

CITY OF CAYCE
Regular Council Meeting
September 1, 2009

The Regular September 2009 Council meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council members Steve Isom, James Jenkins, Kenneth Jumper and Rick Myers, City Manager John C. Sharpe, Tammy Barkley, Municipal Clerk, and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Bond Counsel, Margaret Pope, Ken Knudsen, Director of Planning & Zoning, Frank Robinson, Director of Utilities, and Chief Charles McNair, Director of Public Safety, were also in attendance. Mayor Partin advised that members of the press and the public were duly notified of the meeting in accordance with the FOIA.

Mayor Partin called the meeting to order. Mr. Jumper gave the invocation and Mayor Partin led everyone in the Pledge of Allegiance.

A. Approval of Minutes

The minutes of the August 4, 2009 Regular Meeting were presented for approval. Mr. Jumper made a motion to approve the minutes as submitted. Mr. Jenkins seconded the motion which was unanimously approved.

Mayor Partin announced that the Congaree Bluegrass Festival will be held on Saturday, October 3 at Granby Gardens Park. She stated that admittance to the festival is free and that everyone is asked to bring a canned good or non-perishable food item for the God's Helping Hands and Harvest Hope Food Banks. She advised those in attendance that posters and flyers were available on the table adjacent to the door.

A. Presentation by Mr. Mike Dawson, River Alliance, and Mr. Christopher Cook Re High Voltage Theatre Performance

Mr. Dawson and Mr. Cook appeared before Council to review their proposal of the High Voltage Theatre performance of Frankenstein to be held at the old government locks along the Cayce Riverwalk Park. Mr. Dawson stated that the concrete pad and berm would provide a perfect setting for the play. Mr. Cook stated that the proposal has been discussed with the City Manager and that it is requested that the community center's bathroom be available for the performances. In addition, he stated that port-o-jons would be provided. Mr. Cook stated that he would be putting together a business plan to share with the city and would then begin advertising that site specifically for the performance of Frankenstein.

B. Presentation by Mr. Randy Gibson, Lexington County Recreation Commission Re Proposed Tennis Complex

Mr. Gibson appeared before Council to review the plans for the new Tennis Complex to be built in Cayce. He stated that the plans are now with DHEC and that the Commission has already advertised for general and tennis contractors. He stated that after approval is received from DHEC, which should be in approximately three weeks, they will give the contractors another three weeks to get the bids in by mid-October and the contractor awarded the project should start the first of November. He stated that he anticipates construction to last 9-12 months and that this is a \$4.6 million project.

He shared with Council the general site plan for the complex which will include youth courts, an 11,000 sq. ft. building with showers, a wellness center, main office, porch, and seating to the stadium court. He stated the second floor would include a conference center of 3,500 sq. ft. which overlooks the courts and includes a caterers' kitchen. He stated that he projected that they would need Cayce's part of the project's funding sometime in May or June, 2010.

Mr. Myers asked Mr. Gibson to explain the type of services that will be available and other events, and anticipated economic impact. On the conservative side, Mr. Gibson stated that a tournament would have an economic impact of \$2.3 million depending on the type of tournament. He stated that they just held a tournament at Oak Grove and had over 500 participants. He stated that the Commission also annually hosts the International Youth Tennis Tournament which would be moved to this facility. He stated that participants represent 30 countries and 29 states. He stated that the State hard court tournament that has been held in the City of Columbia for a number of years, has now been awarded to the Commission for 2010 which will be held at the Oak Grove facility for 2010, but would move it to the Cayce facility in future years.

He stated that the wellness center will be open for all ages and will offer reduced rates for seniors. He stated that overall use of courts will be open to the public for a small fee and the county will be teaching tennis classes and holding camps. Mr. Isom inquired if the downturn in the economy has affected attendance at these tournaments. Mr. Gibson stated yes to some degree, but not on a large scale. Mr. Myers inquired as to how many ITF facilities are in the United States that will be comparable to this. Mr. Gibson stated he estimates there are 4 or 5 international ITF venues with the biggest being in Miami. Mr. Myers inquired as to how many events would be held yearly at the Cayce facility. Mr. Gibson stated that currently they have over 1,700 annually at the Oak Grove Complex and they all vary in size. Mr. Myers stated that in earlier discussions, it was agreed that residents of Cayce would get a discount being that they are already investing in the facility and wanted to know if that was still under consideration. Mr. Gibson stated that plans are not yet finalized but the discussion was to offer a discount for Cayce residents.

Mr. Myers asked Mr. Gibson to touch on the next phase of this area of Cayce. Mr. Gibson stated that plans are still on the table to relocate the Bray Park facility, and

to include a football facility, a couple of softball facilities and additional soccer fields in the Cayce area. He stated that by doing so, additional sports tournaments could be hosted which would add to the economic impact. Mr. Myers stated that Mr. Jay Criscione recently passed away and was one of the leaders of this project a couple of years ago and he deserved a lot of credit as to where we are. He also thanked Mr. Gibson and the Lexington County Recreation Commissioners for their dedication to this project.

C. Presentation by Larry Koester, Chair, Airport Commission Re Charrette Master Plan – Proposed Airport Boulevard Project

Mayor Partin advised that some of the ideas mentioned in the Charrette Master Plan included improvements to the airport corridor to downtown Columbia. She shared the slides from the Master Plan showing suggested enhancements to the corridor. She stated, however, that addressing only one side of the road does not get the City any further. She stated that she invited the Mayors of West Columbia and Springdale to a meeting and shared this with them. From there, she stated the Chair from the Lexington County Council became involved and that all entities have been working together and decided to meet before the Airport Commission and share the plans with them. Mr. Koester recognized Ted McGee, one of the Airport Commissioners. He stated that on August 17, Mayor Partin and Lexington County Council Chair Debbie Summers, Mayor Pat Smith and Mayor Bobby Horton attended the Commissioner's meeting and presented the plans for the airport corridor. He stated that everyone in attendance was taken by the presentation. He stated that the Commission tries to sell people on the idea that you have to look good to make it look good and he applauded Council for their leadership in the implementation of the Master Plan. He stated that a motion was made at their meeting to support the plan however possible which was unanimously approved. He stated Council had their full support. He stated there were concerns about the John Hardee Expressway and what it would do to the gateway into Cayce/West Columbia. He stated the gateway will still be Hwy. 302 and that anything the city and their partners could do to that area would be supported by the Airport Commission.

Mayor Partin recognized the sponsors of the Charrette Master Plan who were in attendance and thanked them for their support.

Mr. Ted McGee stated that he recently visited West Columbia City Hall, and noticed the new landscaping and fountain as well as other beautification projects. He stated that the Chair of the Beautification Foundation, Jake Moore, started in Irmo and since then has planted 1,000 trees. He stated that this is so important not only for Cayce but other surrounding areas. He encouraged Council to continue to work together with the other cities and with the County. He stated that if the city wants to go from good to great, it is necessary that the plan be followed.

Mr. Charlie Thompson stated that he has never witnessed so much enthusiasm and pride with the Charrette process. He stated that great things start with vision and

that the city is now at the point of implementation and encouraged Council to stick with the Master Plan. He stated it is exciting times to be in Cayce.

Lexington County Councilman, Todd Cullum stated that the power of joint efforts between municipalities, counties and state government are at its height. He stated the plans for the corridor are wonderful and it needs to be determined how to fund the project. He stated that he suspected that private funds would be need and the city has already experienced what has already been done--the Riverwalks. He stated that he sees the same cooperative effort with the beautification of the airport corridor and fully supports it and applauds Council for taking this step.

Mayor Partin stated that Dr. Edmund Taylor called yesterday and shared that his daughter is a professor at Clemson and she came yesterday to take a look at the plan and gave some suggestions to help implement the plan. She stated that Dr. Taylor advised that his daughter was very much impressed with the program and offered her assistance.

Public Comment

Ms. Darlene Walton Re Item II. B. – Ms. Walton stated that she has had the privilege of traveling around the State and being involved in tennis tournaments. She stated that Council would be amazed at the amount of people who travel to participate in these tournaments.

In reference to Item V.A. – Ms. Walton stated that she is on the Ad Hoc Committee for the Comprehensive Plan rewrite and feels that the Charrette is like designing a road across the river without a bridge. She stated that residents living in Cayce are looking at the costs to repair drainage, sewer, and deterioration around them and the Charrette appears to be coming in to put a coat of paint on an old building. She stated she felt Council should stop and draw back and look at the work that has been put into the Comprehensive Plan as far as the Ad Hock Committee is concerned. She stated she wanted the City to move forward, so before Council jumps too fast and too far, it would be wonderful if all these areas pull together and work on beautification, but the city cannot afford to forget the infrastructure. She stated the city has too much age that has been shoved under the rug and Council needs to stop and take a look at that.

Mr. Lee Jarman Re Item V.A. – (see notes attached)

Ms. Angela Hoyle Re Item V.A. – Ms. Hoyle stated she has spoken previously and again expressed her concern that Council is moving too fast with the Charrette Master Plan. She stated that in reviewing the slides, she notes these are functions of SC DOT and inquired as to how the city can afford to do all this with all the other needs in Cayce. She also stated that she felt there was unfair representation of the suggested members of the Charrette Steering Committee.

Mr. John Ivy Re Item V.A. – Mr. Ivy stated that he understood that the Charrette plan had three basic parts—public relations, business linkage, and planning. He stated from discussions with people who have been part of the Charrette process, he learned that many of the things that were discussed in the process were also discussed in the Ad Hoc Committee meetings. He stated it was a duplication of effort. With regard to the public relations aspect, he stated that Cayce has already retained the services of a public relations consultant and questioned what the city gains by having another entity or entities doing the same thing. Again, he stated it was a duplication of the expenditure required to come to an end result and did not see the benefit of a new logo for the city.

He stated the people elect Council and pay them to lead the community, to make determinations for the city as to what is best for the city in the future and questioned why Council would hire someone else to do their job. He stated that Council is elected to lead and not defer to consultants. He stated that the city spends money for duplicated efforts when the money could go towards the best use for our city—police, planning, or other areas.

Ordinances

- A. Approval of Ordinance Providing for the Issuance and Sale of the City of Cayce Water and Sewer System Improvement Revenue Bond, Series 2009, in the Aggregate Principal Amount of not Exceeding \$33,733,234 Plus Capitalized Interest, if any, pursuant to the Amended and Restated Indenture of Trust as Supplemented, and Other Matters Relating Thereto – First Reading

The City Manager stated that the first reading of the ordinance tonight will allow the City to move forward to second reading before it can close the SRF loan. He stated that first reading is required by the SRF to get the ball rolling and it obligates the City to a loan for the Wastewater Treatment Plant project of \$33,733,234 which will be shared jointly with the Lexington Joint Water & Sewer Commission. He stated their share will be \$10,181,446 with Cayce having the rest and that the Commission is the City's partner in this financing project. He stated that the Town of Lexington, the City's other partner, will be coming to the table with cash money that will go into an escrow account.

Mr. Myers inquired if the City had obtained a signed agreement with all parties. The City Manager advised that the fully executed agreement had been obtained and the SRF already has a copy. Mr. Isom inquired if the .50% closing cost fee was standard. Ms. Pope advised that this was standard and it is normally 1% on water and .50% on sewer. She stated that this was a very large loan and one of the reasons the City was able to obtain the loan amount is because this plant is a regional facility. She stated that Council should be very proud that they have been able to accomplish this. Ms. Pope explained the purpose and detail of the Ordinance before Council. She congratulated Council on this accomplishment and advised that a Special Meeting would need to be scheduled for second reading of the ordinance. Mr. Jenkins made a motion to approve the Ordinance on first reading. Mr. Isom seconded the motion which

was unanimously approved. Mr. Myers thanked Ms. Pope and Mr. Milhous for their efforts in this project.

Other

A. Review and Approval of Proposed Structure and Guidelines for Charrette Steering Committee

Mayor Partin stated that Council had asked to be provided with the proposed structure and guidelines for the Charrette Steering Committee. She stated that Ms. Barkley, along with suggestions from Walter Harris, had assisted in putting the structure and guidelines together for Council's review. She stated she wanted to clarify a few points that were brought up during the public comment period. She stated that there has been no City money spent on this project and that there is a grant writer on Clemson's staff who will be available to assist the City in locating funding for projects. She stated that the action before Council is to receive approval of the structure and guidelines and that at the next Council meeting, Council would need to bring in potential members for the Committee to be approved. She stated that the Charrette is a marketing and economic plan and agreed that the City's infrastructure work is needed. She stated that the Charrette, in the long run will help in this regard.

Developer, Mr. David Hilburn was in attendance and asked to be heard. He stated that he did not live in Cayce and Cayce is a great place to live and people love being here. He stated that his company participated as a sponsor of the Charrette because he saw some good things happen and heard a lot people who wanted to provide private money to accomplish the goals in the project. He stated that Taylor Road would be open the first week in October and would make a tremendous route available to the City. He stated that his development, Concord Park, is committed to planting a tree for everyone who moves into Concord Park which will be about 300 trees to the City. He asked Council to be careful of not moving forward with the project. He stated that everyone who spoke tonight made great points, but encouraged Council to look at private money for funding. He stated that the Charrette plan is crucial to the City's future.

Mr. Jenkins made a motion to approve the structure and guidelines as presented. No second to the motion was made and the motion did not pass. Mr. Myers stated that in order to move the Charrette process forward and provide the technical input that he believed was needed, made a motion to assign the duties of studying and discussing the Charrette plan to the Planning Commission with the responsibility of reporting their findings back to Council no later that 90 days of completing the re-write of the Comprehensive Plan. In addition, he stated this Commission work should be done independent of Council but with the assistance of the Clemson Extension staff, City staff and other current City committees as deemed appropriate by the Planning Commission. He stated that the City has other priorities and although this is an important issue, it has to fit into the puzzle. Mr. Isom seconded the motion.

Mayor Partin stated that West Columbia's new sign was not done by the Planning Commission. She stated that Ted McGee, Butch Wallace and Todd Cullum work with that Beautification Foundation. She stated that Mr. Myers motion was to give the responsibility of doing all the research to the Planning Commission. She stated that the work of a steering committee would have to go through the Planning Commission before it comes before Council. She stated that Council asked Walter Harris of Clemson Extension to come before this board and advise Council on the best way to proceed and he did and provided guidelines which were incorporated into the structure and guidelines set before Council tonight. She stated that Council has heard the Airport Commission talk about the building that is on Airport Blvd. whose owner is excited about this because it will raise his property value. She stated that Mr. Myers was very excited about the Tennis Complex, but the \$2.3 million will not be spent in Cayce and will not benefit the residents because the businesses and hotels are not here. Mr. Myers stated that you have to start it at the Planning Commission to move those forward. He stated the whole intent of the Planning Commission looking at the Charrette along with the Ad Hoc Committee is because there are people here tonight and who addressed Council that stated they have heard the same things in their Committee meetings as those presented in the Charrette plan. He stated the Planning Commission whose members go back some period of time, knows the process for planning, zoning, understands the overlay districts, landscaping ordinances, right-of-way issues, and that is the technical side of where it needs to start. He stated that the Charrette does not need to be delayed but before Council can act on it, recommendations have to come from them. He stated that to put a citizen's committee together that has no technical expertise and has no background on comprehensive plans and exclude the group that by law is required to look at these things makes no sense to him. Mayor Partin stated that is exactly what happened in West Columbia. She stated the Beautification Foundation has no technical expertise, but every bit of it ended up going back through the Planning Commission. She stated that Cayce is a fabulous city and if the motion dies tonight it hurts the residents. Mr. Isom stated he disagreed.

Mr. Jenkins stated that he did not understand why his motion did not receive a second and died when Council has really not discussed the issue fully. He stated that forming the steering committee and taking the recommendations through the Planning Commission made more sense to him in that these two groups would be working as a team.

Mr. Isom stated that he agreed with Mr. Myers and felt that the Charrette Master Plan was a valuable part of the comprehensive plan. He stated he was an observer in some of the Ad Hoc Committee meetings and Charrette process and his opinion remains the same--an 80-90% overlap on the subjects that were discussed and brought forward. He stated that by Council not approving the steering committee, is not to say the plan will not be utilized, as it will be. He stated that he agrees that the responsibility should go to the Planning Commission.

Mayor Partin stated that there was no overlap between the Comprehensive Plan and the Charrette. She stated that Mr. Myers had asked that the two plans be meshed

very well, and she felt Mr. Knudsen was doing a great job with that to make sure that the pieces of the Charrette that fit will be incorporated into the Comprehensive Plan and then additionally, it will be a chapter of its own in the back. She reiterated that passing by the original motion is a waste. She stated that the City has a free grant writer, a free facilitator and there is no money spent. She stated that the 12th Street beautification project was accomplished by a grant and that if Council could not take the time to go forth and use a free grants writer, then it would be a loss. Mr. Myers stated that his motion included the use of resources available to the City including the Clemson Extension staff and their grant writer. Mayor Partin asked Mr. Knudsen to come forward and Mr. Myers repeated his motion for clarification. Mayor Partin asked Mr. Knudsen if Mr. Myers motion would work. Mr. Knudsen stated that in the broad sense yes, because that is the way it will work now whether there is a steering committee or not. He stated that the Planning Commission and Ad Hoc Committee are reviewing the Charrette for inclusion into the Comprehensive Plan. He stated that within the Comprehensive Plan there is an economic impact section which is not yet completed because the City is awaiting the latest census data which should be received by mid-October. He stated that as far as the appearance portion of the plan, that could be shifted over to the Beautification Board if necessary. He stated there are certain plans in the Charrette that the city physically cannot do without violating its own laws. Mayor Partin inquired as to which projects. Mr. Knudsen stated the banners on the utility poles. He stated that nothing can be placed on any utility poles. He stated that utility workers have to be able to climb the poles in emergency situations. He stated that the plan could be accomplished by putting up other poles and again, the placement and consistency of the location of the poles would be important. He stated it was not a question of can it be done, but can it be done and look good. He stated it could work either way through a steering committee or the Planning Commission.

Mr. Jenkins inquired as to the time frame for the completion of the Comprehensive Plan. Mr. Knudsen stated that he anticipates the plan to be completed and ready for a public hearing during the first two weeks in January or February. After discussion, the motion passed 3 to 2 with Mr. Isom, Mr. Jumper and Mr. Myers voting yes, and Mayor Partin and Mr. Jenkins voting no.

A. Approval of Bid Award – Parkwood Force Main Extension

The City Manager stated that the purpose of this project is to redirect the wastewater flow from the Parkwood Pump Station/Delree Street Force Main flow from the current discharge point in the Westgate subdivision sewer gravity main system. He stated that originally it was a 10" force main. He stated that a few years ago, American Engineering estimated the cost of this project at \$350,000. Because of directional bore that had to be done in the system, he stated the bids came in and the low bid was \$438,000. He advised that those bids were rejected and the project was re-bid with an open cut. He stated the City received 7 bids and the low base and Alternate #1 bid was submitted by Chandler Construction Service Inc. at \$296,489 and \$303,077 respectively. He stated it was recommended that the City accept the low bid from Chandler Construction for Alternate #1 in the amount of \$303,077. Mr. Myers made a

motion to award the bid as recommended. Mr. Isom seconded the motion. After discussion, the motion was unanimously approved.

B. Approval of Bid Award – Purchase of Utility Truck Tractor

The City Manager advised that the purchase of the Utility truck tractor was included in the approved FY 2009-2010 O&M budget. He stated Utilities currently has two truck tractors one of which is a used unit and wants to step it down and hopefully get rid of a unit that is not as capable as that one. He stated this truck tractor is a 2010 and the City received the low bid from Cherokee Kenworth in the amount of \$98,431. He stated that the primary use of this truck is to transport water and wastewater bio solids (sludge) to the Screaming Eagle landfill for disposal. Mr. Isom made a motion to award the bid to Cherokee Kenworth in the amount of \$98,431. Mr. Jumper seconded the motion which was unanimously approved.

Committee Matters

A. Committee Minutes

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

Beautification Board – August 11, 2009
Cayce Events Committee – August 13, 2009
Cayce Housing Authority – August 18, 2009

Mr. Myers made a motion to approve that the minutes be entered into the official city record. Mr. Isom seconded the motion which was unanimously approved.

B. Committee Appointments/Reappointment

Cayce Museum Commission – One (1) Position

Mr. Marion Hutson's term expires September, 2009. The Commission does not meet in summer months and will discuss this issue at the September meeting. There is no recommendation at this time.

Planning Commission – One (1) Position

Mr. John Raley's term expires September, 2009. The Commission will discuss at an upcoming meeting. There is no recommendation at this time.

Mr. Myers made a motion to postpone the appointments until the Committees meet and submit their recommendations. Mr. Isom seconded the motion which was unanimously approved.

City Manager's Report

The City Manager stated that the August Financial Reports would hopefully be submitted to Council by Friday.

The City Manager provided Council with the following dates:

September 2, 2009 – Mock signing of Wastewater Treatment Contract with the Town of Lexington and Joint Water & Sewer Commission – 10:00 a.m., Council Chambers

September 7, 2009 – Labor Day Holiday – City Hall Closed, Normal Garbage Pickup

September 10, 2009 – West Metro Chamber of Commerce Annual Dinner – Embassy Suites

October 3, 2009 – Congaree Bluegrass Festival, 11 a.m., Granby Gardens Park

October 8, 2009 – Joint Lexington County Chamber Event recognizing Lexington County Delegation, 5:30 p.m. – Saluda River Club on Corley Mill Road

Emergency Operations/Business Continuity Plan – The City Manager stated that it was a huge undertaking to update the City's old plan to the new one. He stated that Council has received a copy and asked them to review it and provide Mr. Barkley with any changes that needed to be made. He stated the Department Managers are currently reviewing and fine-tuning their copies and as soon as all changes have been received, a final version will be provided. He stated that Chief McNair will be scheduling a mock disaster in the near future.

Utility Infrastructure Master Plan Timeline – The City Manager advised that American Engineering sent an e-mail yesterday and provided a copy to Council.

Update – Purchase of Property, 1972 Old Dunbar Rd. – The City Manager stated that the City has made an offer which was accepted. He stated that the City Attorney has done work for this company in the past and the City and owner of the property has given consent to allow the City Attorney to move forward with the purchase agreement without any conflicts. He stated the attorney was drafting the purchase contract that will have to meet the requirements of SC State Law and should hopefully have a version of the contract next week and then will be able to present to Council for review and proceed with the closing. He stated that when the City receives the contract, he will be getting in contact with Mr. Oscar Rucker of SC DOT and let him know what the City's plans are and move it forward.

Update – Community Rating Service (CRS) – The City Manager stated that the City will be making application with ISO, the insurance services offices to enter the CRS Program. He stated that on October 23, ISO will be coming in for their visit for the City to complete the application for the CRS program.

The City Manager advised that he received a letter from the Lexington Two School District advising that they will be honoring Ms. Frankie Newman at their September 17, 2009 Board Meeting on her receiving the Order of the Palmetto.

Mayor Partin inquired about the report on the twice per week pick up statistics. The City Manager advised that he received the information this afternoon and will provide to Council in their Friday mail. Mayor Partin requested that the information be presented at the next Council meeting.

Mayor Partin inquired as to the update on the COPS grant package. The City Manager stated that the City has not yet received official notification on the grant award and it is pending until notification is received.

Mayor Partin asked for an update on the Affinity Program offered by Russell Jeffcoat. The City Manager advised that JoAn Roland met with Russell Jeffcoat and the contract has been referred to Danny Crowe for review.

The City Manager stated that Council needed to set a date for the second reading on bond ordinance. Council tentatively scheduled the meeting for September 10th and asked that an email be sent to confirm.

Executive Session

- A. Receipt of Legal Advice and Discussion of Negotiations Incident to Proposed Contractual Arrangements Related to Financing for Tennis Complex
- B. Receipt of Legal Advice Related to a Pending Claim and Appeal Involving Norfolk Southern Railroad

Mr. Jenkins made a motion to move into Executive Session to discuss the matters above. Mr. Isom seconded the motion which was unanimously approved.

Possible Actions by Council in follow up to Executive Session

Mr. Myers made a motion to authorize the City Attorney to proceed with the next step in reference to the pending claim and appeal involving Norfolk Southern Railroad. Mr. Isom seconded the motion. Mr. Jenkins stated that if the City is not successful with this step he would not be in favor of the City pursuing the issue further. Mr. Crowe advised that this next step is as far as the City can go with the issue. After discussion, the motion was unanimously approved.

There being no further business, the meeting adjourned at 9:02 p.m.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk