

City of West Columbia, SC

Attachment III.A

Regular Council Meeting

March 4, 2014 at 6 p.m.

Members Present:

Joe Owens, Mayor
Casey Jordan Hallman, Mayor Pro-Tem
Eric L. Fowler
L. Dale Harley
Boyd Jones
Temus C. "Tem" Miles, Jr.
Tommy G. 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
Matt Edwards, Police Major
Shane Phillips, Police Captain
Charles Garren, Director of Public Works
Anna Huffman, IT Administrator
Donna Smith, Director of Economic Development

Dennis Tyndall, Police Chief
Wyatt Coleman, Fire Chief
Brian Carter, Assistant City Administrator
Sid Varn, Director of Planning and Engineering
Ken Ebener, Municipal Judge
Jamie Hook, Sanitation/Streets Superintendent
Rick Hodge, City Treasurer
Stuart Jones, Building Official

Members of the Public and Press

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, COLADaily.com* and radio and television stations were notified of the meeting by e-mail on January 31, 2014.

Agenda Item II – Invocation and Pledge of Allegiance

Council Member Unthank gave the invocation followed by the Pledge of Allegiance.

Agenda Item III – Requests for Appearance

- A. Mayor Owens recognized Ms. Gina Wolfe, project director for Soda City Cirque, who briefed council on an event performance at Conundrum Music Hall located at 626 Meeting Street. Ms. Wolfe described the event as an apocalyptic fairy tale about a circus group seeking sanctuary. She said the two night performances are a fundraiser for Soda City Cirque, a collaborative circus arts performance group that promotes a performing arts culture and education through public performances, workshops and general outreach. Ms. Wolfe said the event is from 7:30 to 9:45 p.m. on April 11 and 12, 2014, if the weather permits. About 100 people are expected to attend with approximately 21 other volunteers, performers and paid on-site contractors. The show runs to about 9:45 p.m. which is just past the 9 p.m. restriction in the city's noise ordinance, but sound speakers will be angled away from nearby residences located behind the business. Conundrum is licensed to sell alcoholic beverages and those sales will be contained to its private property. All proper permits were obtained and notifications were made to the city's fire and police departments. Ms. Wolfe requested that council approve the event due to the restrictions of the city's noise ordinance. Council Member Harley so moved and Council Member Miles seconded. The motion passed unanimously.

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Agenda Item IV – Announcements by Mayor

- A. Mayor Owens had no announcements.

Agenda Item V – Approval of Minutes

Mayor Owens entertained a motion to approve the minutes for the following meetings: the regular council meeting held February 4, 2014 and the special council meeting held February 13, 2014, the special council meeting held January 17, 2014 and the special council meeting held January 24, 2014. Council Member Jones so moved and Council Member Fowler seconded. The motion passed unanimously.

Agenda Item VI – New Business

- A. Mayor Owens entertained a motion for first reading consideration of the Planning Commission's recommendation to establish the zoning classification of recently annexed property located next to 1138 Brookwood Circle (TMS# 005717-01-014) as R-4 (low-density residential). Council Member Harley so moved and Council Member Wingard seconded. The motion passed unanimously.
- B. Mayor Owens entertained a motion for first reading consideration of the Planning Commission's recommendation to change the zoning classification of 433 Center Street (TMS# 004639-05-014) from R-1 (high-density residential) to C-2 (general commercial). Mayor Pro-Tem Hallman made a motion to accept the Planning Commission's recommendation and Council Member Unthank seconded. Mayor Owens recognized Mr. Brian Carter, assistant city administrator, who explained that the property is located behind Thompson Funeral Home on Center Street. The owner requested rezoning the property to permit office/retail use which is not allowed in a residential zoning classification. Nearby properties carry commercial zoning classifications. The Planning Commission voted unanimously to recommend the change and no one spoke in opposition of the request. Mayor Owens called for the vote, which passed unanimously.
- C. Mayor Owens entertained a motion to award the bid for the Shadblow Water Line Replacement Project. Council Member Harley so moved and Council Member Fowler seconded. Mayor Owens recognized City Engineer Sid Varn who stated that on February 18, 2014, the city received three bids to replace the old asbestos cement water lines with PVC pipe. He said the old lines were weak and thin and the area has experienced numerous breaks in the system. Mr. Varn stated that TNT, Inc. of Chapin submitted the low bid of \$256,816.00 and he recommend that council approve the bid. Mayor Owens called for a vote, which passed unanimously.
- D. Mayor Owens entertained a motion for a proclamation to designate March 2014 as the National March for Meals Month. Council Member Fowler so moved and Council Member Parler seconded. The motion passed unanimously.
- E. Mayor Owens entertained a motion to appoint Mr. Ronald T. Farr to the Planning Commission to fill an unexpired term ending May 2016. Council Member Fowler so moved and Council Member Harley seconded. The motion passed unanimously.
- F. Mayor Owens entertained a motion to reappoint Associate Municipal Judge Marta M. Valentino to a two-year term ending March 2016. Council Member Fowler so moved and Council Member Parler seconded. The motion passed unanimously.

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Agenda Item VI – New Business (continued)

Mayor Owens stated that before council adjourned to executive session Council Member Dale Harley wanted to speak to council. He recognized Council Member Harley who said he wanted to thank the city employees for all the prayers during his recent medical situation. He said that he underwent surgery and now feels better than he has in years. He stated he wanted to thank everyone who prayed for him because the Lord does answer prayers. He said he had one other thing. He stated, "I've been concerned about the situation in our sister city across the river and I would like to make a motion that we extend [Police Chief] Dennis Tyndall's contract for three years and try to solve some problems that we've seen coming on." Mayor Owens responded, "I really don't think this is the time and place for that, Dale, and discussion that needs to be held and should be done in an executive session. So I personally am not prepared to do any contracts because if you remember when they offered me ... tried to give me a contract, y'all said there would be no contracts. So I didn't get a contract. And you was [sic] one that didn't want it."

Council Member Harley asked if there was a second to the motion. Council Member Parler seconded the motion. Mayor Owens stated, "I don't think I have to accept it because this is a contractual matter and it should be done in executive session. Council Member Unthank said, "I don't know. Mardi (Valentino), what's the *Robert's Rules of Order* here?" City Clerk Mardi Valentino responded, "Normally the chair would call for the vote, but if the chair chooses not to call for the vote then the council can take a vote on whether or not to overrule the mayor on not taking a vote."

Mayor Owens stated, "This is entirely out of the blue, and again everybody here said there would be no more contracts." Council Member Unthank stated, "Well I think we should take a vote on whether or not to overrule the mayor. So I make a motion to do that." Council Member Harley stated, "Second." Council Member Unthank stated, "A motion properly seconded. Who does the proceedings?" Mayor Owens stated, "Say all in favor." Council Member Unthank said, "All in favor say aye." Ms. Valentino asked council members to raise their hands for the vote. Discussion among council members continued with no vote.

Council Member Fowler asked, "Is it time for the contract to come up?" What's the deal here?" Council Member Unthank said, "No." Ms. Valentino stated, "The motion is whether or not to take a vote to see if the motion stated previously would be accepted because the chairman, who is the mayor, has said that he will not call the vote. So council now has to take a vote to see whether or not they will let the motion die or whether or not they will call for a vote." Council Member Unthank stated, "I call for a vote." Ms. Valentino stated, "So at this point I need to know who is calling for a vote to let the motion go forward to choose whether or not you are going to vote on the motion." Council Member Unthank stated, "Call for a vote." Ms. Valentino asked if council wanted her to repeat her statement. She said, "At this point the motion is whether or not council will go forward and vote on the motion that was previously mentioned (the Tyndall contract). At this point I need to see you raise your hands." Council Members Harley, Unthank, Fowler, Jones, Parler and Wingard voted in favor of overruling the mayor to take a vote on the Tyndall contract. Mayor Owens, Mayor Pro-Tem Hallman and Council Member Miles voted in opposition. The motion passed six votes to three votes.

Council Member Fowler asked, "What do you have to do here? Do we go to executive session to talk about this?" Ms. Valentino replied, "No, there is a motion before you." Council Member Unthank stated, "All in favor say aye." Mayor Owens said, "Wait a minute, we've got to have a motion again to vote." Ms. Valentino stated, "There is a motion now that has not been resolved. The motion is "Will you extend Dennis Tyndall's contract for three years?" That's what the motion is. It's been properly seconded and now the floor would be opened up for discussion."

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Agenda Item VI – New Business (continued)

Mayor Owens stated, “Again, remember you (Council Member Unthank) agreed that there would be no more contracts. You. I know your power play is coming forward again.” Council Member Unthank responded, “No. I did not agree to “no contracts.” I supported you on that contract.” Mayor Owens stated, “Contracts I think you said were null and void.” Council Member Unthank replied, “The issue right now is, I want to renew Dennis’s three-year contract. I don’t understand what the issue, the big deal is. Dennis has done an exemplary job for us over almost two decades.” “Mayor Owens stated, “Who has even talked with Dennis to see if he wants it? I haven’t.” Council Member Unthank said, “Well, he’s right there.” Mayor Owens stated, “Now is not the time and the place to do it.” Council Member Unthank stated, “If he doesn’t want it, he doesn’t have to take it.” Mayor Owens stated, “Service should be discussed in executive session in there.” Council Member Unthank stated, “Well, why would we not vote ... wait a minute. Mardi, we have voted to take the vote. So what do we need to do now?” Ms. Valentino responded, “At this point, you would need to determine if all the discussion has ceased. At this point the vote would be taken and you must all raise your hands if you are in favor and then if you are in opposition.” Council Member Unthank stated, “So all in favor raise your hands.” Mayor Owens stated, “That’s ridiculous.”

City Clerk Valentino counted the hands raised in favor of the motion. Council Members Harley, Unthank, Fowler, Jones, Parler, Miles and Wingard voted in favor of the motion. Mayor Owens and Mayor Pro-Tem Hallman voted in opposition. The motion to extend Police Chief Dennis Tyndall’s contract three years passed seven votes to two votes.

Council Member Miles asked the city clerk to read the names of the people who put the motion to a vote. Ms. Valentino stated, “The original motion to extend the contract was given by Dale Harley and seconded by Tommy Parler. The motion to take a vote after the chairman declined to call for a vote; the motion was made by Unthank and seconded by Harley. The people who voted to overrule the decision to not take a vote were Harley, Unthank, Fowler, Jones, Parler and Wingard. The people who voted in opposition to take the vote were Hallman, Owens and Miles. On the voting to extend the contract; the people who voted in favor were Harley, Unthank, Fowler, Jones, Parler, Miles and Wingard. The people who voted in opposition were Hallman and Owens, so the motion passed seven votes to two votes.

Mayor Owens stated, “I have never seen a contract like this without terms of the contract, how much he is going to get paid. This is totally, totally out of order. Who is going to decide what his salary is going to be? That’s not even mentioned. You don’t pass contracts intelligently.” Council Member Unthank stated, “It’s just an extension with existing terms and conditions. It’s the same terms and conditions, there’s no change.” Mayor Owens stated, “So he don’t [sic] get a raise no more or what?” Council Member Unthank stated, “Jenny, help me out with it. I don’t know. Whatever the current salary is?” Mayor Owens stated, “It’s obvious you don’t know or you wouldn’t have brought this thing up so prematurely. We could have discussed it. But me and you, we’re back to where we were. I know where you’re coming from and I’ll just let you know. You win one, but I’ll make damn [sic] sure it’s the last.

Agenda Item VII – Adjourn to Executive Session to Discuss a Contractual Matter

Mayor Owens stated, “Okay, moving right along, let’s go to executive session.” Mayor Owens entertained a motion to adjourn to executive session for a contractual matter. Council Member Miles so moved and Mayor Pro-Tem Hallman seconded. The motion passed unanimously. Council adjourned to executive session at 6:40 p.m. Council Member Dale Harley left the executive session and the council meeting at 7:20 p.m.

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Agenda Item VIII – Reconvene to Regular Session

Mayor Owens entertained a motion to adjourn executive session and reconvene to regular session. Council Member Unthank so moved and Council Member Fowler seconded. The motion passed unanimously. Council reconvened to regular session at 7:50 p.m. Mayor Owens stated that no action was taken in executive session.

Mayor Owens recognized Council Member Miles who made a motion for the city council to authorize the city administrator to enter into a contract with NAI Avant, LLC for an exclusive right to sell listing agreement to obtain a purchaser for the city property located 136 Sunset Boulevard with the city agreeing to sell for a total sales price of \$500,000.00, with the terms being consistent with a previous exclusive right to sell listing agreement for the State and Meeting Streets property. Council Member Parler seconded and the motion passed unanimously.

Agenda Item IX – Adjourn

Mayor Owens entertained a motion to adjourn. Council Member Unthank so moved and Council Member Wingard seconded. The motion passed unanimously. Council adjourned at 7:52 p.m.

Respectfully submitted,

Marta M. Valentino, CMC
City Clerk/Public Information Officer