

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, APRIL 3, 2007 6:00 p.m.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

MEMBERS PRESENT:

Chair	Joseph McEachern
Vice Chair	Valerie Hutchinson
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

ITHERS PRESENT - Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Stephany Snowden, Jennifer Dowden, Joe Cronin, Larry Smith, Anna Almeida, Michael Criss, Jennie Sherry-Linder, Geo Price, Audrey Shifflett, Andy Metts, Sherry Wright-Moore, Jocelyn Jennings, Frank Frierson, Veronica Gardener, Yolanda Davis, Chief Harrell, Daniel Driggers, Pam Davis, Michael Byrd, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:01 p.m.

INVOCATION

The Invocation was given by the Honorable Joyce Dickerson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

CITIZEN'S INPUT

Ms. Kim Murphy spoke regarding the sewer extension agreements.

APPROVAL OF MINUTES

Regular Session: March 20, 2007 – Mr. Pearce moved, seconded by Mr. Livingston, to reconsider the portion of the minutes regarding the Ordinance Approving the Broad River Regional Wastewater Treatment Plant Rate Adjustment.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Malinowski
Livingston	Jackson
Dickerson	Hutchinson
Scott	McEachern
Jeter	Smith
	Montgomery

The motion for reconsideration failed.

Ms. Smith moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: March 27, 2007 – Ms. Hutchinson moved, seconded by Ms. Smith, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Smith requested that the County Administrator's Contract and pending litigation—Watts, et. al. vs. Richland County be added to the agenda under the Report of County Attorney for Executive Session Items.

Mr. Livingston moved, seconded by Ms. Scott, to add these items to the agenda and adopt the agenda as amended. The vote in favor was unanimous. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Ms. Scott acknowledged that the Mayor of Eastover, Christopher Campbell, was in the audience.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson acknowledged that Blythewood Councilman Ed Garrison was in the audience.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

The following items were potential Executive Session Items:

- a. **County Administrator's Contract**
- b. **Pending Litigation**
- c. **Employee Grievance**

REPORT OF THE COUNTY ADMINISTRATOR

Community Development – Mr. Pope recognized the outstanding job that the Community Development Department is doing.

Employee Grievance – Mr. Pope stated this item would be deferred until the April 17th meeting.

REPORT OF THE CLERK OF COUNCIL

Councilwoman Scott's Senior Day Event – Ms. Finch informed Council about Ms. Scott's Senior Day Event that will be held April 5th at Seawell's.

Planning Summit – Ms. Finch informed Council that the Planning Summit is scheduled for May 17th at the Convention Center and that Ms. Dickerson had been appointed as the Chair and Ms. Hutchinson and Mr. Jackson had been appointed as Co-Chairs for this Summit.

SCAC—Hilton Head – Ms. Finch requested all council members that are planning to attend contact her as soon as possible to secure room reservations.

REPORT OF THE CHAIRMAN

Neighborhood Planning Conference Recognition – Mr. McEachern commended the staff on their hard work on the Neighborhood Planning Conference.

PUBLIC HEARING ITEMS

Mr. McEachern opened the floor to the following public hearings:

- **Budget Amendment: Request to Transfer \$50,000 to the Council Services Budget** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, Through Truck Prohibited; so as to prohibit through truck traffic on Bakersfield Road and Richland County, South Carolina** – No one signed up to speak.

- **An Ordinance Authorizing Richland County, South Carolina, to enter into a loan agreement with the bank in the approximate amount of \$25,000,000 to be paid from and secured by a pledge of the County's local hospitality tax; approving the form and term of certain documents in connection with the loan; authorizing the County Administrator to determine certain matters relating to the loan; providing for the payment of the loan and the disposition of the proceeds thereof; and other matters related thereto – No one signed up to speak.**
- **An Ordinance Consenting to and approving the issuance of either tax-exempt or taxable installment purchase revenue bonds in one or more series by a non-profit corporation to provide funding to finance the costs of acquiring and constructing wholesale farmers market facilities and related infrastructure; and making provisions for all other matters relating to the foregoing – No one signed up to speak.**

The public hearing was closed.

APPROVAL OF CONSENT ITEMS

Mr. Montgomery moved, seconded by Ms. Dickerson, to approve the following consent items:

- **Budget Amendment: Request to Transfer \$50,000 to the Council Services Budget [Third Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, Through Truck Prohibited; so as to prohibit through truck traffic on Bakersfield Road and Richland County, South Carolina [Third Reading]**
- **07-06MA, Dunbar Funeral Home, RU to OI (2 Plus Acres), General Commercial, 20281-01-16(p), 4219 Hard Scrabble Road [Third Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning District and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; Business, Professional and Personal Services of Table 20-V-2; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to permit certain body piercing facilities with special requirements in the GC General Commercial Districts [Third Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges Article 1, in general; Section 21-11, Traffic Engineering; so as to permit the construction and maintenance of electric traffic signalization devices for County maintained roads [Second Reading]**
- **07-14MA, Jerry Rye, RU to GC (3.287 Acres), Office Retail, 00500-04-03, US 76 & Wessinger Road [Second Reading]**

- **07-18MA, Carolina Ceramics, RU to HI (118.91 Acres), Shale Mining Operation, 23700-03-02 & 26600-03-01, Hidden Valley Road & Hwy. 232 [Second Reading]**
- **07-03MA, Congaree Point, M-1/GC to PDD, Mixed Use Development, 13500-02-04 & 13510-01-03, Atlas & Bluff Road [Second Reading]**
- **An Ordinance Authorizing the Granting of a Sanitary Sewer Right-of-Way Easement to the City of Columbia Across Property Identified as a Portion of TMS# 17400-0-15, to serve the Killian Crossroads Development [First Reading]**
- **Sheriff's Department: Budget Amendment for Special Duty Pay and Request for One Additional FTE [First Reading]**
- **Sheriff's Department: Request to Approve JABG Community Crime Prevention Program Grant (No Personnel \$1,428 Match)**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions Created and Recognized; so as to create a Business Service Center Appeals Board [First Reading]**
- **Request to Approve the Selection of Fitts and Goodwin as the Design/Build Team for the Wholesale Farmers' Market**

The vote in favor was unanimous.

SECOND READING ITEMS

06-54MA, Stephen Spangler, Beach Equity Investment, HI to RM-HD, Multi-Family Residential, 17200-03-01(p), Farrow Road & Business Park Blvd. – Ms. Smith recused herself and did not participate in any discussion or vote relating to this item representing a potential conflict of interest.

Ms. Livingston moved, seconded by Ms. Scott, to approve this item. The vote was in favor.

06-55MA, Stephen Spangler, Beach Equity Investment, HI to RM-HD, Multi-Family Residential, 17200-03-24, Farrow Road & Business Park Blvd. – Ms. Smith recused herself and did not participate in any discussion or vote relating to this item representing a potential conflict of interest.

Mr. Pearce moved, seconded by Ms. Scott, to approve this item. The vote was in favor.

An Ordinance Authorizing Richland County, South Carolina, to enter into a loan agreement with the bank in the approximate amount of \$25,000,000 to be paid from and secured by a pledge of the County's local hospitality tax; approving the form and term of certain documents in connection with the loan; authorizing the County Administrator to determine certain matters relating to the loan; providing

for the payment of the loan and the disposition of the proceeds thereof; and other matters thereto – Mr. Livingston moved, seconded by Mr. Jeter, to approve this item.

POINT OF ORDER – Ms. Smith inquired if this was an action item.

A discussion took place.

The vote in favor was unanimous.

An Ordinance Consenting to and approving the issuance of either tax-exempt or taxable installment purchase revenue bonds in one or more series by a non-profit corporation to provide funding to finance the costs of acquiring and constructing wholesale farmers market facilities and related infrastructure; and making provisions for all other matters relating to the foregoing – Mr. Montgomery moved, seconded by Ms. Hutchinson, to approve this item.

A discussion took place.

The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

Request to Approve Amendments to the 911 Communications Center Consolidation Agreement between Richland County and the City of Columbia – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

Emergency Services: Request for Approval of Stretcher and EKG Equipment Purchases (Budget Amendment) – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. A discussion took place.

The vote in favor was unanimous.

Request for Approval of a Sanitary Sewer Extension Agreement for Sewer Service to the Rothstein Tract, Walmart Shopping Center and the Upgrade of Several Existing System Components – A discussion took place.

Ms. Dickerson moved, seconded by Ms. Scott, to approve this item. A discussion took place.

Ms. Smith made a substitute motion, seconded by Mr. Montgomery, to send this item back to committee. A discussion took place.

Ms. Dickerson withdrew the original motion.

The vote in favor was unanimous.

Request for Approval of a Sanitary Sewer Extension Agreement for the Upgrade of an Existing Sewer Lift Station and the Construction of an Odor Control Building to Serve the Eagles Rest Subdivision – A discussion took place.

Ms. Dickerson moved, seconded by Ms. Scott, to approve this item. A discussion took place.

Ms. Smith made a substitute motion, seconded by Mr. Montgomery, to send this item back to committee. A discussion took place.

Ms. Dickerson withdrew the original motion.

The vote in favor was unanimous.

Request for Approval of a Sanitary Sewer Extension Agreement for Sewer Service to River Shoals Subdivision – A discussion took place.

Ms. Dickerson moved, seconded by Ms. Scott, to approve this item. A discussion took place.

Ms. Smith made a substitute motion, seconded by Mr. Montgomery, to send this item back to committee. A discussion took place.

Ms. Dickerson withdrew the original motion.

The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, In General; so as to standardize the section to business license ordinances statewide – Ms. Smith moved, seconded by Mr. Malinowski, to give First Reading approval to the ordinance and forward the ordinance to the work session regarding the rates. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS AND COMMITTEES

- a. Riverbanks Park Commission—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.

- b. **Planning Commission—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.

II. CLARIFICATION OF COUNCIL RULES

- a. **Section 2.5 Participation, Regarding Perceived Conflict of Interest** – This item was held in committee.
- b. **Section 4.6 Reports (Committee), Regarding Forwarding an Item to Full Council that is Recommended for Denial in Committee** – This item was held in committee.

III. REQUIREMENTS FOR FUNDING REQUEST AFTER THE BUDGET PROCESS

- a. **Super Majority Vote Required** – This item was held in committee.
- b. **Request for the Discretionary Grants Committee to Meet Twice a Year** – This item was held in committee.

IV. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION: ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES: SECTION 2-326, BOARDS AND COMMISSIONS CREATED AND RECOGNIZED; SUBSECTION (B), THE RICHLAND COUNTY PLANNING COMMISSION; SO THAT NO MORE THAN TWO MEMBERS ARE FROM ANY ONE OCCUPATION, SPECIALTY, OR INDUSTRY. – This item was held in committee.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Citadel Foundation/Northpoint Industrial Park—Contract Approval – Mr. Jeter stated that this item was retained in committee.

APPROVAL OF RESOLUTIONS

- a. **Hopkins Water Project** – Ms. Scott moved, seconded by Mr. Jackson, to approve this item and to authorize the Chair of Council to execute the resolution, as well as any attendant documents. The vote in favor was unanimous.
- b. **Fair Housing Resolution—A Resolution Affirming Richland County's Commitment to Fair Housing** – Ms. Scott moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous.

CITIZEN'S INPUT

Mr. Mike Sloan spoke regarding the sewer extension agreements.

EXECUTIVE SESSION ITEMS

- a. **Pending Litigation—Watts, et. al. vs. Richland County** – Mr. Montgomery moved, seconded by Mr. Jeter, to direct the County Attorney and staff to execute the request for litigation strategy that was discussed in Executive Session.

- b. **County Administrator's Contract** – Mr. Livingston moved, seconded Ms. Dickerson, to approve the employment agreement for the County Administrator with the terms agreed upon by Mr. Pope and that the agreement be released upon execution.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Malinowski
Jeter	Jackson
Hutchinson	McEachern
Livingston	
Dickerson	
Smith	
Scott	
Montgomery	

Ms. Montgomery moved, seconded by Ms. Hutchinson, to go into Executive Session. The vote in favor was unanimous.

=====
Council went into Executive Session at approximately 7:22 p.m. and came out at approximately 8:09 p.m.
=====

Mr. Pearce moved, seconded by Ms. Hutchinson, to come out of Executive Session. The vote in favor was unanimous.

MOTION PERIOD

Eastover Fire Truck – Ms. Scott moved, seconded by Mr. Jackson, to forward to the next Council meeting the issue of rededicating the old fire truck from Eastover that is in storage back to the Town of Eastover. The vote in favor was unanimous.

Sewer Tap Fee Funds for Affordable Housing – Mr. Jackson moved, seconded by Mr. Malinowski, to forward to committee the possibility of using the excess funds generated from the sewer tap fee be used toward affordable housing as defined by the County.

Fair Housing Incentive Program – Mr. Jackson forwarded to committee the development of affordable housing incentive program to offset the prices of affordability.

Buddy McEntire Resolution – Ms. Scott moved, seconded by Mr. Jackson, to adopt a resolution for Mr. Buddy McEntire of McEntire Produce. The vote in favor was unanimous.

Planning Commission – Mr. Montgomery moved, seconded by Ms. Scott, to allow the Planning Commission member that has submitted an excuse for absences to serve until formal action can be taken on the excuse. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:20 p.m.

Joseph McEachern, Chair

Valerie Hutchinson, Vice-Chair

Joyce Dickerson

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Mike Montgomery

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley