

**CITY OF CAYCE  
Regular Meeting  
October 9, 2007**

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, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Frank Robinson, Director of Utilities, Chief Charles McNair, Director of Public Safety, Director of Planning & Development, Ken Knudsen, Verla Swygert, Director of Sanitation and Parks, and Edgar Heustess, Garage Manager was also in attendance. Mayor Wilkerson advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

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

Mr. Myers made a motion to amend the agenda to include Item C. under Executive Session – Receipt of Legal Advice concerning a potential claim – Norfolk Southern Railroad Trestle. Mr. Jumper seconded the motion which was unanimously approved.

**Approval of Minutes**

The minutes of the September 4, 2007 Regular Meeting were presented for approval. Mr. Jumper made a motion that the minutes be approved as submitted. Mr. Malpass seconded the motion which was unanimously approved.

**Presentations and Proclamation**

A. Approval of Proclamation – Severe Drought Status

The City Manager advised that notice has been received from the S C Department of Natural Resources (DNR) declaring a severe drought status. He stated that in accordance with the City's Drought Ordinance and Management Plan, specific triggers are to be followed upon notification, one of which is to issue a proclamation requesting either voluntary or mandatory reductions in water use. He stated that

the City's triggers indicate that mandatory restrictions are not required and that the recommended proclamation requests voluntary restrictions. Mr. Jumper made a motion to approve the Proclamation indicating voluntary restrictions as presented. Mr. Malpass seconded the motion.

Mr. Myers stated that in reviewing the backup information, it appears that the city does not need to issue a proclamation based on its triggers and the directives of DNR. The City Manager explained that the proclamation is requesting reductions on a volunteer basis. Mr. Myers suggested that Council may want to consider postponing the issue to a time certain date. The City Manager stated that if the drought situation worsens, Council would need to approve a proclamation requesting mandatory reductions in water use and that the city would need to be concerned with both the level of water in the Congaree River and the triggers set in the Ordinance and Management Plan. After discussion, the motion passed four to one with Mr. Malpass, Mr. Jumper, Mayor Wilkerson and Mr. Jenkins voting yes and Mr. Myers voting no.

B. Presentation by Ms. Heidi Johnson, Keep the Midlands Beautiful

Ms. Heidi Johnson, Executive Director of Keep the Midlands Beautiful appeared before Council to present a project to improve appearance of the Airport Boulevard corridor and to request funding. She stated that the project includes the planting of approximately 150 trees along the Airport Blvd. corridor to improve the first impression of visitors coming into the city from the Columbia Metropolitan Airport. She stated that the planting of the trees would begin in December and the approximate cost of the project would be \$25,000. She stated that Keep the Midlands Beautiful had already collected \$12,000 in private funds for the project and that Lexington County has committed to providing \$5,000 for the project. Ms. Johnson asked Council to consider funding the project in the amount of \$7,500. She stated that Lexington County is working on the encroachment permit and they have asked that the City of Cayce be placed on the permit in that most of the project is located within the city limits.

Ms. Johnson provided Council with a copy of the plan and explained the type of trees to be planted. She stated that the plan would be submitted to the SC Department of Transportation for them to review the placement of every tree and that the section of the project at I-26 and Airport Boulevard is in the process of being amended and that a copy of the final plans would be provided to Council in the near future. Mr. Robinson requested that the project plans be reviewed and coordinated with the City's Utilities Department to ensure that the city's water and/or sewer lines would be protected and clear in the event work needs to be done on the lines.

C. Presentation by Ms. Sharon Martin re Cayce Riverwalk Park

Ms. Sharon Martin appeared before Council to discuss the concern she has with dogs running loose within the city, the inoperable call boxes in the Cayce Riverwalk Park, and an issue related to unleashed dogs in the Riverwalk Park. Ms. Martin

explained that she was attacked by a dog at the Riverwalk Park and when she went to use the call box to notify authorities, the call box was not working. Mayor Wilkerson inquired if the city was able to identify the owner of the dog. Mr. Martin advised that the dog had no collar and officers were unable to locate an owner. Mr. Myers inquired if there were any signs on the call boxes indicated that they were not in working order. Ms. Martin advised that no notice was placed on the call boxes. She stated that she lives on Tiffany Trail and has problems with dogs running loose in her neighborhood.

Mayor Wilkerson asked the City Manager to review Ms. Martin's concerns in detail. The City Manager advised that at the end of August lightening storms knocked the power out to the timers that control the lights which in turn affected the call boxes. He stated that the contractor was in the process of replacing these timers when the incident occurred. Mr. Myers suggested that call boxes that were inoperable be bagged or that some type of notice be placed on those boxes. Mayor Wilkerson thanked Ms. Martin for bringing these issues to Council's attention and stated that staff would monitor this situation more closely.

### **Ordinances**

#### **A. Approval of Ordinance Amendment re Sexual Offenders – First Reading**

The City Manager advised that Chief McNair requested that the proposed ordinance to restrict registered sex offenders from living and loitering in close proximity to certain areas of the City be submitted to Council for review and consideration. Mr. Myers stated that he was not opposed to the ordinance but inquired if it would be enforceable. Chief McNair stated anything could be challenged in court. He explained that the state of Georgia had passed a law with similar restrictions which resulted in an influx of sex offenders moving into the North Augusta/Aiken areas. He stated that the proposed ordinance is modeled after an ordinance being considered for second reading by the City of Aiken's council.

Mr. Myers stated that his concern was with the individuals who could get caught in the loop such as an 18 year old who is charged as a sexual offender for having sex with his 15 year old girl friend. Chief McNair explained that the law does not provide for different levels of sexual offenses. Mayor Wilkerson inquired if the Ordinance would apply if incidents occur in the city's schools. Chief McNair advised that it would apply. Mr. Myers inquired how it would apply to students who are sexual offenders and attending the city's schools. Mr. Crowe stated that attending school would be a lawful purpose and that State law does not speak to residency or loitering. Mr. Myers stated that the intent of the ordinance is good, but felt that it would lump together young people who have made a mistake.

Mr. Crowe advised that there could be a number of constitutional areas that could be challenged, but in drafting the ordinance he has attempted to minimize those. He stated that the draft does not have limitations on work places and only included

residency and loitering. He stated that there are also constitutional areas with loitering but he focused on unlawful intent and a specific loitering definition.

Mr. Myers stated that he would like to see Lexington County take some action prior to the City of Cayce only taking action on this issue. Mr. Crowe pointed out that counties do not have authority to legislate ordinances on municipalities, but that the city could adopt county ordinances. Chief McNair stated that sexual offenders that are currently living within the restricted areas are grandfathered. Mayor Wilkerson inquired if the city was experiencing an increase in sexual offenders moving into the City. Chief McNair stated that this is not a major problem at this point.

Mr. Jumper made a motion to approve the Ordinance amending Chapter 28 of the Cayce City Code to add Article XII. Section 28-270, Imposing Certain Restrictions on Residency and Loitering for Persons Required to Register as Sex Offenders on first reading. Mr. Myers seconded the motion which was unanimously approved. Mayor Wilkerson asked Council to provide their comments to the City Manager prior to second reading. Mr. Myers suggested that this issue be brought before the Lexington County Municipal Association (LCMA) to obtain the members thoughts and opinions. Council asked that this information be provided to the membership prior to the LCMA meeting on October 18<sup>th</sup>.

B. Approval of Ordinance to Sell City-Owned Property – First Reading

Council considered for first reading the approval of an Ordinance to sell city-owned property located in the Moss Creek subdivision. The City Manager advised that Ms. Vickie Beard had approached Council at a previous meeting requesting that approval be given for her to purchase a city-owned lot in the Moss Creek subdivision to build her home. He stated that Ms. Beard has fulfilled Council's requests for additional information and has submitted an appraisal on the property. In addition, she has spoken to the adjacent property owner who has no issues with a proposed sale. He stated that the sale price for the property would be the Tax Assessors assessed value of \$20,000. Mr. Myers made a motion to approve the Ordinance to sell the city-owned property for \$20,000 based on plans submitted for a 2,000 sq. ft. home on first reading. Mr. Jumper seconded the motion which was unanimously approved.

C. Approval of Ordinance Adopting the City of Cayce Cross Connection Program's Standard Operating Policy and Procedures Re Lawn Irrigation Systems – First Reading

Council considered for first reading the approval of an Ordinance adopting the City of Cayce Cross Connection Program's Standard Operating Policy and Procedures regarding Lawn Irrigation Systems. The City Manager stated that this Ordinance is a formality to modify the city's current policy and procedures requiring a testable backflow preventer to be installed for lawn irrigation systems on new construction. He stated that while the city does request this type of device, the city's does not have an Ordinance to

address this on new construction. Mr. Robinson stated that the amendment made to the policy and procedures adds a sentence to clarify the exact type of device that needs to be installed for testing purposes. Mayor Wilkerson inquired how this would affect those who have well systems but also has a backup to the city's system. Mr. Robinson advised that the device would have to be installed for the for the city system. The City Manager advised that an Ordinance for the sewer backwater flow issue would be prepared for the November Council meeting.

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 Approving a Lease of City Property with the South Carolina Department of Natural Resources – Second Reading

The City Manager advised that the S C Department of Natural Resources Board has not had a chance to meet to discuss this issue. Mr. Jumper made a motion to postpone second reading of the Ordinance to the November 6, 2007 Council Meeting. Mr. Jenkins seconded the motion which was unanimously approved.

E. Approval of Ordinance Setting a Franchise Fee Rate for Cable Service Providers upon Expiration or Termination of an Existing Franchise for Cable Service – Second Reading

Mr. Myers made a motion to approve the Ordinance setting a franchise fee rate for cable service providers upon expiration or termination of an existing franchise for cable service at 5% on second and final reading. Mr. Jenkins seconded the motion which was unanimously approved.

F. Approval of Ordinance to Rezone Property Located at Axtell and Knox Abbott Drive from C-3 and RG-1 to PDD – Second Reading

Mr. Myers made a motion to postpone the second reading of the Ordinance to the November 6, 2007 Council Meeting. Mr. Jenkins seconded the motion which was unanimously approved.

**Contracts, Agreements, Other**

A. Bid Award – Purchase of Front-End Loader Sanitation Truck

The City Manager advised that a request for proposals was mailed to vendors for the purchase of a new front end loader. He stated that staff reviewed the quotes received and recommends that the bid be awarded to Christopher Trucks for a 2008 LaFrance Condor with a McNeilus packer for \$194,694. He stated that the city would be soliciting bids for a lease purchase option for both the front end loader and potential roll cart program which would be submitted to Council at a later date. Mr. Myers

inquired if the city's fleet includes trucks with Condor bodies. Mr. Heustess explained that Condor is actually the truck and the body is a McNeilus and the proposed truck has the same body as those within the city's fleet. He stated that this particular truck has new emission standards and that the system is more operator-friendly. He stated that garage staff has experienced less trouble with these and felt this was the best one for the city in regards to maintenance and operation.

Mr. Jumper made a motion to award the bid to Christopher Trucks as recommended for the purchase of a 2008 American LaFrance with McNeilus packer for \$194,694. Mr. Myers seconded the motion. Mr. Myers inquired as to the mileage per year on the truck the city is replacing. Mr. Heustess explained that the truck travels in and out of the city limits and experiences mileage at approximately 30,000 – 40,000 a year. He stated that running time and idle hours are more of a problem than mileage. He stated that the city is going to recycle the old truck. Mr. Malpass asked for clarification on the quote received from Lodal-South. Mr. Heustess advised that the truck body submitted in the quote did not meet the specs. After discussion the motion was unanimously approved.

B. Approval to Initiate Pilot Roll Cart Program

The City Manager stated that Council discussed the possibility of instituting a pilot roll cart program in the city in July. The city currently has two trucks equipped to handle roll carts. He stated that the FY 2007-2008 budget included the lease purchase of a new sanitation truck. He stated that based on research on a lease-purchase contract and review of the budget, the city does have the funds to do a pilot program. The budget included funds for nine months of lease purchase payments at a higher amount than what the bid for the truck was approved at. He provided Council with a list of subdivisions and the number of residences in each. He recommended that the program start in Hunters Mill subdivision first and then in some of the other smaller areas of the city. He proposed that the purchase of roll carts to cover the remainder of the city be included in the next fiscal year's budget. He stated that staff's recommendation is to award the bid to Amick Equipment for the roll carts. He stated that while Amick's quote was not the lowest, this vendor will use a serial number system and will also imprint the city's logo on the carts. They are also a local vendor. Mayor Wilkerson stated that he uses the same type cart and they are very durable and last for a long length of time. Ms. Swygert advised that she researched other cities using this program, and that the majority use carts provided by Amick Equipment and have received good service. Mr. Myers made a motion to approve the pilot roll cart program to purchase 1,000 roll carts and to award the bid for the carts to Amick Equipment. Mr. Jenkins seconded the motion which was unanimously approved.

C. Approval to Participate in Airport Corridor Beautification Project

Mr. Jumper made a motion to approve the city's participation in the Airport Corridor Beautification Project as submitted by Ms. Heidi Johnson in the amount of

\$7,500. Mr. Jenkins seconded the motion. Mr. Myers made a motion to amend the motion to include \$2,500 to improve the landscape at the City's welcome sign on Airport Boulevard and to also use funding as recommended from the ABC Permit fund. Also included at the city entrance sign would be heavy landscaping and park benches. Mr. Robinson asked that the project be coordinated with the Utility Department to ensure the city's lines are protected. Mr. Jumper and Mr. Jenkins accepted the amendment to the motion to include \$2,500.00 for the project for the upgrade to the City's welcome sign. After discussion the motion was unanimously approved.

D. Approval of NPDES Intergovernmental Agreement

The City Manager advised that the approval of the NPDES Intergovernmental Agreement is the next step the city needs to take to participate with Lexington County on this program. Mr. Malpass made a motion to approve the Intergovernmental Agreement. Mr. Jumper seconded the motion which was unanimously approved.

E. Bid Award – Purchase of Replacement Dump Truck for Utilities

The City Manager provided Council with a revision for the purchase of a replacement dump truck for the Utility Department as included in the FY 2007-2008 budget. He stated that the original truck proposed by Love Chevrolet had been sold and that the vendor was able to find another truck for purchase which would also be under State Contract. Mr. Myers made a motion to award the bid to Love Chevrolet for the purchase of a 2007 Chevrolet CC7500 under State Contract in the amount of \$64,448.00 as recommended. Mr. Malpass seconded the motion which was unanimously approved.

F. Bid Award – Public Relations Firm

The City Manager stated that in meetings while working on the budget, Council had asked staff to research the possibility of contracting with a public relations firm to address concerns of the city's image and perception. He stated that staff had met with several firms and MASC and has received several quotes for Council to review. Council asked that the Clare Morris Agency, Solutions Ink, and Ferillo Associates be invited to make a presentation to Council on their proposals. The City Manager suggested that a special Council meeting be scheduled in November for the presentations. It was suggested that each firm be given 20 minutes each for their presentations. Mr. Myers made a motion to postpone the issue to be scheduled for a special Council meeting. Mr. Malpass seconded the motion which was unanimously approved.

**Committee Matters**

A. Appointments and Reappointments

#### Beautification Board – One Position

Ms. Gloria Evans-Singleton's term expires October 2007. She has been contacted and would like to serve again. It is recommended that Ms. Evans-Singleton be reappointed to the Board. Mr. Jenkins made a motion to reappoint Ms. Evans-Singleton to the Board. Mr. Myers seconded the motion which was unanimously approved.

#### Cayce Museum Commission – Two Positions

Mr. John Diamond's and Mr. A. G. Dantzler's terms expire October 2007. Both have been contacted and would like to serve again. It is recommended that Mr. Diamond and Mr. Dantzler be reappointed to the Commission. Mr. Malpass made a motion the reappoint Mr. Diamond and Mr. Dantzler to the Commission. Mr. Jenkins seconded the motion which was unanimously approved.

#### B. Committee Minutes

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

SPAT Committee – September 4, 2007

Cayce Museum Commission – September 12, 2007

Mr. Jumper made a motion to approve that the minutes be entered into the official City record. Mr. Myers seconded the motion. Mr. Myers pointed out that in the SPAT Committee minutes, Mr. Curt Hipp's name was included as present twice. He also asked staff to check to see if indeed they had a quorum and make the necessary corrections. After discussion, the motion was unanimously approved.

#### **Public Comment**

Mayor Wilkerson 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 report would be sent to Council at the end of the week.

The City Manager stated that the upcoming holiday dates were being provided as requested. He pointed out that the LCMA, hosted by the City would be held on October 18 at the Black Bull Restaurant on Knox Abbott Dr. and asked Council to provide staff with their RSVP's. Mr. Myers stated that the Edenwood Association's meeting is also on October 18 and he asked that Chief McNair attend that meeting to represent the City. The City Manager stated that the Employee Fall Picnic would be held on October 26<sup>th</sup>, and that the Congaree Land Trust event would be held on October 27<sup>th</sup>.

The City Manager asked Council to begin thinking of possible dates to hold a ribbon cutting for the new phase of the Cayce Riverwalk Park. He stated that the project is not yet completed, but should be completed in a relatively short time. Mr. Myers suggested that additional call boxes be ordered to have on hand in the event of inoperable units.

The City Manager advised that the FY 2006-2007 Comprehensive Annual Financial Report would be finished up this week and a special meeting would need to be scheduled in November for the presentation.

The City Manager advised that staff is currently working on the fall edition of the Sunrise newsletter and that the deadline for articles is October 12<sup>th</sup>.

### **Executive Session**

- A. Receipt of Legal Advice concerning a potential claim
- B. Discussion of negotiations incident to proposed sale of city-owned property
- C. Receipt of Legal Advice concerning a potential claim – Norfolk Southern Railroad Trestle

Mr. Malpass made a motion to move into Executive Session to discuss the matters above. Mr. Jenkins 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 that the City negotiate through the City Attorney's office a settlement with Mr. and Mrs. Jeff McCarty on a sewer back-up claim up to a maximum of \$10,000 with the stipulation that Mr. McCarty release the City of any wrong doing and any future claims for this incident, that the City contact the insurance company's legal counsel and request legal clarification of the denial of the claim and request reconsideration of the claim for reimbursement to the City for the negotiated settlement. Mr. Jumper seconded the motion. The motion passed four to one with Mr. Malpass, Mr. Jumper, Mr. Jenkins and Mr. Myers voting yes and Mayor Wilkerson voting no. Mr. Myers asked the City Manager to contact Mr. McCarty and advise him of Council's decision.

Mr. Malpass made a motion to decline the sale of city property for an easement as requested by AT&T. Mr. Myers seconded the motion which was unanimously approved.

Council asked that the City Attorney advise Norfolk Southern that the City has no interest in closing railroad crossings in exchange for them painting the railroad trestle on Hwy. 321.

There being no further business, meeting adjourned at 9:10 p.m.

---

Avery B. Wilkerson, Jr., Mayor

**ATTEST:**

---

Tammy P. Barkley, CMC, Municipal Clerk