

City of West Columbia, SC

Special Council Meeting

April 20, 2015 at 6 p.m.

Members Present:

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

Members Absent:

Others Present:

Jenny Cunningham, City Administrator
Myron Corley, Deputy City Administrator
Brian Carter, Assistant City Administrator
Kelli Brazell, City Clerk
Donna Smith, Director of Economic Development
Sid Varn, Director of Planning and Engineering
Mardi Valentino, Director of Human Resources
Jamie Hook, Sanitation/Streets/Parks Superintendent

Wyatt Coleman, Fire Chief
Anna Huffman, IT Systems Administrator
Dennis Tyndall, Police Chief
Scott Morrison, PIO/West Columbia PD
Rick Hodge, Financial Consultant
Justin Black, Treasurer
Stuart Jones, Building Official

Members of the Public and Press

Agenda Item I – Call to Order

Chairperson Unthank called the meeting to order at 6 p.m. and noted a quorum was present. *The State, Free Times, Lexington County Chronicle, Cayce-West Columbia News, The Columbia Star* and radio and television stations were notified of the meeting by e-mail on April 17, 2015.

Agenda Item II – Determination of Quorum

Chairperson Unthank noted a quorum was present to conduct business.

Agenda Item III – Invocation

Mayor Pro-Tem Hallman gave the invocation.

Agenda Item IV – Pledge of Allegiance

All attendees at the meeting recited the Pledge of Allegiance before the flag of the United States of America.

Agenda Item V – Announcements/Communications by the Mayor

Chairperson Unthank recognized Mayor Owens. Mayor Owens stated he had no announcements at this time.

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Agenda Item VI – Requests for Appearances/Citizens Comment Period

- A. Chairperson Unthank recognized Mr. George Crowe of 2021 Morningside Drive. He has owned property in West Columbia for over 40 years and has been a lifetime resident of West Columbia. Mr. Crowe stated he opposed the proposal for the city to pay legal fees for defending a council member before the state agency that regulates lawyers for his alleged conduct as a lawyer. The legal fees should only be paid by taxpayer money if the matter can be considered a public matter. The legal fees should only be paid by the city, if the payment is in the public interest and is for a public purpose. Public interest and public purpose are the guideposts for spending public money. Mr. Crowe stated the council member's occupation as a lawyer has nothing to do with being a council member and does not affect the operation of city government. Mr. Crowe asked Council to consider, if it is determined to be in the public interest to pay for the defense of the allegation; then it is also in the public interest to pay the legal fees of the person bringing the allegation. Mr. Crowe said in his opinion; this matter does not qualify for spending public money.
- B. Chairperson Unthank recognized Mr. David Rish of 1504 Robin Crest Drive. Mr. Rish is here to discuss city business and has been a life-long resident of West Columbia. He does not agree with the reimbursement of legal fees. He believes that if someone brings a problem on himself; the city should not pay to defend him. Mr. Rish wanted to also talk about the agenda. He stated that before the last meeting he requested to be on the agenda and was told he had to make the request five days before the meeting. He stated that he did not request to be added to this agenda, and wanted to be removed. Chairperson Unthank informed Mr. Rish that he was put on the agenda as a courtesy since he was unable to be put on the last meeting agenda. The reason he was not removed was because the agenda had already been published. Mr. Rish stated that he wanted to be put on the next regular meeting agenda. Chairperson Unthank assured Mr. Rish he would have a place on the May 5, 2015 agenda. Mayor Owens interjected the previous agenda had been changed on a whim and wanted to make sure Mr. Rish was being treated with the same standard the city uses for itself.

Agenda Item VII – Presentation – Estates, LLC

Chairperson Unthank recognized Mr. Matt Mundy with Estates, LLC. Mr. Mundy explained Estates, LLC wanted to bring vitality and excitement to the Brookland area. Estates, LLC is local to the southeast and is an urban community developer that focuses on multi-family residential, for rent and for sale. Estates, LLC also develops retail and office space. Mr. Mundy gave examples of some of their work. The old Whitney Hotel was restored and is now known as 700 Woodrow. It is a high-end, luxury, multi-family rental property. 5000 Forest is another location. It is the second green, certified, multi-family living community, Estates, LLC has brought to Columbia. KTG is the favorite architect for Brookland. Estates would like to honor the history of Brookland, and build with a vision of the future. Brookland will include multi-family residential, for sale and rent, retail, office, restaurant and engaging community space. Brookland will have oversized windows with abundant natural light to emphasize the views of downtown Columbia and the scenic river. Estates would like to create connectivity from State Street down to the Riverwalk. They would like to create a space that is special, welcoming and will celebrate the river. There will be a pocket park at the intersection of Meeting and Alexander Street. The pocket park will help establish pedestrian connectivity and help lead people to State Street. It will then connect to a linear expansive park to help draw people toward State Street, and will lead you to another pocket park near State Street. Brookland will draw people into a public plaza. Careful consideration was taken to help maximize the skyline and river view. The Brookland area will be a great place for congregation. Public parking access will be incorporated as well. There will be a plaza on Alexander Street to compliment the festivals that are put on at the Amphitheater. Mr. Mundy stated Estates, LLC is looking forward to the future of Brookland. Chairperson Unthank congratulated Mr. Mundy on the design and let him know how excited Council and staff are about the vision.

Agenda Item VIII – Unfinished Business

- A. Chairperson Unthank entertained second reading consideration of an ordinance to approve the sale of city property at State and Meeting Streets to Estates, LLC. Council Member Miles so moved and Mayor Pro-Tem Hallman seconded. The motion passed unanimously.

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Agenda Item IX – New Business

- A. Chairperson Unthank entertained first reading consideration of an ordinance amending, Title 4, Chapter 2, of the Code of Ordinances of the city of West Columbia, South Carolina, to add a new section 4-2-14 establishing a procedure for City Council by resolution to extend in-city water rates to designated out-of-city customers for an initial period not to exceed 24 months when the Council determines that doing so will be in the best interest of the city and the customers of its utility system in order to encourage the annexation of specific areas into the city; authorizing the extension of such rates to designated customers in certain areas adjacent to the city; and other matters related thereto. Mayor Owens stated many citizens in that area indicated they were not properly notified of the Springdale election. Mayor Owens feels lowering the water rates for the people in that area should give them proper notification from West Columbia. Mayor Pro-Tem Hallman asked for clarification on the date the new rates would start. Mrs. Jenny Cunningham, City Administrator, indicated the new rates would start on the next billing cycle, which would be May. Council Member Jones so moved and Council Member Harley seconded. The motion passed unanimously.
- B. Chairperson Unthank entertained first reading consideration of an ordinance to annex 16.38 acres of property (TMS # 004599-09-015) on Leaphart Road for Mungo Homes, Inc. Council Member Parler so moved and Council Member Jones seconded. The motion passed unanimously.
- C. Chairperson Unthank entertained consideration of a Resolution to designate Sunday, April 26, 2015, as Big Blue Day. Big Blue Day recognizes child abuse prevention month and everyone is encouraged to wear blue. Chairperson Unthank asked that Council support the Resolution. Mayor Pro-Tem Hallman so moved and Council Member Miles seconded. The motion passed unanimously.
- D. Chairperson Unthank entertained consideration of a proposal for ICA Engineering to perform the engineering work for the relocation of utilities at Mineral Springs Road and Cromer Road. Chairperson Unthank recognized Mr. Sid Varn, Director of Planning and Engineering. Mr. Varn stated the highway department proposed a turn-around at the intersection of Cromer Road and Mineral Springs Road. All of the utilities at that intersection will have to be relocated. The approximate cost will be \$350,000.00. Mr. Varn recommended using ICA Engineering to prepare the relocation plans. They have provided a seven percent cost estimate. Council Member Harley so moved and Mayor Owens seconded. The motion passed unanimously.

Agenda Item X - Adjourn to Executive Session to Receive Legal Advice Concerning Reimbursement of Legal Fees for a City Official in Connection with a Pending Regulatory Proceeding

Chairperson Unthank entertained a motion to adjourn to executive session. Council Member Parler so moved and Mayor Owens seconded with discussion. Council Member Miles noted his continued recusal. Mayor Owens read from the March 17, 2014 minutes on page 5, which quoted Council Member Miles. The quote referred to the Freedom of Information Act (FOIA) requiring 24 hours advanced notice of a public meeting. Council Member Parler so moved to adjourn to executive session and Mayor Owens seconded. The motion passed unanimously. Council adjourned to executive session at 6:31 p.m.

Agenda Item XI – Reconvene to Regular Session

Chairperson Unthank entertained a motion to adjourn executive session and reconvene to regular session. Council Member Parler so moved and Council Member Wingard seconded. The motion passed unanimously. Council Member Miles noted his continued recusal. Council reconvened to regular session at 7:14 p.m. Chairperson Unthank stated that no action or notes were taken in executive session. He did state the on-going payments for reimbursement of legal fees would cease and desist until further notice.

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Agenda Item XII – Adjourn

Chairperson Unthank entertained a motion to adjourn. Council Member Parler so moved and Council Member Jones seconded. The motion passed unanimously. Council adjourned at 7:15 p.m.

Respectfully submitted,

Kelli Brazell
City Clerk