

**CITY OF CAYCE**  
**Regular Meeting**  
**July 5, 2005**

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 and Tammy Barkley, Municipal Clerk. Mayor Wilkerson advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mr. Myers made a motion to amend the agenda to include an Executive Session prior to Item III.B. Approval of Ordinance to Rezone Brookland Cayce High School Property from C-1 and C-3 to PDD, to review additional contractual information on the issue which was hand delivered to Council prior to the meeting. Mr. Malpass seconded the motion which was unanimously approved.

Mayor Wilkerson opened the meeting with the invocation and led everyone in the Pledge of Allegiance.

**Approval of Minutes**

The minutes of the June 14, 2005 Special Meeting, the June 14, 2005 Public Hearing and Regular Meeting and the June 28, 2005 Special 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.

**Presentations and Resolutions**

- A. Approval of Resolution Congratulating the Brookland Cayce High School Lady Bearcats Soccer Team

Mr. Malpass made a motion to approve the resolution congratulating the BC High School Lady Bearcats Soccer Team in winning the AAA State Championship. Mr. Jumper seconded the motion which was unanimously approved. Mayor Wilkerson presented the resolution to Ms. Lauren Eudy, Co-Coach of the Lady Bearcats soccer team. Ms Eudy made a few comments to the audience and thanked the city for the presentation.

## **Ordinances and Other**

### **A. Approval of Ordinance to Rezone Airport High School from C-1 To PDD – First Reading**

Council considered for first reading the approval of an Ordinance to rezone Airport High School property from C-1 to PDD to allow for the planned overall expansion and compliance with Lexington School District Two's Master Plan and the city's regulations. The City Manager advised that certain items included in the Master Plan, such as Section 12, Rules and Administrative Procedures may not be enforceable or even legal and stated that they needed to be reviewed in more detail by the City Attorney, Mr. Danny Crowe. Mr. Crowe stated that he did have some concerns about the conditions and liability that would rest upon the city. He stated that the current plan does create some enforcement problems such as if you have excess crowd, how would that crowd be disbursed. He stated that he would prepare a written opinion for Council's review prior to the second reading of the Ordinance. Mr. Jenkins made a motion to table this issue. Mr. Myers seconded the motion which was unanimously approved.

## **Executive Session**

Mr. Myers made a motion to move into Executive Session to review additional information hand delivered to Council prior to the meeting regarding the request to rezone the Brookland Cayce High School property. 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.

### **B. Approval of Ordinance to Rezone Brookland Cayce High School From C-1 and C-3 to PDD – First Reading**

Council considered for first reading the approval of an Ordinance to Rezone the Brookland Cayce High School property from C-1 and C-3 to PDD. Mayor Wilkerson read a letter sent by the City of Cayce (and signed by the Mayor and members of Council) to Mr. Jerry Chitty, Chairman and the Board of Lexington School District Two. In addition, he read a letter addressed to the Mayor from Superintendent Barry F. Bolen dated November 29, 2001. He asked that both letters be entered into the official city record (see attached letters). Mayor Wilkerson advised that Council received a letter from the School Board Members at approximately 4:45 p.m. today. The School Board's letter in response to the City of Cayce's offer to assist in funding a Fine Arts Center on Knox Abbott Dr. (where the stadium is proposed to be built) and fund the project with \$1,000,000.00 from the Tax Increment Financing investment account. He stated that

Council supported the renovation and growth of the Brookland Cayce High School campus and that from day one, but City Council has been adamant and very concerned about the location of a stadium located on Knox Abbott Dr. He stated the original plan submitted to the City of Cayce did not include a stadium on Knox Abbott Drive. No one from Lexington School District Two District office or members of the Lexington Two School Board were in attendance at the meeting to offer input or comment on the request. Mr. Myers motion to deny the Ordinance to rezone Brookland Cayce High School from C-1 and C-3 to PDD on first reading. Mr. Jenkins seconded the motion. Mayor Wilkerson stated that this issue is not a contest of wills between the School Board and City Council, nor is it a political issue or an arbitrary decision by this Council. He stated that it is Council's responsibility and why members of Council are elected by the voters, to represent the best interests of the residents and businesses of this city as a whole. He stated that the proposal submitted by the School Board simply is not in the best interest of the city and not the best use for the property. He stated that issue could be revisited if the stadium is relocated to another site on the campus. The motion to deny the rezoning was approved four to one with Mayor Wilkerson, Mr. Myers, Mr. Jenkins and Mr. Jumper voting "yes" to deny the rezoning and Mr. Malpass voting "no".

C. Approval of Ordinance – Mid Carolina Electric Franchise – Second Reading

The City Manager advised that the revised Franchise Ordinance with Mid Carolina Electric Coop was received today from the City Attorney. Mr. Crowe advised that the concerns of all parties have been addressed accordingly. He pointed out to Council changes as follows: Section 2 as revised changes the term from 20 years to 14 years to coincide with the SCE&G franchise. He stated that by doing so, both the Mid Carolina and SCE&G franchise ordinances will be up for reconsideration at the same time. Section 14 addresses the issue raised by Councilman Myers as to under grounding of electric lines. He stated that language from other franchise ordinances provided by Mid Carolina was used to provide that when required by ordinance, lines would be placed underground. He stated this is the same agreement Mid Carolina has with the City of Columbia. He stated that additional changes were made in section 15 which deleted the reference to quarterly payments. He stated that he has been in contact with both Mid Carolina and SCE&G and neither have any objections to the proposed franchise ordinance. Mr. Jumper made a motion to approve the Mid Carolina Electric Franchise Ordinance as presented on second and final reading. Mr. Malpass seconded the motion which was unanimously approved.

D. Approval of Department of Juvenile Justice Memorandum of Agreement

The City Manager advised that the Department of Juvenile Justice has requested that the city execute a new/revised memorandum of agreement for FY 2005-2006 for juvenile detention services. He stated that the agreement includes the same language as in previous years regarding the city's responsibility for the cost of medical care and for transporting all juveniles to and from DJJ's facility. He stated that the City Attorney

has again recommended that the agreement be modified by striking through the paragraph on medical expenses and initialing the strikethrough. He stated the City Attorney also recommends changing the transportation paragraph to include the same language that was included in the previous year's agreement. Mr. Myers made a motion to approve the Department of Juvenile Justice's Memorandum of Agreement with the changes as recommended by the City Attorney. Mr. Jumper seconded the motion which was unanimously approved.

## **Committee Matters**

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

#### **Accommodations Tax Committee – Two (2) Positions**

Two open positions remain and must be filled by individuals from the restaurant and hotel/motel industry. There are no recommendations at this time. Mr. Jumper made a motion to table this item. Mr. Malpass seconded the motion which was unanimously approved.

#### **Beautification Board – One (1) Position**

A potential member application has been received from Ms. Patricia Burger and is attached for your review. The Board recommends that Ms. Burger be appointed to the Board. Mr. Myers made a motion to appoint Ms. Burger to the Board. Mr. Jumper seconded the motion which was unanimously approved.

#### **Cayce Events Committee – One (1) Position**

Ms. Darlene Walton's term expires July 2005. She has been contacted and would like to serve again. Mr. Myers made a motion to table the issue. Mr. Jenkins seconded the motion which was unanimously approved.

### **B. Committee Minutes to Enter Into Record**

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

Planning Commission – May 16, 2005

Cayce Historical Museum Commission – June 8, 2005

Cayce Events Committee – June 9, 2005

SPAT Committee – June 14, 2005

Beautification Board – June 21, 2005

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

### **C. Committee Matters**

SPAT Committee Recommendations – At the SPAT Committee's June 7, 2005 meeting, the following requests were discussed and are being recommended to Council for approval.

Installation of streetlight at 2001 Windsor Drive.

Installation of two streetlights on the south end of the Thomas Newman Boat Landing.

Mr. Myers made a motion to approve the installation of the streetlights as recommended by the SPAT Committee. Mr. Jenkins seconded the motion which was unanimously approved.

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

The City Manager reminded Council that the MASC Annual Meeting will be held July 27-31, 2005 at Hilton Head.

The City Manager provided Council with a letter recently received from Pets Inc. requesting a donation of \$25,000.00 to go to their building fund. He stated that the city's budget has already been approved and a donation for this project was not included; revenues are not available.

He stated that the City Attorney has responded to the B-C lawsuit on behalf of the City.

In reference to Midlands Utility, the City Manager provided Council with a letter received from Mr. Parnell concerning the billing of the account at the outside rates. This was done with Council's approval. No action was taken on the request contained in the letter.

The City Manager provided Council with a letter he recently received from Mr. Charlie Thompson of LandSource Inc. regarding projects that may qualify as redevelopment projects for funding under the TIF. This letter was received per Council's request.

The City Manager provided Council with new page inserts of the final approved FY2005-2006 budget. Each member was instructed to update their budget notebooks.

### **Executive Session**

- A. Review and Discussion of Contractual Agreement – Lloydwood Sewer System

Mr. Jumper made a motion to move into Executive Session to discuss the Lloydwood Sewer System issue with representatives of SCDHEC and the Office of Regulatory Staff. Mr. Malpass 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.

Mr. Myers made a motion to authorize the City Manager, city staff and City Attorney to discuss with the Office of Regulatory Staff, DHEC, and other appropriate parties the possible future roll of the City of Cayce in the Lloydwood subdivision wastewater system issue. Mr. Jenkins seconded the motion which was unanimously approved.

There being no further business, the meeting adjourned at 9:30 p.m.

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Avery B. Wilkerson, Jr., Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk