

**CITY OF CAYCE  
Regular Meeting  
May 1, 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, 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.

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 April 3, 2007 Regular Meeting were presented for approval. Mr. Myers made a motion that the minutes be corrected to delete the words "Public Safety" on page 4, seventh line down. Mr. Jumper made a motion that the minutes be approved with correction as noted. Mr. Myers seconded the motion which was unanimously approved.

**Presentations and Proclamations**

- A. Presentation of the Employee of the Quarter Award (First Quarter)

Mayor Wilkerson presented the Employee of the Quarter Award to John Kirk, Master Public Safety Officer. He thanked Officer Kirk for his commitment to the City and congratulated him for winning the award.

- B. Approval of Proclamation – Mental Health Month

Mr. Jumper made a motion to approve a Proclamation proclaiming the month of May 2007 as Mental Health Month. Mr. Jenkins seconded the motion which was unanimously approved.

C. Presentation by Ms. Mary Harris, 907 L Avenue, Re Drainage

Ms. Harris appeared before Council to discuss drainage issues she is having on her property. She introduced Mr. Rodney Rosenzweig and stated that he would be making the presentation for her. Mr. Rosenzweig stated that there were two issues at hand, 1) the drainage ditch that had been filled in on Ms. Harris' neighbor's property and the size of the pipes installed; and 2) who is impeding the flow of storm water. He provided Council with a brief update on the history of this issue stating that Ms. Harris has appeared before Council three times to try and resolve this situation. He provided Council with statistics on the size of the pipes, location of the area, and other dimensions including SC DOT's outfall.

He referred to Mr. Knudsen's letter of May 4, 2006 to Mr. Rucker allowing Mr. Rucker to fill in the ditch. Mr. Knudsen stated that the letter's intent was to advise Mr. Rucker that he could not impede the free flow of surface water. He provided Council with a photo taken on April 6, 2007 which showed seven inches of standing water in Ms. Harris' drainage ditch. He stated that he did some research and found that the last heavy rain the city received was on March 16, 20 days prior to taking the photo. At that time, he stated the city received 1.08" of rainfall. On March 30, the city had a trace of rain, on April 1 there was 6/100ths inches of rain, on April 7 very little as well and the water is still standing in the ditch. He stated that Ms. Harris holds no animosity of the Rucker family and that she babysits for them, picks their children up from school, etc. He asked that Council take the necessary steps to assist in getting this issue resolved.

Mayor Wilkerson stated that his concern was that the two ditches were on private property. Mr. Malpass stated that at the April Council meeting, Council asked that the Ruckers be advised that they needed to remove the pipe and open the ditch. Mr. Crowe stated that the City has a Drainage Channel Maintenance Ordinance that provides some limited remedy. He stated that under the Ordinance, the person who violates it can be charged an offense in city court and that Council does not have the authority to order that something be done. Mr. Myers stated that if the neighbor's filled in ditch is impeding the flow of property and it is on private property, the city has no control over the issue other than a violation of the Ordinance. He stated that if problems persist, the issue may be a civil issue between Ms. Harris and the property owner. The City Manager advised that the property owner, Ms. Shumpert and Ms. Rucker did visit the office and requested an extension on correcting the situation and a 30-day extension was granted. He stated that the city has not heard from Ms. Shumpert or Ms. Rucker and the 30-day extension had just passed. Ms. Harris stated that she spoke to both Ms. Shumpert and Ms. Rucker and they understood that the matter had been resolved. Mr. Crowe stated that he would be glad to get with the City Manager to review the issue and the city's ordinance to see what can be done on the City's part. Mr. Myers stated that it is important to remember that Ms. Harris has lived there for a long time and has not had this problem prior to the ditch being filled in.

Mr. Malpass advised that he personally visited the site and felt that the 3-4" pipes used to fill in the ditch were not sufficient to handle the free flow of water. Mr. Crowe

stated that any remedy that the city government might have may not be complete and urged Ms. Harris to go through civil court to resolve the issue. Mayor Wilkerson inquired if the Rucker's had any standing in this issue. Mr. Crowe stated yes, if Mr. Rucker actually installed the pipes and covered the ditch. Mayor Wilkerson stated that it would be a good idea to bring the parties together with City staff to try and mediate a resolution. He stated that staff and Mr. Crowe would need to determine if there is a violation of the city's ordinance. Mr. Crowe stated that if there is a violation, the City could notify the property owner that the city plans to issue a citation. Council asked that the City Manager provide Ms. Harris with an update in 10 days or by May 11 if the City finds there is some action the city can take in this regard.

### **Ordinances**

A. Approval of Ordinance Amendment to Section 10-32 of the City of Cayce Code Re Building Permits – First Reading

Mayor Wilkerson inquired if the amendment was for residential Building Permits only and if there was a way it can be more specific. He stated that he felt 18 months was a long time for a residential project to be completed. Mr. Knudsen stated that the Ordinance amendment could be modified to state that completion date must be on the permit and project can take no longer than 18 months to complete. Mr. Crowe stated that he knew of no reason why the city could not have a schedule included based on the type of jobs being permitted in a residential area. He stated that the city could include some type of menu or sliding scale of time for completion. Mayor Wilkerson suggested that a simple way would be to do the scale by dollar amount.

Mr. Crowe stated that he has not surveyed other municipalities on how they handle these issue, but could do that prior to second reading. Mr. Myers asked that "reasonably commence" be more specifically defined as far as the six- month starting period. Mr. Jenkins stated that he would like to know how this would address renewal of permits. The City Manager stated that staff and the City Attorney would redraft the ordinance amendment to include some type of sliding scale for time for completion. Mr. Jumper made a motion to postpone the issue to the June Council meeting. Mr. Jenkins seconded the motion which was unanimously approved.

B. Approval of Ordinance to Annex and Zone Property Located on the South Side of Taylor Road – First Reading

Mr. Myers made a motion to approve the Ordinance to annex and zone 62.83 acres of property located on the south side of Taylor Road on first reading. The zoning would be established as RS-3, Single Family Residential. Mr. Jumper seconded the motion which was unanimously approved. Mr. Malpass asked that a copy of the draft Planning Commission's meeting minutes where this issue was discussed be provided to Council as soon as possible.

C. Approval of Ordinance to Rezone Property Located on the North Side of Taylor Road – First Reading

Mr. Malpass pointed out that there was an error in the Ordinance regarding the zoning classification and asked that this be corrected. Mr. Myers inquired if apartments could be placed in an RG2 zone. Mr. Knudsen advised that this would be the correct zoning classification for apartments. Mr. Myers stated that he would like to see more definite plans for the property prior to approving the rezoning. The City Manager stated that the developer would be asked to provide Council with a presentation prior to second reading. Mr. Jumper made a motion to approve the Ordinance rezoning the 14.19 acres of property from RS-3, Single Family Residential to RG-2, General Residential on first reading. Mr. Malpass seconded the motion which was unanimously approved.

D. Approval of Ordinance Authorizing the Sale of Real Property of the City of Cayce at 1114 State Street, Parcel 2 – First Reading

Mr. Myers made a motion to approve the Ordinance authorizing the sale of real property of the City of Cayce at 1114 State Street, Parcel 2 to Mr. Tim Jur on first reading. Mr. Malpass seconded the motion which was unanimously approved.

E. Approval of Ordinance Amendment to Cayce City Code Re Public Nuisances – Second Reading

Council considered for second and final reading the approval of an Ordinance amendment to the Cayce City Code regarding Public Nuisances for privately owned structures elevated above street grade and extending over or across public streets. Mr. Myers made a motion to approve the Ordinance on second and final reading. Mr. Jenkins seconded the motion which was unanimously approved.

F. Approval of Ordinance to Annex and Zone Property on Fish Hatchery Road – Second Reading

Council considered for second and final reading the approval of an Ordinance to annex 21.91 acres of property and zone the property PDD-MU located on Fish Hatcher Road. Mr. Myers made a motion to approve the Ordinance on second and final reading. Mr. Malpass seconded the motion which was unanimously approved.

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

Council considered for second and final reading the approval of an Ordinance Amendment to the Cayce City Code in reference to Animals. The ordinance would restrict the number of animals to Mr. Jenkins made a motion to approve the Ordinance on second and final reading. Mr. Myers seconded the motion which was unanimously approved.

Mr. Myers made a motion that the discussion on Items H. and I. Be combined. Mr. Malpass seconded the motion which was unanimously approved.

- H. Approval of Ordinance to Annex and Zone Property Located at 4026 Roe Young Boulevard – Second Reading
- I. Approval of Ordinance to Annex and Zone Property Located at 4011 Roe Young Boulevard – Second Reading

Council considered for second and final reading the approval of an Ordinance to annex and zone properties located at 4026 and 4011 Roe Young Boulevard. Mr. Myers inquired if a response had been received from the property owner regarding the possible annexation of a third property on Roe Young Boulevard. Mr. Knudsen advised that no response had been received. Mr. Myers stated that he was not in favor of creating a “doughnut hole” by approving the property owner’s request for annexation of two of the three properties. Mr. Myers made a motion to postpone the issue until a response is received from the property owner. Mr. Malpass seconded the motion which was unanimously approved.

- J. Approval of Ordinance Re Serving of Beer and Wine on City-owned Property – Second Reading

Council considered for second and final reading the approval of an Ordinance referencing the serving beer and wine on city-owned property. Mr. Jenkins stated that he had mixed feelings on this issue and is still opposed to allowing beer and wine being served on certain city-owned property. Mr. Jumper stated that he, too, was opposed to the approval of the Ordinance. Mr. Myers stated that he did not feel the city was reinventing the wheel on this issue and that several municipalities allow the serving of beer and wine on their city-owned properties under strict guidelines, insurance requirements and permit process much like the one provided by the City Attorney and staff. Mr. Myers made a motion to approve the Ordinance on second and final reading. Mr. Malpass seconded the motion which was approved by a three to two vote with Mayor Wilkerson, Mr. Myers and Mr. Malpass voting yes and Mr. Jenkins and Mr. Jumper voting no.

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

- A. Approval of Settlement Agreement – Gaston Water District

Mr. Crowe advised that Council had previously approved a Resolution to the Intergovernmental Agreement between the City of Cayce and the Gaston Rural Community Water District. He stated that essentially the City agreed that it would not intrude on their original service area and thought both parties had agreed on a map. However, he stated that after some delay, the District came back and said this was not the map they intended to agree upon. Mr. Crowe stated that the District advised that they wanted to protect their whole area that they were currently using so they were asked to provide us with a new map. Council reviewed the map with Mr. Crowe and Mr. Robison. Mr. Crowe stated that the District has the benefit of having protection of a Federal statute and felt that there might be room in the future for the District to

cooperate with the City and the City supply them with water if they want to grow this area. He stated that the agreement before Council was the same agreement Council had agreed to previously except for a few minor changes and reference to the map. He stated that the Resolution approves the agreement and map and authorizes the City Manager to execute the agreement. Mr. Malpass made a motion to approve the Resolution and Intergovernmental Agreement between the City of Cayce and the Gaston Rural Community Water District. Mr. Myers seconded the motion which was unanimously approved.

B. Approval of Agreement to Contract Operation and Maintenance Service for Privately-Owned Pump Stations

The City Manager advised that after the city acquired the Midlands Utility sewer systems, it was discovered that two sewer customers were discharging sewer to the city through pumps that did not belong to Midlands Utility. He stated that since the transfer of the system to the city, the city field operations staff has been maintaining these two pump stations and has continued to do so due to lack of ownership documentation. He stated that it is the opinion of the Utilities management staff, that the city could reasonably provide maintenance services at these pumps without financial loss to the city through a Utilities Pump Station Operations and Maintenance/Repair Contract Service and Fee Schedule that has been reviewed and modified by the City Attorney. He stated that these documents would establish the ability for staff to maintain privately owned sewer pump stations that discharge into the city sewer system by contract.

Mr. Malpass inquired if the city does this for any other privately owned pump stations. Mr. Robinson advised that at this time, no. Mr. Myers inquired as to why the city would want to begin this practice. Mr. Malpass inquired if the city would be liable in case of violations. Mr. Robinson stated that if the city maintained and operated the pump stations, the city would be liable to some extent. Mr. Myers asked if the city had approached the owners about deeding the pump stations to the city. He stated that he did not want to see the city get into the business of operating other people's property. Mr. Jumper inquired if the city would be paid for the maintenance and operation. Mr. Robinson advised that a fee schedule would be part of the contract. Mr. Malpass suggested that the city approach the owners to see if they will deed the pump stations to the city. Mr. Jenkins inquired as to the current conditions of the pump stations. Mr. Robinson advised that the stations are in pretty good condition now. Mr. Malpass inquired about the city's liability for any violations. Mr. Crowe stated that any time the city takes over operation and maintenance, it incurs a risk of liability. Mr. Malpass stated that he would rather the city have ownership of the pump stations and suggested that a letter be sent to the owners requesting that the pumps be deeded to the City. He stated that obtaining ownership of the pump stations should be tried first and if that fails, the City could consider entering into a contract to maintain and operate the pump stations. Mr. Malpass made a motion to postpone the issue until June meeting and that letters be sent to the owners requesting that they deed the pump stations to the City. Mr. Myers seconded the motion which was unanimously approved.

C. Approval to Authorize the SC Department of Transportation's Request to Abandon Curb Cut – Knox Abbott Drive

The City Manager advised that vehicles are using the area at the end of Blossom Street Bridge at the Knox Abbott Dr area of the Riverwalk Park as a parking. He stated that over the last several years, the decorative light pole in the right of way has been damaged and knocked down by the cars parking there. He advised that the cost to replace the decorative lighting is \$1,000.00 and that the pole has been replaced on two occasions because of damage. He stated that the pole has been knocked down again and before SCDOT will replace the light pole and fixture again, they are requesting a letter from the City giving them permission to remove the curb-cut at this location and replace it with regular concrete curbing. He also suggested that the city plant some type of vegetation or minor landscaping to beautify the area. He advised that SCDOT has also agreed to put "No Parking" signs at that location.

Mr. Myers stated that he preferred that the "No Parking" signs not be placed in this area. Mr. Jenkins made a motion to authorize the SCDOT's request to abandon the curb cut on Knox Abbott Drive. Mr. Jumper seconded the motion which was unanimously approved.

D. Approval to Accept Palmetto Pride Grant Award

The City Manager advised that the City applied for a Palmetto Pride Enforcement Grant in the amount of \$5,000 for the purchase of a specialized "Groundhog Camera" for the detection of illegal dumping. He stated that the grant has been awarded with a City match in the amount of \$2,500 which can be taken from existing FY06-07 General Fund appropriations. Mr. Jumper made a motion to approve the acceptance of the Palmetto Pride Grant Award. Mr. Malpass seconded the motion which was unanimously approved.

**Committee Matters**

A. Appointments and Reappointments

Beautification Board – One (1) Position

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

Cayce Events Committee – Three (3) Positions

The following members' terms expire May 2007: Ms. Brenda Cole, Ms. Julie Isom, Mr. Steve Isom. All have been contacted and would like to serve again. It is recommended that Ms. Cole, Ms. Isom and Mrs. Isom be reappointed to the Committee. Mr. Myers made a motion to reappoint Ms. Cole, Ms. Isom and Mr. Isom to the Committee. Mr. Malpass seconded the motion which was unanimously approved.

#### Cayce Housing/Construction Board of Appeals – One (1) 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. Malpass made a motion to postpone the issue until a recommendation can be submitted. Mr. Jenkins seconded the motion which was unanimously approved.

#### SPAT Committee – One (1) Position

There is one open position on the Committee. A potential member application has been received from Mr. Paul Giugliano. A copy of the application has been submitted to the SPAT Committee for consideration and recommendation and was also provided for Council's review. Mr. Myers made a motion that the individual not be considered due to his opposite views from that of Council and negative remarks made by the individual towards the City. 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 – March 19, 2007  
Board of Zoning Appeals – March 26, 2007  
Beautification Board – April 4, 2007  
Accommodations Tax Committee – April 10, 2007  
Cayce Housing Authority – April 10, 2007  
SPAT Committee – April 10, 2007  
Cayce Museum Commission – April 11, 2007  
Cayce Events Committee – April 12, 2007

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

#### C. Committee Matters

##### 1. Approval of Accommodations Tax Committee Recommendations

The City Manager advised that applications for funding for FY07-08 had been reviewed by the Accommodations Tax Committee and recommendation for funding is as follows:

West Metro Chamber of Commerce - \$17,000. Mr. Malpass made a motion to approve funding in the amount of \$17,000 as recommended. Mr. Jenkins seconded the motion which was unanimously approved.

West Metro Holiday Parade of Lights - \$2,500. Mr. Myers made a motion to approve funding in the amount of \$2,500 as recommended. Mr. Malpass seconded the motion which was unanimously approved.

South Congaree Western Weekend Rodeo - \$2,500 – Mr. Malpass made a motion to approve funding in the amount of \$2,500 as recommended. Mr. Myers seconded the motion which was unanimously approved.

Town of Pine Ridge Festival – denied. Mr. Myers made a motion to approve the denial of funding as recommended. Mr. Malpass seconded the motion which was unanimously approved.

Riverwalk Music Festival – denied. Mr. Myers made a motion to approve the denial of funding as recommended. Mr. Malpass seconded the motion which was unanimously approved.

Events Committee Guided Nature Tours - \$770. Mr. Malpass made a motion to approve funding in the amount of \$770 as recommended. Mr. Jenkins seconded the motion which was unanimously approved.

Columbia Metro Convention & Visitors Bureau - \$2,500 – Mr. Malpass made a motion to approve funding in the amount of \$2,500 as recommended. Mr. Jumper seconded the motion which was unanimously approved.

Events Committee Christmas In Cayce - \$12,500. Mr. Malpass made a motion to approve funding in the amount of \$12,500 as recommended. Mr. Jumper seconded the motion which was unanimously approved.

Cayce Historical Museum's Aid - \$9,500. Mr. Malpass made a motion to approve funding in the amount of \$9,500 as recommended. Mr. Myers seconded the motion which was unanimously approved.

Cayce Museum Christmas Traditions - \$3,800. Mr. Malpass made a motion to approve funding in the amount of \$2,500 as recommended. Mr. Myers seconded the motion which was unanimously approved.

Advertising Specialties - \$900. Mr. Malpass made a motion to approve funding in the amount of \$2,500 as recommended. Mr. Myers seconded the motion which was unanimously approved.

## 2. Approval of Cayce Events Committee Business Appreciation Day Proposal

At the April Council Meeting, the Cayce Events Committee suggested that the City of Cayce host a Business Appreciation Day at the Cayce Riverwalk Park. The Committee was asked to provide Council with a proposal for this event. Council reviewed the proposal. Mr. Myers made a motion to approve the proposal for the Business Appreciation Day and to hold the along with the grand reopening of Phase II of the Park extension. Mr. Malpass 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**

Financial Reports – The City Manager stated that the April financial reports would be sent to Council by Friday.

The City Manager provided Council with the following dates:

- May 10, 2007 – Hotel Reservations will be made for MASC Annual Meeting – Hyatt Regency in Greenville – July 12 – 15, 2007
- May 14 – Flanders Field Display at City Hall
- May 17, 2007 – Congaree State Bank Ribbon Cutting – 5:30 pm
- May 25, 2007 – Employee Pig Pickin' Picnic–Granby Pavilion–11:30 a.m. – 1:30 p.m.
- May 28 – Memorial Day Holiday – City Hall Closed
- Set date for Budget Workshop – Council scheduled the Budget Workshop for May 17, 2007 at 2:00 p.m.
- Set date for Proposed Refunding/Bond Issue Workshop – Council asked that the Workshop be scheduled for either May 9 in the morning or anytime on May 10. The City Manager advised that he would contact the city's Bond Council and get back with Council on the scheduled date and time.
- Reschedule June Council Meeting – The June Council Meeting was rescheduled for June 4, 2007 at 4:00 p.m.

Council scheduled a Special Council Meeting for the second and final reading on the FY07-08 Budget for June 29, 2007 at 7:30 a.m.

Cayce Riverwalk Park Schedule – Phase II – The City Manager advised that the pre-bid conference was held today and that bids are due on May 15, 2007. He stated that several contractors attended the pre-bid conference and many stated that this phase of the Park should take 90-120 days to complete.

State Street Landscaping Project – Phase I – The City Manager stated that staff met with SCDOT to discuss the project and there are some issues that had to be resolved prior to beginning the project. He stated that staff spoke with SCDOT today and the City should receive the encroachment permit sometime within the next two weeks. He stated that once received, bids would have to be solicited for the project. He stated that Phase II of the project would follow behind the completion of Phase I.

Regency Inn Issue – The City Manager advised that the property owner will be installing security fencing around the property.

Taylor Road/CSX Railroad Issue – The Preliminary Engineering Agreement has not yet been returned. He stated that he would continue his efforts in obtaining the Agreement.

Mr. Jumper inquired about the Parkside Cottages development. He stated that the house on the corner was very near to the right-of-way. Mr. Knudsen advised that the house has been property constructed and that the developer will be building a brick wall around the development.

Mr. Jumper inquired if "No Through Traffic" signs could be installed on Middleton Street, Granby, down to Dunbar Road. The City Manager asked Mr. Jumper to meet with him so that he could send a letter to the SCDOT.

Mr. Jumper inquired as to the start date for the resurfacing of roads in the City limits. The City Manager advised that there have been no further comments regarding this matter.

Mr. Jumper stated that his neighborhood was still having problems with loud music from cars and people running the stop sign at Granby and Wilkerson. The City Manager advised that Public Safety continues to monitor this area.

Mr. Jenkins stated that he was approached by a resident in the Peach Street area regarding boarded up houses and asked if Council could address this issue. Mr. Knudsen advised that the City does have authority under the City's Code of Ordinances but that no funds have been placed in the budget to either make the property owners take the homes down or for the city to have them demolished. Mr. Myers asked that staff provide Council with a list of the number of boarded up houses, their locations, statistics on crime in the area, etc. so that Council could properly address this issue.

Mr. Jenkins stated that there is an animal control issue on James Street with the way dogs are tied up. Chief McNair stated that he would have Animal Services check on the situation.

Mr. Myers stated that the car wash on Emanuel Church Road near the entrance of Hunters Mill has experienced two vandalism incidents. He asked Chief McNair to review these issues and meet with the property owner.

**Executive Session** – Receipt of legal advice Re Business Licenses in reference to rates and payments

Mr. Jenkins 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 9:00 p.m.

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Avery B. Wilkerson, Jr., Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk