

**CITY OF CAYCE
Special Joint Meeting
Cayce City Council and
Lexington School District 2 Board of Trustees
November 30, 2005**

A Special joint meeting of Cayce City Council and members of the Lexington School District 2 Board of Trustees was held at 12:00 noon at the Lexington School District 2 office on Ninth Street in West Columbia. Those present included Mayor Avery B. Wilkerson, Jr., Councilmen Rick Myers, James Jenkins, Kenneth Jumper, and Robert Malpass, City Manager John C. Sharpe, City Attorney Danny Crowe, Mr. Ken Simmons of Ken Simmons Associates, Tammy Barkley, Municipal Clerk and the following School Board members: Bill Bingham, Jerry Chitty, Jan Stamps, Glen Conwell, Beth Dickerson, Cindy Kessler, and Rick Shull. In addition, the following administrators for the Board were present: Barry Bolen, David Loadholt, Venus Holland, Anne Rikard, Attorney Jake Moore, Attorney Barry Thompson and Joel Carter. Mr. Bingham, opened the meeting for the Board of Trustees and Mayor Avery Wilkerson opened the meeting for the Cayce City Council. The invocation and Pledge of Allegiance then followed. Members of the press and the public were duly notified of the meeting in accordance with the FOIA.

- A. Discussion of negotiations incident to proposed contractual arrangements between the City of Cayce and Lexington School District Two concerning the District's Knox Abbott Drive property

Mr. Bingham welcomed the City of Cayce Council to the Board Meeting and thanked them for taking time out of the day to see if some type of resolution could be reached in reference to the Brookland Cayce High School expansion plan. He stated that at the previous joint meeting, Council's consultant presented an alternative plan and that Council voiced their concern with the District's proposed plan. He stated that the Board was instructed to review the proposal that the city had made to the district. Mayor Wilkerson likewise thanked the Board for meeting today. Mr. Bingham stated that the Board reviewed Council's proposal and that Mr. Jake Moore met with Council's attorney at Turner, Padgett, Graham and Laney to go over the proposal that involved three lots (two located on State Street—the property owned by the City and Mr. Jur's lot, and the third lot on Indigo Avenue owned by the School District). He stated that the Board felt it did not appear that Council's proposal would be a viable option for the District. Mr. Bingham introduced the District's architect, Mr. Joel Carter, and

advised that he had a presentation that would explain why turning the stadium is not a viable option and that the option could not comply with the city's Zoning Ordinance. Mr. Carter distributed copies of handouts to the Board members and Council. He reviewed with those present the master site plan and objectives and challenges. He stated that given those parameters, the plan was developed by making the existing football stadium into a running track. He reviewed the site plan with Council stating that in recent weeks, the plan was reviewed and studied other options to reposition the football field on the site. He reviewed several options with Council stating that Plan B would be to preserve the lot fronting Knox Abbott. He stated that Plan C would place the stadium fronting State Street, but 63 parking spaces would have to be removed from the plan. He also advised that the area is not well lit which causes safety issues, it provides for limited emergency access, however, additional turnarounds for fire and emergency vehicles could be developed in the plan. He stated that the location is not as desirable aesthetically. In reference to Plan D, he stated that safety issues would remain and it would not address the turnaround for emergency vehicles. In addition, 150 parking spaces would have to be eliminated. He stated that with these plans, everything that was gained and addressed within the zoning requirements would be compromised.

He stated that going back to the District's original plan, Plan A with the stadium facing Knox Abbott Drive, the District would be able to fit in all the amenities, provide for playoff competition, include restrooms, concessions, and a community use type building. He stated this plan presents an aesthetically pleasing campus and resolves safety issues and parking requirements. He stated that the Board felt this original plan would be a great amenity to the city and meets the requirements of the city. Mr. Moore stated that in effect as he understood it, the parking that would be eliminated by Council's proposed plan and the configuration of the stadium with the use of the proposed three lots would not meet the city's requirements. He stated that the Board feels they have come to a point where they believe the District's proposed plan is the only option for the stadium and the only one that works. He stated the school has no intent to sell the property on Knox Abbott Drive. He stated that one of the items discussed at the last meeting was the purchase of additional property along Knox Abbott Dr. Mayor Wilkerson stated that council disagrees that this is the only place for the stadium. He stated that Council was taken aback when the District decided to place the property located at 7th and Knox Abbott Drive under contract to purchase immediately after the last joint meeting. He stated that in reference

to that property, it is not zoned for school use and that Council was somewhat perplexed as to why the district would purchase property that could not be used for school use. Mr. Moore stated that the district did not run out and sign the contract. He stated that the District does have a contract on the property and it does intend to move forward in purchasing it, and use it for school use. He stated, however, that the use of that property certainly is open for discussion and what the District ultimately does with that property could certainly be discussed. He stated that in reference to the request from Council that no further property for school usage along Knox Abbott would be purchased, the Board is ready to discuss that issue.

Mayor Wilkerson stated that the location of the stadium has been and will always be the issue and that Council intends to keep Knox Abbott zoned commercial and it is very important that it is kept that way. He stated the Council believes it is their job and position to protect that integrity. He stated that if it is the District's intent to place the stadium on Knox Abbott, he was unsure if jointly the issue could be resolved. He stated that this was not a takings issue as far as Council is concerned. He stated that the suit filed by the District pretty much states this is a takings issue and Council does not feel it is but if the District wants keep moving forward on the issue, the city has offered to purchase the property from the School District. He stated that the city has proposed alternatives, but if the Board has decided that this is the only location along Knox Abbott Drive, he was unsure if there would be any reason to go any further. He stated that the city's architect has several options to present to the Board. In addition he advised that the editorial published in today's State newspaper just today included misinformation and that Council was somewhat concerned. He stated that unfortunately Council had thought that the issue has somewhat calmed down with both entities meeting to discuss the issue, but because of the article, we are now going to be required to present a rebuttal to clarify the misinformation. Dr. Tim Jur, owner of property along State Street, was in attendance and Mayor Wilkerson asked Dr. Jur to make a few comments.

Dr. Jur stated that he has lived in Cayce for 27 years and his business is headquartered in Cayce. He stated that he purchased property behind the Lizard's Thicket for this purpose. He stated that he has an engineering firm in that location. He stated that he wanted to dispel a couple of myths. He stated he is not against kids and he is not a newcomer to the neighborhood. He stated he moved to Cayce to specifically send his children to Brookland Cayce High School. He stated that his concern early on was the plan to construct a 7,500-seat stadium when the school rarely has a full stadium since he's been in Cayce. He stated that another concern was the original plan that everyone voted on showed a plan that the Knox Abbott Drive property was to be leased and now the issue has evolved to this. He stated that he did not think the city would be good stewards of the property fronting Knox Abbott Drive if the football stadium was placed in that location. He stated that if this happens, nothing will change in the

City of Cayce as far as commercial growth and it will remain stagnant. He stated that he was quite content to stay where he was and that he has no particular reason to be upset that the stadium would be behind his property. He stated that it crossed his mind that the stadium could be rotated and placed on his property and Mr. Jones' property. He stated that as shown in Plans B and C, it could possibly be done. He thought at the time that he would be willing to the land swap so that the city could have a nucleus of commercial business in that area. He stated that there is a point where the city has a responsibility to their citizens to have that corridor developed commercially. He stated that all he was interested in was trying to resolve the issue and that is how the land swap idea came to pass. He stated that his intent was not in causing a big problem, but that he was still willing to do what he could to help resolve this issue.

Mayor Wilkerson asked that Mr. Simmons present his suggestions to the Board. Mr. Simmons distributed handouts of the proposals. He stated that since the last meeting, he had pulled the plats on the Jur and Jones property and that the dimensions on the handout were factual dimensions. He stated that the dimensions of the football stadium are also exactly the same as presented by the District. In reference to Option 1, Mr. Simmons stated that the stadium would fit on the two plats of land. He advised that in Option 2 the stadium is overlaid on the existing football field. He stated that there were two buildings on the District's plan that were repeated which would be removed during the renovations and that this option does fit the footprint. In reference to Option 3, he stated that the softball field had been rotated and that by pushing the stadium up, the plan was able to encroach a little into the parking and have the stadium in that location. He stated that on footprint it does fit. He stated that he wanted to address a couple of issues brought forward. He stated that in reference to safety issues, every stadium built is fenced off so that the school can maintain optimum ticket sales. In reference to the north/south orientation, he stated that the following do not have the desirable orientation: Lower Richland, USC, Hammond, Memorial Stadium, Sanford Stadium, UNC, and Memorial Stadium in Clemson. He stated that while the north/south orientation is desirable, it is certainly not the only orientation. He stated that undesirable parking areas could be addressed simply. Mr. Moore questioned Mr. Simmons' accreditation and credentials as an architect. Mr. Simmons stated that he is an accredited landscape and site architect.

Mr. Moore stated that the basic plan of the District is that the lot on Knox Abbott would not be allowed to go commercial. He asked Mr. Simmons in reference to the concept in regard to east/west configuration, would he acknowledge that from a planning standpoint a north/south would be the way you want to plan it? Mr. Simmons stated that when you build a brand new school facility you have that ideal and the property to do so. Mr. Simmons stated that when you are dealing with an existing school that is limited to space, you had to do what you can do based on the limited space. Mayor Wilkerson stated in the

original bond referendum it was stated that the existing stadium would be renovated and the track would be expanded. He stated that up until recently, Council had no idea of anything otherwise. Mr. Bingham asked Mr. Mark Burt for his comments.

Mr. Burt stated that he has had many opportunities to discuss this issue with members of city council and board members. He stated that he was the upcoming president of the Booster Club. As a long time resident of Cayce, Mr. Burt stated that the community means a lot to everyone who has grown up here. He stated that originally he was not in favor of placing the stadium on Knox Abbott Drive. He stated that he talked to a lot of different people and didn't think it was the best fit. He stated that he applauds the city for coming up with the idea to suggest a place a Fine Arts Center. He stated that in his opinion, however, the front door of Cayce is from the Blossom Street bridge to Axtell Drive and that the proposed location of the stadium and fine arts center by the District would not interfere with the commercial corridor. He stated that he supports the school board's project to place the stadium on the property facing Knox Abbott Drive.

Mayor Wilkerson stated that based on what had been discussed today, it appears that the Board's has made up its mind to place the stadium on Knox Abbott Drive and the court will have to decide that issue. He stated that he was not in favor of continuing to spend tax dollars on the issue, but if both entities were at an impasse, the court will have to be involved. He stated that if this is not the case, Council is still willing to sit down and discuss flexible and creative ways to resolve the issue. He stated his biggest concern is that the bond referendum is not being followed and the continued loss of funds that is going towards litigation. He stated that council has been asked by many people to stick to their plan and that he thought the Board was hearing the same from their end and that he is perplexed on how to resolve the issue at this time.

Ms. Stamps stated that the concerns of the taxpayers had been mentioned many times and that the board is a very conservative board. She stated that Board also addressed the bond referendum very conservatively. She stated that Mayor Wilkerson was correct in that the wording of the bond referendum has been changed. She stated that when you get into the planning process, you listen to the professionals regarding the best use of the funds. She stated that Board's responsibility is to protect the properties of the schools based on educational and school activities. She stated that from the very beginning when this became an issue, which started out with the zoning, with the PDD, and all along the District has been paying professionals and now paying attorneys. She stated that the Board feels it has been jumping through the hoops to answer and respond to all the questions of Council. She stated that the Board has tried to do that to the best of their abilities and that tax money has been spent because of the requests the city has made of the school district. Mayor

Wilkerson advised that Council, Zoning Board of Appeals, and the Planning Commission have done no more than what is required by State law.

Mr. Bingham clarified that the wording of the bond referendum question was never changed. He stated that in preparing a referendum, a list items on where the money will be spent must be included. However, he stated that when actual work is done on the design of the project, you have to take all things into account and cannot anticipate changes that need to be made for the best use of the funds. He stated that because of the increase in costs, this bond referendum would be spent before anything will be done on the stadium. Ms. Kessler asked that if the city did not want to have control over the school, why did council rezone the property. Mayor Wilkerson advised that Mr. Bingham was on the City of Cayce's Planning Commission when these issues were first discussed. Mayor Wilkerson stated that if the Board feels like they are jumping through the hoops, the city has no control over that, as the city must comply with State law.

Mr. Moore stated that Council has said it wants to work out this issue and the Board says the same. He stated the District's architect has advised that the city's proposal is not going to meet the aesthetic needs of the District's plan. He stated the Board hired an architect to include a fine arts building with the plan and Council comes back that this would not meet requirements. He stated that the District has considered the options that it feels are realistic. He stated that the Board now asks that Council consider changing its mind and allow the structure to go there. He asked if it is loss of taxes, that can be negotiated and the District can pay for the lost revenue, if it is a contribution to the civic center, this can be negotiated; if it's the First Citizen's property, this can be negotiated; if it is money, advise the District how much you want in order for the stadium to be placed on Knox Abbott Drive. Mayor Wilkerson stated that the city is willing to go through this process and it is a fair request.

Mr. Chitty stated his concern is with the children of the district and doing what is best for the school and a big part of all of this referendum, is that we are trying to make our schools equitable. He stated that if this were not done, what would happen to Brookland Cayce High School.

Mr. Myers stated that if the issue is about having a place to play football, the State Street property should not be a problem. However, if it is about having a presence on Knox Abbot Drive, then we are at a stalemate.

Mr. Crowe stated that in reference to Mr. Moore's question of how much money the city would want to make this work, City Council has an obligation to the city overall and zoning is not for sale (this is construed as "contract zoning" which is not legal). He stated that the council would interpret Mr. Moore's question as to what the Council wants within the law. He stated Council must

address the zoning law, address the public interest, and the District needs to address the placement of a football stadium.

Ms. Dickerson stated in reference to Mr. Myers comment regarding the District wanting a presence on Knox Abbott, the Board looks at this as an investment on Knox Abbott. She stated that she has not seen anything the city is doing to improve investment along Knox Abbott Drive, but feels the city is blocking an entity who is trying to put something there to make a wonderful investment on Knox Abbott Dr.

Mayor Wilkerson thanked the Board for the joint meeting and for providing lunch. Mr. Myers made a motion to adjourn the City Council meeting. Mr. Jenkins seconded the motion which was unanimously approved. There being no further business, the meeting adjourned at 2:15 p.m.

Avery B. Wilkerson, Jr., Mayor

ATTEST:

Tammy P. Barkley, CMC, Municipal Clerk