

# City of West Columbia, SC

## Regular Council Meeting

June 3, 2014 Following the Public Hearings at 6 p.m.

### Members Present:

Joe Owens, Mayor  
Casey Jordan Hallman, Mayor Pro-Tem  
Eric L. Fowler  
L. Dale Harley  
Temus C. Miles, Jr.  
Tommy Parler  
Teddy Wingard  
B.J. Unthank

### Members Absent:

Boyd J. Jones, out of town

### Others Present:

Myron Corley, Deputy City Administrator  
Mardi Valentino, City Clerk/PIO  
Rick Hodge, City Treasurer  
Sid Varn, Director of Planning and Engineering  
Ken Ebener, Municipal Judge  
Jamie Hook, Sanitation/Street/Parks Superintendent  
Members of the Public and Press

Wyatt Coleman, Fire Chief  
Brian Carter, Assistant City Administrator  
Charles Garren, Public Works Director  
Stuart Jones, Building Official  
Justin Black, Staff Accountant  
Anna Huffman, IT Systems Administrator

### Agenda Item I – Call to Order

Chairperson Unthank called the meeting to order at 6:19 p.m. and noted a quorum was present. *The State, Free Times, Lexington County Chronicle, Cayce-West Columbia News, The Columbia Star* and radio and television stations were notified of the public hearing by e-mail on May 30, 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 May 13, 2014. Council Member Harley so moved and Council Member Parler seconded. The motion passed unanimously.
- B. Chairperson Unthank entertained a motion to approve the special council meeting held May 28, 2014. Council Member Parler so moved and Council Member Harley seconded. The motion passed unanimously.

### Agenda Item IV – Announcements by Mayor

- A. Chairperson Unthank recognized Mayor Owens who stated that council is asking for a 15 percent water and sewer rate increase and a two percent franchise fee increase. He stated that in good conscience he could not vote for the increases when five members of the council very casually voted to give an attorney \$10,000.00 for reasons that no one really has given. He said his vote would be in the negative for increasing any rate.

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### Agenda Item V – Citizens’ Requests for Appearance

- A. Chairperson Unthank recognized Mr. Charles Stuart with Hood Construction. Mr. Stuart said his company is constructing Gray Collegiate Academy, a charter school on Leaphart Road, and he wanted to discuss the domestic water tap fee and impact fees. He introduced Mr. Kirby Shealy, an attorney with Adams & Reese Law Firm who represents Hood Construction. Mr. Shealy explained that a charter school is a public school chartered either by the state-wide public charter school district or by local school districts. Schools chartered by the state-wide charter school district do not have the funding component of local property taxes that local school districts add to the state allocation. He said that was important because there is an inadequate amount of funding for state-wide charter schools. The school on Leaphart Road is located where water service can be purchased through Carolina Water Service, but tap and impact fees have to be paid to both entities. The tap and impact fees for West Columbia have been calculated to be \$110,000.00. There is water service for an existing building at the location, but a new building is being constructed requiring another tap. Credit was given for the existing tap, but the tap fee for a new building for 284 high schools students is still \$110,000.00. Hood Construction in the course of budgeting the project for its client estimated \$30,000.00 based on its experience on construction work throughout the Midlands area. The disparity between what was anticipated and what is the actual amount places a hard burden on the charter school. Because there is no funding mechanism for facilities like Gray Collegiate, the school has to figure out how to build its facility and educate children out of the same pot of money. The tap and impact fees are passed onto the school which will have to make programming adjustments to absorb that cost. He said that makes the request an unusual situation that is different from a private taxpayer coming to council seeking a concession because the focus of Gray Collegiate is to better educate and prepare student athletes who want to compete on a higher level than available at existing schools. Mr. Shealy said another issue with the location of the school is that water pressure is poor and the school has to purchase a pump to increase the pressure in order to have adequate water flow. He said that the school’s unique circumstances make the request worthy of council’s consideration to vary from the rate schedule for tap fees for out of jurisdiction customers. Mr. Shealy stated council’s consideration would go a long way toward helping a school that is otherwise underfunded given the restrictions upon the funding mechanism the general assembly has seen fit to implement to this point.

Chairperson Unthank recognized Council Member Dale Harley who asked how many students would be in the new building. Mr. Shealy responded that students would attend the school for half day sessions. He explained that 182 students would use both buildings in the morning and the other 182 students would be there in the afternoons. Council Member Miles who asked what the pump system would cost. Mr. Shealy responded the cost would be \$15,000.00. Council Member Miles asked if the school had a county-wide attendance zone. Mr. Shealy said it was his understanding according to the school’s charter that the school’s population is drawn from the county. He said there is no money for transportation to charter schools so typically the students come from the county where the school is located. Mayor Owens said when the city issues water and sewer bonds the city has a covenant with the bond purchasers that the taps fees will not be reduced. He said this is required by the bond ordinance and to reduce taps fees requires the bond ordinance to be changed. He said the city is in a dilemma because it is not allowed to reduce taps fees even though council may want to help the school if it could. He said the bonds issued are subject to full payment of taps fees. Mayor Owens said this is not the first time that the question of reducing tap fees has come before council. Council Member Miles asked when the project would be completed. Mr. Shealy responded that the school would open August 2014. Chairperson Unthank said council would take the school’s request under advisement, but Mayor Owens was correct in that the city could not alter its bond ordinance.

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

- B. Chairperson Unthank recognized Mr. Jimmy Brooks, who stated he lives at 3409 Henbet Drive in West Columbia. Mr. Brooks stated that over the last couple of months many things have been going on in the city. He said he was speaking for the West Columbia Voice group about concerns the members have. He stated that several weeks ago Council Member Miles had a recording he allowed WIS-TV to play that was about three minutes long. He said he had a couple of questions that deserved to be answered. He asked who did the recording. Council Member Miles responded that he had no intentions of answering the question tonight. Mr. Brooks asked Council Miles how did he come about getting the recording. Chairperson Unthank stated that Mr. Brooks was welcome to make comments, but this was not the time to interrogate council members. Mr. Brooks said he was asking a question that the citizens of the city deserve to have an answer. Council Member Miles stated that as he said he had no intentions of answering the questions. Mr. Brooks asked why there was not some public input on hiring a special investigator such as a public hearing. He said he did not understand how council could spend \$10,000.00 of citizens’ money then raise water rates to pay for the attorney. He said those things should not be decided behind closed doors; they needed to be decided where the public has input and citizens can all hear what is going on. He said a lot of things have been going on behind closed doors that the public deserves to hear. Mr. Books asked Council Member Miles how he came to know the individual (Mr. Robert Bolchoz, Esq.) and how is he qualified to do the job. No one on council responded to Mr. Brooks questions. Mr. Brooks stated that someone could go on WIS-TV and say whatever he wants to, but it was his understanding that there were a lot of things WIS refused to air. He said until people start answering the hard questions that it would not be very believable or reliable. He said citizens should be asking where the tape came from and what are the qualifications for the gentleman to do the investigation. He asked if there was anyone who could have done the same work the attorney is doing for \$5,000.00. He asked if the State Law Enforcement Division could have come in and done the same investigation. Mayor Owens stated that he thought SLED could have done it. Mr. Brooks said in light of some things that have happened in the last few days maybe some soul searching needs to be done between now and then. He said some conversations need to be done, not with screaming nor cussing nor leaning across desks and threatening people, but with serious conversation about how council can come to resolve this issue. He said the city then can return to what it should be doing like raising its families and creating new jobs. He said he thought only one or two businesses have applied for business licenses in the last four months. Mayor Owens stated that prior to the takeover and the loss of his gavel the city had 41 new businesses in the previous six months and a total on 179 over the past year. He said since then that the city has issued only 14 business licenses, which is one third of what it has been. Mr. Brooks said businesses were not going to come into the city as long as the fighting is going on. He stated there were simple solutions to be able to increase business licenses and get the city back to being a great community with great people. He said new businesses generate new taxes and new income that would help the city’s budget. He said council really needs to have some soul searching if it serious about the investigation. He asked what would happen if something was found on one of the five council members and would council members be serious enough to stand up against that person.
- C. Chairperson Unthank recognized Mr. Kevin Gleaton who stated that he lives at 1909 St. Louis Avenue and he is also a member of the Columbia Alumni Chapter of Kappa Alpha Psi Fraternity. He said he was accompanied by the president of the chapter, Mr. James Melvin. Mr. Gleaton said the fraternity would be holding an event at Stone River on Alexander Road on Saturday, June 14, 2014. He said proceeds from the event would support the fraternity’s student scholarships program.

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

Mr. Gleaton stated that proceeds from last year’s event raised over \$25,000 in scholarship funds. He said the event at Stone River is from 8 p.m. to 1 p.m. and over 300 guests were expected. He noted that he has been in touch with Lt. John Norman with the West Columbia Police Department and several police officers will assist with the valet parking. Mr. Gleaton said his fraternity was requesting a variance from the noise ordinance because normally the noise ordinance goes into effect at 9 p.m. and event would be ending at 1 p.m. He said it was the intent of the fraternity to not cause any problems for the residents in the nearby neighborhood.

Mr. Melvin said the people in the fraternity are from about 25 to 80 years old and would not be making any disturbance, but they wanted to be sure the event was in compliance with city ordinances.

Chairperson Unthank said he had spoken with Mr. Brian Carter, Assistant City Administrator about the event and with Lt. Norman who would most likely ne at the event. He said it was evident that the event would be populated with responsible people and the music would be inside the building. Chairperson Unthank said that council welcomed the Kappa Alpha Psi Fraternity members and was glad they chose to hold their event in West Columbia. Chairperson Unthank recognized Mayor Owens who made a motion to sanction the fraternity’s event at Stone River on June 14, 2014 and Council Member Fowler seconded. The motion passed unanimously.

- D. Chairperson Unthank received a request from Mr. Morris K. Phillips to speak before council even though he was not on the agenda. Chairperson Unthank polled the council members who gave consensus for Mr. Morris to speak. Chairperson Unthank recognized Mr. Phillips who stated that he lives at 105 Ashley Court in West Columbia. Mr. Phillips said he wanted to compliment the Sanitation Department for the excellent job the workers did on the recent West Columbia Clean Up Day in April.

### Agenda Item VI – Adjourn to Executive Session to Discuss a Contractual Matter Concerning Commercial Property and a Contractual Matter Concerning a Professional Services Agreement

Chairperson Unthank entertained a motion to adjourn to executive session. Council Member Parler so moved and Council Member Miles seconded. The motion passed unanimously. Council adjourned to executive session at 6:59 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 Wingard seconded. The motion passed unanimously. Council reconvened to regular session at 7:50 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 an ordinance adopting a budget for the fiscal year beginning July 1, 2014 and levying a tax to meet such budget for the fiscal year, with General Fund \$12, 878,000 and Water and Sewer Fund \$12,122,00. Council Member Harley so moved and Council Member Wingard seconded. The motion passed unanimously.

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### Agenda Item VIII – New Ordinances and Resolutions (continued)

- B. Chairperson Unthank entertained a motion for first reading consideration of an ordinance establishing amended water and sewer service charges for the city of West Columbia. Council Member Harley so moved and Council Member Miles seconded. Council Members Harley, 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 five votes to three votes.
- C. Chairperson Unthank entertained a motion for first reading consideration of an ordinance establishing amended hydrant fees for out-of-city water customers. Council Member Parler so moved and Council Member Harley seconded. The motion passed unanimously.
- D. Chairperson Unthank entertained a motion for first reading consideration of a ordinance to adopt Section 1-3-9 of the city of West Columbia Code of Ordinances relating to the inclusion of public invocations at council meetings. Mayor Owens made a motion and Council Member Fowler seconded. The motion passed unanimously.
- E. Chairperson Unthank entertained a motion for first reading consideration of an ordinance to amend Section 1-3-2 of the city of West Columbia Code of Ordinances relating to the order of proceedings for regular council meetings. Council Member so moved and Council Member Wingard seconded. Mayor Pro-Tem Hallman stated there should be a place for Mayor's Announcements. Council Member Miles made a motion to amend the main motion in order to include a section for Mayor's Announcements in the order of proceedings for council meeting. Mayor Owens seconded the motion to amend, which passed unanimously. Chairperson Unthank then restated the main motion as amended. Council Member Miles so moved to accept the amended main motion and Mayor Pro-Tem Hallman seconded. The motion as amended passed unanimously.
- F. Chairperson Unthank entertained a motion for first reading consideration of the Planning Commission's recommendation to change the zoning classification of property located at 706 12<sup>th</sup> Street (TMS# 004633-02-006) as C-1 (intensive commercial) to C-2 (general commercial). Council Member Harley so moved and Mayor Owens seconded. Chairperson Unthank recognized Mr. Brian Carter, Assistant City Administrator who stated the property was the former Good Year Auto Center, a non-conforming, grandfathered use as an auto repair business in Triangle City where most properties carry a C-1 zoning classification. He explained that if a property sits vacant for quite a while it will eventually lose its grandfathered use and only uses allowed in its zoning classification would be approved. Mr. Carter said the grandfathered use of auto repair was no longer allowed for the property and the owner wanted to change the zoning classification to C-2 which allows auto repair uses and auto sales. He noted that no one spoke in opposition at the Planning Commission meeting, but there have been concerns about the appearance of automotive sales lots in the city. Chairperson Unthank called for the vote. Mayor Owens, Mayor Pro-Tem Hallman and Council Members Harley, Fowler, Unthank, Parler and Wingard voted in favor of the motion. Council Member Miles voted in opposition. The motion passed seven votes to one vote.
- G. Chairperson Unthank entertained a motion for consideration to approve a contract to purchase .1265 acres of commercially zoned property located at 115 State Street (TMS# 004647-31-003). Mayor Owens so moved and Council Member Fowler seconded. The motion passed unanimously.

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Agenda Item VIII – New Ordinances and Resolutions (continued)

- H. Chairperson Unthank entertained a motion for consideration of an additional agreement with the County of Lexington outlining the implementation of the Stormwater Management Program (SWMP) in support of the NPDES General Permit for SMS4. Mayor Owens so moved and Council Member Fowler seconded. Chairperson Unthank recognized Mr. Sid Varn, Director of Planning & Engineering who explained that West Columbia is part of a consortium of eight municipalities and Lexington County working together to develop, implement and annually revise the SWMP to address water quality issues in the county. He referred to page 1 of the proposed agreement and noted that Lexington County would be handling the last four items on the page, which includes: establishing compliance with minimum control measures, developing programs for public education/outreach and public involvement/participation, developing and implementing an illicit detection and elimination program, and developing and implementing a construction site runoff control program. He said the intergovernmental agreement between the city and the county documents to the Environmental Protection Agency (EPA) that the city is sharing its responsibility with the other members of the consortium to management storm water issues. Unthank called for the vote and the motion passed unanimously.
- I. Chairperson Unthank recognized Mr. Sid Varn, Director of Planning and Engineering, who stated that the city opened 12 bids for chemicals at 2 p.m. on June 2, 2014. He recommended approval of the low bids as indicated on the bid sheet distributed to council and as follows:

<u>Chemical</u>	<u>Company</u>	<u>Low Bid</u>
Aluminum Sulfate	Chemtrade Chemicals	\$ 194.00 per dry ton
Hydrofluosilicic Acid 25%	Key Chemical, Inc.	\$ 0.193 per wet pound
Lime Bulk	Greer Industries	\$ 0.091 per pound
Sodium Silicoflouride	Univar USA, Inc.	\$ 0.52 per pound
Sodium Hydroxide 25%	JCL Jones Chemical Co.	\$ 0.0742 per wet pound

Chairperson Unthank entertained a motion for consideration to approve chemical bids for the Saluda River and Lake Murray Water Treatment Plants. Council Member Harley made a motion to approve the low bids as presented by Mr. Varn and Council Member Fowler seconded. The motion passed unanimously.

- J. Chairperson Unthank stated the item on the agenda for consideration of an agreement for professional consulting services with Johnson & Associates, Insurance, Inc. would be delayed until a further time. He said that council members discussed the agreement and wanted to defer action until Mr. Carter had an opportunity to look into the matter and report back to council. He said council would make a decision based upon the Mr. Carter's report of the efficiency of the present services now in place.
- K. Chairperson Unthank entertained a motion to accept the 2014 Edward Byrne Memorial Justice Assistance Grant for Law Enforcement Programs. Council Member Fowler so moved and Council Member Harley seconded. The motion passed unanimously. Chairperson Unthank stated that the West Columbia Police Department would be applying to the U.S. Department of Justice for a grant of \$12,380.00 to purchase in-car video systems.

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L. Chairperson Unthank entertained a motion for consideration of to appoint Ms. Wilhelmenia Frazier, Deputy Clerk of Court, to the Employee Grievance Committee to fill an unexpired term ending January 2017. Mayor Owens so moved and Council Member Fowler seconded. The motion passed unanimously.

Agenda Item IX. – Adjournment

Chairperson Unthank entertained a motion to adjourn. Mayor Owens so moved and Council Member Miles seconded. The motion passed unanimously. Council adjourned at 8:26 p.m.

Respectfully submitted,

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