

**CITY OF CAYCE
Special Council Meeting
December 27, 2007**

A Special meeting of Cayce City Council was held at 6:00 p.m. in Council Chambers. Those present included Mayor Avery B. Wilkerson, Jr., Councilmen Rick Myers, James Jenkins, Kenneth Jumper, and Robert Malpass, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, City Attorney, Danny Crowe and Ken Knudsen, Director of Planning & Development. Mayor Wilkerson advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

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

Executive Session

- A. Receipt of Legal Advice relating to a potential claim and other matters covered by the attorney/client privilege

Mr. Malpass made a motion to move into Executive Session to discuss the matter listed above. Mr. Jumper seconded the motion which was unanimously approved. For the convenience of those in attendance, Council members left Council Chambers and moved to the City Hall Conference Room to hold the Executive Session.

Reconvene

After the Executive Session was concluded, Council returned to Council Chambers and the Special meeting was reconvened. Mayor Wilkerson announced that no vote was taken in Executive Session other than to adjourn and resume the Special meeting.

Other

- A. Public Comment

Mayor Wilkerson stated that this is a public comment period before the City Council, as prescribed by the City of Cayce Code of Ordinances (specifically Section 2-71), on the final approval of annexation ordinances before City Council. He stated that the City has

complied with the Freedom of Information Act concerning notice of this meeting.

Mayor Wilkerson stated that the purpose of the public comment period is for Council to receive comment on the proposed annexations of the three petitioners who have asked that their respective properties be annexed into the City of Cayce. He stated that this is not a public hearing and it is also not a question and answer period. He stated that anyone who insists on questioning Council will be ruled out of order and asked to sit down.

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

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

Secondly, he stated that Council would hear from speakers first who did not get to speak at the December 20th meeting and again limit the amount of time to 2 minutes for them. He stated that if time permits after hearing from new speakers, Council will hear from those who spoke last week and limit the amount of time for them to 1 minute. He asked that the City Clerk be the time keeper and strictly enforce the time limits. He stated that as reasonably as possible, Council would hear from all speakers who have signed up. However, in the interest of time, he stated that it may be necessary to limit the number of speakers. 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.

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

Mayor Wilkerson asked the speakers and the audience to please respect their fellow citizens by avoiding any disruptive behavior at the meeting.

He stated that at the conclusion of the speakers, he would entertain a motion to conclude the public comment period. Another Council member then will move to close the period and he would need a second, then voice vote and move forward.

Ms. Alice Brooks – (comments attached)

Mayor Wilkerson again cautioned the audience on making any outburst from those in attendance.

Ms. Brenda Fox – Ms. Fox stated that she hoped that when it comes time to choose how this land is going to be zoned that the citizens would have a lot more input that they've had in the past.

Ms. Chris Hulslamder – Ms. Hulslamder stated there is a sense that this annexation is perhaps moving forward for approval. She asked Council to hold off their decision on this to obtain more information. She stated that if this annexation moves forward, then she stated her concern was the type of development that would occur on land that is really not developable. She stated Richland County has already gone through a extensive process that can educate us in the process and that we need to be very aware of what we're getting into. She stated that her great concern fall upon the liability that falls on the city of Cayce, the taxpayers and all of us. She stated that based on whatever development occurs there, it is within a flood plain and it will flood at some point in time and there are consequence based on that which will affect each of us. She stated she was also concerned with the liability with potential litigation. She stated that Richland County is already experiencing litigation with the developers based upon land that is being annexed into the city and are we now going to be faced with losses as well. She stated that this intimidates her. She asked that Council please keep the citizens involved in the process and allow us to share our concerns with Council.

Ms. Elise Partin – (comments attached)

Mr. J. E. Wynn – Mr. Wynn was not in attendance.

Ms. Joan Hoffman – (comments attached)

Mr. John Grego – (comments attached)

Mr. Joseph Byrne – Mr. Byrne stated that his comments were similar to those already presented and declined to speak.

Ms. Karen Wigfall – Ms. Wigfall stated that she came before Council previously to request that a swimming pool be built for the youth of the city. She advised that she received a letter from the Lexington County Parks & Recreation Commission stating that this could not be done because of the liability involved. She stated that if there was concern for the liability of a swimming pool, that the liability for this project should cause greater concern. She stated that there was already several areas of flooding and stated that before the city decides to back up an area and where wildlife can live freely, she asked Council to consider the people who will be living in the area and how they will be able to get out in the case of flooding.

Mr. Ron Vaughn – (comments attached)

Ms. Susan Dugan – Ms. Dugan stated that she has been involved with a couple of annexations including areas in Edenwood. She stated that she was partially involved with an annexation of property east of Edenwood. She stated that the developer started clearing the land in the summer, burning large areas. She stated the older part of Edenwood was inundated with smoke and talks with the County did not result in a favorable solution to the problem at that time. She stated once the city annexed the

property, some rules were put into place. However, she stated that smoke was in her home during the entire summer. She stated she had to move her daughter out of Edenwood due to asthma problems because of the smoke. She stated her second concern deals with watching the incident with Tin Products and that impacted our city greatly and that has finally been cleared up, but during the problem, the regional sewer and water authority started deciding who was going to be responsible for certain sewer areas. She stated that at that time, Cayce took on responsibility of a large area to provide sewer to the county. She stated that her concern was that we have already committed to help the Town of Lexington with sewer. She stated that she felt the city should be concerned with those we have already committed to help before jumping across the river and providing service. She stated that looking gift horses in the mouth, you have to look at that horse carefully and in some cases you have to make sure the horse is not hollow like in the City of Troy.

Ms. Tracy Swartout – She stated that she was contacted by a resident of Cayce and followed that up with a letter which has been made part of the record. She stated that the resident contacted one of the Council members and was told that this project would not have any impact on Congaree National Park. She stated that with all due respect, Council did not have enough information regarding this matter. She stated that we don't know yet will be developed on this land. She stated that the goal of annexation is likely to be development and it could have a huge devastating impact on the Congaree National Park. She reiterated several points that were outlined in her letter which was made part of the December 20, 2007 Council minutes.

Mr. Don Burger – (comments attached)

Mr. Paul Guigliano – Mr. Guigliano thanked Council for their vision to promote growth for the City of Cayce. He stated that he was in full support of the growth and applauded Council for their efforts in this regard.

Ms. Sue Miles – Ms. Miles stated that she was in favor of Cayce being bigger and better, but what she was not in favor of is the city not dealing with problems we're having now. She stated that Council is aware of the huge drainage problems the city has had for several years. She stated that this problem needs to be taken care of first prior to moving on to other projects.

Mr. Frank Strange – Mr. Strange stated that he appreciated the work Council has done over the years for the city. He stated that he did not feel Council had been fully informed by the city's Planning Director and Planning Commission and could not understand why the City of Cayce would enter into something that Columbia and Richland County does not want. He begged Council to delay their vote on the annexation until all information could be received. He stated that he was proud to say he's from Cayce and again asked Council to delay the vote.

Mr. Bob Wislinski – Mr. Wislinski was not in attendance.

Mayor Wilkerson stated that there were a few people in attendance who spoke at the December 20, 2007 meeting and would be able to present their comments for one minute each.

Ms. Angela Hoyle – Mr. Hoyle stated that again, she appreciates Council's efforts, but wanted to reiterate that this issue bears more scrutiny on everyone's part. She stated that if Council votes to annex property, they needed to have all the information and she did not believe this had been provided to Council. She stated that if Council does have all the information it needs, she would like to know that information. She asked when questions could be asked. She stated that she has spoken to several on Council and thanked them for their time. She stated that she received a lot of answers, but the answers haven't all satisfied her. She stated that she felt Council needed to have more information before making such a drastic decision for all residents of the city as this issue affects everyone. She stated that she would like it to be known that if the property is not developed, it would do the city no good. She again inquired as to when residents would be allowed to ask questions and receive answers.

Ms. Cheryl Carroll – Ms. Carroll advised she spoke at the last minute and that was sufficient.

Mr. Chris Kuney – Mr. Kuney advised that the previous speakers covered the points he had for Council.

Mr. Mike Pazery – Mr. Pazery asked for a raise of hands of those who were opposed to the annexation. He stated that a picture was worth a thousand words.

Mr. Burt Pitman – Mr. Pitman stated that a long term interest he had was canoeing. He called Council's attention to a pattern of the Congaree River from the Blossom Street Bridge and provided Council with additional information regarding the fundamental nature of fluids and homogenous sub-straight. He provided Council with a map where he outlined the erosional and accretional zones along the river and stated that it was clear as to what is proposed for development would occur on an erosional bank.

The following were not in attendance: Mr. Cary Chamblee, Mr. Charlie Dunlap, Mr. David Diamond, Ms. Debra Oglebee, and Mr. James Neal.

Mr. Deas Manning – He stated that not much has changed since everyone was here last week. He stated that he has heard a lot of people talk about the project and a lot of information is being passed around. He stated that he would like to have the opportunity to work with everyone. As stated at the last meeting, Mr. Manning advised that he came to the city with an open agenda, and wants to sit down with city staff and the people of Cayce to work through this process. He stated that he and the developer

are honest people and keep their word and would like to have the opportunity to sit down and begin those discussions.

Mr. Bob Hughes – Mr. Hughes stated that he has tried to concentrate on the facts and one of the facts that hasn't been heard through the process is that the levees are there now and they do not have anything to do with the annexation. He stated that we've heard from the neighbors in Hopkins and that he has met with them on numerous occasions talking about what is important for our neighbors because that is important to us. He stated that Council has heard requests for additional information. Mr. Hughes advised that he has called several times to no avail to ask for more meetings with Riverland Park to give the explanations that the residents are seeking tonight. He stated that perhaps that is why Council has heard no new reasons tonight. Mr. Hughes stated that the answers they have given are facts and no amount of talking or repetition will change facts. He reminded and thanked Council that they were here about annexation and was not sure that a lot of what has been said was relevant to annexation, but he was here to state that he was putting the future of this project and the future of this land in the city's hands. He stated that Council would make the decisions at the appropriate times on each of the appropriate steps and that there is no package. He stated that each step is the city's to make along with input from its citizens.

B. Approval of Ordinance to Adopt Revisions to the Land Use Portion of the City of Cayce's Comprehensive Plan – Second Reading

Council considered for second and final reading the approval of an Ordinance to adopt revisions to the Land Use Element of the City's Comprehensive Plan. Mr. Myers made a motion to approve the Ordinance on second and final reading. Mr. Malpass 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 1 –Second Reading

Council considered for second and final reading the approval of an Ordinance to annex and zone property known as Parcel 1 (owned by Columbia Ventures) located on the east side of the Congaree River. Mr. Malpass stating that inasmuch as the action to annex zones the property for no further development until the processes of this city has been met and there is a lot of opportunity for public input no matter what will be developed, made a motion to approve the Ordinance on second and final reading. Mr. Jumper seconded the motion. Mr. Myers inquired as to a point brought up by one of the speakers regarding the tax map number. Mr. Crowe stated that if the error was simply a typographical error, it could be considered a Scribner's error which would be of no effect and can be corrected. Otherwise, Mr. Crowe stated the error could be corrected by an amendment. After discussion the motion passed four to one with Mr. Malpass, Mr. Jumper, Mayor Wilkerson and Mr. Jenkins voting yes and Mr. Myers voting no.

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

Council considered for second and final reading the approval of an Ordinance to annex and zone property known as Parcel 2 (owned by The Foundation for Heathwood Hall, Inc.) located on the east side of the Congaree River. Mr. Malpass stating that inasmuch as the action to annex zones the property for no further development until the processes of this city has been met and there is a lot of opportunity for public input no matter what will be developed, made a motion to approve the Ordinance on second and final reading. Mr. Jenkins seconded the motion. The motion passed four to one with Mr. Malpass, Mr. Jumper, Mayor Wilkerson and Mr. Jenkins voting yes and Mr. Myers voting no.

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

Council considered for second and final reading the approval of an Ordinance to annex and zone property known as Parcel 3 (owned by The Sunday School Conservation & Dove Club, LLC) located on the east side of the Congaree River. Mr. Malpass stating that inasmuch as the action to annex zones the property for no further development until the processes of this city has been met and there is a lot of opportunity for public input no matter what will be developed, made a motion to approve the Ordinance on second and final reading. Mr. Jumper seconded the motion. The motion passed four to one with Mr. Malpass, Mr. Jumper, Mayor Wilkerson and Mr. Jenkins voting yes and Mr. Myers voting no.

There being no further business, the meeting adjourned at 8:45 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC
Municipal Clerk