

TOWN OF ARCADIA LAKES
COUNCIL MEETING
MARCH 13, 2013

Town Council of Arcadia Lakes met Wednesday, March 13th at 6:00 p.m. in The Town Hall Conference Room.

ATTENDING were Mayor Richard Thomas; Mayor Pro tem Rusty Onley; Council Members: Tom Clark, Linda Jackson, Mark Robertson. Also attending were Attorney Charles Cook; Town Clerk Christine Murphy and Barbara Covington. Town residents attending were: Don Davis, Bernie Gaudi, Eric & Michelle Mohn, Alicia de Myhrer, Peggy Smith, Frank Avignon, Deborah Robertson, Bob Jackson, Bob & Barbara Williams, Betty Walker, Tommy Utsey, Aaron Small, Mary Helen Spradlin, and Steve Brown.

THERE WAS NO DEPUTY'S REPORT.

FEBRUARY MINUTES: Mayor Thomas asked if there were any additions, deletions, or corrections to the February minutes; Ms. Jackson moved that the minutes be approved as received; Mr. Clark seconded the motion, which was approved.

FINANCE REPORT (Jan.-June, 2012): Mayor Thomas asked council to look over the report from McGregor & Company, since it had just been received. Mr. Thomas asked the clerk to put it on next month's agenda.

ACTION PLAN UPDATE: Ms. Jackson said she had still not received a call back from DOT regarding additional signage on Arcadia Lakes Drive.

WEB SITE: Mr. Clark said Julie Prickett, with Mind Creations, still had some pages that need to be populated, along with other additions. Mr. Clark said he hoped she would have something to look at next month, and web site up and running by June.

TOWN PICNIC – May 19th: Christine reported that the picnic is scheduled for May 19th from 4:00 'til 7:00, at the Tree of Life Temple grounds. It was agreed that The food and music will be the same as last year.

ROPER POND: Mr. Robertson reported on the history of the Reoper Pond litigation and the decisions that have been made by the courts.

The Plaintiffs, which are the Town and the sixteen Individuals, need to make a decision about where we go from here, Mr. Robertson said. Mayor Thomas has scheduled an executive session for that and the litigation meets the state standard for an executive session, since legal strategy will be discussed. There is a provision of state law to allow for executive session of an elected body like town council. The individual plaintiffs can be included in part of the executive session also.

Mrs. Alicia de Myhrer spoke on the sources of pollution in Cary Lake. She also expressed her concern about the costs to the Town of the Roper Pond litigation.

ARCADIA WOODS LAKE AND DAM: Mrs. Peggy Smith said that Arcadia Woods Lake never had siltation problems until they started developing the Commons and the Car Lot on Two Notch Road. Mrs. Smith asked council to consider siltation in the lakes when developing that area. She said it was discovered recently that Mrs. Cockrell, owner of the earthen dam, had sent a quit claim deed last September to the Budget and Control Board. They have not given her an official refusal or acceptance, she said.

Mr. Don Davis, President of the Commons Homeowners Association, reported that the county has finally accepted responsibility for some of the runoff from Two Notch area, through the drainage ditch into their lake. Mr. Davis, on behalf of residents of The Commons, expressed concerns about the costs of the Roper Pond litigation and that the funds could be better spent on other needs of the Town.

Mr. Bernie Gaudi complained that the minutes have not been up to date on the Web site recently; that is the only way citizens can find out what is going on, without coming to the meetings. Mr. Gaudi said he wanted the Council's decisions about the Roper Pond litigation to be in the minutes, because it impacts all of the citizens. Also, there is still speeding on Arcadia Lakes Drive, he said.

Mrs. Michelle Mohn asked Ms. Linda Jackson if she will have a vote for the council and also a vote as a plaintiff. Ms. Jackson said she had checked with the Ethics Commission. Councilmen Robertson and Clark said they did have concerns about it also, and wanted it to be on record. Discussion was held.

At this time Mayor Thomas informed all persons attending the regular monthly council meeting that council would go into executive session for the purpose to discuss the recent decision of The Court of Appeals for South Carolina issued March 6, 2013, affirming the Administrative Law Court's Order as to both the issues of standing and the merits of the case. Individual parties to the case attending the council meeting, were invited to attend discussions in the executive session.

council went into executive session with town attorney Mr. Cook and individual plaintiffs, regarding the Roper Pond litigation. The council, by telephone, brought to executive session Ms. Amy Armstrong, the attorney of record, of SCELPA, South Carolina Environmental Law Project, for the town and plaintiffs, to present, advise and counsel relative to the Court of Appeals decision.

Mayor Thomas reconvened the regular monthly meeting with council, town clerk, attorney, and citizens then present.

PETITION FOR REHEARING BEFORE THE COURT OF APPEALS:

Mayor Thomas indicated to the council and all present, that he desired to make the following motion for adoption by the council, with respect to petitioning for a hearing before the Court of Appeals for South Carolina:

Mayor Thomas moved the following proposed resolution:

“Be it resolved that the Town of Arcadia Lakes, acting through it’s Mayor and Town Council does hereby direct Amy Armstrong, Esquire, of the South Carolina Environment Law Project, in her capacity as the Attorney for the Town, to Petition For Rehearing the Court of Appeals, as to it’s opinion of March 6, 2013 petitioning Rehearing to said Court both as to the law of standing and as to all of the merits of the case in point.”

The motion was seconded by Councilman Tom Clark.

Discussion of the resolution as moved and seconded, was followed by council. Before calling for the question, Councilman Robertson indicated his willingness to petition solely for a rehearing of issues of law as to standing, however he was not willing to petition for a rehearing as to the issues of merit in the case.

The question and the council, by a show of hands, carried the proposed resolution as made and seconded, thus adopting the motion as presented. The resolution was directed to be furnished to Ms. Armstrong of SCELPA in order that a timely petition for rehearing be filed before the South Carolina Court of Appeals.

There being no further business before council, the meeting was adjourned.

Christine Murphy, Town Clerk

