

**CITY OF CAYCE  
Regular Meeting  
February 5, 2008**

The regular monthly meeting of Cayce City Council was held this evening at 6:05 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. Lt. Jeff Simmons of Public Safety, Director of Planning & Development, Ken Knudsen, Utilities Director, Frank Robinson and City Attorney, Danny Crowe were 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 the meeting with the invocation and Mayor Wilkerson led everyone in the Pledge of Allegiance.

**Approval of Minutes**

The minutes of the January 8, 2008 Regular meeting and the January 29, 2008 Special Meeting were presented for approval. Mr. Malpass made a motion that the minutes be approved as submitted. Mr. Jumper seconded the motion which was unanimously approved.

**Proclamations**

- A. Approval of Proclamation – *Cities Mean Business* Month

Council considered for approval a Proclamation proclaiming the month of February as Cities Mean Business Month. Mr. Jenkins made a motion to approve the Proclamation. Mr. Jumper seconded the motion which was unanimously approved.

**Ordinances and Resolutions**

- A. Approval of Resolution Ratifying and Confirming City Policy as to Calculation of Plumbing Permit Fees for Commercial Buildings

Council considered for approval a Resolution ratifying and confirming an existing City policy as to how calculations of plumbing

permit fees for commercial buildings are figured. The City Manager stated that the city's current ordinance is somewhat archaic and after research was done by staff, it was noted that the amount of time it took to review plans and the inspections had not be taken into account on commercial buildings and that step six of the guidelines were not being followed correctly. He stated that the proposed Resolution would be to clarify the existing rate and fee schedule that was adopted by Council in 1998. Mr. Myers made a motion to approve the Resolution. Mr. Jenkins seconded the motion. After discussion the motion was unanimously approved.

B. Approval of Ordinance Amending Cayce City Code Section 28-114 to Provide for Certain Exceptions to the Prohibition on Discharging Firearms in the City – First Reading

Council considered for first reading the approval of an Ordinance amending the City Code, Section 28-114, to provide for certain exceptions to the prohibition on discharging firearms within the City limits. The City Manager stated that there are areas along the east and west sides of the Congaree River that is currently used for hunting and other recreation that involves persons discharging firearms. He stated that these individuals are members of legal hunt clubs and rifle clubs. Public Safety has been aware of this situation for some time. He stated that the recent annexation includes a parcel of property that is owned by a hunt club which has brought this issue to the forefront.

The City Manager stated that the proposed Ordinance amendment drafted by the City Attorney would not allow anyone to secure an arrest warrant for an individual discharging a firearm in the city if they are following the proposed amendment on non-residential and non-commercial zoned property and if they have secured a yearly permit as stated in the amendment. He stated that safeguards are built into the ordinance for background checks and a fee may be imposed to cover the costs associated to pay for administration and enforcement of the permit program. He stated that provisions are also included in the ordinance for an appeals process in the event a permit request is denied.

Mr. Malpass made a motion to approve the Ordinance on first reading. Mr. Jumper seconded the motion. Mr. Myers stated that under section 2(b) of the Ordinance, it states that a background check may be requested. He inquired if a background check was required when a person applies for a hunting license and if so, this statement may need to be deleted from the Ordinance. Lt. Simmons stated he would check on this issue and advise Council prior to second reading of the Ordinance. Mr. Myers stated that if a fee is being considered that it be brought before Council for review. After discussion, the motion was unanimously approved.

C. Approval of Ordinance Ratifying and Approving the Continuation of a Special Utility Rate Classification for Wastewater Systems Acquired from Midlands Utility, Inc. – First Reading

The City Manager advised that when the purchase of the Midlands Utility system was finalized, the city received approval to charge the PSC approved rates to the

Midlands Utility customers and any new customer for a period of one year. He stated that the city also agreed not to assess capacity or tap fee charges to existing customers. At that time, Council approved an Ordinance stating the rates would remain in effect until November 2007. He stated that since this date has passed and because the Ordinance is time specific, the City Attorney recommends that Council approve an ordinance ratifying and continuing these adopted rates until the city has a rate analysis performed to determine how all rates will be affected. Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Jenkins seconded the motion which was unanimously approved.

D. Approval of Ordinance Amendment Imposing Certain Restrictions on Residency and Loitering for Persons Required to Register as Sex Offenders – Second Reading

Council considered for second and final reading the approval of an Ordinance amendment imposing certain restrictions on residency and loitering for persons required to register as sex offenders. The City Manager stated that at the October 9, 2007 meeting, Council gave unanimous first reading approval to the Ordinance as originally proposed. Council asked staff to investigate how other cities in the area felt about the ordinance and whether they and/or Lexington County would be passing such an ordinance as well. He stated that Chief McNair also wrote to the SC Attorney General asking for a written opinion of the validity and constitutionality of the proposed Cayce ordinance. He provided Council with the Attorney General's opinion which stated that the Cayce Ordinance would likely be upheld. The City Manager advised that the Town of Lexington has also approved a similar ordinance with the buffer distance of 2,000 feet of any school, child care facility, church, playground, park, designated school bus stop, etc. He stated that since the Town of Lexington has approved their ordinance with the 2,000 feet buffer, the City Attorney has recommended that the City of Cayce modify its ordinance for final reading to change the buffer from 2,500 feet to 2,000 feet. It grandfather's those who are already living in those areas.

Mr. Jenkins inquired if the Ordinance would obligate the city to do background checks to identify sex offenders. The City Manager stated that this would not obligate the city as this is done through the Lexington County Sheriff's Department. Mr. Jumper inquired that if the Ordinance is passed would it allow another sex offender outside the area to move in with one who is grandfathered in. The City Manager stated that the Ordinance would prohibit this. Mr. Myers stated that in the original proposed Ordinance there was a phrase that stipulates that if a sex offender is in the city doing business, or as long as they are there for a lawful purpose then this certainly gives them the right to do those things. The City Attorney stated that the wording was kept in the proposed amended Ordinance and the Attorney General was favorable on that point.

Mr. Myers made a motion to amend the approved first reading Ordinance to change the buffer from 2,500 feet to 2,000 feet to coincide with the Town of Lexington's ordinance. Mr. Malpass seconded the motion which was unanimously approved.

Mr. Myers then made a motion to approve the Ordinance as amended on second and final reading. Mr. Jenkins seconded the motion which was unanimously approved.

### **Committee Matters**

#### **A. Committee Appointments**

##### **Accommodations Tax Committee – 1 Position**

Mr. Mark Burt's term expires February 2008. He has been contacted and would like to serve again. Mr. Malpass made a motion to reappoint Mr. Burt to the Committee. Mr. Jumper seconded the motion which was unanimously approved.

##### **Housing/Construction Board of Adjustments – 1 Position**

One open position remains. A potential member application has been received from Ms. Maryellen Cannizzaro and is attached for Council's review. Staff recommends that Ms. Cannizzaro be appointed to the Board. Mr. Myers made a motion to appoint Ms. Cannizzaro to the Board. Mr. Malpass seconded the motion which was unanimously approved.

#### **B. Approval of 2008 Committee Officers**

The City Manager advised that in accordance with City Code, each citizen committee is required to elect officers for each calendar year and present their recommendations to Council for approval. He stated that the following Committees met in January and recommend officers as follows:

Beautification Board – Shanna Kyzer, Chairperson, Beth Giugliano, Vice Chair, and Staci Mathis, Secretary.

Cayce Events Committee – Cindy Pedersen, Chairperson, Ellen Mancke, Vice Chair, and Julie Isom, Secretary.

Mr. Myers made a motion to approve the officers as recommended for both the Beautification Board and the Cayce Events Committee. Mr. Jenkins seconded the motion which was unanimously approved.

#### **C. Committee Minutes**

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

Beautification Board – January 2, 2008

Cayce Museum Commission – January 9, 2008

Cayce Events Committee – January 10, 2008

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

Mr. Myers stated that in the Beautification Board minutes a reference is made to a beautification project on Hwy. 302 at the city's entrance sign. He asked that staff bring the Board up to date on the current beautification project in that area.

Mr. Myers stated that in reference to the potential member application, staff may want to review it to make sure it is updated. It was also decided by Council that all Committee members seeking reappointment would need to complete the application for Council's review and consideration and asked that staff develop a written policy regarding committee appointments and reappointments.

### **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 January financial reports would be submitted to Council at the end of the week.

He provided Council with the following dates:

February 18 – Presidents' Day Holiday – City Hall Closed – normal garbage pickup

February 20 – MASC Legislative Action Day – Columbia Marriott

February 28 – LCMA Dinner & Meeting – Lexington County Senior Center in Pine Ridge – Please RSVP to Mendy as soon as possible

The City Manager advised that the BC High School Foundation Dinner will be held on March 6, 2008 at Seawell's and that the City had received a letter requesting the city's sponsorship again this year.

Update on Order for Front End Loader – The City Manager advised that the City placed an order in October 2007 for the new front end loader which was being purchased through American LaFrance. He advised that American LaFrance has filed bankruptcy, but the city has been notified that its unit should be shipped to McNeilus and then to the Cayce site over the next several weeks.

Update on Fire Engine #10 – The city Manager advised that while at fire scene, the fuel pump on engine #10 malfunctioned and dumped diesel fuel in the starter which caught fire. This caused two batteries to go out and then the alternator short-circuited.

The city Garage has made all repairs (of about \$1,000) and the engine was placed back in service this afternoon.

Purchase of Property – 12<sup>th</sup> Street – The City Manager stated that at the request of Councilman Jumper, staff researched the purchase price on the property on 12<sup>th</sup> Street in front to the Public Safety building as requested. He stated that he has now received that information and the cost to purchase the entire tract, the cost would be \$630,000. He stated that most of the property is either in the floodway or flood plain and not much is usable except the corner lot. He stated that he provided Council with a map showing the lots and the price for each. Mr. Jumper stated that the cost being asked was very high. Mr. Myers stated that the city does not have a current need for the corner lot and did not see the use in pursuing it at this time.

Roll Cart Pilot Program Update – The City Manager advised that the roll carts will be delivered on or about February 15, 2008. He provided Council with a copy of a brochure that will be delivered with each cart explaining the program. In addition he provided Council with a copy of a postcard that will be mailed out in advance to the residents who will receive the carts. He stated that the pilot program would include 128 to 180 homes in Hunters Mill, 274 in Churchill Heights, 211 in Cupstid Heights and 97 in Fairlawn for a total of about 762 carts. He stated that the remainder of the 1000 carts ordered would be held for new residents, etc. He advised that once the pilot program has been initiated, the FY 2008-2009 budget will be reviewed to possibly include additional carts for other areas of the city.

Due to conflicts in schedules, Council reschedule the April Council Meeting to April 8, 2008 and the June meeting to June 5, 2008 (both at 6:00 pm).

The City Manager thanked Leo Redmond, Director of the Cayce Museum, for his assistance in putting together and installing the new City of Cayce logo behind Council..

The City Manager distributed to Council the rough draft of the Strategic Communication Plan provided by The Clare Morris Agency. He asked Council to review the plan and provide their comments to him. He stated that the fees listed were not additional fees but a breakdown by project for the total budget.

Mr. Jumper asked that the sound system be upgraded so that the audience will be able to hear more clearly.

### **Executive Session**

- A. Receipt of legal advice relating to a threatened claim
- B. Receipt of legal advice concerning procedure for possible discipline of a person regulated by a public body
- C. Receipt of legal advice relating to an attorney-client matter

Mr. Myers made a motion to move into Executive Session to discuss the matters 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 7:40 p.m.

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Avery B. Wilkerson, Jr., Mayor

**ATTEST:**

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Tammy P. Barkley, CMC, Municipal Clerk