

**CITY OF CAYCE
Regular Meeting
November 6, 2007**

The regular monthly meeting of Cayce City Council was held this evening at 5:00 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, Captain Darwin Fulwood of Public Safety, and Director of Planning & Development, Ken Knudsen, were 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.

Approval of Minutes

The minutes of the October 9, 2007 Regular Meeting were presented for approval. Mr. made a motion that the minutes be approved as submitted. Mr. seconded the motion which was unanimously approved.

Presentations and Proclamation

A. Approval of Proclamation – National Hospice and Palliative Care Month

Council considered for approval a Proclamation proclaiming the month of November as National Hospice and Palliative Care Month. Mr. made a motion to approve the proclamation. Mr. seconded the motion which was unanimously approved. Mayor Wilkerson presented the Proclamation to representatives of Palmetto Health Hospice who were in attendance.

B. Presentation of Employee of the Quarter Award

Mayor Wilkerson presented the Employee of the Quarter Award to Christine Mason, Dispatcher in the Public Safety Department, and thanked her for her dedication to her job and the city.

Ordinances

A. Approval of Ordinance Re Time Warner COFA Franchise – First Reading

Council considered for first reading the approval of an Ordinance in reference to the Time Warner COFA franchise. The City Manager advised that the current 15-year franchise agreement with Time Warner which includes a provision for payment of a 5%

franchise fee, will expire this month. He stated that under the new State Law, an existing cable provider may opt out of an existing franchise with a municipality and apply for a Certificate of Franchise Authority (COFA) through the Secretary of State's Office and obtain a State franchise. He stated that Time Warner has submitted their application for a COFA and the city has 65 days to respond as to whether or not the City grants consent to the COFA. Failure to do so by the deadline will automatically set the franchise fee at 2%. He stated that granting the consent must be done by Ordinance and that second reading of the Ordinance can be given at the regular December 4 Council Meeting or a special meeting prior to that date if one is scheduled.

Mr. made a motion to approve the Ordinance Granting Consent to Application for Franchise for Cable Service and Setting Franchise Fee on first reading. Mr. seconded the motion which was unanimously approved.

B. Approval of Ordinance Requiring Sewer Backwater Valve For New Construction – First Reading

Council considered for first reading the approval of an Ordinance requiring the installation of a sewer backwater valve under certain conditions for residential, commercial, and industrial customers.

Mr. made a motion to approve the Ordinance on first reading. Mr. seconded the motion which was unanimously approved.

C. Approval of Ordinance to Rezone Property Located at N. Eden Drive and Riverwood Drive from C-2 to PDD – First Reading

Council considered for first reading the approval of an Ordinance to rezone property located at N. Eden Drive and Riverwood Drive from C-2 to PDD. The City Manager advised that the request for rezoning is for a tract of property of approximately 13.33 acres and is owned by Mr. David Hilburn who is proposing to build a 70 patio home subdivision. He stated that Quail Creek Development, LLC will be developing the property for Mr. Hilburn. He stated that as required, a public hearing was held prior to the Planning Commission and produced very positive results. He stated that the Planning Commission voted unanimously to recommend the rezoning to Council.

Mr. made a motion to approve the Ordinance on first reading. Mr. seconded the motion which was unanimously approved.

D. Approval of Ordinance to Rezone Property Located at 508 Frink Street from M-1 to C-4 – First Reading

Council considered for first reading the approval of an Ordinance to rezone property located at 508 Frink Street from M-1 to C-4. The City Manager advised that the property was recently purchased by Mr. and Mrs. Coffee who are both residential and business property owners in the city. He stated that as required, a public hearing

was held prior to the Planning Commission's meeting. He advised that the Planning Commission voted unanimously to recommend the rezoning to Council.

Mr. made a motion to approve the Ordinance on first reading. Mr. seconded the motion which was unanimously approved.

E. Approval of Ordinance Amendment re Sexual Offenders – Second Reading

Council considered for second and final reading the approval of an Ordinance Amendment imposing certain restrictions on residency and loitering for persons required to register as sex offenders. The City Manager advised that Chief McNair has written to South Carolina Attorney General, Henry McMaster, asking for a written opinion on the validity and constitutionality of the proposed Cayce Ordinance. He stated that an acknowledgment has been received and the Attorney General is researching the issue.

Mr. made a motion to postpone second reading of the Ordinance until the Attorney General's opinion is received. Mr. seconded the motion which was unanimously approved.

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

Council considered for second and final reading the approval of an Ordinance adopting the city's Cross Connection Program's Standard Operation Policy and Procedures with regard to lawn irrigation systems.

Mr. made a motion to approve the Ordinance on second and final reading. Mr. seconded the motion which was unanimously approved.

G. Approval of Ordinance Approving a Lease of City Property with the SC Department of Natural Resources – Second Reading

Council considered for second and final reading the approval of an Ordinance approving a lease of City property with the South Carolina Department of Natural Resources.

H. Approval of Ordinance to Rezone Property located at Axtell and Knox Abbott Drive from C3 and RG2 to PDD – Second Reading

Council considered for second and final reading the approval of an Ordinance to rezone property located at Axtell and Knox Abbott Drive from C3 and RG2 to PDD for the proposed Guignard Brickworks project. The City Attorney advised that changes were requested regarding the language in the Ordinance regarding the excess parking issue and requirements and provided Council with a copy of the revised Ordinance.

Mr. made a motion to amend the ordinance to conform to the written version. Mr. seconded the motion which was unanimously approved. Mr. made a motion to approve the Ordinance on second reading as amended. Mr. seconded the motion which was unanimously approved.

Contracts/Agreements/Other

- A. Approval of Parkwood Sewer Agreement
- B. Approval of Memorandum of Agreement Re Abuse and Neglect Investigative Protocol

The City Manager advised that the Public Safety Department recently received a request from the Lexington County Department of Social Services requesting that the city approve a revised Memorandum of Agreement outlining an abuse and neglect investigative protocol. He stated that the protocol outlines what steps law enforcement and DSS are to take in cases involving abused or neglected children or vulnerable adults.

He stated that the new and revised memorandum compared to the existing and in force memorandum show that they contain the same basic protocol and step. However, there is a substantial difference under IV-Agreement which would put the city at risk of indemnifying Lexington County DSS for third party claims on mere allegations. The City Manager recommended that the Memorandum of Agreement be approved subject to the deletion of the second paragraph of Article IV.

Mr. made a motion to approve the Memorandum of Agreement subject to the deletion of the second paragraph of Article IV. And authorize the Director of Public Safety to sign the agreement for the City. Mr. seconded the motion which was unanimously approved.

- C. Approval of 2008 City Holidays

The City Manager provided Council with a list of proposed holidays for city employees for 2008. Mr. made a motion to approve the holidays as submitted. Mr. seconded the motion which 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 – October 3, 2007

SPAT Committee – October 9, 2007
Cayce Events Committee – October 11, 2007
Cayce Housing Authority – October 16, 2007

Mr. made a motion to approve that the minutes be entered into the official City record. Mr. seconded the motion which 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 October, 2007 Financial Reports would be forwarded to Council later this week.

The City Manager advised that the city's Garage Manager, Edgar Heustess, has been appointed President of the South Carolina Fleet Managers Association.

The City Manager provided Council with the following dates:

- November 12 – Veteran's Day – City Hall Closed – normal garbage pick up
- November 23 & 24 – Thanksgiving holidays – no pick up on Nov. 22; Nov. 22 household garbage only will be picked up on Nov. 23; Nov. 23 normal pick up
- Set date for Special Meeting – Audit Presentation and Presentations by PR Firms – Council scheduled a Special Meeting for ???? at ???? for the Audit presentation and presentations by public relations firms.
- Set date for Ribbon Cutting – Cayce Riverwalk Park Extension Phase II – Council scheduled the ribbon cutting ceremony for ???? at ??? to be held at the Riverland Park entrance to the extension.

The City Manager also provided Council with dates of various holiday events as follows:

- November 29 – Tree Lighting Ceremony – 6 pm
- November 30 – Christmas Traditions at the Museum – 6:30 pm
- December 2 – Sunday - Holiday Parade of Lights
- December 4 – Regular Council Meeting – 6:00 p.m.
- December 7 – City of Cayce Holiday Drop In – SC Farm Bureau - 6:30 pm
- December 8 – City of Cayce Employee Party – Cayce United Methodist – 2 pm
- December 10 – LCMA Christmas Dinner

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

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk