

**CITY OF CAYCE
Regular Meeting
March 13, 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, and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. Councilman Robert Malpass was absent due to illness. City Attorney, Danny Crowe, Director of Public Safety, Charles McNair, 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.

Mr. Jumper opened the meeting with the invocation and Mayor Wilkerson led everyone in the Pledge of Allegiance.

Approval of Minutes

The minutes of the January 31, 2007 Special Meeting, February 6, 2007 Regular Meeting, and February 16, 2007 Special Meeting were presented for approval. Mr. Jumper made a motion that the minutes be approved. Mr. Jenkins seconded the motion which was unanimously approved.

Presentations and Proclamations

- A. Presentation by Mr. David Griffith Re Palmetto Boys and Girls State Program

Mr. David Griffith appeared before Council to request funding to help support the American Legion's annual efforts to send young men and women from Brookland Cayce High School and Airport High School to the Annual Boys and Girls State Program. Mr. Griffith thanked Council for the city's past support of the program. He stated that program has experienced an increase in cost to \$235 per student and would entertain any assistance that could be obtained from the city. Mr. Griffith advised that the awards banquet would be held in July and Council would be invited to attend. Mayor Wilkerson thanked Mr. Griffin for attending and advised would take this issue under consideration.

B. Presentation by Mr. Ray Allen and Mr. Mark Hill Re July 4th Celebration

Mr. Allen and Mr. Hill appeared before Council to discuss the July 4th fireworks show that they put on each year for the Broadacres neighborhood. Mr. Hill stated that this celebration has grown over the past four years in terms of attendance. He stated that last year approximately 500 people came to watch the fireworks display. He said it is a privately funded event and they do try to get donations. However, they have not been 100% successful in covering expenses. He stated that each year they choose a charity to receive any funds above and beyond expenses, but unfortunately funds raised did not even cover expenses and the charities have not benefited. Mr. Hill stated that it costs approximately \$3,000 to put on the event and asked that the City consider assisting in funding this community event. Mr. Allen stated that the event is held near the city park on Sunnyside Drive. Mayor Wilkerson inquired if Accommodations Tax funds could be used for the event. Mr. Hill advised that the event draws mostly local people and would not qualify for funding from this source. Mayor Wilkerson stated that Council would take the issue under consideration.

C. Presentation by Ms. Mary Harris Re Drainage Issue

Ms. Harris of 907 L Avenue appeared before Council to discuss problems she is having with drainage. She attended the June 6, 2006 Council meeting and voiced her concerns about her neighbor piping in the drainage ditch on their property. The City Manager advised that staff did visit Ms. Harris and did view that the water is not flowing. He suggested that a letter be sent to Ms. Harris' neighbor and advise that the piping would need to be removed as it impedes the free passage of surface water. Mayor Wilkerson asked that the City Manager send a letter to the neighbor advising that the piping must be removed.

D. Approval of Proclamation – Observance of Sunshine Week

Council considered for approval a Proclamation to proclaim the week of March 11-17, 2007 as Sunshine Week which encourages dialogue about the importance of open government and freedom of information. Mr. Myers made a motion to approve the Proclamation. Mr. Jenkins seconded the motion which was unanimously approved.

E. Approval of Proclamation – Brookland Cayce High School's 75th Anniversary

Council considered for approval a Proclamation to proclaim the week of April 16-21, 2007 as Brookland Cayce High School's 75th Anniversary Week. Mr. Jumper made a motion to approve the Proclamation. Mr. Jenkins seconded the motion which was unanimously approved.

Mayor Wilkerson recognized Danny Creamer who was in attendance. Mr. Creamer stated that he spoke with the City Manager and thought it would be a grand

idea to hold a free bluegrass concert at the Cayce Riverwalk Park. The concert will be held on March 24 from 2 – 4 p.m. He stated that he hoped that this would turn into a big event and something that could be done on a yearly basis. He stated that they are planning for a great deal of people to attend. Mr. Creamer stated that he wanted to advise Council of this contribution by the Sugarloaf Mountain Boys and want to use this as a measuring tool to see if some type of musical festival could be held on the Cayce section of the Riverwalk. Mayor Wilkerson thanked Mr. Creamer for his attendance and his offer to give this free concert.

Ordinances and Resolutions

- A. Approval of Ordinance Amendment to Cayce City Code Re Animals
– First Reading

Council considered for first reading an amendment to the City of Cayce Code of Ordinances relating to Animals. The City Manager advised that this issue goes back to last year when Councilman Jenkins had some questions regarding limiting the number of animals a citizen could own and keep on their premises. He stated that Mr. Crowe had reviewed other cities' ordinances and has drafted a suggested ordinance for Council's review and comments. Mr. Jenkins made a motion to approve the ordinance on first reading. Mr. Jumper seconded the motion. Mayor Wilkerson stated that Mr. Malpass mentioned that he had some concerns with the ordinance which could be addressed prior to the second reading. After discussion, the motion was unanimously approved.

- B. Approval of Ordinance to Annex and Zone Property Located at the Intersection of Lexington Drive and Wisconsin Street – First Reading

Council considered for first reading the approval of an ordinance to annex and zone property located at the intersection of Lexington Drive and Wisconsin Street. Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Myers seconded the motion. Mr. Myers asked that surrounding property owners be contacted to see if they were interested in annexing into the city. Mr. Knudsen stated that the adjacent property owners were notified of this annexation and zoning request but were not contacted individually. The City Manager stated that he would have Mr. Knudsen contact the property owners individually to obtain their interest in annexing into the city. After discussion, the motion was unanimously approved.

- C. Approval of Ordinance to Annex and Zone Property Located at 4026 Roe Young Boulevard – First Reading

Council considered for first reading the approval of an ordinance to annex and zone property located at 4026 Roe Young Boulevard. Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Myers seconded the motion which was unanimously approved.

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

Council considered for first reading the approval of an ordinance to annex and zone property at 4011 Roe young Blvd. Mr. Myers stated that he was concerned with approving annexation of this property until the owners other building can be annexed into the city. He asked that staff contact the property owner to obtain the status on this issue. Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Jenkins seconded the motion. The motion passed three to one with Mayor Wilkerson, Mr. Jenkins and Mr. Jumper voting yes and Mr. Myers voting no.

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

Council considered for first reading the approval of an ordinance to annex and zone property located within the 2200 block of Frink Street. Mr. Jenkins made a motion to approve the Ordinance on first reading. Mr. Jumper seconded the motion. The City Manager advised that the owner is currently working on the water and sewer issues and that he is ready to move forward with the Home Pest Control Co. project that will be facing Frink Street. After discussion the motion was unanimously approved.

F. Approval of Zoning Ordinance Text Amendments – First Reading

Council considered for first reading the approval of suggested Zoning Ordinance text amendments. The City Manager advised that these changes address some of the concerns that were voiced regarding signs during the last municipal election. The proposed text amendments cleans up some of the language, and revises obvious errors. Mr. Myers made a motion to approve the ordinance on first reading. Mr. Jumper seconded the motion. Mr. Myers inquired about the change in square footage requirements on the first floor of a building. Mr. Knudsen advised that the city has had some inquiries about building apartment condos in zoned areas near commercial districts. He stated that the suggested change is that a project of this type would have to use the first floor of the building as a commercial use in a C-3 district (this revision would only affect projects in a C-3 district). He stated that the suggested change would add an incentive that may help redevelopment along Knox Abbott Drive. Mr. Myers inquired if the first floor of the building could be an open or covered parking area. Mr. Knudsen advised that the suggested change states that 40% of the first floor footprint of the building has to be commercial and could be used for parking. After discussion the motion was unanimously approved.

G. Approval of Ordinance to Rezone Property Located at 800 Lexington Avenue from RS-3 to PDD-R – Second Reading

Council considered for second and final reading the approval of an ordinance to rezone property located at 800 Lexington Avenue from RS-3 to PDD-R. Mr. David

Jones was in attendance and brought Council up to date on the progress of the development of the property. The City Manager advised that no further comments had been received regarding this rezoning request. Mr. Myers made a motion to approve the ordinance to rezone the property located at 800 Lexington Avenue from RS-3 to PDD-R on second and final reading. Mr. Jenkins seconded the motion which was unanimously approved.

H. Approval of Ordinance to Rezone Property Located on Lucas Street from M-2 to RS-3 – Second Reading

Council considered for second and final reading the approval of an ordinance to rezone property located on Lucas Street from M-2 to RS-3. The City Manager advised that no further comments had been received regarding this rezoning request. Mr. Myers made a motion to approve the Ordinance to rezone the property located on Lucas Street from M-2 to RS-3 on second and final reading. Mr. Jumper seconded the motion which was unanimously approved.

I. Approval of Ordinance Authorizing Sale of Real Property of the City of Cayce at 615 Knox Abbott Drive – Second Reading

Council considered for second and final reading the approval of an Ordinance authorizing the sale of real property owned by the City of Cayce at 615 Knox Abbott Drive. Mr. Jim Boland was in attendance and stated the purchasers were approved and they are preparing to move forward with the closing on the property. Mr. Jenkins made a motion to approve the ordinance on second and final reading. Mr. Jumper seconded the motion which was unanimously approved.

Other

A. Bid Award – Animal Shelter Upgrade

The City Manager stated that bids were received to upgrade the city's Animal Shelter and he recommends that the bid be awarded to Baily & Yobs in the amount of \$23,860.40. Mr. Jumper made a motion to approve award the bid to Baily & Yobs in the amount of \$23,860.40. Mr. Myers seconded the motion. Mr. Jenkins inquired about the concrete floor. Chief McNair stated that the floor is currently concrete and very pitted. He stated that a new floor will be poured and covered with epoxy which will make it easier to clean and disinfect. After discussion the motion was unanimously approved.

B. Appointment of Cayce Representative to the West Metro Chamber of Commerce and Visitors Center Board

The City Manager advised that Cayce's current representative on the Board is Ms. Barkley. Her term will expire in June, 2007. He stated that it was Council's option to reappoint Ms. Barkley for a second and final term or reappoint another individual. Ms. Barkley stated that while she is willing to serve again, she would not mind stepping

down to give someone else a change to participate and represent the city. Mr. Myers made a motion to reappoint Ms. Barkley to the Board. Mr. Jenkins seconded the motion which was unanimously approved.

Committee Matters

A. Appointments and Reappointments

Accommodations Tax Committee – One (1) Position

Ms. Tammy Helfrich's term expires March 2007. She has been contacted and would like to serve again. It is recommended that Ms. Helfrich be reappointed to the Committee. Mr. Myers made a motion to reappoint Ms. Helfrich to the Committee. Mr. Jumper seconded the motion which was unanimously approved.

Cayce Events Committee – One (1) Position

Ms. Cindy Pedersen's term expires March 2007. She has been contacted and would like to serve again. It is recommended that Ms. Pedersen be reappointed to the Committee. Mr. Myers made a motion to reappoint Ms. Pedersen to the Committee. Mr. Jumper seconded the motion which was unanimously approved.

Cayce Housing/Construction Board of Appeals – Two (2) Positions

Mr. Joseph Scott's term expires March 2007. He has been contacted and will be unable to serve again. There is no recommendation at this time. The item was tabled.

Mr. Lemuel Knight's term expires March 2007. He has been contacted and would like to serve again. It is recommended that Mr. Knight be reappointed to the Board. Mr. Jumper made a motion to reappoint Mr. Knight to the Board. Mr. Myers seconded the motion which was unanimously approved.

SPAT Committee – One (1) 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. Jenkins seconded the motion which was unanimously approved.

Zoning Board of Appeals – One (1) Position

There is one open position on the Board as Mr. David Diamond has submitted his letter of resignation. A potential member application was received from Mr. Cory Moore who would like to serve on the Board. The application was provided to Council for review. Mr. Jumper made a motion to appoint Mr. Moore to the Board. Mr. Jenkins 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 – January 22, 2007
Beautification Board – February 7, 2007
Cayce Events Committee – February 9, 2007
SPAT Committee – February 13, 2007
Cayce Museum Commission – February 14, 2007
Cayce Housing Authority – February 20, 2007

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

C. Committee Recommendations

1. Approval of Accommodations Tax Committee Recommendation to Distribute Funds

Ms. Barkley stated that several unexpected expenses and extensive overtime was experienced during the 2006 Christmas In Cayce festival event. The City's electrician was unable to assist with electrical requirements due to his workload and several days of bad weather put the Parks Department behind in schedules. Because of these obstacles, the Events Committee had to hire an electrician and the Parks Department experienced an amount of overtime over and above what was originally budget. She stated that the Events Committee requested and the Accommodations Tax Committee recommends funding the 2006 Christmas In Cayce event an additional \$2,000 to assist in covering the additional expenses. Mr. Jenkins made a motion to approve the additional \$2,000.00 in funding for the 2006 Christmas In Cayce festival event. Mr. Jumper seconded the motion which was unanimously approved. Mr. Myers asked that prior to placing poles in front of City Hall that the issue be brought before Council to discuss.

2. Approval of SPAT Committee Recommendation to request that speed limit be reduced on the 12th Street Extension

Mayor Wilkerson stated that a recommendation from the SPAT Committee was received to send a request to SCDOT to have the speed limit on the 12th Street Extension at Busbee Academy of the Arts entrance changed. The recommendation is to ask that the 55 mph limit begin past the school (southbound) instead of prior to the school. The SPAT Committee felt that this would allow for a safer entrance and exit from the school. Mayor Wilkerson stated that he did not feel changing the speed limit during the summer months while school is out of session would benefit the school and/or vehicles who travel that route. Chief McNair stated that Public Safety has received requests from teachers and parents that the speed limit be reduced as well during the school term. Mr. Knudsen stated that SCANA is in the process of requesting that SCDOT permit a traffic light at the Taylor Rd. school entrance intersection to be paid for by SCANA. He stated that once the light is installed, the speed limit will

move further down from the intersection or 500 feet before the traffic light. Mr. Myers stated that he was aware that Taylor Road would only be used as a limited emergency in and out road and asked staff to check on that issue. Mr. Myers made a motion to table the issue until more information could be obtained on the use of Taylor Road. Mr. Jenkins 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 February financial reports were previously distributed to Council and provided Council with information on the following upcoming dates:

March 15 – Congaree State Bank Groundbreaking at 11:00 a.m.
March 16 – Kick Off Financing Team Meeting for WWTP Expansion/Upgrade
March 16 – Department Heads turn in FY07-08 Budget requests
March 24 – Concert at Cayce Riverwalk Park – Sugarloaf Mountain Boys, 2-4 pm

The City Manager provided Council with the following updates:

Resurfacing of State Maintained Roads – The City Manager provided Council with copies of letters the city received from Representative Kenny Bingham and SCDOT's response to him regarding the city's request for repaving of roads within the City.

Conflict of Interest Issues – The City Manager advised that as requested by Council, a letter was sent to the Attorney General's office regarding the issue of dual office holding. He provided Council with a copy of the letter the city received from the Attorney General's office acknowledging receipt of the city's letter.

Alcohol Policy for Events Held on City Property – Ms. Barkley provided Council with research on cities that allow alcoholic beverages to be served on city owned property/parks as requested by Council. She stated that staff had reviewed the Land Transfer Agreement for the Cayce Riverwalk Park in detail and in the security and maintenance part of the agreement it is strongly recommended that alcohol not be allowed in the Cayce Riverwalk Park. In discussions with the City Attorney, Ms. Barkley stated that Mr. Crowe advised that the city does have the option to allow alcohol and designate certain areas within the Park to do so. She stated that while the city does not spell out this issue in its Code of Ordinances, the city does have a policy not to allow alcohol on city owned property and parks. She stated that Mr. Crowe is concerned

about liability on the part of the city if a group obtains the proper permits and insurance. Mayor Wilkerson stated that he felt this would only occur during normal operating hours of the parks. The City Manager advised that is correct and the parks close at dusk. Mr. Myers stated that from the standpoint of the Museum, it would give them the opportunity to rent that facility for small events that they may not have that opportunity to do so now. He stated that he did not think the city should look at this from a revenue standpoint.

Mr. Crowe stated that if Council wishes to allow alcohol, beer or wine for particular events, he would urge that the city come up with a written policy, spell out the guidelines, the requirements, time limits, require proof insurance, require that the city be a named additional insured, etc. He stated that the reality these days with the courts is that liability for the use of alcohol is expanding and that last month our court further expanded the liability of social hosts who provide alcohol, beer or wine to minors. He stated the social hosts now become liable if the minors have been in an accident with a third party. He stated that Council needs to consider if this exposure to liability is something that we want to city to run the risk of even if there is some chance of having that offset by insurance or indemnity agreements. He also suggested that Council think about its vision and the use of parks and if alcohol would be consistent with that. He stated that he felt the city should have regulations or rules which spell out the circumstances that would permit alcoholic beverages to be served. He stated that if Council choose to go that route, Council would need to address the types of events that would be allowed to serve alcoholic beverages and not on an individual basis where someone would complain that the city was treating them differently than others. He stated that Council should also think about law enforcement considerations and may want to get Chief McNair's input on that. He stated that his suggestion would be that the guidelines/regulations definitely include insurance requirements, limit the time, and specify the circumstances. He felt that requiring security guards or law enforcement presence would be good as well.

Mr. Jenkins inquired if the park would have to be closed if an event was given permission to serve alcohol to eliminate the exposure of alcohol to minors. The City Manager advised that the park would not have to be closed as only the designated area would have access to alcoholic beverages. Mr. Myers suggested that events be limited to serving beer and wine only. Mayor Wilkerson stated that he felt Council should consider limiting hours when beer or wine could be served and not from dawn to dusk. He suggested possible limiting it to no more than three hours a day. He stated that he agreed with Mr. Jenkins that it would not be feasible to reserve a specific area of the park for entire days on the weekends. Council asked that staff begin preparing guidelines and regulations for Council's review. Mr. Jenkins stated he would be more in favor of a constructing a separate building where residents could hold activities that include the serving of alcohol. Mayor Wilkerson stated that insurance is a very important part of the process and the city should require at least \$1 million worth of coverage and have the city included as a named additional insured. Mr. Crowe advised that Council has the option of changing procedures via vote if allowing alcohol in designated areas becomes a problem. Mr. Jenkins asked staff to obtain crime statistics from cities that allow beer and wine at special events.

Business Appreciation Day at Cayce Riverwalk Park – The City Manager advised that the Events Committee has suggested organizing a new event to honor the businesses in the Cayce area and will present a plan to Council for consideration and approval.

Certified Friendly Customer Service Training – The City Manager advised that the Greater Columbia Convention & Visitors Bureau would be offering a “Certified Friendly” customer service training session on March 20 and 15 staff members have signed up to attend. He stated that there is no charge to attend the session and he is planning to provide special recognition for those who have signed up for session.

Discussion of changing time of regular Council Meetings – The City Manager stated that a specific time to hold the regular monthly Council meetings is not included in the Code of Ordinances. In order for Council to change the time of the meetings, it would take a consensus of Council. Mayor stated he talked with Mr. Malpass and he did not have a problem moving all of the regular meetings to 6:00 p.m. Council agreed to hold all future regular Council meetings at 6:00 p.m. Conflicts in schedules will be handled as they occur. The next regular Council meeting will be held on Tuesday, April 3, 2007 at 6:00 p.m.

Mr. Jumper inquired if the lists of streets scheduled to be repaved were on the original lists the city submitted to SCDOT. The City Manager advised that these streets were on the city’s original request. Mr. Jumper inquired as to when the bridge by the Public Safety complex would be completed. The City Manager advised that a committee is in the process of being formed to get the project completed.

Mr. Jenkins stated that the fence on the north side of the Andrew J. Burnette Park needed to be repaired. The City Manager advised that he would have staff review the issue.

Mr. Myers stated that there were three street lights out on Hwy. 321 between Memorial and Moss Creek Drive. The City Manager stated he would have staff check the area and obtain the pole numbers to have these repaired. Mr. Myers inquired if staff could provide an update on big box zoning. Mr. Knudsen stated this issue would be discussed at next Planning Commission meeting and it is currently a pending ordinance. He stated that the Planning Commission would be working on preliminary definitions. Mr. Myers asked for an update or status on the Norfolk Southern overpass. The City Manager stated that Mr. Crowe has prepared an ordinance that deals with that issue and it will be placed on the April agenda for Council’s review. Mr. Crowe advised that he has had no further communication with Norfolk Southern regarding this issue and pointed out that it is not the type of structure that falls under the building code or code enforcement. Mr. Myers asked for clarification under Public Safety’s narcotics report which showed significant seizures and staff seemed to be on vacation at that time. Chief McNair explained the information in the report.

There being no further business, the meeting adjourned at 7:45 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk