

# City of West Columbia, SC

## Special Council Meeting

May 18, 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.  
Teddy Wingard  
B.J. Unthank  
L. Dale Harley

### Members Absent:

Tommy Parler (previous engagement)

### Others Present:

Jenny Cunningham, City Administrator  
Anna Huffman, IT Systems Administrator  
Brian Carter, Assistant City Administrator  
Kelli Ricard, City Clerk  
Donna Smith, Director of Economic Development  
Sid Varn, Director of Planning and Engineering  
Stuart Jones, Building Official  
Jamie Hook, Sanitation/Streets/Parks Superintendent  
Members of the Public and Press

Wyatt Coleman, Fire Chief  
Wayne Shuler, Director of Planning and Zoning  
Dennis Tyndall, Police Chief

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### 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 May 14, 2015.

### Agenda Item II – Determination of Quorum

Chairperson Unthank noted a quorum was present to conduct business.

### Agenda Item III – Invocation

Chairperson Unthank 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.

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### Agenda Item V – New Business

- A. Chairperson Unthank entertained a motion to consider a grading agreement to acknowledge and consent to construction activities for Flow Riverfront Townhomes on city property located at 406 Sunset Boulevard and on the West Columbia Riverwalk Park. Chairperson Unthank recognized Mr. Bill Bingham with American Engineering Consultants, Inc. (AEC) Mr. Bingham stated he was asked to come before Council to give an independent review of the proposed drainage, grading and erosion control plans for the Riverfront Townhomes being developed by FOS Development, and to determine the impacts and increased risks of those plans on the city property, the city's water plant and the city's sanitary sewer infrastructure around the area. Mr. Bingham said that AEC is not recommending a course of action, but giving an assessment of the risks and impacts resulting from these proposed changes.

In the grading plan initially approved by Council during the sale of the property, there were two retaining walls proposed to be built. One was on the northwest side of the property and one was on the southwest side of the property. The wall on the southwest side of the property is located on the property line and lies on top of a sewer line that generally runs parallel to the property line within the city of West Columbia water plant property. Based on the plan, the sewer line appears to vary from 13 feet to 25 feet deep along that western property line. Under this plan, the sewer line will have to be relocated far enough away from the proposed retaining wall as not to affect the wall and its structural integrity during maintenance and repair operations on the sewer in the future. Although no proposed relocation of the sewer line is shown in the drawing, under this plan, the developer is responsible for all of the cost of relocation for the sewer line that would be under the proposed retaining wall. This plan results in minimal risk to the city of West Columbia from the proposed development. Mayor Owens left the room at 6:08 p.m.

As of March 6, 2015, the revised plan has removed both of the retaining walls originally proposed to be built on the previous drawings. As a result, the grading of the site has been revised to use steep slopes to tie to existing grades in the place of retaining walls. This new proposed grading encroaches onto the city of West Columbia water plant property, as well as, the property along the river. Since the developer is proposing to adjust the grading of property they do not own, they are required to obtain the city's permission to allow them to modify the grades. Anytime grading is performed, the underlying property owner is ultimately responsible for that change in grading, violations of the grading permit, and for maintaining the property with that change perpetually. If the city chooses to allow the proposed change in the grade, any sediment and erosion control issues that result from this new grading within the city's property will ultimately be the responsibility of the city to resolve. If the contractor, hired by the developer, fails to perform the work, the city would be responsible for correcting any deficiencies in the grading necessary to stabilize the site and prevent excessive erosion and failure. The increased risk to West Columbia for damage in the event of failure of the slope makes future maintenance of the slope on city property much more difficult. Mayor Owens entered the room at 6:15 p.m.

The existing rainwater runoff of the city's water plant property is well established. There does not appear to be any erosion issues. Based on AEC's interpretation of the drawings, the rainwater runoff generated from the new grading will direct low onto the city's water plant fenced area, which may produce erosion damage to the existing site as it will change the existing established runoff channels.

The existing sanitary sewer line varies between 13 and 25 feet deep, and is situated in a relatively flat area with reasonable access for maintenance and repair. Sewer lines of this depth are considered deep, and any added soil over an already deep sewer line will carry its on consequences. The proposed plans indicate that the additional fill on top of the existing sewer line will vary between three to five feet. In addition, the grade above the sewer line will change from being flat, mildly sloped, and relatively easy to access with heavy machinery, to steeply sloped and difficult to access for repair. Even though the city would retain an easement for the sewer line, the city would be responsible for any damages to the surrounding areas during any maintenance or repairs needed. Given the new proposed depth of the sewer line, the slope conditions, and the risk of damage to FLOW Riverfront Townhomes property, it would be likely that the city will require the use of outside contractors

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Agenda Item V – New Business- continued

with special equipment for any repair work that may be needed on this line. To allow these changes in grade above the sewer line would substantially increase the risk and future expense of West Columbia. The plan with the revision dated April 30, 2015 shows essentially the same proposed grading plan carrying the same risks and impacts. However, in this new revised drawing, a staircase is being added on the northeast side of the development to provide access to the riverside walkway. The plan indicates that the existing slope will be selectively re-graded and re-vegetated. It appears no major grading will be done other than bringing the area back to the original grade once the staircase has been constructed. There is concern about the portion of the staircase structure that would be located within the city's property. AEC believes that it is in the best interest of the city to consult the city attorney as to whether the construction of that private staircase on city property would make the city liable for accidents if someone was hurt on the stairs or would make the city responsible for repair or replacement of the staircase in the future. Based on the grading plan depicted in the drawing, the developer will also have to obtain encroachment permission for a stockpile storage area from Bridgepoint.

Council Member Harley left the room at 7:16 p.m. and returned at 7:25 p.m.

Council Member Fowler left the room at 7:24 p.m. and returned at 7:32 p.m.

After much discussion between Council, city staff, AEC, Mr. Wade Caughman, along with his contractor and engineer; it was determined the recommendations were opposed to going forward with the grading agreement without consulting legal counsel and completed documentation. Council Member Miles made a motion for Council to authorize re-grading the sections previously agreed upon by Council. Mayor Owens seconded for discussion. Chairperson Unthank, Council Members Jones, Harley and Miles voted in favor of allowing the contractor to move forward with re-grading the sections previously agreed upon by Council. Mayor Owens, Mayor Pro-Tem Hallman, Council Members Wingard and Fowler voted in opposition. The motion failed to pass with a tie vote of four to four. Council Member Miles requested city staff provide information to Council regarding tie votes and abstentions. Mayor Owens then made a motion for Sid Varn, City Engineer, Stuart Jones, Building Official, Brian Carter, Assistant City Administrator and Bill Bingham, Engineer with AEC, have a meeting to review the information and provide Council with a determination to vote on in a Special Council Meeting in two days. Council Member Miles amended the motion by adding the developer's engineer and requesting a full and complete comprehensive plan for moving forward. Mayor Owens so moved and Mayor Pro-Tem Hallman seconded the motion for the amendment. Chairperson Unthank, Mayor Owens, Mayor Pro-Tem Hallman, Council Members Miles, Fowler, Wingard, Jones voted in favor of the amendment. Council Member Harley voted in opposition. The motion to amend passed seven votes to one vote. Council then voted on the main motion as amended. The vote passed unanimously.

Agenda Item VI – Adjournment

Chairperson Unthank entertained a motion to adjourn. Council Member Miles so moved and Council Member Fowler seconded. The motion passed unanimously. Council adjourned at 7:56 p.m.

Respectfully submitted,

Kelli Ricard  
City Clerk