

**CITY OF CAYCE
Regular Meeting
September 4, 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 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 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 called the meeting to order. Mr. Jumper opened with the invocation and Mayor Wilkerson led everyone in the Pledge of Allegiance.

Approval of Minutes

The minutes of the August 14, 2007 Regular Meeting and August 29, 2007 Special Meeting 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 Proclamation

- A. Presentation of Certificate of Appreciation to Mr. John Campbell, Campbell Steel Company

Mayor Wilkerson, on behalf of Council, presented Mr. John Campbell of Campbell Steel Company with a Certificate of Appreciation for his generous donation of materials and design work needed to replace the bridge next to the Public Safety Complex on the City Hall campus. He also presented to Mr. Campbell a framed Cayce print. He thanked Mr. Campbell for his commitment to the Cayce community.

- B. Presentation by Ms. Vicky Beard Re Property Offer – Moss Creek

Ms. Beard appeared before Council to provide additional details on the city-owned lot in the Moss Creek subdivision that she is seeking

approval from Council to purchase to build her home. Ms. Beard provided the city with a draft plan produced by BP Barber showing the easements on the property as requested by Council. She stated that the home she intends to build would be over 2,000 square feet. The City Manager stated that he has held conversations with the City Attorney and staff. The City Attorney stated that he had some policy concerns and would be glad to discuss them with Council. Mr. Crowe stated that he has not checked the title. His concern is more along the lines of precedential affect. He stated that original purpose of the property was to use it in the future for a road and that the property was not part of the original subdivision plan. He stated that it was not the intended purpose of the city to hold it for private development. He stated that his concern was setting policy or precedent where anyone who approached the city about purchasing city-owned land would put the city in the land development business. He stated that by selling the lot, the city would essentially be adding on to the Moss Creek subdivision which was not intended by the developer. Mr. Crowe stated that these are simply policy concerns. Mayor Wilkerson stated that the city did not want to hold on to the property indefinitely unless it is in the best interest of public use. Mr. Myers inquired as to other property adjacent to the lot and if access would be affected. The City Manager stated that access would be from Hwy. 321. Mr. Myers suggested that the adjacent property owner be contacted regarding access to the property and that Dr. Taylor be contacted regarding his interest as well. Ms. Beard stated that there were two other accesses before getting to this lot. The City Manager advised that he would contact Dr. Taylor. Ms. Beard provided the city with a copy of the appraisal. Mayor Wilkerson stated that staff would check deed restrictions and with Dr. Taylor and asked that the City Manager advise Ms. Beard of Council's final decision on the matter.

C. Presentation by Ms. Faye Gregg Re Churchill Neighborhood Association

Ms. Gregg appeared before Council and provided them with an update on the reorganization of the Churchill Neighborhood Association. She stated that currently they have 41 members and that there is a great deal of interest in getting the neighborhood cleaned up as well as Hwy 302. She stated that Hwy. 302 is the first entrance visitors coming in from the airport travel. She stated that she has contacted Mr. Jenkins and Mr. Ross from SC DOT in reference to keeping the right of way and two vacant lots cut. She stated that she has received a lot of promises to get it done, but nothing has been done to date. She stated that she also talked with the City regarding the removal of dead trees on Picadilly, but this, too has not been done.

Ms. Gregg advised that in fall, the association has plans to improve the entrances to the neighborhood, to have a clean up day, and offer a prize for the best decorated house at Christmas. She stated that she and members of the association were in attendance to advise Council that they are interested in what is going on in the City of Cayce and they are here to help where they can. She also asked for Council's assistance in getting things done more quickly. She thanked Officer Kevin Smith for his help with the Crime Watch group. Mayor Wilkerson asked if the association had set a

date for the fall events. Ms. Gregg advised that the date has not yet been set, but will be sure to invite Council.

The City Manager stated that he has held conversations with Heidi Johnson of Keep the Midlands Beautiful regarding a beautification project for the Airport Blvd (SC Hwy 302) corridor from the Hardee Expressway to Interstate 26. He stated their proposal is to plant 140 oak and elm trees as well as other types of plantings. Ms. Johnson has plans to attend the October Council meeting to make their presentation to Council. Mayor Wilkerson asked staff to follow up with SCDOT regarding the maintenance of the right of way and vacant lots.

D. Approval of Proclamation – Beach Sweep/River Sweep Day

Council considered for approval a Proclamation proclaiming September 15, 2007 Beach Sweep/River Sweep Day in the City of Cayce. Mr. Malpass made a motion to approve the proclamation. Mr. Myers seconded the motion which was unanimously approved.

Ordinances

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

Council considered for first reading the approval of an Ordinance setting the franchise fee rate for cable service providers upon expiration or termination of an existing franchise for cable service. The City Manager advised that the city's franchise agreement with Time Warner Cable will expire in November 2007. He stated that in 2006, the State Legislature approved Act No. 288 which dramatically changes the procedures under which cable franchises are granted. He stated that under the new law, the cable provider will no longer deal with the municipality directly and has the ability to opt out of the existing franchise and apply for a Certificate of Franchise Authority through the State. He explained the cable provider's application procedure and the State's and City's responsibilities under this procedure. He stated that the City Attorney recommended that the City approve by separate ordinance, the establishment of the franchise fee rate for cable providers upon expiration of an agreement to have record of it on the books.

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

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

Council considered for first reading the approval of an ordinance to rezone property located at the corner of Axtell and Knox Abbott Drive from C-3 and RG-1 to PDD. Mr. Charles Thompson, agent for the property owners was in attendance to answer questions from Council. Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Jumper seconded the motion.

Mr. Myers inquired as to when the first parcel would be developed. Mr. Thompson advised that the building is going through the design phase at present and the first part of construction should begin in early 2008. Mr. Myers inquired if the buildings would be brick. Mr. Thompson advised that the majority of the buildings will be brick and that this is an architectural controlled project. Mr. Myers asked if the parcels would be sold for development. Mr. Thompson advised that it would be a combination of sales and leases and would depend on what the market dictates. Mr. Myers stated that his only concern was the parking fronting on Knox Abbott Drive rather than buildings and asked if this was a design issue. Mr. Thompson advised that some of the residential areas may require parking fronting Knox Abbott due to the traffic noise. Mr. Myers stated that the city should emphasize heavy landscaping on that side of the property. Mr. Malpass inquired if consideration was being given to sound barriers. Mr. Thompson stated that low masonry walls were being considered in addition to the landscaping. Mr. Thompson asked for consideration on allowing some parking on the street. Mr. Knudsen stated that the ordinance states that parking would be considered parcel by parcel. After discussion, the motion was unanimously approved.

C. Approval to Repeal Sec. 40-116(b) of City Code – Utilities – Second Reading

Council considered for second and final reading the approval of an Ordinance to repeal Sec. 40-116(b) of the City Code regarding sewer caps for out of city customers that was inadvertently left in the City Code when sewer caps were repealed. Mr. Malpass made a motion to approve the ordinance on second and final reading. Mr. Jumper seconded the motion which was unanimously approved.

Contracts, Agreements, Other

A. Approval to Purchase Sewer Pump Station Monitoring Equipment and Service

The City Manager advised that included in the approved FY 2007-2008 Budget was the purchase of 25 Omni-Site XR-50 Cellular Monitoring Units for the monitoring of sewer lift stations. The City Manager advised that funds for this purchase were approved in the O&M budget in the amount of \$57,500. The quote received from Pete Duty Associates totals \$55,104. These units are identical to the units previously purchased for the demonstration program.

Mr. Malpass made a motion to approve the purchase of the 25 Omni-Site XR-50 Cellular Monitoring Units from Pete Duty Associates in the amount of \$55,104. Mr. Jumper seconded the motion which was unanimously approved.

B. Approval of Moss Creek Homeowners Association Request Re Street Signs

The City Manager advised that the request from the Moss Creek Homeowners Association for decorative street signs and stop signs was sent to Lexington County to obtain their input. He stated Mr. John Fechtler, Director of Lexington County Public Works was contacted and he advised that Lexington County would have no objection to the decorative signage as long as it met the County's criteria. Mr. Fechtler stated that the Homeowners Association would need to contact him to obtain the proper procedures and guidelines. Mr. Myers made a motion to approve the request from the Moss Creek Homeowners Association with the stipulation that the signs must meet Lexington County guidelines and that the entire cost of the project be paid for by the Moss Creek Homeowners Association. Mr. Malpass seconded the motion which was unanimously approved. Mr. Jumper inquired as to who would be responsible for repairing the signs in the event of damage. Mr. Myers stated that either the Homeowners Association insurance would cover the damage or the County would replace them with regular signs.

Committee Matters

A. Appointments and Reappointments

Board of Zoning Appeals - One Position

Mr. Frank Dickerson's term expires September 2007. He has been contacted and is unable to serve again due to health reasons. There is no recommendation at this time. Mr. Jumper made a motion to table the issue until a potential member has been obtained. Mr. Malpass 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:

Planning Commission – May 21, 2007
Accommodations Tax Committee – August 14, 2007
Cayce Events Committee – August 16, 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 Recommendations

Accommodations Tax Committee – Recommendation for Funding

The City Manager advised that the Accommodations Tax Committee received a funding request from the Brookland Cayce High School Palmetto Cup Soccer Classic in the amount of \$5,000.00. The Committee recommends funding be approved in the amount of \$5,000.00 for this event. Mr. Malpass made a motion to approve funding for the Palmetto Cup Soccer Classic as recommended. Mr. Myers 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 Council previously received the July Utility financial report, but due to some computer problems, the General Fund report was not available at this time. He provided Council with a copy of the General Fund financial report for July, 2007 and advised that the August financial reports would be sent to Council this week.

In reference to the FY 2006-2007 CAFR, the City Manager advised that a draft report has been completed with the exception of the statistical section.

The City Manager provided Council with the following dates:

- September 15, 2007 – Guided Nature Tours – 10 a.m. (Children's Tour) and 1:00 p.m.
- September 18, 2007 – West Metro Annual Dinner – Embassy Suites
- September 21, 2007 – Claude A. Taylor Elementary Tour of City Hall – 9 a.m.
- September 28, 2007 – Last day of twice per week garbage pick up

Update on Airport Corridor Beautification Project – As stated earlier, the City Manager reiterated that he has been in contact with Heidi Johnson of Keep the Midlands Beautiful who is promoting a beautification project for Airport Blvd. He stated Ms. Johnson would be at the October Council meeting to make a presentation on the project.

Update – Lexington County Recreation Commission – Swimming Pool Project – The City Manager stated that at the August Council Meeting, Ms. Karen Wigfall spoke to Council about suggested programs for youths in Cayce and the possibility of installing a

community-wide swimming pool. He stated that he contacted Mr. Jay Criscione of the Lexington County Recreation Commission regarding this issue. He provided Council with a copy of Mr. Criscione's reply stating that while the swimming pool project is not feasible, other programs for the future are being discussed. In addition Mr. Criscione advised that updates would begin at the N Avenue and Sunnyside Park in September. The City Manager advised that he would follow up with Ms. Wigfall and provide her with this information.

Update – SCDOT – Ref CSX Railroad Crossing at Taylor Road – The City Manager gave a brief update on the recent activity in reference to the proposed re-establishment of the railroad crossing at Taylor Rd.

Mr. Jenkins inquired if the City had a drug testing policy for employees of the city. The City Manager stated that a drug testing policy for employment is in place as well as random drug testing.

Executive Session

A. Receipt of Legal Advise concerning a potential claim

Mr. Myers made a motion to move into Executive Session to discuss the matter above. 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.

There being no further business, meeting adjourned at 7:35 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk