

**CITY OF INMAN  
CITY COUNCIL  
TUESDAY, AUGUST 14, 2018  
SPECIAL MEETING MINUTES**

The City Council held a special meeting on August 14, 2018 at 5:30 PM in the courtroom of City Hall.

Mayor Cornelius Huff was present, along with Councilmembers Melvin Fowler, Ginger McGuire, Kevin Newman, and Ray Rogers.

Also present were: City Attorney Larry Flynn, City Clerk Robin Henderson, City Administrator Jeremy Caudle, and Planning Commissioner Richard Burch.

A transcript of the meeting is as follows. Actions of the City Council, along with other information, are notated in brackets.

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MR. HUFF: In compliance with the Freedom of Information Act, notice of this meeting was submitted by fax and email to the Spartanburg Herald Journal and the Landrum News Leader on Thursday August 9th. The agenda was posted on the bulletin board of City Hall on August 9<sup>th</sup>, also. At this time, we have our roll call. Everyone's here, Ms. Robin. Number five, we have approval of the agenda. Do I have a motion to approve the agenda?

MR. NEWMAN: Mr. Mayor, so moved.

MR. HUFF: Do I have a second?

MR. FOWLER: Second.

MR. HUFF: Questions? Call for a vote? All in favor?

[MR. NEWMAN'S MOTION TO APPROVE THE AGENDA WAS APPROVED, WITH ALL VOTING IN FAVOR.]

All right number six. We will go with—the reason for this meeting is, the purpose of the special meeting is to hold a hearing for removal of planning commissioner in accordance with section 6-29-350 of the Code of Laws of South Carolina 1976, as amended. We will hear from Mr. Burch. Mr. Burch, would you like to have this meeting in executive session?

MR. BURCH: No. I'm good with public. Thank you.

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MR. HUFF: We will have it in open session at this time. This meeting is held—this is your opportunity to talk to us, to tell Council what went on. And we will have our City attorney—any questions that come from Council are directed to him so he can direct it to you.

MR. BURCH: No problem.

MR. HUFF: All right.

MR. FLYNN: Mayor, what Mr. Burch and I talked about before we get started is this is just kind of a standard rules of procedure. I'm not trying to be too formalistic, but basically what we talked about was if Council would like to have an open statement we can certainly do that, but I don't know if there's anything that I would add to what you received. But if Mr. Burch would like to have that opportunity, what I thought we could do is I would simply present the documents that have been provided to you by Mr. Caudle. And Mr. Burch would want to speak. I would suggest that what we may want to do is swear the witnesses in just so we have both of them on the record, and I think that would be as simple as they swear to tell the truth. That would be sufficient, if you'd want to do the honors, Mayor.

MR. HUFF: Yes, I would.

MR. ROGERS: Mr. Mayor, can we open with prayer?

MR. HUFF: We sure can. Please, sir. I would like for you to please step in and have that invocation for us.

MR. ROGERS: Father God, we thank you so much for the day you have given to us and the opportunity to serve our community. We just ask God for your guidance over this meeting and the Council ... [UNINTELLIGBLE]. In Jesus' name, amen.

MR. HUFF: At this time, we will swear in both...

MR. FLYNN: ... I think you could swear in both at the same time, individually—however is appropriate.

MR. HUFF: We can do both at the same time. If you all could just raise your right hands. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. CAUDLE: Yes.

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MR. BURCH: I do.

MR. FLYNN: Mr. Mayor, unless Council would like to have an opening statement, what I was going to suggest to Council is I think you have referred to a letter, if you don't mind if I step in.

MR. HUFF: Yes sir, at this time.

MR. FLYNN: I believe Mr. Burch has been given copies of all these documents that have been provided. There's a letter dated August 3<sup>rd</sup>, 2018 that talks about the issues that bring us here today. Obviously, Mr. Burch is here, so he got notice of that. In addition, the letter that's there—there's a memo that was prepared by Mr. Caudle that basically talks about the events that took place at the July 23<sup>rd</sup>, 2018 Planning Commission meeting. Again, Mr. Burch has been provided a copy of that. And then there's also a statement by Mr. Fisher and also by Dennis Staton basically summarizing what they saw at the commission meeting. Council will be charged with making a determination—you as the governing authority over the Planning Commission have the ability to remove any member of the Planning Commission for cause. And cause is basically anything you think it is, any reason that you think is appropriate to remove somebody you appointed in your role as the legislative, administrative, and judicial body. With that, Mr. Caudle has already been sworn in. I would simply ask him whether or not he prepared these documents and was present at the meeting where this took place. Is that correct?

MR. CAUDLE: That is correct.

MR. FLYNN: And this is a fair representation of what happened?

MR. CAUDLE: It is.

MR. FLYNN: And, basically, you were in a Planning Commission setting. And just briefly explain to the Council of what occurred.

MR. CAUDLE: Sure. As described in the written statement which I provided to each member of Council, as well as to Mr. Burch, during the course of the meeting, Mr. Burch directed two outbursts—unprovoked—towards me, which consisted of hostile—as I perceived it—language, body language, and that sort of thing. The second outburst is also—just to add—captured on an audio recording, which is available, and which each member of Council is aware of, and which was provided to Mr. Burch.

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MR. HUFF: I would ask a question. Can I confirm that all Councilmembers have read the documents that were provided? And you read thoroughly?

MR. FLYNN: As a result of the comments by Mr. Burch, did you have a reaction to what took place?

MR. CAUDLE: I did.

MR. FLYNN: Did other members that were there have a reaction as well?

MR. CAUDLE: They did have a reaction.

MR. FLYNN: Is that basically summarized in their two reports that you've got?

MR. CAUDLE: It is.

MR. FLYNN: Was there surprise?

MR. CAUDLE: Quite a bit of surprise.

MR. FLYNN: Was there concern?

MR. CAUDLE: Yes.

MR. FLYNN: Do you feel that it created a hostile situation?

MR. CAUDLE: I believe so.

MR. FLYNN: And do you think it's going to be very difficult for Mr. Burch to be able to continue as a Planning Commission member?

MR. CAUDLE: I do.

MR. FLYNN: And is that the sense you got from the other members?

MR. CAUDLE: Based on the statements that are included, as well as my discussions that I had with several members...

MR. BURCH: With all due respect, I'm going to have to object to that. They're not here.

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MR. FLYNN: Basically, your understanding is what they provided in their summaries?

MR. CAUDLE: Correct.

MR. FLYNN: That's basically our—that's our case for the City, Mr. Mayor.

MR. HUFF: Thank you. Mr. Burch, now, this is your time.

MR. FLYNN: He may have a question or two. I don't know if he's got any questions of Mr. Caudle.

MR. HUFF: Do you have any questions for Mr. Caudle?

MR. BURCH: At this time, no. I'm going to make a statement.

MR. HUFF: Okay. All right. It's open now for statements.

MR. BURCH: Honorable members of the City Council, I apologize for y'all having to come up here tonight for this. I'm going to go back, and I'm going to refer to some dates, and I may not be correct on these dates, but everything I state tonight is my opinion. On or about the 25<sup>th</sup> day of June, the Planning Commission was tasked with a façade program that Councilman Rogers was at. Correct me if I'm wrong Councilman Rogers, but we spent about 10 or 15 minutes on it that night because other things were going on. We may have spent 10 or 15 minutes. Does that sound about right to you?

MR. FLYNN: I mean...

MR. ROGERS: I—I'm not familiar with...

MR. BURCH: ...Well anyway, I'm not trying to ask a legal question, I'm trying to make a point. So, we spent about—I think it was about 10 or 15 minutes. And we as a Planning Commission decided that that was not enough time because the City Council had specifically asked us to get this to them by the next Council meeting. We didn't feel like we had enough time to do anything because we felt it was kind of last minute type thing. [UNINTELLIGIBLE] ... but we were working very hard to get this thing through. We had an understanding that we needed to have another meeting and that next meeting was on the following week, which I think was on or about the second day of July. Now, during this period of time, I had proceeded to talk to Ms. Sandy Green on two different occasions. And what I said to Ms. Green was, "Ms. Green, we're here to try to help you. We want

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to do everything we can to get this thing through. Is there anything that we can do specifically to help you?" She was very—I mean she was very happy that was happening. And then I asked her, "Are you set on these colors?" She said, "No Richard, I'm not." She said, "I grabbed those colors at the last minute because I thought they had to be in on the application." She said, "Those colors I picked out, I'm fine with you changing colors. It's not a problem." Okay. So, there's where we came back at the next Planning and Zoning meeting. We were given a criteria in order to—to send these things through. And Jeremy was 100% right on one. It passed with high, high, high [UNINTELLIGBLE] ... But he was very deceiving on the second one, because it didn't even meet the minimum specifications or qualifications. Whoever made the thing out, it didn't meet their specifications. And there's two reasons that we held up on that one. [UNINTELLIGBLE] ... did not because I read the application thoroughly, and my understanding of the application is that it's a one-time deal and that's it. Once you use it, it's over. You can't go back and get it again. So, my concern was he don't need to ask for something not knowing that he's not going to ask for more. So, I wanted to make sure he got everything he wanted, and as I think all the members did. So anyway, when we sent it up, we sent it up thinking we withheld colors. We didn't pass any colors for this program. We wanted to get her where she could get started but we were withholding colors for this program. Well, I was at the next council meeting. As a matter of fact, I was sitting right back there in that chair. So, when he comes to y'all, it came to y'all as one scored very high and the other one not as high. Well, if I was sitting in your position, I would probably assume, "Well it didn't score high, but it scored fine." That was not the case. Now, that was a personal blow to me and every council member there because we worked really hard. Really hard. I'm trying to get this to y'all. Okay? We spent a lot of time. Because we went even—each member went and even picked out colors. We took time to do this. Excuse me. So, when we got the next Planning and Zoning meeting, and I was asked, "Why did you leave the council meeting early?" I said, "I didn't want to do something to, to, uh, degrade the meeting." I said, "I just got up and walked out." So, at the next Planning and Zoning meeting, I was sitting probably right here at the table. Jeremy was there. And at the very first of the meeting something was said. I don't remember what it was, but I made some kind of very vague comment about deceitful, and I specifically remember saying to Jeremy, "I don't want to take these other Commissioners' time up. If you want to talk about it later, I'll be fine with it. I'll do that." But I didn't want to take their time up with it. Well, I know all of y'all know what the term "poking the bear" means, don't you? You poke the bear, you get bit. Okay? So contrary to popular belief, I sat over here, I kept my flipping mouth shut for most of the meeting. And near the end of the meeting when the Commissioners had a chance to talk, I exercised my First

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Amendment right. And I'll pretty much show you what I did. I took my chair and turned it this way—never got out of it. I pointed directly at him, and I explained to him why I felt the way I did. I don't deny any of that. And he kept talking, and I said, "Jeremy, I got employees. If one of them had done what you did, I would have fired them for doing it." And I would have. Because I have done it before. And as soon as I finished talking, I turned my chair right back. I noticed him walking out. Jeremy talks like I was intimidating to him. Now, does it sound intimidating when you turn your back on somebody? If anything, he had every opportunity to do something to me. And at that time, Joe Tapp was sitting across from me and just said, "I make a motion to end the meeting," or whatever the case may be. I said, "I second that." So, I'll defer to him. I don't know the record. I don't know who did—who got the second, but I'll defer. I'm fine with it. It don't matter who does—I think it's the best thing to do at this point. So, with all that being said, I'm going to make a statement. I don't feel that at this point, with the Administrator operating at the capacity he's operating in, sending deceitful messages after we worked so hard. Not just me, every person on that Planning and Zoning Commission worked hard to try to get that thing through to y'all so y'all could get it passed. Okay? Because we understood the urgency of what y'all were trying to work. And I don't appreciate anyone—I don't care who it was, it just happened to be the City Administrator saying what he said. If he had sent it to you the way we presented it, if any of y'all decided to vote for it there would be no problem. Because I think in the thing it even says I made a statement the City Council can do anything they want to do, but it needs to be presented truthfully. And I probably talked about that [UNINTELLIGIBLE] ... because I'm pretty deaf in my left ear. So, people say I got a loud voice. But that's pretty much how I feel. I was very adamant about this because I was ticked off. I felt like I had been betrayed—every member of that board had been betrayed. And I had been lied to. So, I'm just letting you know with that being said, I'm tendering my resignation, effective immediately. But I stand by what I said. In my opinion, Jeremy Caudle is deceitful and lied to us, to y'all. Y'all have a good day. Thank you for your time.

MR. HUFF: Thank you Mr. Burch. Alright, is there any other thing from Council now?

MR. FLYNN: I think that Council could decide whether it wants to accept his resignation, or if you want to continue on with the testimony that was presented. It's, basically, in Council's lap. I mean the fact that he just tendered his resignation, you can accept it [UNINTELLIGIBLE] ... whatever suits Council's pleasure. I think it's appropriate based on his presentation that y'all make a decision about what you think based on the information

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that you received. As I said, basically, the standard is, Do you have a reason for removing somebody from City Planning Commission [UNINTELLIGIBLE] ...?

MR. ROGERS: If I didn't have one, I certainly have one now. Stronger than ever before.

MR. NEWMAN: My concern is, the behavior in him—with our employees—I mean, I know we may need to address this first ...

MR. FLYNN: ... The only other thing I would suggest is that certainly if Council has any interest in going into executive session to consider this, that's certainly appropriate that you make a motion. You can't make a decision in executive session ... [UNINTELLIGIBLE] ...

MR. NEWMAN: I make a motion to go into executive session to discuss.

MR. HUFF: Do I have a second?

MR. ROGERS: I second that.

MR. HUFF: I call an executive session right now.

[MR. NEWMAN'S MOTION TO GO INTO EXECUTIVE SESSION WAS APPROVED, WITH ALL VOTING IN FAVOR.]

[SHORTLY THEREAFTER, CITY COUNCIL RETURNED FROM EXECUTIVE SESSION.]

MR. HUFF: I made a motion to come out of executive session. It was seconded by Councilman Newman. Call for a vote. All in favor?

[MR. HUFF'S MOTION TO COME OUT OF EXECUTIVE SESSION WAS APPROVED, WITH ALL VOTING IN FAVOR.]

We're back in general session. Is the recorder started? All right. Council, I make the following motion: "first, based on information received in executive session, the city council hereby finds that cause exists to remove Richard Burch from the Planning Commission..."

MR. FLYNN: Mr. Mayor? Can I interrupt you for one second? I think it would really be the presentation in the open session that was considered in the executive session.

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MR. HUFF: That's right

MR. FLYNN: Because you didn't go into executive session to receive information...

MR. HUFF. I understand. I make the following motion: "First, that based on information received in open session, the City Council hereby find that cause exists to remove Richard Burch from the Planning Commission; and second, as a consequence, the City Council hereby removes Richard Burch from the Planning Commission; and, third, that a vacancy is hereby declared in the Planning Commission seat previously occupied by Mr. Burch; and fourth that this motion is effective immediately. And I also would like to add that we do not accept his resignation from the Planning Commission."

That's my motion do I have a second?

MR. FOWLER: Do we need to have a separate motion to [UNINTELLIGIBLE] ...?

MR. FLYNN: I think you can you can ...

MR. HUFF: ... Yeah, I just, [UNINTELLIGIBLE]. Do I have a second?

MR. FOWLER: You have a second.

MR. HUFF: Any questions? Call for a vote—all in favor?

[MR. HUFF'S MOTION, AS QUOTED ABOVE,  
WAS APPROVED, WITH ALL VOTING IN FAVOR.]

All right. All hearts, all minds cleared? We'll end this meeting.

[MR. HUFF ADJOURNED THE MEETING AT 6:03 PM.]

[END OF TRANSCRIPT.]

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Transcribed and submitted by:

*Handwritten signature*

Jeremy B. Caudle, CGFM  
City Administrator