

City of West Columbia, SC

Special Council Meeting

May 21, 2015 at 1 p.m.

Members Present:

Joe Owens, Mayor
Eric L. Fowler
Boyd J. Jones
Temus C. Miles, Jr. (conference call)
Teddy Wingard
B.J. Unthank
L. Dale Harley
Tommy Parler

Members Absent:

Casey Jordan Hallman, Mayor Pro-Tem
(previous engagement)

Others Present:

Jenny Cunningham, City Administrator
Brian Carter, Assistant City Administrator
Kelli Ricard, City Clerk
Stuart Jones, Building Official
Wayne Shuler, Director of Planning and Zoning
Members of the Public and Press

Dennis Tyndall, Police Chief
Scott Morrison, PIO/West Columbia PD
Anna Huffman, IT Systems Administrator
Sid Varn, Director of Planning and Engineering

Agenda Item I – Call to Order

Chairperson Unthank called the meeting to order at 1 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 20, 2015.

Agenda Item II – Determination of Quorum

Chairperson Unthank noted a quorum was present to conduct business. Council Member Miles was noted as present by conference call.

Agenda Item III – Invocation

Council Member Parler 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 – 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. Brian Carter, Assistant City Administrator. Mr. Carter stated he met with Mayor Owens, Mr. Sid Varn, Director of Planning and Engineering, Mr. Bill Bingham of American Engineering, Mr. Wade Caughman of FOS Development and his engineer, Tom Britt. As a result of the meeting, a slope

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Agenda Item V – New Business- continued

easement and a temporary easement would be created by legal counsel. A fund will be set aside by the Home Owner's Association (HOA) and the developer. An assessed amount of \$418.00 per unit, annually, over a twenty year period, would cover any infrastructural damage in need of fixing. The codes, covenant and restrictions (CCR) will be revised to include the slope areas the funds would go to repair. The ten foot temporary easement is for construction and grading. The easement will no longer be valid once the construction is complete. During the meeting, the group also deemed the area along the sewer line, near the water plant fence and to the road a critical area. The area is 70 feet deep and 20 feet off of the sewer line. It is deemed a critical area because if any work needed to be done there, it would compromise their roadway or any structure in the area. The city does not feel it is responsible for carrying the expense of replacing the infrastructure in that area, since it would not apply if the city were not agreeing to the slope work on city property. The developer has agreed to a modified sewer easement and indemnifies the city of any responsibility for replacing roadway within that critical area. The HOA or developer will have to pay to have that critical area replaced if any work has to be done on the city sewer line. The sediment, erosion control and grading plan originally called for temporary matting. The developer has agreed to provide permanent matting on any slope greater than two to one. The city has requested a temporary slope easement, grading easement, and revised the sewer easement. The developer is in the process of revising the covenants for permanent maintenance for storm water facilities (CPMSF). The county will require the HOA to maintain the storm water, roadways and sediment and erosion control. The county requires a (CPMSF) document, and the city has requested an addition of the sloped areas on the city's property. The city is waiting on the revisions. The city has also asked that the CCR, easements, charges and liens of FLOW Townhomes, be revised to include the areas being disturbed on the city property. The developer anticipates having the revised documents by the end of the day. The engineers and staff have provided as much protection as possible to the city, given any increased liability that the city will incur for allowing grading on city property. Staff recommendation to Council was approve it contingent upon the developer submitting the revised CCR and the revised CPMSF documents, those documents being approved by the city's legal counsel, and all documents being executed before any construction or grading begins. Mr. Caughman requested the ability to go forward with the work, without the signed documents. He stated he would have the signed documents with a week. Chairperson Unthank informed Mr. Caughman that he was asking Council to ignore the city attorney recommendation. Council Member Miles made a motion for Council to approve the developer to go ahead with work immediately contingent upon the understanding that if paperwork is not submitted as agreed upon to Council, the developer will incur a \$100.00 fee per day for every day that passes after two weeks and Council Member Parler seconded. Mayor Owens amended the motion to add a stop work order along with the \$100.00 a day fee and Council Member Parler seconded. The amendment to the motion passed unanimously. Council Member Miles moved to pass the original motion as amended and Council Member Harley seconded. The motion passed unanimously. Council Member Miles motioned and Council Member Harley seconded the motion as amended. The motion passed unanimously.

Agenda Item VI – Adjournment

Chairperson Unthank entertained a motion to adjourn. Mayor Owens so moved and Council Member Fowler seconded. The motion passed unanimously. Council adjourned at 1:39 p.m.

Respectfully submitted,

Kelli Ricard, City Clerk