

CITY OF CAYCE
Special Council Meeting
June 27, 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 Avery B. Wilkerson, Jr., Councilmen Robert Malpass, Skip Jenkins, Kenneth Jumper, and Rick Myers, City Manager John C. Sharpe, and Tammy Barkley, Municipal Clerk. Mr. Ken Knudsen Director of Planning & Development 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.

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

Other

- A. Approval of Ordinance Adopting Modifications to the City Of Cayce Comprehensive Plan – Land Use Element – First Reading

Council considered for first reading the approval of an Ordinance adopting modifications to the City of Cayce Comprehensive Plan, Land Use Element. Mayor Wilkerson advised that a public hearing was duly advertised and held on June 24, 2008 and no public comment was offered. Mr. Jumper made a motion to approve the Ordinance on first reading. Mr. Malpass seconded the motion.

Mr. Myers stated that there were some comments attached to the Planning Commission notes that Council received recently and the general consensus seemed to be that the modifications would broaden its zoning to allow for most anything on most any piece of property. He stated that when the Comprehensive Plan was initially modified, the perspective of Council and the Planning Commission was that the city wanted to narrow the area to protect certain types of development in the city. Mr. Knudsen stated that was true, but what has happened is that when the State enabling legislation was passed, it was very specific. He stated it said that if you wanted to zone a piece of property that was not designated in the Comprehensive Plan, you had to revise the Comprehensive Plan every time you wanted to do a rezoning. He

stated that if the city does not do a broad-based Comprehensive Plan it would have to revise the Comprehensive Plan every time it needed to do a rezoning. If the plan is not broad-based, every time you have a request for rezoning it would first have to go back and modify the Comprehensive Plan, give 30 days public hearing notice and then address the zoning. Mr. Myers stated that the city has been doing it that way and stated it has been successful. Mr. Knudsen stated that the Comp Plan is so narrow and focused now that anything that could be considered contrary to the Plan, the plan would have to be changed and that means changing the Plan every three to four months. Mr. Myers stated that was the original intent of the Plan so that the city would have some development come in that it really didn't want in particular areas of the city. He stated that intent was to protect neighborhoods of overwhelming development. Mr. Knudsen stated it is not a different philosophy as State law. He stated that what the City had and what the majority of cities in South Carolina had was a pseudo zoning map and it is not a zoning map. It is a Comprehensive Plan and a guide towards the zoning. He stated the current plan is very finite and technically State law says you cannot do that because it is rezoning the property without any public hearings. He stated that when the Comprehensive Planning Act was passed, it had all the cities up in arms because it changed everyone's philosophy. Mr. Myers inquired as to how continue in the philosophy of old and apply the State law. Mr. Knudsen stated that Council would need to make their wishes known to the Planning Commission. He stated that this gives Council and the Planning Commission flexibility to decide what it would want in that area.

Mr. Malpass stated that if an undesirable development were to come forward, Council would need a way to review it before it comes before Council as an Ordinance. Mr. Myers stated that he did not want the Comprehensive Plan and/or the Planning Commission reviewing it as a "rubber stamp" just because it fits. He stated that he knew that the Planning Commission does take into account how a new development would affect areas surrounding it. Mr. Knudsen advised that all final decisions are at the hand of Council. Mr. Myers inquired if it fits within the Comprehensive Plan, then a rezoning request can be made. Mr. Knudsen stated it gives Council the flexibility to vote yes or no on rezoning requests and recommendations from the Planning Commission. After discussion the motion was unanimously approved.

B. Approval of Ordinance Adopting the FEMA February, 2002 FIRMS – Second Reading

Council considered for second and final reading the approval of an Ordinance adopting the FEMA February 20, 2002 FIRMS. The City Manager advised that approval of the Ordinance would adopt the 2002 Flood Insurance Studies and Flood Insurance Rate maps and mandate application of the City's Floodplain Management Regulations for all flood prone portions of the City including those annexed within Richland County. Mr. Myers made a motion to approve the Ordinance on second and final reading and that a letter be sent to FEMA with a strong message from Council regarding the process and a request to review the maps again prior to the end of 2008. Mr. Malpass seconded the motion. After discussion, the motion was unanimously approved.

C. Approval to Accept Letter of Resignation from Mayor Avery
B. Wilkerson, Jr.

Mayor Wilkerson submitted his formal letter of resignation to Council. He stated that the resignation was necessary in order for him to take up his new position as a Senate-appointee as a Workers Compensation Commissioner. Mr. Myers made a motion to accept the letter of resignation. Mr. Jenkins seconded the motion which was unanimously approved. Mayor Wilkerson again expressed his gratitude to Council and staff for their assistance and friendship over the past 18 years. He stated he would continue to be a resident of Cayce and advised Council to call him whenever he can be of assistance.

There being no further business, meeting adjourned at 8:30 a.m.

Robert E. Malpass, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk