

Regular Council Meeting

April 1, 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
Sid Varn, Director of Planning and Engineering
Anna Huffman, IT Administrator
Members of the Public and Press

Dennis Tyndall, Police Chief
Wyatt Coleman, Fire Chief
Brian Carter, Assistant City Administrator
Ken Ebener, Municipal Judge
Rick Hodge, City Treasurer

Agenda Item I – Call to Order

Mayor Owens called the meeting to order at 6 p.m. *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 March 28, 2014.

Agenda Item II – Determination of Quorum

Mayor Owens noted a quorum was present to conduct business. Council Member Fowler gave the invocation followed by the Pledge of Allegiance.

Agenda Item III – Approval of Minutes

- A. Mayor Owens entertained a motion to approve the minutes for the regular council meeting held March 4, 2014. Council Member Unthank so moved and Council Member Parler seconded. The motion passed unanimously.
- B. Mayor Owens stated that the minutes for the special council meeting held March 17, 2014 were not ready for council to approve and would be placed on the agenda for the May council meeting.

Agenda Item IV – Readings of Communications

- A. Mayor Owens recognized Jake More, Esquire, with Moore, Taylor and Thomas, PA to come forward to speak to council. Mayor Owens stated, "Let me say one thing while Jake's on his way up here. At the end of this session I am not going to have anything to say to the media. Everything you say is usually out of context and is got a slant on it some way or another just to sensationalize the story. So I'm not fanning the fire. Let these people who want to go ahead, but don't ask me to talk to you because I'm not going to."

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Agenda Item IV – Readings of Communications (continued)

Mr. Moore stated, “Folks, I don’t know how I wound up in the middle of whatever we have going on here. My name is Jake Moore. I practice law over in West Columbia and I did not really mean to get embroiled in whatever political fighting is going on here. You know, all you folks I consider friends. I consider the mayor a friend. I consider the ex-mayor a friend. I know most of you folks and y’all are my friends. The mayor basically came to see me a week or so ago and basically asked me to look at a proposed ordinance and give my thoughts as to whether or not that could be done. I looked at it. I looked at the code and gave him an opinion. He asked me to ... if I would put that letter in writing and I did. Then I got Jenny (City Administrator Jenny Cunningham) in trouble by sending the letter to Jenny with a ‘per your request.’ Well, it actually wasn’t per Jenny’s request. The mayor had come and basically asked me if I would put it in writing. And I said, ‘Well, Joe, I think that ... sure I’d be happy to put it in writing for you.’ So I did. I sent it to Jenny. And now somebody is apparently criticizing Jenny for basically asking me for an opinion, which she didn’t do. I met with Joe in my office and he asked me my opinion. I gave it to him and put it in writing. My understanding is now that my opinion basically coincides with ... I think there was an opinion from the attorney general’s office and I think that I looked at the attorney general’s opinion and I happen to think the attorney general in this case is a genius because he happens to agree with me. So I wrote the letter and the letter is pretty much self-explanatory. Really and truly I’m sort of embarrassed by being here because it was made known to me by Jenny this afternoon that well really if an opinion is to be given to you it probably ought to come from Danny Scott who is the official town attorney. And I would suggest that if anyone needs any more that maybe you ask Danny Scott because he’s a friend of mine and a good lawyer as well. And I respect his judgment as well. Has everyone read the letter that I wrote? Okay. It’s pretty much self-explanatory and I’m happy to answer any questions that anybody’s got, but I just agree with the attorney general.”

Mayor Owens stated, “Let me say something. I called Nikki (Nikki Setzler, Esq.) today and I told him that I didn’t expect him to weigh in cause he’s the city lawyer. He would consider it a conflict of interest I guess, but he said, ‘Joe, the letter that I wrote to you, that Michelle (Michelle Dickerson, Esq.) wrote you, said the same thing that the AG (attorney general) said.’ So you concur with the AG? And he said, ‘Yes.’ So that’s where we are on that. So that’s two Lexington County top lawyers and a bevy of people over at the AG’s office who do nothing but this kind of stuff. People have said, ‘Ah we don’t agree with it. It’s no good, no good. But I guarantee you if that said the other they’d be waving it to high heaven.”

Mr. Moore stated, “I would urge you, and again I don’t live in West Columbia, but I’ve practiced law here for 40 years this October. I would urge you to exercise caution in an action like this. And I would beg you ... we have so much good going on in this town. And we have so much that needs to be done in this city. And I would simply beg you, whatever differences you have, to see if you can’t work them out and not take drastic action that would ... we just ... the infighting sometimes can detract so seriously from our ability to get the work of the city basically done. I would ... you know, as a taxpayer from the city, but not a voter, I would urge you to exercise restraint and to see if maybe we can’t get together and put some of our differences aside. With that, I’m here. I’ll answer any questions anybody’s got about my letter. It’s not really my place to ask you, but I did.”

Council Member Miles asked, “Mayor, can I ask one question?” Mayor Owens responded, “Sure.” Council Member Miles asked, “In your research did you look at any previous attorney generals’ opinions?”

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Mr. Moore responded, “I did not. What I looked at was the code and I looked at the code basically dealing with this form of government. And when you basically have got this form of government it, ... basically the code seems to fairly well dictate that the mayor, the only thing the mayor does is to work, ... act as the presiding officer at the meetings.”

Mr. Miles stated, “Mr. Moore, I have the four sections of state law in front of me that lay out that. I would challenge you to identify that language in these four sections or in the sections that generally apply to his powers.”

Mr. Moore responded, “The code section that I’m talking about is, it is by negative implication. What you basically have is the code section which very plainly says the mayor pro-tem takes over and presides in the absence of the mayor. By negative implication it is a recognition that the inherent powers of the presiding officer reside in the mayor. The mayor is the only elected official who is elected at large and if the mayor isn’t the presiding officer, what is he? The classic definitions of mayor would always provide inherent power as being the presiding officer. Now does the code specifically say he is the presiding officer – no. The code does say that the mayor pro-tem acts as the presiding officer in the absence of the mayor.”

Council Member Miles stated, “Mr. Moore, I look at the section it says ... the mayor pro-tem shall act as the mayor in the absence of the mayor.” Mr. Moore responded, “That’s right.” Council Member Miles stated, “So if there’s anything in the state law that says the mayor, in our form of government, that granted it does say it for the strong mayor.” Mr. Moore responded, “Correct.” Council Member Miles said, “But anything that says it for our form of government I would like to see it so we can make an informed decision.” Mr. Moore responded, “Here’s the deal, Tem. What it says that the mayor pro-tem acts in absence of the mayor. By negative implication the statute is saying that the mayor acts as the presiding officer if he’s there.” Council Member Miles stated, “The word presiding officer is not in there. And I would just like to point out the reason why I asked you about previous attorney generals’ opinions, there’s an opinion from May 8, 2009 that was signed by Bob Goodwin. You know Bob Goodwin, right?” Mr. Miles responded, “Bob’s great.” Council Member Miles said, “Bob signed the opinion.” Mr. Miles responded, “He’s a fine ... he’s one of the best lawyers I’ve ever known.” Council Member Miles stated, “He signed this opinion as well. And he expressly says the power of (unintelligible) presiding officer are not delegated to the mayor under state law, under the forms of council-manager or council governments.”

Mr. Moore stated, “You know, Chapin (Town of Chapin) right now ...” Council Member Miles said, “Strong mayor.” Mr. Moore continued, “Strong mayor, but it’s going through some of the exact same discord that’s going on here. I would, you know, all I can tell you is my reading of the code, when I read that the ... I mean, if we have a code section that says the mayor pro-tem acts in absence of the mayor, and we pass an city ordinance that says the mayor pro-tem acts in place of the mayor, I think you’re basically running afoul of the state code. That’s my opinion and you know, it’s my opinion. My opinion is not worth anything, it’s just my opinion. It happens to be concurred in apparently by the present attorney general and assuming that my friend Mayor Owens is telling the truth then apparently Nikki Setzler, the city attorney, agrees. But I don’t know, Nikki’s not here.”

Council Member Miles stated, “(Unintelligible) then absolutely the opinion that his law office issued to us, he advised against making the mayor pro-tem the presiding officer for the reasons way down here that was the mayor pro-tem only acts temporarily.”

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Council Member Miles continued, “But then he goes on to recognize there’s a previous attorney general’s opinion which, for the sake of clarity, is not binding and this matter will never decided unless it goes to a court or is issued from a court. But he goes on to specify in his opinion that whether or not council is free to appoint a presiding officer other than the mayor or the mayor pro-tem is a different issue and he goes back and he cites this previous attorney general’s opinion where they say that under our form of government council decides this rule of operating procedures.”

Mr. Moore responded, “You know, I guess ... and you’re correct. My opinion, Nikki’s opinion, the attorney general opinions, they’re all opinions. They mean nothing until and unless you go to court. Now how do you get to court? You pass the ordinance and you wound up with a lawsuit with y’all against the mayor or the mayor against y’all. And we’re now spending time, energy, money and effort on what is probably, in my humble opinion, probably going to be a losing proposition where somebody’s going to probably wind up embarrassed and everybody ‘s going to leave mad. Regardless what happens, if you let ... the best fight you will ever have is the one you don’t have. You know, if there is any way on God’s earth to avoid a fight for goodness sake’s, do it. Surely to goodness we can come to some sort of a resolution where we’ll agree not to fight with each other. You’ll be spending town money, town time, town energy and by the time it’s over with you will have had such unmitigated pain and scarring you’ll never work with each other. And that can’t be good for the people who live in this town. Now again, you guys are the legislature and I hesitate so horribly to come giving advice. I mean, I was simply asked to write a letter and asked to be here so here I am. But I think that you’ll be wrong if you go to court, but I could be wrong. I’ve been wrong plenty of times. But I would ask you, the best fight you’ll ever have is the one you don’t have. Nobody wins a fight. Surely to goodness we can come and recognize the mayor as the presiding officer and nothing more. But maybe not, maybe not. That’s for somebody other than me.

Council Member Fowler stated, “I just wanted to say I’ve been elected six times to this seat. Six times I’ve put my hand on the Bible and said I would uphold the city government, ... the city, the state and the United States, placed my hand on the Bible. I still feel that today. I read the attorney general’s, that’s his opinion, your opinion. To me that’s state law right now for me. I’ll have to support this and like I said, I won’t be here for a seventh term. Next year I’m out of here. But let’s do this right and we’ve come a long way. I know I was the mayor pro-tem twice. One time for one year and one time for two years. My dear friend and his dear ... , all our dear friend Mac Rish got sick. I was the mayor pro-tem and I tell you I signed some things and some checks back then that scare me still today. Back then, but I did it. I did what I thought was right with Jenny helping me go through this. And we got through it. For six terms it has always been the mayor controlling and took care of the ways doing that and running the meeting. But anyway, like I said, I’m not going to worry about the (unintelligible).

Mr. Moore stated, “I apologize to Jenny again. I don’t know what we pay here, but it’s not enough. She’s great. But folks, thank you for allowing me to talk to you and if I can do anything to ever help you, let me know.” Mayor Owens thanked Mr. Moore for appearing before council.

Agenda Item V – Announcements by Mayor

- A. Mayor Owens stated, “We have a Center for Disease Control (CDC) Water Fluoridation Quality Award. If City Engineer Sidney Varn will approach and give us the good news.

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Mr. Varn stated that the CDC issued a Fluoridation Quality Award for the year 2012 for the Sunset Water Treatment Plant recognizing the plant provided an optimum level of treatment for fluoride. Mr. Varn asked Mr. Floyd Wright, Assistant Superintendent and Lead Operator to come forward. He commended Mr. Wright and the employees at the Sunset Plant for producing quality water for the citizens of West Columbia. Mayor Owens stated that in his humble opinion that the city has the best water system in the county. He said that more than 80 percent of Lexington County uses West Columbia water and he was proud of the operators at the Sunset Plant.

- B. Mayor Owens stated that citizens who wish to speak before council should come to the podium and state their names and addresses because the meeting was being recorded. Mayor Owens recognized Reverend Leon Blackmon to speak. Rev. Blackmon stated, “Good evening Mr. Mayor and Councilmen. Most of you know me from a long time back.” The clerk asked Rev. Blackmon to state his name and address. Rev. Blackmon responded, “Leon Blackmon. 1623 Batchelor Street, West Columbia. I’m here in support of Councilman Owens and I want everyone here to know that. If you want to ask me why I’ll tell you. I’ve been knowing Councilman Owens ever since he came on the scene. For the last thirty-five years, every mayor’s election, I was somewhere in the picture. And I’m here today to tell all of you we are ashamed of this council. We’re ashamed of this council. We’ve taken our time. We’ve given our support to the mayor. And the [councilmens] is going to take it upon [themselves] to tell us our vote don’t count. And that’s wrong. Each one of you have your own districts. You should take care of that district and let the mayor preside over the council where we voted him. A lot of folks may not like what I’m saying, but I’m here today because Joe Owens has been a friend of mine ever since he come on the stage. He’s an honest man. He’s an honorable man and I and him when he first came on the scene we sat, battled it out, but we never lost our friendship.

I’m here today to say ... in order to avoid all this conflict all you have to do is come together. The citizens of West Columbia voted for the mayor. Why not a referendum? Let the citizens of West Columbia decide whether they want him to be removed or not. This is the only way that this is going to turn out right. If you vote today and say he’s not going to be the mayor then I going to feel like well I don’t have a councilman. And I feel the rest of the citizens are going to say we feel the same way because what you’re doing is telling us your vote overrides ours and you don’t really have but one vote. I’m just here today, I feel that it was necessary because I’ve been off the scene for a long time. I have been retired from (unintelligible) and most of the changes that you see in the city of West Columbia I played a major part in it. But today, I’m saying again, be careful because you are about to destroy this community. I’ve been dealing with politics long enough to know what this is all about. Five yes, four no. Majority votes take over the city. This is as simple as that. You want to vote yes that five say no you won’t have a voice. Those four that are saying they want Joe to stay in office, they won’t have a voice because five is going to override that four every time. In my years out here I’ve seen it happen once before. It is not a pretty picture. I’m not going to stay up here all day. But I’m going to tell each one of you today, be careful how you vote. Don’t destroy the city because when you destroy the city what are you going to tell the peoples in your district when you go back? Word of mouth is out there. Everyone of you that vote to put this man out, we’re going to be out there telling them, hey, look, put that councilman out. He took your mayor away from you, the man that we voted for and that’s not right. That’s all I have to say. Thank you.

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Mayor Owens recognized Mrs. Terri Moseley who lives at 1701 Chimney Swift Lane, to speak. Mrs. Moseley stated, "I'm Terri Moseley and I'm in Westover Acres. BJ (Unthank) is my district guy who I have called five times and not called me back. That is very upsetting. I spoke with Christy (Unthank) and I talked with her about my feelings, exactly how embarrassed and ashamed I was when I saw the news. I was not here. I see this everyday on Fox News. I don't want it in my back yard. Y'all have each been elected to represent your district. I voted for Joe along with 838 other people. BJ, I pick up the phone and call Joe, I get a tree removed. I pick up the phone and ask Joe a question about something, he answers his phone. I call you five times to explain to me what has happened down here, I don't get an answer. Now y'all are going to vote whether to waste my tax money on law fees. I mean we've got ... somebody's been in here what four months and we're trying to come in and have five chiefs? We've got somebody else doing a law suit. This is the town that I am raising my children in. This is the town that I was raised in. This is ridiculous. Y'all are all adults. You may not like the way he talks to y'all sometimes, but he's not ever going to lie to you. What he feels is what he says. And you can laugh. How long have you been on this council?" Council Member Miles responded, "Long enough for him to lie to me and lie to (unintelligible) several times." Mrs. Moseley stated, "He's never lied to me. And all these people are probably here ... all these people are probably here to support him not you. So that should tell you something. He is a man of his word. And I can call him at 10 o'clock at night like we had to at a water break. He stayed in our yard till two o'clock in the morning. He was not mayor yet. But he has been here for 50 years. Would you be at somebody's house till two o'clock in the morning? Making it sure that everybody knows your water is going to get back on?" Council Member Miles responded, "If I had a phone call and I get I (unintelligible)." Mrs. Moseley asked, "Would you be at somebody's house till two o'clock in the morning?" Council Member Miles responded, "If that was (unintelligible), I'd be there." Mrs. Moseley replied, "Okay. Well, right now I think y'all all need to make your priority your districts. We all voted and we have a right as a voter. We elected Joe. So let's stay with Joe. If y'all want to be productive let's look, say, at our police department. We need to help get a position back for a wonderful individual that was let go. Let's work on that."

Mayor Owens recognized Mr. Morris Phillips to speak. Mr. Phillips stated, "Gentlemen, everyone, I tell you, I lived in Greenville for 15 years ..." Council Member Miles asked Mr. Morris to identify himself for the record. Mr. Morris stated, "My name is Morris Phillips, 105 Ashley Court, West Columbia, 29169-7000. I've lived in the city, moved to Greenville, lived there 15 years, came back. My wife is born and bred in West Columbia and course I had to drive 30 miles to work every day because she wanted to be in West Columbia. Well, I became a 'river rat' myself. I've walked across this river many a time and one thing I like about West Columbia is watch what you say because that person or that person is kin to that person. And I know every man here. Been praying for that one. This young lady beat me like a rented mule when I ran against her. This gentleman showed me around when I was running for office. This gentleman done been most kind to me. Joe, best man I know. Mr. Unthank, you were the number two in helping me with getting elected and sorry we don't do too good, but you sure tried hard, let's put it that way. And right on down to Teddy, I don't know you that well, but I love and respect you. You, sir, (indicating Council Member Miles) look a pious peacock sitting over there doing you head like that. This place was peaceful till you showed up. And I don't like you that much and if you don't like it that's fine. I'll be glad to discuss it with you anytime." Council Member Miles responded, "We don't have to discuss it." Mr. Morris responded, "Okay. But I'd like for you to come over to my house about three o'clock in the morning to do it."

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Mr. Morris continued, “But this is a wonderful town. You were elected, ... you were elected, everyone of you were. He was elected as mayor. You’re elected to represent your people. And I will say the lady, when I’m sick I get a card from my representative (Mayor Pro-Tem Hallman). And Lord, I’ve even had vittles set over to the house when I don’t feel well or she’s had something and I wasn’t able to be there. But all I’m saying is we are a family. I don’t want to say it. Just want to let you know we are a family. And I love Chief (Tyndall). I love Matt (Edwards). Hey, we all can have our opinions, but we must function for the good of the city. And this bull that’s been going on here lately has got to cease. If we open with a prayer, we hear that sounds like it’s going on hollow ground, I mean just being wasted because we’ve got to have a Christian attitude. And sir, your cockiness doesn’t mean doodley to anybody. We had a respected lawyer stand up here and tell us, ... we asked for his opinion. He didn’t have to explain to you why he formed his opinion. He just merely came and reported what he was requested to do. This is not your court. This is the citizens’ place and each one of you are elected to do a job. If you don’t want to do, get out. Somebody else will come in. We’ll elect somebody else. And we can put you out if you don’t behave. Thank you.”

Mayor Owens recognized Mrs. Pearl Riley to speak. Mrs. Riley stated, “Good evening. My name is Pearl Riley. Yes, I’m nervous and I agree with the lady who from, ... I’m sorry. I live at 619 Senn Street, West Columbia. I’ve been there, in that residence for 31 years. I’m a life-long resident of West Columbia. I’m 70 years old and I agree with the lady from Westover Acres and the other people. Stop acting like a bunch of children and get some stuff done. In our neighborhood we have five houses dilapidated. The landlord don’t care about it, but we’re getting things done. Don’t walk around here, somebody says something you don’t like it. Go to that person. Don’t stir up mess. I am tired of mess. You were elected to do a job. Why is it where we live the streets are cracked. That’s in Saluda Park. The streets are cracked. When it rains if I could use my cane I could (unintelligible) see where there is water. There’s houses there that need to be repaired. There’s drug activity. And we need to have something done about it. I might get a whiplash now, but you know right at this time I don’t care. I am just tired of living here like that. In 2000, I think four or five, I gave my dogs up and people started crossing my fence. I live at the end of Senn Street on Double Branch and they was coming through my fence, stepping over it with me even putting a No Trespassing sign up. They went over it anyway. My son took the half a gate from the front and put it to the back. They stole the gate. I’ve complained and nothing happened. Put it on paper. Didn’t see a thing. Come January 23 when we had our homeowners meeting, I wasn’t aware of the meeting. I thought just a little paper whatever. But that time my daughter read it to us and said, ‘Momma, this is about a homeowners’ meeting.’ I said of course I’ll go. So my niece, LaTonya Matthews, picked me up and we went there on B Avenue. And we had a wonderful meeting. We had things accomplished. Now we’ve started every other Saturday picking up trash. But when Mayor Joe Owens was there and Mayor Pro-Tem (Hallman), Council Member Wingard, I ‘m not sure, and Officer Andrews. We were talking about the things that was going on in our community. The mayor said this is the meeting I’ve seen. What else do y’all need? And our chairperson of the neighborhood community, Mrs. Tracy Sandle, she said, ‘Mrs. Riley is legally blind and people are going through her yard as a shortcut. And we continued to talk. Mayor Joe Owens said, ‘Mrs. Riley, I’m here with the mayor pro-tem and another council man and I’m pretty sure we’ll vote and we’ll get your fence put up.’ And yes they did it in 34 days. I can rest now. I don’t have to worry about people walking behind my house or coming over the fence because I live alone. And I thank God for everybody that’s helped me. And you all please grow up. You need to grow up. There’s (unintelligible) that need to be done.”

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Mrs. Riley continued, “I was just telling this man, you were elected. Take care of your district. If you don’t know what’s going on in there, find out if you have a home owners’ association. Talk to the people in your district. Ask them what they needs instead of sitting back there and arguing like a bunch of kids in kindergarten. Thank you.

Mayor Owens recognized Ms. Tracy Sandle. Ms. Sandle stated, “Good evening, mayor, city council representatives. My name is Tracy Sandle and I reside at 1357 Gilmore Drive. I came up here to say two things. It could be more, but I’m going to start out with two, is that the representation that was presented from my last meeting, it was a disgrace for everyone for the city of West Columbia. Each one of you were elected, and this has been said more than one time this evening, for your district, to support your district and work for your district. But the behavior that is displayed to me is working against the district and against this entire city. Now if you guys feel that you can vote the mayor out then we as the constituents should be able to vote each and every one of you out. Because if you’re not here to work with him, with us and for us, then what is your purpose in being up here? I asked the question at the meeting and it was never answered. Because if there was a problem with how Mayor Owens presided in the two years, you are all adults, you should have gone to him and talked to him, man to man. It is clear that that was not done. But once again, we’re not beating you up Councilman Miles, but as I stated when I asked the question twice, why did it take you to be there for four months to be their advocate? No one never answered my question and I would like an answer tonight. If there was not an issue with him before, why is there now?” Mrs. Sandle paused and waited, then said, “And I’m still not getting any type of response. I know that when we call on Mayor Owens, he is there. He says he’ll get back with you, that’s what he does. And it needs to stay as such. No power should be taken from him if you don’t want it taken from yourself. Thank you.”

Mayor Owens recognized Ms. Ann Percy. Ms. Percy stated, “I said I wasn’t going to do this. My name is Ann Percy, 116 Hammonds Hill Drive, West Columbia, 29169. Everything that the people have commented before is very true and we all most of us agree. And Tracy, I’m going to answer your question that you’ve asked three times now. I’m not going to call the name of the council member, but you know who you are. I had a phone conversation with one of these council members before the first vote to remove Mayor Owens. I wish you’d look at me when I’m talking to you. And I asked him, I said, ‘You know, I don’t understand this. Mayor Owens has been nothing but super and just works for West Columbia, works for all of us. And this person told me with my ... I wish I had a Bible, but I’ll raise my hand to God Almighty, this man said they’re tired of the way the mayor talks down to them. Listen, Joe is rough as a cob, but he comes straight down the middle of the road and he tells it like it is. And I don’t understand. It’s a vendetta to get Joe out of that chair. Now, Tem (Miles) I don’t you, you’re new. Teddy (Wingard), I’ll vote for anything. Mr. Parler, I told you earlier I have a lot of respect for you. BJ (Unthank), I had a lot of respect for you, but I was very disappointed with the comment about you not returning calls and I’ve been hearing that on the street. Joe, I think you are wonderful. You’re doing a great job. Sir (Council Member Fowler), you’ve always been good. Mr. Jones, I’m not real sure. I don’t know. I don’t understand why council members sue each other. Why can’t you talk to each other. I don’t know what the situation is, but it’s an embarrassment to the city and I wish y’all could work things out. Holy Cow! What can I say about the pretty lady on the council? She, she works so hard for my area, I just can’t believe it. And I’m just tired of all this bickering and stuff. How are we ever going to get anything done? And I might get shot at this tonight, but I have a question for you Chief Tyndall, please. Is it Okay that I ask him a question?” Mayor Owens responded, “Sure.”

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Ms. Percy continued, “When we had our last, the special council meeting a couple of weeks ago and I specially talked to you and I said, ... I knew there were going to be some changes made in the police department, ... and I said, ‘I certainly hope that you’re not going to do anything with Matt Edwards or Shane Phillips. They make you look good. They make the city look good.’ Any kind of meeting in West Columbia, those two gentlemen are there representing the city and the police department and I don’t quite understand why we don’t have a major’s position in headquarters. I just don’t understand. There’s been so many changes, and I just thought, ‘Wow, what is happening to our city?’ We’ve got such a shakeup in our police department. Our council are embarrassing us on TV. I have friends in North Carolina that called me and say what in the world, matter of fact, a police officer that has family in another state, their family called down here. What in the world is going on in the city of West Columbia? Please for heaven’s sake, let’s all grow up and work together. Please. And Joe, I will support you to the end. You are my mayor and our mayor. Thank you.

Mayor Owen stated, “I appreciate the kind remarks. And I’m going to tell you now. I’ve got a lot of things on my plate that I can’t do anything with this stuff hanging over my head. I met with a realtor Sunday, and I told him things were in flux and I didn’t know exactly what we’re at. I told him I had an attorney general’s opinion that I think means everything in the world.”

Mayor Owens recognized Mrs. Debbie Owens to speak. Mrs. Owens stated, “My name is Debbie Owens. I live at 188 Inview Road in West Columbia. As all of you probably know I’m the mayor’s wife. He’s my husband. I love him. He’s your mayor. The problem that I have is that nothing is getting done in the city. I don’t know you, Tem (Miles). I got to know you during the campaigning. Instantly bonded. Just like I did with Abby (Bray). I have a lot of respect for Tommy. Billy Joe, BJ (Unthank), we go way back. I love your mom and dad. I’ve always thought a lot of you. Eric (Fowler), it goes without saying. You know, we have history. Mr. Jones, I don’t know what’s going on, but that’s for another meeting. Casey (Hallman), you’re a godsend and that’s why you were elected mayor pro-tem, cause you go that extra mile. We’re here today to take another vote. I happen to know that he’s got the AG’s opinion. I know it’s positive, but I guess that wasn’t good enough either. The man’s got pneumonia. He’s sitting up here for these people that are sitting out in the crowd. He’s supposed to go into the hospital and I don’t mind saying that I went against the doctor and my daughter because it was important for him to sit here and represent the people that elected him. You guys need to get back to business. We’ve got properties that need to be worked on. That young lady was talking about the dilapidated houses. There are things that need to be done in the city. You can’t keep going like this. I know that the vote is being planned again because he (Tem Miles) called my husband again and told him to step down. You can’t do this, guys. The people elected him.. I went to 1100 houses. I elected him because I believe he’s a man of compassion. Is he vocal? Is he strong at times with his words? Yes. Did he embarrass you at a meeting? Yes. And when he got home, ashamed, and he apologized to everybody. I know things get out of hand, but you guys are grown people and we’re supposed to be working for the city, not for somebody’s individual agenda. Joe has never been more than transparent. Is he here all the time? Yes. Big Whoop. He was here making really good money till he retired to take this job because that’s what he wanted to do. Bucket list before he died. And I didn’t think that if everybody has a chance to live their dream, my husband is living his. But this is not exactly what he expected. You guys are better than this. Take the high road. Listen to the citizens. We want you guys to get back to business. Like Tracy (Sandle) said so eloquently at the last meeting and again, if there were problems it should have been in the confines, discussed in the confines, where we didn’t see it all.”

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Agenda Item V – Announcements by Mayor (continued)

Mrs. Owens continued, “This is not good for West Columbia. I’m a nurse. I work in Columbia. I’ve got people coming to me, asking me questions that I don’t want to discuss with them, because I love West Columbia. If I didn’t, I wouldn’t have worked so hard to get him elected. I wouldn’t have watched our bank account go psssssst. You know, because it meant that much. But that man that I love, the mayor that you love, to live his dream. Is he brash at times? Yeah. But you know what? I’ve always known which direction my husband was coming from whether he was my husband or he was talking to me as a mayor. I pray. I pray that this council will take the right vote tonight. Put this to bed. Let’s get back to city business. Let’s quit embarrassing our city that all of you say you love so much. Isn’t that the reason you ran? Because you wanted to do something good? Well you have a chance to do something tonight. Thank you.”

Mayor Owens recognized Mr. Jimmy Brooks. Mr. Brooks stated, “My name is Jimmy Brooks. I live at 3409 Henbet Drive. I’m going to be honest with you. We had never been to a council meeting before the last meeting.” Mayor Owens responded, “Well, I’m sorry you’ve seen what you’ve seen.” Mr. Brooks stated, “Well, we obviously have some issues. And we came to the last meeting because we wanted to support Matt Edwards who is a good friend of ours. Went to high school with me and I would just tell you a couple things, then I want to address you with a couple things. But, we got a great city. We’ve got a city that we chose to come back to live in after we went and lived in Lexington for 10 years. A city that we chose, me and my wife have chose to be committed to. Two weeks ago we bought a lot in our same subdivision to build again on. So it’s a city we want to be in. I think everybody out here wants to be in this city or we would’ve moved away by now. We would’ve moved away for a lot of different reasons. It’s a school district we believe in. A school district my wife teaches in. We believe in this school district. Like I said, I came up through our schools here. My question to you guys, before I make a statement, is who are we now having in our schools from our police department? Who are we calling now when we have an issue? I noticed on the website there is no number for our chief. The number we had was for Matt (Edwards). Who are we calling now? I would like to know that for the safety of our community. Simple question I hope somebody can address that.” Mayor Owens said, “(unintelligible) The day after the shooting I was getting ready to call Matt to get his people, reserve officers in the school, SRO. He already had them there. I was going to call you and tell you that.” Mr. Brooks stated, “Well, I think he did a great job and I think, ...” Mayor Owens stated, “That’s going above and beyond. He’s a great officer, a great guy.” Mr. Brooks responded, “I think it’s somebody you guys need to step in and I think that’s something tomorrow morning you guys need to be here and you’ll need to make that change to put Matt back in. I think this community deserves him in here. And I think we deserve this (unintelligible) because he was in our schools. And when you go ask our kids, go, go ask the kids in our school who they look at when they look at our police department and they’ll say Matt. And if I’m wrong about that, tell me I’m wrong about that. I have nothing against our police chief at all. What I do know is Matt is who we look for our police when we moved to West Columbia. And what ever happened, happened, whatever happened, but I think a lot of this has to do with that. Y’all can tell me I’m wrong if you want to, but I think all lot of that has to do with that whole situation. My comment for you, Mr. Miles, is this: Abby Bray (former council member for District 4) was a mentor to me. Abby Bray was somebody when I was at BC (Brookland-Cayce High School) that came in when I was either a sophomore or junior and coached me and made me one of the men I am today. You have embarrassed his seat with what you’ve done the last couple of days. And if he was here, this would not be going on.” (The cassette tape on Tape One, Side A ran out at this time.)

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Agenda Item V – Announcements by Mayor (continued)

Mayor Owens recognized Mrs. Johnie Stoney. Mrs. Stoney stated, “My name is Johnie Story and I live at 106 Garden Trail in Lexington. I am Matt Edwards’ mother-in-law. I am upset about what’s going on and what’s happened to Matt. I was brought up to say good things about people. So many people asked me after the last meeting who is the chief of police. While council was in executive session voting on extending the contract, you told me something that was not true. Matt has to come to his grievance tomorrow. Why can’t you do some research and get to the bottom of it.” Mayor Owens said, “I did not know Matt very well when I came on board. Anytime I called up the police department, he was always there.”

Mayor Owens recognized Matt Edwards. Mr. Edwards stated, “I live at 1020 Riverstone Court. I have asked for a public hearing at 9:30 a.m. tomorrow. I am here to support the mayor as a citizen. No matter what happens tomorrow I will support the police department. Those guys at the back of the room are the best.”

Mayor Owens recognized Mr. Billy Pittman. Mr. Pittman stated, “I am Billy Pittman and I live at 1033 Riverstone Court. Mayor Joe, I voted for you. After seeing the last meeting, I know I voted correctly. He’s the Mayor and you need to work with him. He needs to work with you.”

Mayor Owens recognized Mrs. Pearl Riley. Mrs. Riley said, “I live on Senn Street. Matt Edwards played baseball with my sons. Council, you need to pick your battles. His (Matt Edwards) family has been displaced by all this bickering. Do what’s right. Matt’s always been there for us. You guys quit with your bickering and move ahead.

Mayor Owens stated, “For two years I tried to keep this city out of the news. I had people call me about the shooting on Leaphart Street and what’s going on in Chapin (Town of Chapin). If you’re not passionate about what you’re doing then you’re not worth a darn.”

Mayor Owens recognized Mrs. Kathy Rish. Mrs. Rish stated, “I live at 1420 Redwood Drive. Many of you know me. And this city is near and dear to my heart. I’m proud of the city, but I’m embarrassed by the last meeting. I’m here to support Matt Edwards who is married to my niece. He’s been here at the city 15 years and thousands of dollars have been spent on training him. He needs to come back. I support the city and the police department. I know what it takes to do this job. My husband (Mac Rish) was mayor for 12 years. Thank you.”

Mayor Owens recognized Mr. Joe Owens. Mr. Owens said, “I am Joe’s (Mayor Owens) son and I drove down from Charlotte to be at the meeting. This is all over Facebook and on the news. No one is harder on himself than my dad. Not a person here doesn’t know what my dad is like. There are personal vendettas here. He is an honest, ethical person. I pray you can get beyond this. People are calling me up about this. This city is getting a bad reputation even in Charlotte.”

Mayor Owens recognized Mr. Gethro Perez. Mr. Perez said, “I live at 1518 Holmes Street. All I want to say is I am 38 years old and this is the future of West Columbia. I’m not planning to go anywhere. Someone asked the question last night, ‘Why is it that older people are acting like children?’ As the Bible says when a child act like a child, when a man then act like a man. West Columbia’s got young people looking at how you behave. If you think this won’t hurt you it will. Not one business will come here. Someone will ask you why you’re acting like this.”

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Agenda Item V – Announcements by Mayor (continued)

Mr. Perez continued, “The young people are talking on Facebook and Twitter. People refuse to stand by and watch this going on. If you thinking you gonna do this and it not come back to hit you, think again. Can you finally get along? You need to be doing the people’s work. Say a prayer to take away the malice. If you can do this, then the city can go forward.”

Mayor Owens recognized Mr. Larry Drawdy, who stated, “I’m Larry Drawdy and I live at 2300 Robin Crest Drive. I had an issue many years ago. I had a problem with zoning, but it was taken care of by the city. I want to talk about Matt Edwards. When I first met Matt I didn’t like him. The next year my sons played ball with him and I learned that Matt is a team player. His concern is with kids. If he has a weak player he works with that child. Matt’s been a teacher and a coach. I know Matt’s character and he is a good officer. I don’t have to worry about my house being safe. I encourage you to take into consideration the type of guy he is.”

At 7:21 p.m. Mayor Owens gave Council Member Eric Fowler permission to leave the room for several minutes. He returned at 7:25 p.m.

Mayor Owens recognized Ms. Karen Hoover, who said, “I live at 1027 Rutland Avenue. I’ve been before this council many times. Abby Bray was one of my best friends. I went to school with Teddy (Wingard). Joe (Owens) helped my mother. I’ve watched you vote against each other rather than what is in front of you. Joe has been a wonderful friend and a wonderful mayor.”

Mayor Owens said, “Mac Rish asked me to come off council to take over the utilities of the city. Everyone here who knows me knows I have nothing in my heart but love for this city. I have two lawyers and an attorney general on my side. I’d like for it to die right here. I know all of you support me.”

Agenda Item VI – Unfinished Business

- A. Mayor Owens entertained a motion for second 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 Mayor Pro-Tem Hallman 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). Council Member Parler so moved and Council Member Miles seconded. The motion passed unanimously.
- C. Mayor Owens recognized Council Member Miles who made a motion to postpone indefinitely Agenda Item C., the proposed amendment to Section 1-2-5, *Mayor Pro-Tem*. Council Member Harley seconded the motion. Council Member Miles stated he did not have any intention to go forward with the amendment to the city code regarding the term of office for the mayor pro-tem. Mayor Owens called for a vote which passed unanimously.
- D. Mayor Owens entertained a motion for second reading consideration of proposed changes to Section 1-3-3, *Quorum and Rules of Order*, of the West Columbia Code of Ordinances. Council Member Miles asked City Clerk Mardi Valentino to read substituted text for the proposed changes.

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Agenda Item VI – Unfinished Business (continued)

City Clerk Valentino read the following text:

- (a) A majority of the council members serving shall constitute a quorum for the conduct of business at any meeting. Except as otherwise required by state law or ordinance, all proceedings of council shall be governed by *Robert's Rules of Order*. The Chairperson shall preside, except that in the absence of the Chairperson, the members present shall elect a temporary presiding member to serve until such absence ends.
- (b) The council shall annually, at the first regular council meeting in December, elect as provided by the terms herein, one (1) of its members as Chairperson for a term of one (1) year. Said term of one (1) year shall run from the first regular meeting in December of each year to the first regular meeting in December one (1) year hence.
- (c) Upon second reading of the amended version of this ordinance, whereby the position of Chairperson is created, a vote of the council members for the purpose of electing the initial Chairperson shall be noticed and scheduled to occur immediately prior to the beginning of the next council meeting, regardless of whether such meeting is a regular or special meeting. The initial term of the first elected Chairperson shall run from the date of such election until the first regular council meeting in December 2014. Following completion of the initial term of the first Chairperson, successive elections and terms of the Chairperson shall be as provided in Subsection (b) above.

Council Member Miles made a motion to amend the proposed changes to the West Columbia City Code 1-3-3, *Quorum and Rules of Order*, by striking in its entirety and replacing with the substituted insert as read by the city clerk. Council Member Harley seconded. Mayor Owens called for a vote. Council Members Harley, Jones, Unthank, Parler and Miles voted in favor of the motion. Mayor Owens, Mayor Pro-Tem Hallman and Council Members Fowler and Wingard voted in opposition. The motion passed five votes to four votes. Council Member Miles stated, "For the record, I make expressly clear that I will not offer for or accept the position of chairperson." Mayor Owens stated, "This is removing me from my duties as mayor."

Council Member Miles stated that the council must now adopt the main motion for the proposed changes to the ordinance with the amended text. Council Member Harley seconded the motion. Council Members Harley, Jones, Unthank, Parler and Miles voted in favor of the motion. Mayor Owens, Mayor Pro-Tem Hallman and Council Members Fowler and Wingard voted in opposition. The motion passed five votes to four votes.

- E. Mayor Owens entertained a motion for seconded reading consideration of proposed changes to Section 1-3-8, *Committees*, of the West Columbia Code of Ordinances. Council Member Miles made a motion to adopt the changes and Council Member Harley seconded. Council Members Harley, Jones, Fowler, Unthank, Parler and Miles voted in favor of the motion. Mayor Owens, Mayor Pro-Tem Hallman and Council Member Wingard voted in opposition. The motion passed six votes to three votes.
- F. Mayor Owens entertained a motion to for second reading consideration of proposed changes to Section 1-4-6, *City Administrator*, of the West Columbia Code of Ordinances. Council Member Miles so moved and Council Member Parler seconded. The motion passed unanimously.

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Agenda Item VII – New Ordinances and Resolutions

- A. Mayor Owens entertained a motion for consideration of an agreement for professional engineering services for the Rainbow Drive utility relocations. Council Member Unthank so moved and Council Member Jones seconded. Mayor Owens recognized City Engineer Sid Varn who explained that the SC Department of Transportation is proposing a new right-of-way at Rainbow Drive which requires the city to relocate 1,300 linear feet of 12-inch water line and 1,700 linear feet of six-inch of water line, 200 linear feet of two-inch water line and the adjustment of one sanitary sewer manhole. He recommended that council approve ICA Engineering, Inc. to provide the engineering services for the project, which includes survey, construction bidding and documents assistance, design and construction plan development for the relocation and project management and part-time construction observation. He said as part of the contract price of \$21,600.00, ICA would also provide as-built drawings from the contractor's survey. Mayor Owens called for a vote and the motion passed unanimously.
- B. Mayor Owens entertained a motion for consideration of an agreement for professional engineering services for the Saluda River Drive bridge crossing relocations. Council Member Harley so moved and Council Member Miles seconded. Mayor Owens recognized City Engineer Sid Varn who explained that the SC Department of Transportation is proposing to replace the bridge on Saluda River Drive, which requires the city to relocate approximately 200 linear feet of 6-inch water line attached to the bridge crossing. The project calls for a temporary water line to provide continuous service to residents as well as the final waterline. He recommended that council approve ICA Engineering, Inc. to provide the engineering services for the project, which includes survey, construction bidding and documents assistance, structural design, design and construction plan development for the relocation, project permitting and project management and part-time construction observation. He said as part of the contract price of \$12,000.00, ICA would also provide as-built drawings from the contractor's survey. Mayor Owens called for a vote and the motion passed unanimously.

Agenda Item VII – Adjourn

Mayor Owens entertained a motion to adjourn. Council Member Unthank so moved and Council Member Miles seconded. The motion passed unanimously. Council adjourned at 8:14 p.m.

Respectfully submitted,

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