

Regular Council Meeting

August 6, 2013 at 6 p.m.

Members Present:

Joe Owens, Mayor
Boyd Jones, Mayor Pro-Tem
Eric L. Fowler
Casey Jordan Hallman
L. Dale Harley
Tommy Parler
B.J. Unthank
Teddy Wingard

Members Absent:

None

Others Present:

Jenny Cunningham, City Administrator
Myron Corley, Deputy City Administrator
Mardi Valentino, City Clerk/PIO
Donna Smith, Director of Economic Development
Sid Varn, Director of Planning and Engineering
Dennis Tyndall, Police Chief
Ken Ebener, Municipal Judge
Shane Phillips, Police Captain
Members of the Public and Press

Stuart Jones, Building Official
Wyatt Coleman, Fire Chief
Brian Carter, Director of Planning and Zoning
Charles Garren, Public Works Director
Rick Hodge, City Treasurer
Matt Edwards, Police Major
Anna Huffman, IT Systems Administrator
Jamie Hook, Sanitation/Streets Superintendent

Agenda Item I – Call to Order

Mayor Owens called the meeting to order at 6 p.m. and noted a quorum was present. *The State, Free Times, Lexington County Chronicle, Cayce-West Columbia News, The Columbia Star* and radio and television stations were notified of the meeting by e-mail on August 2, 2013.

Agenda Item II – Invocation and Pledge of Allegiance

Police Captain Shane Phillips gave the invocation followed by the Pledge of Allegiance.

Agenda Item III – Requests for Appearance

- A. Mayor Owens recognized Mayor Pro-Tem Jones and Council Member Casey Hallman, who both thanked the people involved in a community cleanup of three overgrown lots in the 700 block of N. Brown Street on July 13, 2013. Council Member Hallman asked Brian Carter, Director of Planning and Zoning, to give a brief summary of the clean-up event. Mr. Carter stated three properties in the 700 block of N. Brown were severely overgrown, creating an unsightly refuge for rats, snakes, mosquitoes and other creatures. He explained the properties border the city limits of West Columbia, but are in the unincorporated area of Lexington County and are not subject to West Columbia nuisance ordinances. The owners of the lots are absentee, disabled, elderly or experiencing some other type of hardship and were unable to sufficiently clean and maintain the lots. Residents of West Columbia continually suffered from nuisances generated from these lots. A coordinated effort by multiple agencies engaging more than 50 people resulted in a clean-up event on July 13, 2013. The joint effort included volunteers from the City of West Columbia, Lexington County Sheriff's Department, Keep the Midlands Beautiful and Home Depot of Lexington.

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Agenda Item III – Requests for Appearance (continued)

Mr. Carter acknowledged the following individuals and organizations involved in the planning and coordination and/or that participated in the cleaning and removal of debris during the event:

Mayor Pro-Tem Boyd Jones, District Five, City of West Columbia
Council Member Casey Jordan Hallman, District Three, City of West Columbia
Captain Mark Jones, West Columbia Police Department
Mr. Brian Carter, Director of Planning and Zoning, City of West Columbia
Ms. Michelle Marler, Home Depot of Lexington
Volunteers from Team Home Depot
Sergeant David Nieves, Lexington County Sheriff's Department
Pastor Efran Serrano, Nueva Esperanze (Spanish Community Church)
Volunteers from Nueva Esperanze
Waste Management, Inc.

Mayor Owens thanked Mr. Carter for his presentation and noted that the combined efforts benefited all residents in the neighborhood.

- B. Mayor Owens recognized Mr. Jim Hinrichs, who stated that he lives at 913 Seminole Drive in West Columbia. Mr. Hinrichs introduced his son, Chris Hinrichs, to speak on his behalf regarding water and sewer tap fees for 800 Central Drive. Mr. Chris Hinrichs stated he lives at 1116 Oconee Street in Columbia, SC. Mr. Hinrichs said he and his father purchased 800 Central Drive in 2004. The previous owner, Dr. Javid Novinbakht, agreed to allow the city of West Columbia to place an easement through his property in exchange for residential water and sewer taps for the property. Mr. Hinrichs explained he and his father were seeking to exchange the two taps granted to the previous owner for one residential water tap and one commercial sewer tap. Mayor Owens stated that in the copy of the easement agreement between the city and Dr. Navinbakht, the two taps were for two residential sewer taps. Mayor Owens said he had no problem honoring the two taps except that a tap for a four-inch commercial sewer meter is being requested not a residential sewer tap. A residential sewer tap costs \$1,000.00 and a commercial sewer tap costs \$1,500.00. Mr. Hinrichs said he did not understand why two residential sewer taps were granted because the property use was always commercial not residential. Mayor Owens said according to the signed easement agreement the city granted Dr. Novinbakht two residential sewer taps. Mayor Owens said he would ask council to consider approving one residential water tap and one commercial sewer tap if the additional \$500.00 is paid to upgrade to a four-inch commercial meter.

Mr. Jim Hinrichs said nine years ago when he purchased the property from Dr. Novinbakht, the structure was a four-car garage with no facilities. He and his son were looking for a storage building containing an office area with a bathroom and they decided to buy the garage. He and Dr. Novinbakht went to the city hall on Center Street where a city official approved exchanging the two sewer taps for one water tap and one sewer tap. Mr. Hinrichs said even though he planned to go ahead with the work at that time, nine years passed before he was able to afford remodeling the garage into the storage and office facility. He conceded that he had nothing in writing from the city agreeing to exchange the two sewer taps for a water tap and a sewer tap. Mayor Owens pointed out that Mr. Hinrichs and his son also did not have anything in writing from Dr. Novinbakht, the previous owner, assigning the two sewer taps to them when they purchased the property.

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Agenda Item III – Requests for Appearance (continued)

Mayor Owens said he was the utilities director at the city nine years ago and he would have been the city official to approve the exchange in taps. He said he did not recollect any verbal agreement to exchange the taps on the property at Central Drive. Mayor Owens said the city is willing to allow the two sewer taps to be exchanged for one residential water tap and a four-inch commercial sewer tap provided the \$500.00 difference in the sewer tap upgrade is paid. Mr. Hinrichs agreed to the proposed exchange in taps and the additional \$500.00 for the sewer tap upgrade.

Mayor Owens entertained a motion to exchange two residential sewer taps for one residential water tap and one commercial sewer tap with a \$500.00 upgrade fee for the property located at 800 Central Drive. Council Member Parler so moved and Council Member Fowler seconded. The motion passed unanimously. Mr. Hinrichs thanked council members for agreeing to the exchange in tap fees.

- C. Mayor Owens announced that Mr. James W. Fox, III requested an appearance before council, but since had spoken to Captain Shane Phillips regarding the matter, which seemed to be resolved.
- D. Mayor Owens recognized Fire Chief Wyatt Coleman who thanked council for the opportunity for him and Captain Sean O'Brien to represent the city at a national memorial service in Prescott, Arizona to honor the 19 firefighters who died while fighting a raging wild fire. He said he and Captain O'Brien greatly appreciated the opportunity to pay respects to the firefighters who gave their lives to protect the safety and property of the citizens who live in that area of the country.

Agenda Item IV – Announcements by Mayor

Mayor Owens announced the annual West Columbia Back-to-School Bash will be Saturday, August 10, 2013 from 11 a.m. to 3 p.m. in Butler Park. The council work session will be August 19, 2013 at 6 p.m. The Zoning Board of Appeals will meet at 6 p.m. on August 20, 2013 and the Planning Commission will meet at 6 p.m. on August 26, 2013. Mayor Owens invited everyone to attend the Riverwalk Park dedication in honor of former mayor Mac Rish at 4 p.m. on Thursday, August 22, 2013 in the Riverwalk Park Amphitheater.

Agenda Item V – Approval of Minutes

- A. Mayor Owens entertained a motion to approve the minutes for the Regular Council Meeting held July 2, 2013, and the Special Council Meeting held July 11, 2013. Council Member Parler so moved and Council Member Hallman seconded. The motion passed unanimously.

Agenda Item VI – Old Business

- A. Mayor Owens entertained a motion for second reading consideration of the Planning Commission's recommendation to establish a zoning classification for recently annexed property located at 2331 and 2333 Thornton Avenue (TMS# 004627-05-006) as C-3 (restricted commercial). Council Member Harley so moved and Council Member Fowler seconded. The motion passed unanimously.
- B. Mayor Owens entertained a motion for second reading consideration of the Planning Commission's recommendation for a text amendment to Section 601 of the West Columbia Zoning Ordinance to clarify portions relating to non-conforming uses and structures. Council Member Hallman so moved and Council Member Fowler seconded. The motion passed unanimously.

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Agenda Item VII – New Business

- A. Mayor Owens entertained a motion for first reading consideration of an ordinance to revise Title 5, Chapter 2 of the West Columbia Code of Ordinances to adopt the 2012 International Building Codes. Council Member Harley so moved and Council Member Fowler seconded. Mayor Owens recognized Building Official Stuart Jones who explained the state of South Carolina adopted the 2012 International Building Codes effective July 1, 2013. For the city to remain in compliance with state law, the city must also adopt the 2012 codes. Mayor Owens called for a vote and the motion passed unanimously.
- B. Mayor Owens entertained a motion for consideration to approve a city policy to allow full-time active employees with at least one-year of employment to take a floater holiday during the calendar year in addition to the regularly scheduled city holidays. Council Member Harley so moved and Council Member Fowler seconded. The motion passed unanimously.
- C. Mayor Owens entertained a motion to accept a subdivision agreement and an irrevocable standby letter of credit in the amount of \$139,286.07 from Mungo Homes for Oakwood Commons Phase II B subsequent to bonded plat approval by the Planning Commission. Council Member Harley so moved and Council Member Fowler seconded. Mayor Owens recognized Brian Carter, Director of Planning and Zoning, who said the Planning Commission gave bonded plat approval for Oakwood Commons Subdivision, Phase II B, which consists of 48 single-family residential lots. He said Mungo Homes, the developer, was ready to convey title of individual lots in Phase II B, the final phase in the development of Oakwood Commons Subdivision. Mr. Carter explained that West Columbia Subdivision Regulations permit a developer to provide a surety bond or funds in escrow in lieu of completing infrastructure so that the developer may convey title to real property prior to the final plat approval by the Planning Commission. Mungo Homes submitted a certified engineer's cost estimate for bonding. City Engineer Sid Varn and the Lexington County Public Works officials reviewed and approved the cost estimate totaling \$92,857.38. Mungo Homes presented a subdivision agreement and surety bond with an irrevocable standby letter of credit in the amount of \$139, 286.07 to meet the required amount of 1.5 times the cost estimate. City Attorney Danny Scott reviewed the surety bond and irrevocable standby letter of credit and gave his approval as to form. Mayor Owens called for a vote and the motion passed unanimously.
- D. Mayor Owens entertained a motion for the consideration of bids for the financing terms to purchase INCODE software for the Police Department and for a software and hardware technology upgrade. Mayor Owens recognized City Treasurer Rick Hodge who stated the city received three bids for the interest rate on the lease purchasing financing for INCODE software and hardware. Branch Bank & Trust (BB&T) submitted the low interest rate of 1.59 percent. Mr. Hodge noted that \$250,000 initially was included in the FY 2013-2014 budget, which was approved in June 2013. He explained that after budget approval an additional component costing \$5,000.00 was added to the Police Department software purchase increasing the total to \$255,000.00. Mr. Hodge recommended that council approve BB&T as the low bidder and approve the additional \$5,000.00 to bring the total amount to be financed to \$255,000.00. He also stated that the financing term is five years with the first payment due in the next fiscal budget year. Council Member Fowler made a motion to approve the interest rate of 1.59 percent as the low bid submitted by BB&T for financing terms for the lease purchase of INCODE software and hardware in the amount of \$255,000.00. Council Member Wingard seconded and the motion passed unanimously.

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Agenda Item VII – New Business (continued)

- E. Mayor Owens entertained a motion to consider a resolution by city council to approve the financing terms to purchase INCODE software for the Police Department and to purchase a software and hardware technology upgrade. Council Member Harley so moved and Council Member Fowler seconded. The motion passed unanimously.
- F. Mayor Owens entertained a motion to appoint Park Ranger Stephan P. Metro to the West Columbia Employee Grievance Committee to fill an unexpired term ending January 2015. Council Member Fowler so moved and Council Member Wingard seconded. The motion passed unanimously.
- G. Mayor Owens entertained a motion to reappoint the following city employees to the West Columbia Employee Grievance Committee for four-year terms:

Susan F. Meisner, Administrative Assistant	Term Ending January 2017
Sean T. O'Brien, Fire Captain	Term Ending January 2017
Samuel B. Williams, Crew Chief I	Term Ending January 2017

Council Member Fowler so moved and Council Member Harley seconded. The motion passed unanimously.

Agenda Item VIII – Adjourn

Mayor Owens entertained a motion to adjourn. Council Member Harley so moved and Council Member Wingard seconded. The motion passed unanimously. Council adjourned at 6:30 p.m.

Respectfully submitted,

Marta M. Valentino, CMC
City Clerk