

**City of West Columbia, SC**

**Attachment V.A**

Regular Council Meeting

December 6, 2011 at 6 p.m.

Members Present:

Joe Owens, Mayor  
Boyd Jones, Mayor Pro-Tem  
Abbott L. Bray, Jr.  
Eric L. Fowler  
L. Dale Harley  
Tommy Parler  
B.J. Unthank  
Teddy Wingard

Members Absent:

None

Others Present:

Jenny Cunningham, City Administrator  
Myron Corley, Deputy City Administrator  
Mardi Valentino, City Clerk  
Brian Carter, Director of Planning and Zoning  
Dennis Tyndall, Police Chief  
Donna Smith, Director of Economic Development  
Sid Varn, Director of Planning and Engineering

Wyatt Coleman, Fire Chief  
Charles Garren, Director of Public Works  
Rick Hodge, City Treasurer  
Ken Ebener, Municipal Judge  
Stuart Jones, Building Official  
Nikki Setzler, City Attorney  
Members of the Public and Press

---

Agenda Item I – Call to Order

Mayor Owens 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, and The Columbia Star* were notified of the meeting by e-mail on November 29, 2011.

Agenda Item II – Invocation and Pledge of Allegiance

Council Member Parler gave the invocation followed by the Pledge of Allegiance.

Agenda Item III – Administer Oaths of Office to Newly Elected Council Members

Senator Nikki Setzler administered the Oath of Office to newly elected council members Abbott L. Bray, Jr. representing Council District 4 and Teddy Wingard representing Council District 8. Both men took their places on the dais and were warmly congratulated by the other council members.

Agenda Item IV – Adjourn to Executive Session to Discuss a Personnel Matter

Mayor Owens entertained a motion to adjourn to executive session to discuss a personnel matter. Council Member Harley so moved and Council Member Fowler seconded. The motion passed unanimously. Council adjourned to executive session at 6:05 p.m.

Agenda Item V – Reconvene to Regular Session

Mayor Owens entertained a motion to adjourn executive session and reconvene to regular session. Council Member Harley so moved and Council Member Fowler seconded. The motion passed unanimously. Council reconvened at 6:10 p.m. Mayor Owens stated that no action was taken in executive session.

Agenda Item VI – Election of Mayor Pro-Tem

Mayor Owens recognized Council Member Harley who made a motion to elect Council Member Jones as Mayor Pro-Tem for a two-year term. Council Member Bray seconded the motion, which passed unanimously.

## **Regular Council Meeting Minutes**

**December 4, 2011**

**Page Two**

### Agenda Item VII – Requests for Appearance

- A. Mayor Owens recognized Mr. Gregory Dahl, who said he resides at 1517 Whippoorwill Drive in West Columbia. Mr. Dahl discussed the city's ordinance on animals running at large and requested council to consider several degrees for cause. He explained he was walking his dogs without their leashes one evening at Northside Middle School when he was stopped and given a ticket for not having his dogs on restraints under his control. Mr. Dahl said his dogs respond to voice commands and although they were not physically on restraints they were still under his control. He asked Council to revise the ordinance to allow the animal control officer to determine if a dog is truly running at large or is walking beside his owner. He stated he felt there was something inherently wrong with being charged for an animal running at large when his dog, although not on a leash, was under his control. Mayor Owens said the city attorney would look at the ordinance on animals running at large to see if the changes Mr. Dahl requested can be made.

### Agenda Item VIII – Announcements by Mayor

Mayor Owens announced that the City Employees Christmas Luncheon will be held at noon on Wednesday, December 21, 2011 at the West Columbia Community Center. He said the Christmas Baskets will be distributed between 1 and 3 p.m. on Tuesday, December 20, 2011.

### Agenda Item IX – Approval of Minutes

- A. Mayor Owens entertained a motion to approve the minutes for the Regular Council Meeting held November 1, 2011. Council Member Parler so moved and Mayor Pro-Tem Jones seconded. The motion passed unanimously.
- B. Mayor Owens entertained a motion to approve the minutes for the Special Council Meeting held November 14, 2011. Council Member Fowler so moved and Mayor Pro-Tem Jones seconded. The motion passed unanimously.

### Agenda Item X – Old Business

- A. Mayor Owens entertained a motion for second reading consideration of an ordinance prohibiting the sale and use of synthetic drugs. Council Member Parler so moved and Council Member Bray seconded. Mayor Owens recognized Police Chief Dennis Tyndall who stated that one change has been made to the ordinance since the first reading. He explained that the penalty for violating the ordinance originally read "a fine up to \$1,092.50." The text was changed to read "a fine not to exceed more than \$500.00." He said a municipal judge can impose a fine up to \$500.00 and with court costs added on the fine amount could become \$1,092.50. Chief Tyndall noted that there is not a state law as yet on the prohibition of synthetic drugs, but if the state legislature passes a statute then the city would amend its ordinance to bring it into compliance with state law. Mayor Owens called for a vote and the motion passed unanimously.

### Agenda Item XI – New Business

- A. Mayor Owens entertained a motion for consideration to reappoint Marta M. Valentino, CMC, as City Clerk for a two-year term. Council Member Fowler so moved and Mayor Pro-Tem Jones seconded. The motion passed unanimously.
- B. Mayor Owens entertained a motion for consideration to reappoint Richard K. Hodge, CPA, as City Treasurer for a two-year term. Council Member Fowler so moved and Council Member Parler seconded. The motion passed unanimously.

**Regular Council Meeting Minutes**

**December 4, 2011**

**Page Three**

Agenda Item XI – New Business (continued)

- C. Mayor Owens entertained a motion for consideration to reappoint Kenneth W. Ebener as Municipal Judge for a two-year term. Council Member Fowler so moved and Mayor Pro-Tem Jones seconded. The motion passed unanimously.
- D. Mayor Owens entertained a motion for consideration to reappoint the law firm of Setzler and Scott, PA as City Attorney for a two-year term. Council Member Parler so moved and Council Member Fowler seconded. The motion passed unanimously.
- E. Mayor Owens recognized Ms. Donna Smith, Director of Economic Development, who discussed the bids for the Triangle City water feature. She explained that several years ago the city received an enhancement grant through the South Carolina Department of Transportation (SCDOT) for the Triangle City Streetscape and Beautification Project, which consisted of three components. She said the first two components included installation of sidewalks and curbing, landscaping, decorative light poles and underground utilities for the two blocks on the east side of 12<sup>th</sup> Street between B and D Avenues. These components have been completed. The third component consists of installing a gateway sign and a drive-by water feature as well as landscaping and irrigation on a city-owned triangular parcel of land bordered by 12<sup>th</sup> Street, Augusta Street, and Charleston Highway. The city received four bids for construction of the third component. The bids were reviewed by HPG and Company, Consulting Engineers, Inc., which recommended that city council approve the low bid of \$160,500.00 submitted by AOS Specialty Contractors, Inc. of Lexington, SC. Ms. Smith said that the low bidder has worked on a number of comparable projects and has the experience and capability to successfully complete the component within the established budget for the project. Ms. Smith noted that the city's award of the contract should be contingent upon receiving the necessary approvals from SCDOT.

Mayor Owens recognized Council Member Harley who asked the status of the billboard currently on property proposed for the sign and water feature. Ms. Smith responded that the advertising company has a 10-year lease on the billboard at that site, which will be removed when the lease ends. She said the location of the billboard will necessitate adding a concrete pad to accommodate trucks that need to access the area. Council Member Harley made a motion to accept the low bid of \$160,500.00 submitted by AOS Specialty Contractors, Inc. contingent upon SCDOT approval. Council Member Parler seconded and the motion passed unanimously.

- F. Mayor Owens recognized Mr. Sid Varn, Director of Planning and Engineering, who asked Council to postpone consideration of bids for asphalt milling and patching for several streets in West Columbia. He said the low bidder is unknown to him and he has not yet received necessary information from the company to make a recommendation to Council. Mr. Varn said he would bring the bid consideration back to council after his review of the company's credentials.

Agenda Item XII – Adjourn

Mayor Owens asked if there was any further business to discuss and received no response. Mayor Owens entertained a motion to adjourn. Council Member Harley so moved and Council Member Parler seconded. The motion passed unanimously. Council adjourned at 6:31 p.m.

Respectfully submitted,

Marta M. Valentino, CMC  
City Clerk