

**CITY OF CAYCE
Public Hearing and Special Council Meeting
December 20, 2007**

A Public Hearing was held at 6:00 p.m. in Council Chambers to obtain public comment on the proposed revision of the Land Use Element of the City of Cayce's Comprehensive Plan. 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 Ken Knudsen, Director of Planning and Development. Mayor Wilkerson advised that members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA.

Opening Statement

Mayor Wilkerson stated that the purpose of the Public Hearing was to obtain public comment regarding the proposed revision of the Land Use Element of the City's Comprehensive Plan. He stated that this is a public hearing before the City Council, as required by state law (specifically S.C. Code section 6-29-530), on adoption of an amendment to the Land Use Element of the City's Comprehensive Plan and that notice of this hearing by newspaper publication was given by an advertisement that appeared on November 19, 2007 in The State newspaper. This notice complied with the requirements of state law. The City also complied with the Freedom of Information Act concerning notice of this hearing and meeting. He advised that copies of the map that constitutes the proposed Land Use Element, along with the proposed Ordinance amending and adopting the Land Use Element map, were available on the table near the door.

Mayor Wilkerson provided those in attendance with the following information and guidelines:

The purpose of the hearing is for Council to receive public comment on the amendment of the Land Use Element that was recommended by the Planning Commission at its November meeting. This is not a public hearing on the annexation of the Vista Farms and other properties, and it is not a public hearing on details or specifics of any planned or contemplated development of the properties, and it is not a public hearing on any present levees or future levees. The Council will receive public

comment on the annexations at the December 27, 2007 Council meeting. In order to speak at that meeting, a person will need to contact the City Clerk and sign up to speak.

He stated that in light of the large number of people present, a few ground rules were in order:

First, he asked that there please be no outbursts, comments from the audience, boos, cheers or applause in response to statements by speakers.

He stated that, in the interest of time, he was limiting the number of speakers to 5 or 6 on each side of the issue and limiting the amount of time that a speaker can speak to two minutes. He stated that the City Clerk would be the timekeeper.

He encouraged the speakers to avoid repetition of points if at all possible so as to use their allotted time wisely.

Fourth, he asked that the speakers please confine their comments to the issue of the comprehensive plan and the land use designation of this property under the Comprehensive Plan. He stated that he would try to keep everyone on course and in order by reminder or request, and then use the gavel if necessary.

He asked those in attendance to please respect their fellow citizens by avoiding any disruptive behavior at the hearing or meeting.

Mayor Wilkerson stated that he would first recognize a speaker in favor of the amendment of the Comprehensive Plan, followed by an opponent of the amendment, and then alternating until each side has had an opportunity for 5 or 6 speakers. He stated that at the conclusion of the speakers, he would entertain a motion to close or conclude the hearing.

Public Testimony

Mayor Wilkerson asked Mr. Bob Hughes and/or Mr. Manning to come forward.

Mr. Manning - one of the owners of the property being considered for annexation. Mr. Manning stated that Green Diamond is dead. He stated that Vista Farms is a totally different project and that there is no land plan for the project at this date. He stated that at the Planning Commission's meeting on December 17, 2007, the Commission recommended the D-1 zoning. He stated that this zoning designation is the city's most restrictive zoning which will not allow planning to move forward without coming before Council. He stated that the property owners want the City's Planning staff, citizens, and Council's input in planning the project and that in order to do that, asked for Council's favorable consideration of their annexation request. He stated that he has said repeatedly that we want to involve the community in creating a vision for the property. He stated that Mr. Bob Hughes was also in attendance.

Mr. Bob Hughes – Mr. Hughes stated that what he requests tonight is that Council take further control of its river. He stated that we are here about the facts, not opinions and not thoughts and what we are going to tell you is the truth. He stated that Council has heard, for example, liability. He stated that liability is not a Comprehensive Plan issue and that liability is an issue to be considered at another time. He stated that having a levee inside the city does not give the city liability. He asked Council to consider that Richland County has the levee in their jurisdiction now and want to keep it. He asked Council to consider that Mayor Coble called Brad Morgan and left a voice mail which is posted on his blog that says the City of Columbia would be delighted to annex this property. So, he stated, liability is not the issue that is before Council and he will never ask the City to own or maintain this levee. He stated another criticism is that we are building new levees and that's bad. He stated the thing to consider is that these levees are on the property now and that they are required by contract to be maintained in perpetuity and the City of Columbia is one of the parties who has to maintain a part of those levees. But, he stated, if the property is annexed into Cayce, we have promised Mayor Wilkerson we would consider replacing some of the levees with new levees that are further off the river. He stated that if the property is not in Cayce, the levees otherwise stay where they are. He stated that he's heard there will be damage to the Congaree Swamp monument. He stated the Congaree Swamp property is located downstream 20 miles away and will not be affected by whether or not the property is annexed. He stated that he has heard that this is not appropriate land for Cayce to annex. He stated that this land has over 2¾ miles of common border and that the City of Columbia has 7% of that common border. He stated that the land is one mile closer to the Cayce City Hall than to the Columbia City Hall and a 5 minute shorter drive not in rush hour traffic and felt that the land is appropriate for Cayce to plan, to annex, and for Cayce to make happen. He stated that every opposing point made is based on something that is not proposed. He stated that he is proposing cause and effect and that right now you've got the effect. He stated that what is being proposed is that Cayce control the cause and this is Cayce's to do if it chooses otherwise it may trust Richland County or Columbia to look after Cayce or their citizens. He stated that when you are doing the best job, you get opportunities. He stated that Cayce has seen opportunities come their way and that this property is not the first to come to Cayce and will not be the last to approach Cayce about annexation. He stated that he appreciated the fair hearing being provided and appreciates Cayce's attitude. He stated that Cayce is open and he, too, is open to meet with anyone--opponents and supporters.

He stated that tonight he is here to begin the very long process that will take months if not years to complete. He stated he wanted to begin the process and needs to know the rules. He stated that he would like to have the City's rules and would like to start the process, the planning with Cayce and he promised he would sit down with all involved be go through a long and thoughtful process. He asked that Council favorably consider the inclusion of the property in the Comp Plan so that Council could take the steps for annexation so that the process can begin. He stated that Cayce has done the best job than anyone in the Midlands with the river and has shown its intent to grow, to

have the vision to grow and yet protect its taxpayers and environment and he'd like to be a part of that.

Mr. Mike Pazery – Mr. Pazery stated that he has been a citizen of Cayce for 21 years. He stated that he had several questions to present to Council. He stated that he and others in the audience would like to have a detailed explanation of exactly what the Comp Plan is and what it means. Mayor Wilkerson advised that the Public Hearing is to receive input on the revisions the Land Use portion of the Comprehensive Plan. Mr. Pazery inquired if since the inception of the City of Cayce's Comp Plan if proposed annexation ordinances were considered simultaneously. He stated that it was his understanding that this has never been done and asked if tonight's meeting follows the letter of the law and the spirit of the law. Mayor Wilkerson again explained that the Public Hearing was obtain input and was not a question and answer period. Mr. Pazery then inquired if somebody believes that Public Hearings should be held prior to the first reading of annexations and wanted to know the reason for the urgency to approve the annexations and placing this property in the City's Comp Plan. He stated that those in attendance had questions, but Council refuses to answer. Again, Mayor Wilkerson explained that the purpose of the Public Hearing is to obtain input.

Mr. Pazery inquired if the rush to annex was because the City wanted to reap the benefit of taxes. He stated that some say we are a vocal minority, but if Council were to put this annexation on a public referendum, that is what we would love to have happen. He stated all it takes is three people to change this city and that it was his opinion that no matter what we have to say to the people we elected, they are not going to listen. He stated that it takes three votes to pass annexation and once the property is annexed, it is forever and something we will have to live with the rest of our lives. He stated that Mayor Coble has stated Columbia will not provide water to the property and felt that there would be a continuous battle between the City, Richland County and Columbia which would distract from what we have here. He stated that the people who will live in the proposed area will eventually develop a powerful voting block that will have nothing in common with the residents in the City of Cayce. He stated that he regrets that Council will not answer any questions tonight. He asked Council to represent the people of Cayce and not misrepresent them. He asked Council to vote no to the revisions to the Comprehensive Plan and no to the requested annexation. Mr. Myers asked if Mr. Pazery's question on the ordinance and the issue of a public hearing. The City Manager explained that it has to be introduced on first reading and then Council can schedule a Public Hearing. Mr. Myers then stated that Council could not hold a public hearing at this moment on the annexation because Council has not received introduction of the annexation ordinance at this time. The City Manager advised that was correct.

Mr. Chris Kuney – Mr. Kuney stated that he lives in Riverland Park and has a few concerns about the Comp Plan, but first would like to clear up a few things Mr. Bob Hughes mentioned. He stated a levee district--private ownership cannot take the liability for a levee. He stated that it is the authorizing entity, and in this case, the City of Cayce, who will be ultimately responsible for either the damage caused by a levee

failing or damage caused by a new levee not failing. He stated that another issue is that Mr. Hughes stated that there are levees there now and there are going to be levees in the future. He stated that this is not true. He stated that the levees that are there now are agricultural levees, piles of dirt and in order to have development behind that property; the levees would have to be FEMA certified running thousands and millions of dollars to do that. He stated that to say the pile of dirt levee is the same as a highly engineered FEMA approved levee is misleading the people of Cayce at the very least. Specially addressing the Comp Plan, Mr. Kuney read portions of State Law, 6-29-510 regarding changes to the Comprehensive Plan being considered by the Planning Commission. Mr. Kuney stated that the amendment to the Comprehensive Plan that has been provided consists of a map. Mr. Kuney respectfully asked that Council stop the public hearing on the Comprehensive Plan or postpone it until they have amendments to the Comprehensive Plan that meet the minimum requirements of State Law.

Mr. David Diamond – Mr. Diamond stated that he has lived in Cayce for 51 years. He stated that he is in support of annexing the 3,000 acres for Vista Farms and feels that if parents of children who attend Heathwood Hall trust the land for their children to attend the school, the property has value. He stated that he felt this would be a tremendous development and did not see how the City could turn down these folks because we are concerned with levees that other people are responsible for in the end. He commended Council for their leadership and vision. He stated that he felt that the east side of the Congaree River would provide an expanded tax base and that in five years, this will have a tremendous positive impact on the City of Cayce. He stated that he appreciated everything Council is doing in this regard.

Mr. Cary Chamblee, SC Wildlife Federation – Mr. Chamblee's comments are attached to the minutes and made a part of the official record.

Mr. Charlie Dunlap – Mr. Dunlap's comments are attached to the minutes and made a part of the official record.

Ms. Cheryl Carroll – Ms. Carroll stated that she has lived in Cayce 15 years and that is opposed to this issue. She stated that her thought is on the infrastructure of it and that it absolutely did not make sense to her to expand Cayce across the river. She stated that now Columbia is not going to provide water to the property and the financial burden would be placed on current residents to build water and sewer lines. She stated that she also felt the city's Public Safety Department would be affected. She stated that with this summit of Cayce across the river, that is where our resources are going to go, also along with the social implications, they will not be a part of us. She stated that it does not make sense to expand in that direction and also the outrageous costs that will affect Cayce citizens. She stated that she did not see any benefit. She stated that if the expansion was down the 12th Street extension on the same side, she might be opposed from an ecological standpoint, but right now she is just completely opposed to making the city's infrastructure jump across the river. She stated that she was also offended, like a lot people that this has seemed to creep up. She stated that she was very

suspicious about the fact that whoever would vote on Council to annex this, since they are probably going to be voted out and probably will not be around when the property is developed, there must be some long range financial benefit that Council is hoping to get by the annexation. She stated that she felt the issue was a bad idea. Mr. Myers stated that he was insulted by what Ms. Carroll had just implicated and stated that she owed Council an apology for her comment.

Mayor Wilkerson stated that Council was not here for personal assassinations, we are not here to go after people who are in the audience. He stated that we are all citizens. He stated that Council members are elected officials, but they are also citizens of Cayce. He stated he thought everyone understood and I had asked early on that we no go after individuals and to show respect for each other. He stated that in reference to Council turnover, this project if and when it's done, there will probably be multiple turnovers because this will be a minimum of a 15-30 year project.

Ms. Debra Oglebee – Ms. Oglebee stated that she is a long-time resident of Cayce and has always felt that Cayce is the gem of the Midlands. She stated that she loves this area and wants to see this area grow. She stated that annexation is the only way to do it. She stated that you have to make changes and Council has to make the hard decisions. She stated that she was representing many people in Cayce who want this area to grow and looks forward to the opportunity that this development will bring.

Ms. Angela Hoyle – She stated that she felt Council needed to take into account that if it annexes property in Richland County into the City that will inhibit the City to have other future projects going on in conjunction with them. She stated she was also concerned with the cost and inquired if the City of Cayce was really ready to absorb the lawsuits that could come from this if a city is allowed to be built behind a levee because there is going to be flooding problems. She inquired as to why Council would want to annex and change the Comp Plan to include an area that is flood prone. She stated that the only way the property is going to benefit the city and residents of Cayce are to develop it. She asked if it is not going to be developed, what the point would be to annex it into the City. She stated that if it is going to be developed, she felt the haste in doing this bothers her. She urged Council to take into consideration that it is the holiday season and there are a lot of people out of town and felt it was unfair to hold another meeting next week to consider the annexation. She urged Council to reschedule next week's meeting. She also asked that Council have more information on levees and other things that would affect Cayce citizens so that you can have all the information you need to make an informed decision. She stated she was opposed to the property being developed with Vista Farms. She stated she was not opposed to Cayce growing, but does not feel this is it.

Mr. James P. Neal, Jr. – Mr. Neal stated that he was a resident of Hopkins. He stated we are standing on the brink of a great opportunity. He stated that about a year and a half ago he saw in the newspaper an article on an organized effort to develop what was once designated as the Green Diamond project. He stated he immediately got in touch with the developers and they started organizing a group of community

citizens to explore what was in fact going on. From the developers, the group received openness, truthfulness, and we were welcomed to enter into dialogue and discussions and found that the group that is involved in this project represents integrity and represents all the concerns that he has heard expressed here tonight. He stated that he has been involved directly with approximately 250 citizens of Lower Richland who have been meeting on a regular basis to explore all the possibilities—the good, the bad and the indifferent. He stated that they have been able to come to the conclusion that the good outweighs the bad and of course, there are risks involved. He stated that his group understands that a fact finding experiment is the best way to get to the answer of any kind of a problem. He stated that his group wants to become involved with Cayce to get facts for all of us, so that persons who are invested with the authority by our confidence to act appropriately can make appropriate decision. He stated that he applauds the Mayor for his vision, for his insistence of community input, and the strategic planning process. He stated that the Cayce Council has started the process and he is glad that they are open to his group and open to Cayce citizens to be heard. He stated that he has found that there are no hidden agendas and his group has asked very hard questions on how this project will impact not just Cayce and not just Columbia, but persons who live on both sides of the river. He thanked Council for the time to speak and stated “Where there is no vision, people will perish.”

Mr. Burt Pitman - resident of Cayce. Mr. Pitman stated he had a document before him entitled The Policy Forum which was published in Science Magazine, one of the most prestigious scientific magazines in the world. He stated that the document is a summary document of findings by the National Research Council and National Academy of Sciences which were set up by the US Congress to answer such questions as Council has before them. He stated that the debate about development of flood plains is taking place all over the world and it is a national debate. He stated that the scientific community has a lot of information for the citizens to consider and his reason for being here is to ask that Council consider the scientific facts. He stated that one of the facts is that our own government has decided to spend millions of dollars to remove people and structures from flood plains. He stated that in fact, in Illinois and Missouri over 7,700 properties at a total of cost of \$53 millions were removed from flood plains. He stated that he felt the document was a very good summary of scientific information that the federal government has provided by some of the best scientists in the world and would appreciate it if Council would consider this document and findings of the National Research Council and the National Academy of Sciences concerning development in flood plains. Mr. Pitman provided the document to Council (attached).

Close Hearing

Mr. Myers made a motion to close the hearing and asked that a written statement provided by Ms. Tracy Swartout, Superintendent of Congaree National Park be made part of the minutes to be entered into the record (attached). Mr. Jenkins seconded the motion which was unanimously approved.

Immediately following, the Special Council Meeting was held 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 Ken Knudsen, Director of Planning and Development. Mayor Wilkerson advised that members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA.

Mayor Wilkerson called the meeting to order and opened with the invocation. He led everyone in the Pledge of Allegiance.

Other

- A. Approval of Ordinance to Adopt Revisions to the Land Use Portion of the City of Cayce's Comprehensive Plan – First Reading

Council considered for first reading the approval of an Ordinance to adopt revisions to the Land Use Element of the City's Comprehensive Plan as recommended unanimously by the Planning Commission. Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Jumper seconded the motion which was unanimously approved.

- B. Approval of Ordinance to Annex and Zone Property Located on the East Side of the Congaree River – Parcel 1 – First Reading

Council considered for first reading the approval of an Ordinance to annex and zone property located on the east side of the Congaree River – Parcel 1. The City Manager stated that the proposed annexation of the 3,046 acre tract of property has been requested by the owner, Columbia Ventures, LLC and is located on the East side of the Congaree River. He stated that the Planning Commission has recommended a zoning classification of D-1, Development District, which is an agricultural holding zone for the property. Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Jenkins seconded the motion which was unanimously approved.

- C. Approval of Ordinance to Annex and Zone Property Located on the East Side of the Congaree River – Parcel 2 – First Reading

Council considered for first reading the approval of an Ordinance to annex and zone property located on the east side of the Congaree River – Parcel 2. The City Manager stated that the proposed annexation of the 34.43 acre tract of property has been requested by the owner, the Foundation for Heathwood Hall, Inc, and is located on the East side of the Congaree River. He stated that the Planning Commission has recommended a zoning classification of D-1, Development District, which is an agricultural holding zone for the property. Mr. Myers made a motion to approve the Ordinance on first reading. Mr. Jumper seconded the motion which was unanimously approved.

D. Approval of Ordinance to Annex and Zone Property Located on the East Side of the Congaree River – Parcel 3 – First Reading

Council considered for first reading the approval of an Ordinance to annex and zone property located on the east side of the Congaree River – Parcel 3. The City Manager stated that the proposed annexation of the 32 acre tract of property has been requested by the owner, the Sunday School Conservation and Dove Club, LLC and is located on the East side of the Congaree River. He stated that the Planning Commission has recommended a zoning classification of D-1, Development District, which is an agricultural holding zone for the property. Mr. Malpass made a motion to approve the Ordinance on first reading. Mr. Myers seconded the motion which was unanimously approved.

Council scheduled a Special Council Meeting for December 27, 2007 at 6:00 p.m.

Mr. Myers stated that he had requested a legal opinion from the City Attorney on a matter pertaining to the above issues and asked that Council schedule an Executive Session to review the information.

There being no further business, the meeting adjourned at 7:15 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC
Municipal Clerk