

City of West Columbia, SC

Special Council Meeting

May 13, 2014 at 7:30 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
Members of the Public and Press

Brian Carter, Assistant City Administrator
Sid Varn, Director of Planning and Engineering

Agenda Item I – Call to Order

Council Chairperson BJ Unthank called the meeting to order at 7:30 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 12, 2014.

Agenda Item II – Determination of Quorum

Council Chairperson BJ Unthank determined that a quorum of council members was present to conduct business. Council Member Harley gave an invocation followed by the Pledge of Allegiance.

Agenda Item III – Unfinished Business

- A. Chairperson Unthank 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 1722 Crapps Avenue (TMS# 004636-04-022) as R-3 (Low-Density Residential). Council Member Miles so moved and Council Member Harley seconded. The motion passed unanimously.
- B. Chairperson Unthank entertained a motion for second 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 (Restricted Commercial/ Gateway Overlay District). Council Member Wingard so moved and Council Member Parler seconded. The motion passed unanimously.

Agenda Item IV – Adjourn to Executive Session to for a Personnel Matter to Consider a Request from an Employee, a Contractual Matter Concerning City Property and a Contractual Matter Concerning Professional Services

Chairperson Unthank asked for a motion to adjourn to executive session. Council Member Parler so moved and Council Member Wingard seconded. The motion passed unanimously. Council adjourned to executive session at 7:38 p.m.

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Agenda Item V – Reconvene to Regular Session

Chairperson Unthank asked for a motion to adjourn executive session and reconvene to regular session. Council Member Miles so moved and Council Member Parler seconded. The motion passed unanimously. Council reconvened to regular session at 8:42 p.m. Chairperson Unthank stated that no action was taken in executive session.

Agenda Item VI – New Ordinances and Resolutions

- A. Chairperson Unthank entertained a motion for consideration to approve a sole source purchase of a transformer for the Miox generator at the Riverside Water Treatment Plant. Council Member Miles so moved and Council Member Parler seconded. Chairperson Unthank recognized Mr. Sid Varn, Director of Planning and Engineering who explained the transformer is a component of the Miox system that sanitizes water. He said a sole source purchase for the transformer is needed because the component can only be purchased through the company that supports the maintenance for the Miox system. Mr. Varn recommended that Council approve the sole source purchase of the transformer in the amount of \$12,116.30. Chairperson Unthank called for a vote and the motion passed unanimously.
- B. Chairperson Unthank entertained a motion for consideration of a proclamation for InterContinental Hotels Group, Inc. and the Holiday Inn and Suites in West Columbia for being recognized as the only full-service hotel in South Carolina to receive the nationally acclaimed Leadership in Energy and Environmental Design certification by developing a proprietary sustainability system, IHG Green Engage. Council Member Parler so moved and Mayor Owens seconded. The motion passed unanimously. Mayor Owens presented a signed proclamation to Ms. Mary Elizabeth Van Horn who received it on behalf of the Holiday Inn and Suites.
- C. Chairperson Unthank entertained a motion for consideration of a contract to purchase city property located at 136 Sunset Boulevard (TMS# 004660-02-005), which is along the Saluda River. Council Member Miles so moved and Mayor Owens seconded. The motion passed unanimously.
- D. Chairperson Unthank entertained a motion for consideration of a professional services contract to retain Robert Bolchoz, Esq. as a special investigator. Council Member Miles made a motion to retain Mr. Bolchoz and Council Member Harley seconded. Chairperson Unthank asked for discussion and recognized Mayor Owens to speak. Mayor Owens stated, “What we have got here is a gentleman that, although Mr. Miles claims he is just a bare acquaintance, I have some great reservations about that. We do know that they’re in the same Citadel alumni club, although the discussion was, ‘I got out before he got in and he got in before I got out’ which is a little bit ... I remain unconvinced. Now we’re talking about paying this guy \$10,000. He’s never been an investigator. He ran for the AG’s (state attorney general) post and we’re obligating ourselves to \$10,000 up front and an additional \$5,000 if he needs it. Me and my attorney have been in touch with SLED (State Law Enforcement Division) and if there is anything that needs to be investigated they will do it, if there is anything. Now what we’ve got going on is a wild goose chase. We’re hoping that somewhere, somehow, something can be found and I know there’s nothing there’s going to be found. I know Rick Hodge (City Treasurer) has kept the books straight. I know Jenny (City Administrator Cunningham) do her things properly. Four mayors, Paul Waites, Mac Rish, Bobby Horton and yours truly ... never been any reason to believe anybody’s out of line till six months ago. And then we got Mr. Miles, who’s going, we’re lost in the forest and he’s going to lead us out.

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Mayor Owens continued, “But this, this \$10,000 on this is almost criminal because we’ve got the solicitor who (unintelligible). He kept saying it’s not criminal. Well what are we looking for? Usually when you have an investigation you’re looking for something. What he’s looking at is to see if I lied or not when I said there was no special meeting. So all of y’all remember you vote to spend \$10,000 and an additional \$5,000 if he continues to work when we’re going to have to raise rates to our people out there, water and sewer rates and perhaps the franchise rate, and we don’t need to be blowing money like this for no reason. And it’s not, and as the president said, ‘There’s not a smidgen of wrongdoing.’ I’m telling the truth whether he was or not I don’t know. But there is not one scintilla of evidence other than that he keeps saying I lied about saying there was a special committee. Well, even if I did, which I didn’t, the special committee was authorized at the time by ordinance. So with that let your conscience be your guide, and I know what’s going on. But if there’s going to be an investigation you can bet your sweet bippy SLED’s going to be part of it because they are the pros at this. This gentleman is a great lawyer I’m sure. He’s not an investigator. He ran for attorney general and placed third in a three-man race. Seems like a nice guy, but the fact remains he is part and parcel of Tem Miles’ campaign. With that I know Tem’s got a few things to say.

Council Member Miles stated, “Actually I had planned on not saying anything, but I would like to respond to that briefly. The discussions as far as mine and Mr. Bolchoz’s relationship were covered during executive session and he attested that he and I have met each other in total twice in our lives.” Mayor Owens stated, “Three times.” Council Member Miles responded, “Well, actually, Joe, I think he said two or three times and then whenever he was asked to list them all he said that we had spoken together twice over at the Senate. But, regardless, I’ve known the man for less than sixty days. I’ve spent less than an hour with him personally. My recommendation of him was solely because he is outside of the city of West Columbia. I wanted someone who was not affected by West Columbia politics. I’m looking for someone to come in and do an independent job. And I know you may disagree with that, but let me tell you why I believe that this is needed. On several occasions in this very room, in executive session, in a citizen’s forum, I have asked the mayor point blank, ‘Mayor, did you appoint Casey (Council Member Hallman) to a special committee?’ and he has been consistent and said, ‘No, I did not.’ At a citizen’s forum a couple of weeks ago I informed everyone that unless I could find demonstrable proof that was a lie I would never mention it again. Well I have that proof. The meeting was recorded. The meeting was recorded. And in that meeting, the mayor reads off the ordinance that gives him the power to make the appointment. And as soon as he gets through reading that he says, ‘And I appointed Casey Hallman’ the mayor pro-tem as you know. Which is absolutely contradictory to what he has said in here, what he has said in the press, what his attorney went on the radio and asked that everyone go read in his open letter in which he wrote, ‘In order to justify stripping away the mayoral power to appoint special committees, Mr. Miles has alleged that I appointed a special committee to investigate the West Columbia Police Department in violation of state law. This is absolutely untrue. I appointed no such special committee and most disturbingly I have reason to believe that Mr. Miles knows this as the case.’ There is no way to square what he said on that tape and what he has said to the citizens of West Columbia in this very chamber, to the council members in executive session, and to anyone who has read this letter. I cannot trust this mayor. I don’t believe any other members of council should trust him. A documented liar once, you don’t know how many other times he has lied to you. I can’t put it more bluntly than that.”

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Council Member Miles stated, “If the council doesn’t have the will to do this, that’s fine. I simply want someone to come in and document what has occurred as far as adherence to the procedures of the city so we can look and see if we need to address anything. SLED investigates crimes and I have not alleged that anyone has committed a crime other than a violation of the Freedom of Information Act. I want someone to come in and conduct what I would describe as a procedural audit. That’s why I don’t think that SLED’s the appropriate person to do it because they investigate crimes. In the event that there is evidence a crime is found, I don’t care who this is if somebody in the city has committed a crime. I’ve offered ever since we got the first petition a couple of weeks ago from people saying they were going to go to the FBI (Federal Bureau of Investigation), to SLED, to the AG’s office. If somebody has evidence of a criminal allegation, come to me. I will draft a request for you to go to SLED. But I just want someone to come in and document what is going on. I can’t trust a liar. Joe Owens has shown to be a liar based on his own words in writing and his own words on a recorded tape.”

Mayor Owens asked, “Did you ever ask Dennis (Police Chief Tyndall) the question about Matt (Edwards) and the scope of the interview he had. You never did. He called you a liar and you sat there with your face red and never answered. You told a lie.” Council Member Miles responded, “Joe, you know, I’ll go ahead and answer that because I’ll tell it’s largely semantics. In my world if a man calls a department head and asked to meet with him to discuss an open job which he wants and they meet, that is an interview. Now whether or not it was a formal interview, I don’t know. So if I should have said, instead of saying interview, I should have said ‘when he went and met with the department head to discuss an open job which he wanted to fill.’ But where I come from there’s a word for that and that’s interview and that’s why I said interview.”

Chairperson Unthank said we have a motion properly seconded, so I think that’s, this is plenty discussion on it.” Chairperson Unthank called for the question. Council Member Harley, Jones, Unthank, Parler and Miles raised their hands to vote in favor of the motion. Mayor Owens, Mayor Pro-Tem Hallman and Council Members Fowler and Wingard voted in opposition to the motion. The motion passed five votes to four votes.

Mayor Owens stated, “And remember folks, this is your money that they’re blowing and it’s going to be you who is going to be asked to pay the higher water rates and sewer rates and franchise rates that’s coming. So remember that.” Chairperson Unthank stated, Thank you for your commentary.”

Agenda Item VII – Adjourn

Chairperson Unthank entertained a motion to adjourn. Council Member Parler so moved and Council Member Harley seconded. The motion passed unanimously. Council adjourned at 8:54 p.m.

Respectfully submitted,

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