

**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 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. 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 SC 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. She stated that the project includes the planting of approximately 150 trees along the 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 which affected three call boxes. He stated that the contractor was in the process of replacing these units 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. Avery, does this apply if it happens in our schools? Chief, yes. Rick, what do you do about students who are sexual offenders and go to our schools. Mr. Crowe stated that attending school would be a lawful purpose. State law does not speak to residency or loitering. Rick intent is good, but I think it lumps together those that are young people who have made a mistake. Danny, there could be a number of constitutional areas, but we attempted to minimize those. This draft does not have limitations on work places so we just included residency and loitering. There are also constitutional instances with loitering but we focused on unlawful intent. It is not a vague loitering definition. Rick would like to see the county take some action prior to just the City of Cayce taking action. Chief, if they are already there, they are grandfathered in. They have a major problem in Aiken County now. Avery do we have any problems with it now. Chief, not now. Danny, counties don't have authority to legislate ordinances on municipalities. Jumper, Myers unanimous Avery asked Council to provide comments to the City Manager prior to second reading. Rick, might be a good idea to bring up at LCMA. Ask Becky to send out to Mayors prior to meeting to discuss.

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

- C. Approval of Ordinance Adopting the City of Cayce Cross Connection Program's Standard Operating Policy and Procedures Re Lawn Irrigation Systems – First Reading
- D. Approval of Ordinance Approving a Lease of City Property with the South Carolina Department of Natural Resources – Second Reading
- 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
- F. Approval of Ordinance to Rezone Property Located at Axtell and Knox Abbott Drive from C-3 and RG-1 to PDD – Second Reading

#### **Contracts, Agreements, Other**

- A. Bid Award – Purchase of Front-End Loader Sanitation Truck
- B. Approval to Initiate Pilot Roll Cart Program
- C. Approval to Participate in Airport Corridor Beautification Project
- D. Approval of NPDES Intergovernmental Agreement
- E. Bid Award – Purchase of Replacement Dump Truck for Utilities
- F. Bid Award – Public Relations Firm

#### **Committee Matters**

- A. Appointments and Reappointments  
Beautification Board – One Position  
Cayce Museum Commission – Two Positions
- B. Committee Minutes  
SPAT Committee – September 4, 2007  
Cayce Museum Commission – September 12, 2007

#### **Public Comment**

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

#### **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