

City of West Columbia, SC

Regular Council Meeting

May 6, 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:

Myron Corley, Deputy City Administrator
Mardi Valentino, City Clerk/PIO
Sid Varn, Director of Planning and Engineering
Anna Huffman, IT Administrator
Dennis Tyndall, Police Chief
Marquis Solomon, Fire Battalion Chief
Donna Smith, Director of Economic Development
Shane Phillips, Police Captain
Members of the Public and Press

Wyatt Coleman, Fire Chief
Brian Carter, Assistant City Administrator
Ken Ebener, Municipal Judge
Rick Hodge, City Treasurer
Jamie Hook, Sanitation/Streets Superintendent
Stuart Jones, Building Official
Charles Garren, Public Works Director
Justin Black, Staff Accountant

Agenda Item I – Call to Order

Chairperson BJ Unthank 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 May 2, 2014. A revised agenda was published on May 5, 2014.

Agenda Item II – Determination of Quorum

Chairperson Unthank noted a quorum was present to conduct business. Council Member Parler gave the invocation followed by the Pledge of Allegiance.

Agenda Item III – Approval of Minutes

- A. Chairperson Unthank entertained a motion to approve the minutes for the special council meeting held March 17, 2014. Council Member Parler so moved and Council Member Harley seconded. The motion passed unanimously.
- B. Chairperson Unthank entertained a motion to approve the minutes for the regular council meeting held April 1, 2014. Council Member Harley so moved and Council Member Miles seconded. The motion passed unanimously.
- C. Chairperson Unthank entertained a motion to approve the special council meeting held April 14, 2014. Council Member Parler so moved and Council Member Harley seconded. The motion passed unanimously.

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Agenda Item IV – Announcements by Mayor

- A. Chairperson Unthank recognized Fire Chief Wyatt Coleman who introduced Marquis Solomon, the newly hired fire battalion chief. Chief Colman said Chief Solomon comes to the city with a lot of experience and excellent qualifications. Chief Solomon will undertake an administrative role at the department that will include fire training and evaluation of policies and procedures.

Agenda Item V – Citizens' Requests for Appearance

- A. Chairperson Unthank recognized Mr. Jimmy Brooks, who stated he lives at 3409 Henbet Drive in West Columbia. Mr. Brooks explained that during the Quail Ridge Homeowners Association meeting last week a concern arose regarding South Carolina Electric & Gas Company (SCE&G) constructing a substation along a right of way formerly owned by Southeastern Freight Lines. Mr. Brooks said about 16 acres of trees have been cut down and the removal of the trees which buffered road noise from Interstate 20 has negatively impacted the neighborhood.

Chairperson Unthank recognized Deputy City Administrator Myron Corley who said discussions with SCE&G resulted in construction work not being done on Saturday. He stated he would attempt to set up a meeting with a neighborhood representative and SCE&G to discuss noise abatement and replanting trees. He said erecting an eight-foot fence as a barrier would not be sufficient to reduce the road noise and hopefully further discussions would bring some resolution.

Mr. Brooks also stated that due to the issues between some council members and the mayor, a petition that calls for changing to the mayor and council form of government is being circulated among citizens by an organization called West Columbia Voice. Mr. Brooks said that Mayor Owens should have his presiding officer powers restored to him since by tradition the mayor presides over council meetings. He said that people are hearing that city employees are being told to not talk to the mayor.

- B. Chairperson Unthank recognized Ms. Karen Hoover who said she lives at 1027 Rutland Avenue in West Columbia. Ms. Hoover introduced her accountant, Mr. Floyd Harper, who stated he resides at 1801 Saluda River Drive and owns a tax business in Five Points in Columbia. Ms. Hoover stated that over two months ago she wrote a letter to the city council regarding what had transpired over the purchase of city property at 351 Meeting Street and how she had entered into an agreement with the city to buy the property. She explained that unbeknownst to her there was an attempt to take the property away from her and she had to hire an attorney to defend herself. She said council demanded that she close on the property in five days and to have the funds within five days she had to take money out of her IRA account. After council met a third time on the sale of the property she tried to reinstate her request for a business loan through the Small Business Administration but was turned down. She was forced to buy the property with her IRA funds. She said Mr. Harper could explain the tax penalties she incurred and the extra costs associated with purchasing the property due to deadlines imposed by the city. She said that should never have happened. The purchase of the property was approved by council with the proper readings. She made the proposal to purchase in July and got the contract at the end of October. She found out January 7th that Council Member Unthank was trying to unwind everything that was done. She requested reimbursement of the tax penalty fees. Chairperson Unthank stated that he did regret the issue which she had incurred, which certainly was unfortunate.

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Agenda Item V – Citizens’ Requests for Appearance (continued)

Chairperson Unthank recognized Council Member Miles who said when he first got involved with council, there was a contract between Ms. Hoover and the city to purchase the property at the corner of Meeting and State Streets. He said when he reviewed the contract it had expired due to a lapse of time. Council held a council meeting at which time the city made clear that the city administrator had assured Ms. Hoover that additional time would be given. Council Member Miles said this was determined during an executive session for a contractual matter. He said he insisted that whether or not the city had a legal obligation, that the city had a moral obligation because assurances were given to Ms. Hoover she had additional time to purchase the property and the city should not declare the contract void. He said in that same meeting council members asked Mayor Owens to contact her to find out how long she needed to close on the property. Council Member Miles said the mayor left the room to discuss the issue with Ms. Hoover. When he returned he made representations that Ms. Hoover was ready to close on the property the next morning. He said based on that information he asked to extend the contract five days which was more time than Ms. Hoover asked. He said if Ms. Hoover had asked for more time then he would have lobbied to get her time extended. It was his understanding that she told the mayor she was ready to close the next morning. Council Member Miles said he was not party to the conversation between the mayor and Ms. Hoover and he could not say if it ever occurred. He asked Ms. Hoover to say whether or not she had spoken with the mayor the night of that meeting and if so had she made any representations that she was ready, willing and able to close the next morning.

Mayor Owens said everyone on council knew that he was sent out to Ms. Hoover to give her an ultimatum to close in five days or the contract would be null and void. Mayor Owens said he asked Ms. Hoover if she could close in five days because that was what council was going to give her. Ms. Hoover responded that she had asked Mayor Owens if she was going to lose the property and that Mayor Owens had told her yes. She said she told Mayor Owens she could not get an SBA loan in five days, which was why she had asked for an extension.

Council Member Miles asked by a show of hands for council to identify if their recollections were like his recollection or the mayor’s recollection of the matter. Ms. Hoover asked why was the contract was back on the table after it had been approved to sell the property to her. Council Member Miles said she had not closed on the property. Council was notifying her that the contract according to its terms had expired and council was giving her additional time. Ms. Hoover said she was not notified that the contract had expired. She had called her council member, Mr. Parler, to find out what was going on with the contract. She said Mr. Parler told her that Council Member Unthank had said since she had not bought the property she apparently was no longer interested. Chairperson Unthank stated the city’s attorney had advised council the city no longer had any obligation to sell the property because the contract had expired. He noted that Ms. Hoover was getting the property at a \$50,000.00 discount. He said the citizens of West Columbia paid \$150,000.00 for the property and she was purchasing the property for \$100,000. He said if Ms. Hoover had bought the property from the original owner then she would have paid \$150,000.00. Ms. Hoover said the original owner paid \$80,000.00 for the property so the city overpaid for the property. Chairperson Unthank said it was regrettable that Ms. Hoover had incurred a loss, but the city was not under any responsibility as to how Ms. Hoover financed the purchase. The city did not know what Ms. Hoover was doing to purchase the property and it was done of her own free will. He said it was the consensus of the city council to not reimburse Ms. Hoover for any fees or costs associated with financing the purchase of the property.

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Agenda Item VI – Adjourn to Executive Session to Discuss a Legal Matter Regarding a Lawsuit, a Contractual Matter Concerning City Property, a Personnel Matter Concerning an Employee and a Personnel Matter Concerning an Appointments to Boards and Commissions

Chairperson Unthank entertained a motion to adjourn to executive session. Council Member Miles so moved and Council Member Wingard seconded. The motion passed unanimously. Council adjourned to executive session at 6:25 p.m.

Agenda Item VII – Reconvene to Regular Session

Chairperson Unthank entertained a motion to adjourn executive session and reconvene to regular session. Council Member Harley so moved and Council Member Miles seconded. The motion passed unanimously. Council reconvened to regular session at 8:34 p.m. Chairperson Unthank stated that no action was taken in executive session.

Agenda Item VIII – New Ordinances and Resolutions

- A. Chairperson Unthank 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 1722 Crapps Avenue (TMS# 004636-04-022) as R-3 (low density residential). Council Member Miles so moved and Council Member Parler seconded. The motion passed unanimously.
- B. Chairperson Unthank entertained a motion for first reading consideration of the Planning Commission's recommendation to change the zoning classification of 136 Sunset Boulevard (TMS# 004660-02-005) from C-2/GOLD (general commercial/Gateway Overlay District) to C-3 GOLD (restricted commercial/Gateway Overlay District). Council Member Harley so moved and Council Member Wingard seconded. The motion passed unanimously.
- C. Chairperson Unthank entertained a motion for consideration of a resolution to recognize the late Mr. Charlie Dallas Butler, a long-time member of the West Columbia community. Council Member Fowler so moved and Council Member Parler seconded. The motion passed unanimously.
- D. Chairperson Unthank entertained a motion for consideration of a proclamation to designate the week of May 18-24, 2014 as National Public Works Week. Council Member Parler so moved and Mayor Pro-Tem Hallman seconded. Chairperson Unthank recognized Public Works Director Charles Garren who said the proclamation was an annual national effort to recognize and commend the outstanding effort of public works employees. The motion passed unanimously.
- E. Chairperson Unthank entertained a motion for consideration of a proclamation to designate May 15, 2014 as Peace Officers' Memorial Day. Council Member Fowler so moved and Council Member Parler seconded. Chairperson Unthank recognized Police Chief Dennis Tyndall who explained that Peace Officers' Memorial Day was first designated by President John F. Kennedy to honor the memory of police officers who were slain in the line of duty. He said a memorial service would be held at the Police Officers' Memorial on the grounds of the Lexington County Courthouse. Chairperson Unthank called for the vote which passed unanimously.

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Agenda Item VIII – New Ordinances and Resolutions (continued)

- F. Chairperson Unthank entertained a motion for consideration of a an agreement with American Engineering Consultants, Inc. to provide engineering services for the replacement of the brine tank at the Lake Murray Water Treatment Plant. Council Member Fowler so moved and Council Member Jones seconded. Chairperson Unthank recognized Mr. Sid Varn, Director of Planning & Engineering. Mr. Varn explained that the brine tank at the Lake Murray Water Treatment Plant that holds the salt used in the Miox disinfectant system needs to be replaced. The projects would consist of replacing the tank, piping, valves and electrical wiring. The agreement with American Engineering Consultants, Inc. allows for necessary design services and construction observation in an amount not to exceed \$18,000.00, which is estimated at 12 percent of the final construction cost of the project. Chairperson Unthank called for the vote with passed unanimously.
- G. Chairperson Unthank entertained a motion for consideration of recommendations by the Accommodations Tax Committee. Council Member Harley so moved and Council Member Jones seconded. Chairperson Unthank recognized Ms. Donna Smith, Director of Economic Development. Ms. Smith stated the West Columbia Accommodations Tax Committee met on Tuesday, April 29, 2014 to consider qualified applications for the distribution of Accommodation Tax Funds. She said the total amount requested was \$60,500; however, the amount of funds available for distribution to qualified projects was \$30,675.

Ms. Smith stated that after reviewing the submitted applications and hearing comments by those applicants present, the Committee unanimously approved recommending funding the following applicants in the amounts listed:

West Metro Visitors Center	\$10,000
Riverbanks Zoo & Garden:	\$ 8,000
River Alliance/Tartan Day South:	\$ 5,000
EdVenture Children’s Museum:	\$ 4,675
Lexington County Recreation & Aging (USTA Championships)	<u>\$ 3,000</u>
Total:	\$30,675

Ms. Smith said to the best of the Committee’s knowledge, the recommended projects met all regulations under Chapter 4 of Title 6 of the South Carolina Code of Laws. She requested that council approve the recommended funding distribution. Chairperson Unthank called for the vote which passed unanimously.

- H. Chairperson Unthank entertained a motion for consideration of reappointing the following members to the West Columbia Planning Commission for four-year terms ending in May 2018: Larry Miller, William S. “Bill” Mooneyhan, Sr., Harold Prater, and Heyward D. Wessinger. Mayor Owens so moved and Council Member Fowler seconded. The motion passed unanimously.
- I. Chairperson Unthank entertained a motion for consideration of reappointing the following members to the West Columbia Zoning Board of Appeals for three-year terms ending in May 2017: Julie Huffman and Marion Galloway. Mayor Owens so moved and Council Member Fowler seconded. The motion passed unanimously.

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- J. Chairperson Unthank entertained a motion for consideration of appointing Ms. Faye Hutto and Mr. Ryan Whittaker to the West Columbia Beautification Foundation. Council Member Jones so moved and Council Member Parler seconded. The motion passed unanimously.
- K. Chairperson Unthank recognized Sid Varn, Director of Planning and Engineering, who explained that he has been working since 2004 to bring water to residents in Big Timber Subdivision, which is located off Cromer Road by Oak Drive in the Oak Grove Area. He said that the project has been in development for 10 years. Most people live on large lots with wells and septic tanks. At one point the city had worked out a design to make water available to the residents, but when it came time to pay the taps fees to connect to the water line the people backed out of the project. He was contacted by three residents of the subdivision, George Dubose, Randy Senn and Carl Hawkins, who requested that the city engage in cost participation to bring water to their properties by accepting one of two proposals. The first proposal is to reduce the out-of-city tap fee from \$2,000 to \$1,000 and they pay in-city water rates. The second proposal would be to waive the tap fee entirely and they pay out-of-city water rates. Mr. Varn said he was presenting the request from five property owners in the subdivision.

Chairperson Unthank said he was not familiar with council ever reducing taps fees. Mayor Owens stated that the city's bond ordinance does not allow reductions in taps fees. He said to reduce the fees the city would have to pass an ordinance and get the bond underwriters to approve it, which is very unlikely. Mr. Varn said he did not recommend charging in-city rates to out-of-city water customers because a precedent would be set by council. He said the tap fees are supposed to go toward paying for replacing old lines like the current project in Springdale and for capacity in the water plant so the city could have water available for customers.

Chairperson Unthank recognized Council Member Miles who made a motion to deny the request. Mayor Owens seconded the motion, which passed unanimously.

- L. Chairperson Unthank recognized Council Member Dale Harley for discussion of forming a council committee to study the city's vehicle use policy. Council Member Harley so he wanted to get some responses from cities that have vehicle use policies in place and asked to postpone the discussion indefinitely to a future time. Council Member Harley so moved and Council Member Miles seconded. The motion passed unanimously.

Agenda Item IX. – Adjournment

Chairperson Unthank entertained a motion to adjourn. Council Member Parler so moved and Council Member Jones seconded. The motion passed unanimously. Council adjourned at 8:52 p.m.

Respectfully submitted,

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