

CITY OF CAYCE
Special Meeting
June 20, 2008

A Special meeting of Cayce City Council was held this morning at 8:00 a.m. in the Conference Room. Those present included Mayor Pro-tem Robert Malpass, Councilmen Rick Myers and Skip Jenkins, City Manager John C. Sharpe, Municipal Clerk, Tammy Barkley, City Attorney, Danny Crowe and Ken Knudsen, Director of Planning and Development. Mayor Avery B. Wilkerson, Jr., and Councilman Kenneth Jumper were unable to attend. Mayor Pro-tem Malpass advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mayor Pro-Tem Malpass called the meeting to order. Mr. Jenkins opened the meeting with the invocation and Mayor Pro-tem Malpass led everyone in the Pledge of Allegiance.

Other

- A. Approval of Ordinance Adopting the FEMA February, 2002 FIRMs – First Reading

The City Manager advised that FEMA sent a letter to Mayor Wilkerson dated June 6, 2008 and received by Fax on June 11, 2008 mandating that the City of Cayce adopt the February 20, 2002 flood insurance rate maps (FIRM's) in order to continue participation in the flood insurance program. He stated that the FEMA advised that the deadline for the City to adopt an ordinance to comply with the mandate was June 27, 2008. He stated that although the City has recognized the flood hazard zone in the city's Zoning Ordinance by reference as an overlay district, FEMA required that the maps be adopted themselves, six months after the most recent annexation. He stated that FEMA regulations do not allow for recognition of the FIRM's by reference and that since the SC Department of Natural Resources oversees FEMA rules and regulations under contract, they too have made this request. The City Manager stated that he, Mr. Malpass, and Mr. Crowe met with Lisa Jones and Maria Cox of DNR regarding this matter and that FEMA would not budge on the June 27, 2008 deadline.

He advised, that in addition FEMA has extended the deadline to September 1, 2008 for the City to either revise its Flood Damage

Prevention Ordinance or to adopt FEMA's model ordinance. He stated that Planning and Development and the City Attorney are working on this project to meet the deadline imposed by FEMA and SCDNR.

Mr. Crowe advised that the City has tried to comply with both FEMA and DNR's request since they were threatening to suspend the City and its residents from the National Flood Insurance Program. He stated that although the position of City administration and his view was that the City's current ordinance effectively addressed this issue already, to avoid arguing about that fine point, it was decided that it would be best to go ahead and adopt an ordinance that would clarify the issue further in the new ordinance that would be submitted to Council prior to the September 1, 2008 deadline. Mr. Myers inquired as to how the City got to this point.

Mr. Knudsen advised that the City has an Ordinance that when you zone a piece of property the associate flood map goes with it. This has been standard practice in this City before he started to work here. He stated that Lisa Jones has been here countless times on various other issues and has never said a word about this issue. She just recently advised that this Ordinance does not comply with the state model ordinance. Mr. Crowe stated that in April, he met with Mr. Knudsen regarding this issue and what to do when flood prone areas are annexed, and he concluded after reviewing the federal regulations that the City's ordinance was sufficient. Now, he stated, DNR and FEMA disagrees with the City's view. He stated that in April, he and Mr. Knudsen concluded that the City did not need to anything to be compliant with the annexation areas and their coverage under the appropriate FEMA maps. However, he stated FEMA disagreed.

Mr. Myers inquired as to how changing to specifically stating those maps affects the city's interpretation or application of the flood rules. Mr. Knudsen stated that it has no affect on anyone within the city. Mr. Malpass stated that the city's ordinance does not reference a specific map, but states the latest map. Mr. Knudsen stated that the city has been using the 2002 maps for the City of Cayce. He stated that the city has not done anything in reference to the Richland County side as that was in a state of flux. He stated this does not affect anything in the City, but just clarifies the specific maps. Mr. Myers inquired as to how it will potentially affect any development on the Richland County side of Cayce. Mr. Knudsen stated that he did know how it would affect development on the Richland County side at this point. Mr. Myers stated that if the City is applying the same rules yesterday and it would potentially today, it would not affect anything. Mr. Knudsen stated that was correct. This is just a housekeeping issue. Mr. Crowe stated that it was just a clarification to avoid a legal battle as to whether the City's view is correct or their view is correct.

Mr. Myers made a motion to approve the Ordinance to adopt the FEMA February 2002 FIRM's on first reading. Mr. Jenkins seconded the motion. After discussion the motion was unanimously approved.

There being no further business, the meeting adjourned at 8:15 a.m.

Robert E. Malpass, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk