

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JULY 15, 2008 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.*

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### MEMBERS PRESENT:

Chair	Joseph McEachern
Member	Valerie Hutchinson
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

Absent                      Joyce Dickerson

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Anna Almeida, Jennie Sherry-Linder, Tiaa Rutherford, Brandon Hooker, Andy Metts, Pam Davis, Daniel Driggers, Teresa Smith, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:02 p.m.

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce recognized that Lexington County Council Chairman Billy Derrick and his wife and Lexington County Administrator Katherine Hubbard were in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. McEachern recognized that Councilwoman-elect Gwendolyn Kennedy was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jackson recognized that Councilman-elect Kelvin Washington was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. McEachern recognized that Executive Director of the COG Norman Whitaker and Midlands Technical College President Sonny White were in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. McEachern recognized the Transportation Study Commission.

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce recognized that I. S. Leevy Johnson was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jeter recognized that Doug Bryant, former DHEC Commissioner, was in the audience.

#### **INVOCATION**

The Invocation was given by the Honorable Valerie Hutchinson

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Valerie Hutchinson

**I. S. Leevy Johnson, Esq. Resolution Presentation** – Ms. Scott, Mr. Jeter and Mr. Livingston presented I. S. Leevy Johnson, Esq. with a resolution.

#### **CITIZENS' INPUT**

No one signed up to speak.

#### **APPROVAL OF MINUTES**

**Regular Session: July 1, 2008** – Mr. Jeter moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

#### **ADOPTION OF AGENDA**

Mr. Pope stated that the following item needed to be added under the Report of the County Attorney for Executive Session Items: Farmers' Market—Legal Update and that Option 3 for the sales and use tax ballot question was included in the agenda packet, but that copies of the additional options were available to the public at tonight's meeting.

Mr. Jeter moved, seconded by Mr. Montgomery, to adopt the agenda as amended. The vote in favor was unanimous.

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

The following items were potential Executive Session items:

- a. **Splash vs. Richland County**
- b. **Lower Richland LLC Update**
- c. **Mungo Property Appraisal Update**
- d. **Farmers' Market Legal Update**
- e. **Project CAGE**

## REPORT OF THE COUNTY ADMINISTRATOR

**Lower Richland LLC Update** – This item was taken up during Executive Session.

**Mungo Property Appraisal Update** – This item was taken up during the motion period.

**No Kill Animal Shelter Contract Award: July 22, 2008** – Mr. Pope stated this item will be on the Lexington County Council agenda for action on July 22, 2008. This item will also be on the Council agenda for July 22, 2008 for action.

**Richland 101 for Kids** – Mr. Pope stated that the Public Information Office will be hosting Richland 101 for Kids on July 24<sup>th</sup>, 9:00 a.m.-1:00 p.m. at Dutch Square Mall.

## REPORT OF THE CLERK OF COUNCIL

**Longevity Reception: Friday, July 18, 2008** – Ms. Finch stated that the Longevity Reception will be held on Friday, July 18<sup>th</sup>, 12:00 p.m.-3:00 p.m. in the 4<sup>th</sup> Floor Conference Room.

**July 22<sup>nd</sup> Council Meetings** – Ms. Finch reminded Council of the schedule for the July 22<sup>nd</sup> meetings. [Economic Development Committee—3:00 p.m.; Development & Services Committee—4:00 p.m.; Administration & Finance Committee—5:00 p.m.; Special Called Meeting—6:00 p.m.; Zoning Public Hearing—7:00 p.m.]

**Geometrics Work Session** – This item was taken up during the motion period.

**September Meetings** – This item was taken up during the motion period.

## REPORT OF THE CHAIRMAN

**Creation of Hospitality Tax Ad Hoc Committee** – Mr. McEachern stated that this item would be taken up during the motion period.

## PUBLIC HEARING ITEMS

- **An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the specific purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and the issuance of general obligation bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto**

Ms. Kathy Novinger, Ms. Anita Floyd, Mr. Bob Liming, Ms. Fred Hanna, Mr. Rob Youngblood, Rep. Carl Gullick, Mr. Doug Bridges, Mr. Darius Adams, Mr. Norman Whitaker, Mr. Robin White, Mr. Arnold Karr, Mr. Trip Gregory, Ms. Pat Walthoff, Ms. Carol Randolph-Mosser, Mr. Will Haltiwanger, Ms. Anna Haltiwanger, Ms. Natalie Britt, Ms. Carol Kososki, Ms. Michael Juras, Mr. Paul Wejoski, Ms. Lill Mood, Ms. Valerie Marcil, Mr. Kelvin Washington, Mr. Alex Butler, Mr. John Newman, Ms. Eddie Glenn, Mr. Henry Hopkins, Mr. Phillip Crotwell, Ms. Briana Timmerman, Ms. Becky Bailey, Ms. Kathryn Fenner, Ms. Mary Reese, Mr. Lars Seiler, Mr. Tom Dodds, Mr. Ted Hopkins, Ms. Kim Murphy, Mr. Jay Martin and Mr. Charles Brooks

- **A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its not exceeding \$35,000,000 industrial revenue bonds (South Carolina Electric and Gas Company Project), in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended – No one signed up to speak.**

Mr. Montgomery moved, seconded by Ms. Scott, to reorder the agenda and take up item 2.a. before the Approval of the Consent Items.

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

The motion failed.

### APPROVAL OF CONSENT ITEMS

Mr. Pearce moved, seconded by Ms. Scott, to approve the following consent items:

- **08-10MA, Stan Mack, RS-MD to GC, Law Office, 07307-02-01, 1320 Bluefield Dr. [Third Reading]**
- **08-18MA, B & C Development Company, LLC, Lee Blythe, RU to RS-MD (25.71 Acres), Single Family Residential, 02509-04-03 & 02416-01-01 & 02412-02-06, Wise Rd. & Bickley Rd. [Third Reading]**
- **08-19MA, Hester Woods Place, Steve Corboy, PDD to RM-MD (3.35 Acres), Townhomes, 20200-04-02(p), Hardscrabble & Hester Woods Dr. [Third Reading]**
- **An Ordinance Amending the Required Conditions for Day Cares (Adult Day Cares, Family Day Cares, and Group Day Cares) regarding parking [Third Reading]**
- **An Ordinance Correcting the Table of Permitted Uses with Special Requirements, and Special Exceptions; "Recreational Use"; so as to permit golf courses only in the TROS, GC, M-1 and LI zoning districts [Third Reading]**
- **08-16MA, The Cascades, Tom Margle, RU to RS-LD (67.97 Acres), Single Family Residential, 20400-01-01/02/03/04/10/11 & 18, Sand Farm Rd. [Second Reading]**
- **A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its not exceeding \$35,000,000 industrial revenue bonds (South Carolina Electric and Gas Company Project), in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended [Second Reading]**

The vote in favor was unanimous.

### THIRD READING ITEMS

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes, Section 6-82; Article IV, Electrical Code, Sections 6-96 and 9-97; Article V, Fire Prevention Code; Article VI, Gas Code; Article VII, Mechanical Code; Article VIII, Plumbing Code, Sections 6-153 and 6-154; Article IX, Swimming Pool Code, Sections 6-168 and 6-169; Article X, Property Maintenance, Section 6-182; so as to adopt the 2005 Edition of the National Electrical Code and the 2006 Editions of the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, and International Property**

**Maintenance Code** – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general, so as to amend requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses** – Mr. Jackson moved, seconded by Mr. Montgomery, to defer this item until after Executive Session. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Montgomery, to approve this item as amended. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standard; Paragraph (66), Sexually Oriented Businesses; so as to amend requirements pertaining to sexually oriented businesses** – Mr. Jackson moved, seconded by Mr. Montgomery, to defer this item until after Executive Session. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Montgomery, to approve this item as amended. The vote in favor was unanimous.

#### SECOND READING ITEM

**An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the specific purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and the issuance of general obligation bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto** – Mr. Livingston moved, seconded by Mr. Pearce, to approve Option 3 of this item. A discussion took place.

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

The vote was in favor.

#### FIRST READING ITEMS

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to address business revenues generated by interstate commerce** – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item. A discussion took place.

The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to address rates set for landfills** – Mr. Pearce moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous.

#### REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

**Request to approve an extension of the American Engineering Construction Management Contract, the Power Engineering Resident Contract Representative Contract, and the Power Engineering Consultant Services Contract for the purpose of completing the Broad River Waste Water Treatment Plant construction project** – Mr. Livingston moved, seconded by Ms. Scott, to defer this item. The vote in favor was unanimous.

#### REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

**Project CAGE Resolution** – The committee recommended deferment of this item until after Executive Session.

Mr. Jeter moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

**Project CAGE MOU** – The committee recommended deferment of this item until after Executive Session.

Mr. Jeter moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

**Ordinance to amend Siemens Diesel Systems Technology FILOT** – The committee recommended deferment of this item until after Executive Session.

Mr. Jeter moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

**Ordinance to amend Siemens VDO Automotive Corporation FILOT** – The committee recommended deferment of this item until after Executive Session.

Mr. Jeter moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

**Bailey Bill Ordinance Amendments** – Mr. Jeter stated that the committee recommended approval of this item. The vote in favor was unanimous.

**Industry Appreciation Week Resolution** – Mr. Jeter stated that the committee recommended approval of this item. The vote in favor was unanimous.

**Business Ambassador for Richland County** – Mr. Jeter stated that the committee recommended approval of this item. The vote in favor was unanimous.

## **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

### **I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES**

- a. Accommodations Tax Committee—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- b. Board of Assessment Control—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- c. Community Relations Council—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- d. Employee Grievance Committee—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.



**II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

- a. **Board of Zoning Adjustments and Appeals—1** – Mr. Montgomery stated there were two applicants and one vacancy. The committee recommended appointing Mr. Sheldon L. Cooke, Jr. The vote in favor was unanimous.
- b. **Building Codes Board of Adjustments and Appeals—1** – Mr. Montgomery stated there was one applicant and one vacancy. The committee recommended re-appointing Mr. Victor Snipes. The vote in favor was unanimous.
- c. **Central Midlands Council of Governments—2** – Mr. Montgomery stated there was one applicant and two vacancies. The committee recommended re-appointing Ms. Sarah Watson and re-advertising the remaining vacancy. The vote in favor was unanimous.
- d. **East Richland Public Service Commission—1**—Mr. Montgomery stated there were two applicants and one vacancy. The committee recommended appointing Ms. Phyllis B. Beighley. The vote in favor was unanimous.
- e. **Internal Audit Committee—1** – Mr. Montgomery stated there were no applicants and one vacancy. The committee recommended re-advertising for this position. The vote in favor was unanimous.
- f. **Midlands Regional Convention Center Authority—1**—Mr. Montgomery stated there was one applicant and one vacancy. The committee recommended appointing Mr. Tony Tam. The vote in favor was unanimous.

**III. MOTION PERIOD—RULE CHANGE**—This item was retained in committee.

**IV. MOTION PERIOD—REVIEW POLICY OF MOTIONS BEING HELD IN COMMITTEES FOR MORE THAN SIX MONTHS**—This item was retained in committee.

**CITIZENS' INPUT**

No one signed up to speak.

## EXECUTIVE SESSION

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**Council went into Executive Session at approximately 7:22 p.m. and came out at approximately 8:55 p.m.**  
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- a. **Splash vs. Richland County** – Mr. Jackson moved, seconded by Ms. Scott, to accept the recommendation as amended. The vote in favor was unanimous.
  
- b. **Lower Richland LLC Update** – Mr. Pearce moved, seconded by Mr. Montgomery, to authorize the County Administrator to enter into an agreement with the City of Columbia incorporating the following principles: the County will enter into an agreement with the City of Columbia subject to the approval of both Councils that will permit the Lower Richland Sewer Associates, LLC to make upgrades to the City system on a temporary basis; Richland County by MOU with the City of Columbia will allow temporary modifications to the County 208 Plan; developer upgrades to the City system will accommodate the approved (by the County and City's MOU) sewer needs of the Lower Richland Sewer Associates members' developments; and the proposed agreement between County and City will protect the County's interest in the 208 sewer plan area in future years. The vote in favor was unanimous.
  
- c. **Farmers' Market** – Mr. Montgomery moved, seconded by Mr. Livingston, to adopt the legal and strategic course discussed in Executive Session. The vote in favor was unanimous.

## MOTION PERIOD

**September Meeting Schedule** – Mr. Pearce moved, seconded by Ms. Scott, to schedule the first meeting in September for September 9<sup>th</sup>. The vote in favor was unanimous.

**Geometric Work Session** – Mr. Jackson moved, seconded by Ms. Scott, to schedule a work session on July 24<sup>th</sup> at 4:00 p.m. The vote in favor was unanimous.

**Four-day Work Week** – Mr. Jeter referred to the A&F Committee the feasibility of a four-day work week.

## ADJOURNMENT

The meeting adjourned at approximately 9:59 p.m.

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Joseph McEachern, Chair

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Valerie Hutchinson, Vice-Chair

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Joyce Dickerson

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Norman Jackson

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Mike Montgomery

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L. Gregory Pearce, Jr.

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley