordinances

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

Council considered for second and final reading an Ordinance granting consent to a Notice of Application for the State issued Certificate of Franchise Authority filed by AT&T., South Carolina.

Ms. Henri Etta Baskins of AT&T appeared before Council to discuss the new video service offered by AT&T which is based on internet protocol. As included in the COFA notice of application, the franchise fee will be set at 5% (same as Time Warner). Mr. Jenkins made a motion to approve the Ordinance on second and final reading and authorize the City Manager to execute the COFA on behalf of the City and return it to the Secretary of State. Mr. Myers seconded the motion which was unanimously approved.

Other

A. Discussion and Recommendation of Request for Qualifications for Bond Counsel Services

Mr. Jumper made a motion that the City employ the services of Pope Zeigler, LLC as city's bond counsel. Mr. Jenkins seconded the motion. Mr. Myers inquired if the City received a full explanation from the previous firm in response to the City's letter to him. The City Manager stated that if Council desires, he could prepare a brief for Council to be discussed in executive session at a future meeting. Mr. Jumper withdrew his motion and Mr. Jenkins withdrew his second to

the motion. Mr. Myers made a motion to postpone the issue until after the Executive Session discussion. Mr. Jenkins seconded the motion which was unanimously approved.

B. Bid Award – Methodist Park Road Sewer Project

The City Manager advised that on August 14, 2007 Council approved and the city accepted the management of the Methodist Park Road sewer project from the property owners (previously the Parkwood Mobile Home Park Sewer Project). He stated that the owners, Shandon Terrace, LLC and Three D Construction remained responsible for all expenses associated with the project as approved in the agreement, except for \$115,395 that Council approved to upsize the sewer main from an 8-inch to a 12-inch. He stated that Burgin Engineering Inc. was engaged as the project engineer to complete the already started system expansion design and the project design package was submitted to DHEC. He advised that a construction permit was issued for the project on July 30, 2008 and that the project was advertised for bids in August, 2008. He stated that 11 contractors quoted on the project and bids were publicly opened on September 25, 2008. He provided Council with a copy of the bid tabulation and advised that Burgin Engineering, Inc. has reviewed all bid packages and stated that their recommendation is that the project be awarded to the low bidder, Trussell Brothers Construction Company, in the amount of \$314,840.00. He stated that the two agreement participants have also reviewed the engineer's bid award recommendation and they both agree with the recommendation.

Mr. Jenkins made a motion to approve the project bid award as recommended by Burgin Engineering, Inc. to Trussell Brothers Construction Company in the amount of \$314,840.00 and authorize the City Manager to sign all contract documents on behalf of the City. Mr. Jumper seconded the motion. Mr. Myers stated the agreement spells out a reimbursement back to the city and inquired if the City should consider having the money placed into an escrow account. The City Manager stated the procedure was spelled out in the agreement that half of the funds would be due at the beginning of the project and other half prior to completion of construction. Mr. Myers stated that his concern is the situation with the current economy. Mr. Crowe stated that the City has a signed agreement and all parties are bound by the agreement. He stated that payments are timed so that the city would have a final advantage commencing or approving the work. After discussion, the motion passed three to one with Mayor Malpass, Councilmen Jenkins and Jumper voting yes and Mr. Myers voting no.

C. Approval of Request for TIF Funds – D&M Holdings, LLC

The City Manager advised that a request had been received for TIF funds from D&M Holdings, LLC, for a commercial development that is located in the redevelopment district. He stated that the property is located at the corner of Knox

Abbott Drive and State Street, the location of the former Regency Inn, which will be demolished in order to build a new CVS pharmacy and branch bank for Carolina First.

He provided Council with background on their approval to advance TIF funds to the former property owner to demolish the building and that safeguards were included in the offer to protect the city in the form of a reverter clause. He stated that if the property owner did not proceed to develop the property after demolition, the city would assume ownership of the property. He stated that due to legal problems and title issues, the agreement was not signed and the city was not able to finalize the agreement.

He advised that D&M Holdings is scheduled to purchase the property and close on the property on October 10. According to the project summary submitted, the total building costs will be \$1,112,600 and total site work will be approximately \$612,826. He stated that of the total for construction and site work, approximately \$349,450, is eligible for reimbursement under the city's TIF guidelines and provided Council with a breakdown of the eligible funds. He stated that the city has received approval for the stormwater and the encroachment permit for the project and that the Planning Department has reviewed the building plans and is ready to issue the permit contingent upon an approval from SCDHEC for the demolition of the Regency Inn. He provided Council with recommended procedures that should be taken concerning disbursement from the TIF funds account to reimburse a project requested by a developer.

He stated that based on the approved guidelines and proposed budget for the project, the percentage of funds assistance to D&M Holdings is an eligible request and is fundable at 50% of allowable costs or \$174,725. He stated that there is a current balance in the TIF account of \$2,544,971.

Mr. Myers made a motion to approve the proposed reimbursements of expenses from the TIF account, that the additional protection clause be included in the Letter of Agreement, and that D&M Holdings be awarded TIF funds at the 50% level for the project of \$174,725. Mr. Jenkins seconded the motion which was unanimously approved.

D. Approval and Acceptance of Highway Safety Grant – Traffic Speed Enforcement Unit

The City Manager advised that in April, 2008, the city submitted a Highway Safety Grant application for a traffic speed enforcement unit. The total of the project application was \$160,330 of which \$32,066 would be a local match. He stated the grant proposed to fund two uniform traffic officers who would head up a traffic enforcement team. He stated their sole mission would be traffic patrol with no other duties assigned to them. He stated that the application included salaries

and fringe benefits, two police patrol vehicles which must be black Dodge patrol vehicles uniquely marked, and associated equipment. He stated that since the grant award did not coincide with the city preparing the FY2008-09 budget and since there was no assurance that the grant would be awarded, no funds for the local match were placed in the current budget. He stated that the city received notification from Governor Sanford that the city had been awarded the grant in the amount of \$121,227. He stated that the total amount of the project is \$151,523 of which 80% would be funded by the grant. He stated the city's match is \$30,306 and that grant is for one year but can be extended upon annual application for two more years for a total of three years. He stated that if Council accepts the grant, the FY 2008-2009 budget would need to be amended. He proposed that the revenue line item for Business Licenses be increased by the amount of the city match.

Mr. Jenkins made a motion to accept the Highway Safety Grant offer for the Traffic Speed Enforcement Unit and authorize the City Manager to sign all grant documents on behalf of the city, and that the FY 2008-2009 budget be amended in the amount of \$30,306 for the city's 20% match. Mr. Myers seconded the motion. Mr. Jumper stated that he felt the grant came at a good time for the city and this will help with the city's traffic issues. Mayor Malpass recognized the staff for their good work in seeking the grant. Mr. Myers asked if the grant was guaranteed for three years. The City Manager advised that it was and the city would need to renew the grant for three years. Mr. Myers stated that recent newspaper articles have appeared whereby cities are using hospitality taxes to fund additional public safety officers and that the City may want to consider doing that as well. After discussion the motion was unanimously approved.

E. Presentation and Consideration of Proposed TIF Agreement with Brick Works Associates, LLC

Attorney Ray Jones and Mr. Charlie Thompson appeared before Council to discuss a proposed TIF Agreement for the Brick Works project. Mr. Thompson presented a power point presentation and provided an overview of the project.

Mr. Myers asked if this is the same plan Council has seen before. Mr. Thompson advised that it is essentially the same as the last presentation with adjustments made to meet the parking requirements. Discussion took place regarding the TIF guidelines set by the city and the threshold that must be met. Mr. Crowe advised that he and staff are working with the developer's attorney to come up with the final terms of the agreement to make sure it follows the guidelines established by Council. Mr. Jenkins inquired if this project appears to be piggybacking another project that has already started. Mr. Crowe explained that that piece of property is part of the land description and there is a continuing relationship between that property and this project.

Mr. Myers made a motion to authorize the City Manager to work with the Planning office and the developer to finalize the TIF agreement up to the maximum amount. Mr. Jumper seconded the motion. Mr. Jenkins stated he would like to review the final agreement prior to TIF funding being approved. The City Manager stated that the agreement is in draft form and a revised and final agreement would be prepared using the guidelines approved by Council. He stated that expenditures that were incurred some time ago are not eligible for TIF funding. 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:

Beautification Board – September 3, 2008
Cayce Museum Commission – September 10, 2008
Cayce Events Committee – September 10, 2008

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

B. Committee Appointments

Beautification Board – One Position
Ms. Joanne Wilson's term expires October, 2008. There is no recommendation at this time.

Mr. Myers made a motion to postpone the issue until a recommendation is received. Mr. Jenkins seconded the motion which was unanimously approved.

Cayce Events Committee – Two Positions

Mr. Tim Williams has submitted his resignation from the Committee. The Committee considered pending Beautification Board potential member applications and a potential member application submitted by Mr. Mike Henderson. His application is attached for your review. Mr. Henderson has volunteered to assist with the Bluegrass Festival and has been attending the Committee meetings recently. The Committee recommends the appointment of Mr. Henderson for the Committee.

Ms. Ellen Mancke's term expires October, 2008. The Committee recommends the reappointment of Ms. Mancke (Reappointment application attached).

Mr. Myers made a motion to appoint Mr. Henderson and reappoint Ms. Mancke to the Committee. 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 advised that the September financial reports will be submitted to Council this week. He provided Council with the following dates:

October 31, 2008 – Happy Halloween and Employee Fall Picnic at Granby Pavilion - 11:30 am – 1:00 pm

November 4, 2008 – Election Day – Reschedule November Council Meeting

Council scheduled the November Council meeting for November 10, 2008 at 6:00 p.m.

Lighting Project – 12th Street Extension - Update

The City Manager advised that staff has met with the SCE&G lighting consultant. He stated that another meeting will be held on October 15 to review his recommendations and costs and will keep Council posted.

Engineering Report – Water Quality

The City Manager stated that quite a lot of research has been done and it appears that the problems have been pinpointed as outlined in the letter submitted by American Engineering. He stated that the city is adopting the recommendations to resolve the issue and have already installed liquid chlorine in clarifier. He stated that it is a time consuming process. Mr. Myers suggested that we notify the public that the city is making efforts in this regard by including it on the web site and/or outgoing water bills, and newsletter. The City Manager stated he would have the city's PR firm work on the notification.

Six Mile Creek Interceptor Repair – Update

The City Manager stated that the contractor, TNT, has finished the repairs. He stated the line will need to be replaced in the next five years but by that time the John Hardy Expressway will be under construction and SCDOT will have to pay to move the line since the city has an easement. He advised that the city has been in contact with the Town of Lexington to get their feedback on assisting with the repairs.

Sanitation Roll Cart Program – Update

The City Manager advised that the city has received two shipments of carts and they have been distributed. He stated the next shipment should be received on Thursday and distribution will take place in the rest of the neighborhoods. He advised that the city has finally received the shipment of garbage bags and they are being distributed at City Hall.

Mayor Malpass stated that Mr. Jumper had inquired about the wastewater plant upgrade meeting held recently. The City Manager advised that he provided Council with an overview of the meeting in Friday's memo. Mayor Malpass asked that the materials provided by Mr. Bingham at the meeting be shared with Council.

Mr. Jumper pointed out a typographical error in the minutes of the September 2 minutes, section C. whereby it states that Mr. Jenkins made the motion and seconded the motion.

Mr. Jenkins inquired as to the status of SCDOT reviewing the elevation of James Street at Frink Street. The City Manager stated that he reported this to SCDOT but will follow up with them again and advise status.

Myers, commend the staff and events committee on the good job on the Festival this weekend. Tammy will share the numbers with Council.

Mr. Myers commended Chief McNair and officers on their handling of the bank robbery this weekend. He stated he appreciated the extra effort they took to let everyone know what was going on.

Executive Session

- A. Receipt of legal advice relating to Fire Sprinkler legislation
- B. Receipt of legal advice relating to new lawsuit concerning closing a portion of Tree Street

Mr. Myers made a motion to move into Executive Session to discuss the above matters and selection of Bond Counsel. Mr. Jumper 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 engage the services of Pope Zeigler as bond counsel to handle bond and related legal issues for the City of Cayce. Mr. Jenkins seconded the motion which was unanimously approved.

There being no further business, meeting adjourned at 8:35 p.m.

Robert E. Malpass, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk