

**CITY OF CAYCE**  
**Regular Meeting**  
**April 3, 2007**

The regular monthly meeting of Cayce City Council was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Avery B. Wilkerson, Jr., Councilmen Kenneth Jumper, Robert Malpass, and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. Councilman James Jenkins was unable to attend due to a conflict in schedule. City Attorney, Danny Crowe, Director of Public Safety, Charles McNair, Frank Robinson, Director of Utilities and Director of Planning & Development, Ken Knudsen 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 opened the meeting with the invocation and led everyone in the Pledge of Allegiance.

**Approval of Minutes**

The minutes of the March 13, 2007 Regular Meeting were presented for approval. Mr. Jumper made a motion that the minutes be approved. Mr. Myers seconded the motion which was unanimously approved.

**Presentations and Proclamations**

- A. Presentation by Lexington Councilman Todd Cullum – Report on Cayce Roads Approved for Resurfacing with SCDOT Match Funds

Lexington County Councilman, Todd Cullum, appeared before Council to provide a report on funding that has become available for the resurfacing of roads in the Cayce area. Mr. Cullum stated that at the County's March 27, 2007 meeting, County Council voted and approved the Match Program as submitted by John Fechtel, Public Works Director for Lexington County. He stated that the list of roads to be repaved could possibly change. He provided Council with a listing of the roads and reviewed the list of projects in past years and future projects with Council. He stated that he would do all he could to make sure these projects are completed. Mr. Malpass inquired as to the types of determining factors used to make a decision on whether a road should be resurfaced. Mr. Cullum stated that there are several factors including road usage, safety, maintenance costs, etc. He stated that the roads on the list are scheduled for FY07-08. Mayor Wilkerson thanked Mr. Cullum for his assistance in staying on top on this project for the city. Mr. Jumper stated that he felt that the list of roads to be repaved is a good start and thanked Mr. Cullum for his continuing efforts. Mr. Myers suggested that the information be provided to the city's citizens through the newsletter and on the web site. Mr. Cullum stated that

there are some issues regarding the particular matter air quality monitor near Frink Street and that while Lexington County is investigating other funding sources for this high priority project, if other funding sources are not available, some of the funds set aside from this Match Program may need to be pulled to rectify this issue.

B. Presentation of Water Environment Association of South Carolina Awards Received by the City of Cayce Wastewater Treatment Plant Staff

Mr. Glemmie Haimes, Supervisor of the city's Wastewater Treatment Plant appeared before Council to present to the city the awards that were received by the Wastewater Treatment Plant team during the Water Environment Association's Annual Operations Challenge Competition. Mr. Haimes advised that the Team consisted of Erone Edmonds, Amanda Hair (both were in attendance), Rodney Thomas and Terri Hoy. He stated that the events are timed and judged on a number of correct procedures with points deducted for mistakes in the two-day competition. Categories included safety, process control, pump operations and maintenance and pipe taping/repair. He advised that the city's team won first place in the process control category, second place for the safety category and third place overall. Mr. Haimes stated that each team member dedicated numerous off-the-clock hours to perfect their craft for this competition. Council commended the members of the Team for their accomplishments. Mr. Myers suggested that special recognition be given to the Team members. The City Manager stated that Certificates of Achievement would be issued to each member.

C. Presentation by the River Alliance – AT&T Contribution to the Cayce Riverwalk Park

Mr. Mike Dawson of the River Alliance appeared before Council to present a donation of a stand-up cutout animal from AT&T. Mr. Dawson stated that the Real Yellow Pages partnered with the River Alliance and in addition to placing a greenway photo on the cover of this year's directory, a map of the Greenway will be included in the phone book every year. Mr. Dawson stated that AT&T built fun river animal stand-up cutouts for each city's section of the Riverwalk. Council thanked AT&T and the River Alliance for this donation which will be placed in the Cayce Riverwalk Park.

D. Approval of Proclamation – Municipal Clerks Week

Council considered for approval a proclamation to proclaim the week of April 29 through May 5, 2007 Municipal Clerks Week. Mr. Malpass made a motion to approve the proclamation. Mr. Jumper seconded the motion which was unanimously approved.

## **Ordinances**

### **A. Approval of Ordinance Amendment to Cayce City Code Re Public Nuisances – First Reading**

Council considered for first reading an Ordinance Amendment to the Cayce City Code regarding Public Nuisances. The City Manager stated that for some time the city had been trying to get the Norfolk Southern railroad to repair and paint the railroad trestle that crosses over US Highway 321 to no avail. He stated that since this issue has not moved forward, the City Attorney was instructed to draft an ordinance to try and bring the trestle into compliance in that it diminishes the value and appearance of the neighborhood. He stated that the amendment requires that all privately owned structures (including bridges, trestles, and elevated passageways) elevated above street grade and extending over public streets be kept in good order and maintained or be declared a public nuisance. He advised that violation of the public nuisance would subject the owner of the structure to the general penalties as outlined in the city code.

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

### **B. Approval of Ordinance to Annex and Zone Property on Fish Hatchery Road – First Reading**

Council considered for first reading the approval of an Ordinance to annex and zone property consisting of 21.91 acres located on Fish Hatchery Road. The City Manager advised that plans for the property include a combination of commercial and residential development and an additional public hearing will be held prior to second reading.

Mr. Myers made a motion to approve the Ordinance to annex and zone property on Fish Hatchery Road on first reading. Mr. Jumper seconded the motion. After discussion, the motion was unanimously approved.

### **C. Approval of Ordinance Re Serving of Beer and Wine on City-owned Property – First Reading**

Council considered for first reading the approval of an Ordinance to allow the serving of beer and wine on specific city-owned property. Mayor Wilkerson stated that Mr. Jenkins still had some concerns regarding this issue. The City Attorney advised that he drafted the ordinance for Council's review which addresses specific concerns and suggestions made by Council. The City Attorney suggested that a detailed list of rules and form format be drafted by staff and included as a separate document upon second and final reading of the Ordinance.

Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Malpass seconded the motion. Mr. Myers stated that clarification was needed on stating events could only be held during open hours of the park, one per day and a maximum of three hours per day. He stated that in some cases events may last longer than three hours and he assumed the “three hours” referred to the time beer or wine could be served. He asked that this be clarified within the ordinance. Mr. Myers suggested that Guignard Park be included as well as the Museum Complex, but not the Granby Park area as places where beer or wine could be served. Mr. Jumper stated that he personally did not see a need for the city to pass an Ordinance to allow drinking on city property. He felt that this could get out of control. Mayor Wilkerson asked that the wording “additional insured” be corrected to “additional named insured.” Mr. Malpass stated that the Museum Complex wording would encompass any future buildings the Museum may build. Mr. Myers asked if Chief McNair had any concerns. Chief McNair provided Council with information on law enforcement issues that has been dealt with by other cities. After discussion, the motion passed three to one with Mayor Wilkerson, Mr. Malpass and Mr. Myers voting yes and Mr. Jumper voting no. Mr. Myers stated that if Council felt there would be some opposition, a public hearing could be held.

D. Approval of Ordinance Amendment to Cayce City Code Re Animals  
– Second Reading

Council considered for second and final reading an amendment to the city’s Animal Ordinance. The proposed amendment limits the total number of pets allowed per resident to no more than six pets, of which no more than three can be dogs. The City Manager stated that there is a “grandfather” provision in the ordinance amendment and that the amendment does not apply in certain situations and circumstances such as pet shops, commercial kennels, etc. He stated that no further comment has been received regarding this issue.

Mr. Myers stated that he felt the public should be more informed about the Ordinance prior to second and final reading. Chief McNair stated that the Ordinance could be used as a tool when issues arise. Mr. Myers made a motion to table the issue. Mr. Jumper seconded the motion which was unanimously approved. Mayor Wilkerson suggested that the ordinance amendment be placed on the city’s web site to obtain public input.

E. Approval of Ordinance to Annex and Zone Property Located at the  
Intersection of Lexington Drive and Wisconsin Street – Second  
Reading

Council considered for second and final reading the approval of an Ordinance to annex and zone property located at the intersection of Lexington Drive and Wisconsin Street. The City Manager advised that no further comment had been received regarding this issue.

Mr. Jumper made a motion to approve the Ordinance on second and final reading. Mr. Myers seconded the motion. Mr. Myers inquired as to the drainage and wetlands issue commented on in the Planning Commission meeting's minutes by neighboring property owners. He inquired if DHEC would be responsible for addressing this issue. Mr. Knudsen stated that the issue must be resolved and approved by DHEC. Mr. Malpass stated that he felt the city should get a hold on the drainage problems it already has and make sure it do not allow development in areas that will make it worse. Mr. Knudsen assured Council that the volume and velocity of runoff water on property is addressed by DHEC. After discussion the motion was unanimously approved.

F. Approval of Ordinance to Annex and Zone Property Located at 4026 Roe Young Boulevard – Second Reading

Council considered on second and final reading the approval of an ordinance to annex and zone property located at 4026 Roe Young Boulevard. The City Manager advised that no further comment has been received on the issue. Mr. Myers stated that it was his preference to table the issue until both 4026 and 4011 Roe Young Boulevard is annexed together. Mr. Knudsen stated that he has sent the owner a letter advising him of Council's concerns and that a response has not been received.

Mr. Myers made a motion to table this issue and Item III. G., Approval of Ordinance to Annex and Zone Property Located at 4011 Roe Young Boulevard – Second Reading, to a date certain of May 1, 2007 and that the city invite the property owner to attend the May 1 Council meeting to address this issue with Council. Mr. Jumper seconded the motion which was unanimously approved.

G. Approval of Ordinance to Annex and Zone Property Located at 4011 Roe Young Boulevard – Second Reading

Tabled as stated above.

H. Approval of Ordinance to Annex and Zone Property Located within the 2200 Block of Frink Street – Second Reading

Council considered for second and final reading an Ordinance to annex and zone property located within the 2200 block of Frink Street. The City Manager advised that no further comment has been received on the issue.

Mr. Malpass made a motion to approve the Ordinance on second and final reading. Mr. Jumper seconded the motion which was unanimously approved. Mr. Malpass noted that the spelling of "Loftis" was incorrect in the Planning Commission documents.

I. Approval of Zoning Ordinance Text Amendments – Second Reading

Council considered for second and final reading the approval of Text Amendments to the city's Zoning Ordinance. The City Manager advised that no further comment has been received on the issue.

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

**Other**

A. Approval to Provide Funding for the Boys and Girls State Program

The City Manager stated that Mr. David Griffith, Commander of the Cayce American Legion Post 130, appeared before Council at the March meeting to request funding for the 2007 Boys and Girls State Program. He advised that last year, the city funded four slots at \$200 each for a total of \$800. In 2005, the City funded four slots for a total of \$700.

Mr. Malpass made a motion to provide funding for four slots of the Program up to \$800.00. Mr. Jumper seconded the motion which was unanimously approved.

B. Discussion and Authorization – Refunding of 1998 Revenue Bonds

The City Manager advised that recently staff met with the city's Bond Team in reference to certain bond and financing issues. He stated that during the discussions, it was suggested that the city look into refunding or refinancing the 1998 Revenue Bond issue. By doing so, a total savings of \$773,275 would be realized by the city over the life of the bond if the bonds yield an average coupon of 3.71% to 3.97%. Mayor Wilkerson stated that some work has been done on the 1998 bonds, and one of the special covenants with one of the insurers was the fact that the city would have to obtain permission from the insurer to enter into future bonds. He stated that if the city approved the refunding or refinancing of the bonds, it would not have to obtain the permission to enter into a new bond for the expansion of the WWTP. Mr. Myers noted that the refunding portion of the 1998 bond would mature in 2020 and inquired if Council decided on the refunding, would the bond still mature in 2020. The City Manager advised that if refunding the 1998 Revenue Bonds were approved, the mature date would remain the same. Mr. Malpass inquired if this would be separate from WWTP expansion bond. The City Manager advised that it would be separate. Mr. Myers made a motion to authorize the refunding of the 1998 Revenue Bonds. Mr. Malpass seconded the motion which was unanimously approved.

## **Committee Matters**

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

#### **Accommodations Tax Committee – One Position**

Ms. Sue Wofford's (Knights Inn) term expires April 2007. She has been contacted and would like to serve again. It is recommended that Ms. Wofford be reappointed to the Committee. Mr. Malpass made a motion to reappoint Ms. Wofford to the Committee. Mr. Jumper seconded the motion which was unanimously approved.

#### **Cayce Housing/Construction Board – One Position**

There is one open position (Mr. Joseph Scott is unable to serve again) on the Board. There is no recommendation at this time. Mr. Jumper made a motion to table the issue. Mr. Malpass seconded the motion which was unanimously approved.

#### **SPAT Committee – One Position**

There is one open position on the Committee. There is no recommendation at this time. Mr. Jumper made a motion to table the issue. Mr. Malpass seconded the motion which was unanimously approved.

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

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

Planning Commission – February 26, 2007

Beautification Board – March 7, 2007

Cayce Events Committee – March 8, 2007

Cayce Museum Commission – March 14, 2007

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

### **C. Committee Matters**

1. Approval of SPAT Committee Recommendation to request that speed limit be changed on the 12<sup>th</sup> Street Extension

The City Manager advised that further information has been provided to Council regarding SCANA's purchase of property on old Taylor Road and plans to install a traffic light on 12<sup>th</sup> Street Extension. Conversations were also held with Mr. Erskine Suber of SCDOT and the overall plan at this time is to construct the road to align both sections of Taylor Road and then install the traffic signal. Mr. Myers made a motion to table the issue until the traffic signal is installed and operational. Mr. Jumper 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**

March Financial Reports – The City Manager advised that the March financial reports would be distributed to Council this week.

The City Manager provided Council with the following dates:

- April 6, 2007 – City Hall Offices closed – Good Friday Holiday
- April 11, 2007 – Employee Health Fair – 7:30-11:30 a.m. – Council

Chambers

- April 16, 2007 – Twice per week garbage pick up service begins
- April 19, 2007 – LCMA – Boar's Nest BBQ in Irmo
- April 24, 2007 – Airport High School Hall of Fame – 6:00 pm – Brookland Baptist Church. He asked Council to advise staff if they will be attending as the city has reserved a table.

- May 17, 2007 – Congaree State Bank Ribbon Cutting – 5:30 pm -

*Tentative*

Attorney General's Opinion re conflict of interest issues – The City Manager advised that the city has received a response from the Attorney General and a copy was provided to Council. He stated that the Attorney General does not see any dual office holding in the issue presented.

Listing of Lexington County CDBG Grant Awards – The City Manager advised that the city has received a CDBG Grant Award in the amount of \$130,476 for Phase II of the State Street Streetscape Project. He provided Council with the complete report of awards given noting detailed descriptions were included for each project awarded.

Competitive Grant Program – The City Manager stated that last year the city submitted two applications for grant funds under this program. They were not funded and remain in the pot for consideration. He stated that staff has submitted an additional seven grants this year to be considered and provided Council with a list of the projects and amounts.

The City Manager advised that he received a call last week from WIS-TV, from the Live with Lucas show. He stated that a special segment on the Cayce Riverwalk Park will be scheduled in June.

Cayce float – Ms. Barkley advised that the city's float is in need of refurbishment. She provided Council with a sketch showing a new design



promoting the Cayce Riverwalk Park. Mr. Malpass suggested that park benches be added if possible. Ms. Barkley advised that additional funds would be included in the request for funding for Christmas In Cayce through the Accommodations Tax Committee to include the cost to refurbish the float.

The City Manager advised that the Planning Commission would discuss the annexation request for the proposed Concord Park subdivision at their April 16, 2007 meeting.

Taylor Road Railroad – The City Manager advised that the preliminary engineering agreement was received and reviewed by the City Attorney and has been forwarded to CSX to review. He stated that Mr. Dillard with CSX has advised that he did receive it and their attorney has it for final review.

NPDES Modification to 24 MGD – The City Manager advised that the modification plan has been prepared by American Engineering and a meeting will be scheduled for the Mayor and him to delivery it to the COG.

The City Manager advised that an audit was done on the city's SCMIT workers comp program and that the city did very well. He stated that a small refund of the premium would be sent to the city.

The City Manager stated that the city's grant coordinator has provided a reconciliation of the \$1,000,000 allocated for the Riverwalk Park Expansion. He reviewed the report with Council noting that there are funds available to begin Phase II of the expansion. He stated Mr. Ken Simmons is ready to put the plans out for bid for Phase II. Council authorized the City Manager to move forward with letting the bids for the Phase II Expansion.

Mr. Malpass asked for clarification on the estimated purchase cost of the condominiums being built on the old Cayce Grammar School property. He stated that he recently read an article stating that the units would begin at \$150,000 and wanted to make sure the plans have not changed. Mr. Knudsen advised that the original plan included two bedroom units, but the developer has decided to eliminate the two bedroom units.

Mr. Malpass suggested that the city look into charging citizens in certain areas on a test basis, a rain tax and use funds collected to improve some of the city's drainage issues. The City Manager advised that the city has entered into an agreement with Lexington County under the NPDES Stormwater Program which would not allow the city to charge a separate rain tax. In order to do so, the City would have to pull out of the program and go alone which may not be feasible or cost effective at this point. Mayor Wilkerson stated that the city would need to find out if the residents would be willing to pay for the program. Mr. Malpass stated that the city needed to advise the residents what it would take to fix the drainage and what will be needed from them to resolve the problems. Mr.

Knudsen stated that if the Indigo Drainage Plan is reviewed which affects 50 households, the materials alone would cost \$100,000 or more. He stated the county had offered the labor at no charge. This would equate to \$2,000 per property owner. Mr. Malpass stated that businesses should be included as well as they too are causing the drainage problems. Mr. Myers suggested that Mr. Malpass meet with Senator Setzler and residents in the area to see what they would be willing to do to resolve the issue. Mayor Wilkerson stated that the city needed to be sure to coordinate what its doing with what the school district is planning at Brookland-Cayce High School.

Mr. Jumper inquired about the status of the bridge by the Public Safety building. The City Manager stated that a purchase order was issued today to purchase the supplies needed.

Mr. Jumper stated that he has recently noticed more and more cars with large stereo systems blaring loudly. Chief McNair stated that his department has issued numerous summons under the noise violation and would continue to work on it.

Mr. Jumper stated that he has noticed that people and cars are in the parking lot of Spires Gym 10 p.m. but that the building appears closed. Chief McNair stated that his officers continuously patrol this area and in most cases, the people/cars are those of the Recreation Commission. He stated that his officers would remain diligent in monitoring this area.

Mr. Myers stated that there are still three streetlights out of service on Hwy. 321--one at Wesco trailers, one at the railroad trestle and one across from Moss Creek Dr. The City Manager advised that staff would take care of issuing work orders for the lights to be repaired.

There being no further business, meeting adjourned at 7:55 p.m.

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Avery B. Wilkerson, Jr., Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk