Irmo Chapin Recreation Commission

**SPECIAL CALL MEETING**

**PHONE CONFERENCE**

July 2, 2020

Saluda Shoals Park

Administration Building

5:00p.m.

Members Attending

Bill Harmon, Bruce Loveless, Tim Stewart, Gary Boyd, Akil Ross

Non-Members Attending

Mark Smyers, Eve Mittendorf

1. **CALL TO ORDER**

Bill Harmon called the meeting to order at 5:01pm.

1. **REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT**

In accordance with the requirements of The Freedom of Information Act, the news media was notified of the meeting, it was posted on the website, and a notice and agenda posted at the park sites.

1. **NEW BUSINESS**

Introductory comments provided by Commission Chair, Bill Harmon.

The purpose tonight is to discuss and act of New Business; specifically, the staff recommendation to proceed with the Eminent Domain Proceedings, compensate the Charles M. Yarid Living Trust for the property and progress with the completion of Mungo Park and trail loop.

For the purposes of inclusion of various salient and important points for the documented record in the form of the minutes, I will review those and will ask Executive Director Mark Smyers to provide additional content and commentary.

As a public entity we have certain rights, including that which is has been recommended. We, as Commissioners have assumed the responsibility as part of our appointments to these positions to act on the best behalf of the agency, our citizens and community at large. As such, we acknowledge that Eminent Domain is a both powerful and at times necessary act upon which, when there are no other reasonable alternatives, and after making a good faith effort to come to a fair an amicable resolution between parties, becomes the viable solution which assures fair compensation to the present land owner while allowing the agency to progress in meeting obligations to which it was formed and that we as Commissioners are called to support. This is likely a first for the Irmo-Chapin Recreation Commission, and we do not take it lightly.

For background:

* Through much research through banks and court records, Mark Smyers determined who the current owner is and made contact with Mr. Dale Yarid, Trustees of the aforementioned Living Trust. It was only then that Mr. Yarid realized the Trust owned the property.
* The property has laid dormant, unattended to and seemingly if not actually forgotten about and abandoned.
* The property contains no reasonable purpose for which it could be used or sold.
* The property is key to our ability to restore the safety and utilization of the park in total for the community.
* After multiple attempts, including a most recent certified mailed letter, which it was signed for, which expressed our sense of urgency in rectifying this, there has been zero attempt from Mr. Yarid to communicate with Mark.

We, the Commissioners have all reviewed the provided documents and take quite seriously the pursuit of the land acquisition through the undertaking of Eminent Domain. As such:

* We have considered the possible perceptions of ICRC, wielding Eminent Domain as a tool to gain access.
* We hired Van Sant & Associates, a private real estate appraiser to assure we obtain an objective and fair market price to offer appropriate compensation.
* We believe that inaction on our part, would fail our agency and thereby the community- which would rightfully be perceived by many as negligence of our duties in fulfilling our appointed roles.
* We believe that a reasonable person, when presented the facts and background, our need and attempts to resolve this directly with Mr. Yarid, that we are prepared to pay a fair market price for land that is only useful to us and the present owner has claimed no plans for its use or value whether real or intrinsic, our actions, assuming we approve the staff recommendation is right, fair and just.
* Therefore, while further discussion is expected tonight, we believe we have been placed in this position not by choice, but by necessity and we understand the importance doing what’s right within the realm of remedies afforded and the responsibilities we have been charged with in engaging in tonight’s discussion and decision.

Therefore, let the minutes reflect that all Commissioners recognize the above and importance of this issue while we undertake consideration of approving the staff recommendation which has been put before us.

Mark Smyers thanked Chairman Harmon for summarizing; staff take this step very seriously and thanked the Commission for meeting to evaluate and consider.

Chairman Harmon read the staff recommendation as follows: staff recommend that ICRC pursue eminent domain proceedings from Charles M. Yarid Living Trust for the property to progress with completion of the property trail at Mungo Park.

A MOTION WAS MADE BY BRUCE LOVELESS TO PURSUE EMINIENT DOMAIN PROCEEDINGS FROM THE CHARLES M. YARID LIVING TRUST FOR COMPLETION OF THE PROPERTY TRAIL AT MUNGO PARK. SECONDED BY TIM STEWART.

Commissioner Stewart inquired if the appraisal would be part of the minutes. Mark Smyers stated that the appraisal would be part of any FOIA request. Commissioner Stewart shared that the property is essentially a creek that use to share a pond in between properties already owned by Irmo Chapin Recreation Commission. Commissioner Stewart inquired if this was the understanding of the board members. Commission response was yes. Commissioner Stewart stated that the prior use of the property was undevelopable as it was a wetland and a creek and was a crossing between the golf course fairway. Commission and Executive Director agreed. Commissioner Stewart stated that the Commission in effect is wanting to put back the crossing for public use; if the bridges had not been taken out during the 2015 flood this request would be unlikely.

CHAIRMAN HARMON CALLED FOR A VOTE. COMMISSIONER BOYD VOTED YES; COMMISSIONER ROSS VOTED YES; COMMISSIONER LOVELESS VOTED YES; COMMISSIONER STEWART VOTED YES; CHAIRMAN HARMON VOTED YES. MOTION PASSED UNANIMOUSLY.

A MOTION TO ADJOURN WAS MADE BY AKIL ROSS. SECONDED BY BRUCE LOVELESS. VOTE TAKEN. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 5:37pm.

Respectfully submitted,

Eve Mittendorf, Recording Secretary
IRMO CHAPIN RECREATION COMMISSION