

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 17, 2006 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	Anthony G. Mizzell
Vice Chair	L. Gregory Pearce, Jr.
Member	Valerie Hutchinson
Member	Joseph McEachern
Member	Mike Montgomery
Member	Damon Jeter
Member	Paul Livingston
Member	Joyce Dickerson
Member	Kit Smith
Member	Bernice G. Scott
Absent	Doris Corley

OTHERS PRESENT – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Larry Smith, Anna Almeida, Michael Criss, Tiaa Rutherford, Jennie Sherry-Linder, Brenda Carter, Stephany Snowden, Kendall Johnson, Joe Cronin, Daniel Driggers, Rodolfo Callwood, Audrey Shifflett, James Hayes, Lashedra Pontoon, Teresa Smith, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:07 p.m.

INVOCATION

The Invocation was given by the Honorable Damon Jeter

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Damon Jeter

ADOPTION OF AGENDA

Mr. Mizzell stated that the Clerk notified him of a request for a presentation from the Columbia City Ballet that is time sensitive and the Administrator's Search Update needed to be added as an Executive Session item under the Report of the Chairman.

Ms. Smith moved, seconded by Ms. Hutchinson, to adopt the agenda with the addition of the Columbia City Ballet presentation and the Administrator's Search Update. The vote in favor was unanimous. The agenda was adopted as amended unanimously.

PRESENTATION

Ms. Teresa McWilliams, Columbia City Ballet – Ms. McWilliams requested \$5,000 in emergency funding from the County.

CITIZEN'S INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: October 3, 2006 – Ms. Scott moved to reconsider the portion of the minutes dealing with CMRTA funding, seconded by Ms. Dickerson.

Ms. Smith moved to reorder the agenda and place the Approval of Minutes at the end of the meeting. The motion died for lack of a second.

Ms. Smith made a substitute motion to move the Approval of the Minutes to before Citizens Input at the end of the meeting, seconded by Mr. Pearce. The vote was in favor.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. **Floodplain Overlay**
- b. **Attorney General Opinion**
- c. **TIF Update**
- d. **Animal Care Report**

REPORT OF THE COUNTY ADMINISTRATOR

Animal Care Report – Mr. Pope stated that the Animal Care Department is continuing to manage animal care with the contracted private vendor and the adoption process through Project Pet. The website was down. This was not an Animal Care problem, but an Information Technology problem. The website is back up and operational.

Ms. Mary Dennis Cauthen of the Citizen's Committee for Animal Care Issues gave a brief report regarding the Animal Care matter.

Mr. Pope stated that last Fall three options were provided to Council and the option that was adopted was that the County construct their own Animal Care facility. After this a joint meeting with City Council was held on various issues and the County took the initiative to see if negotiations could be rekindled. A letter has been distributed to Council and a date of October

10, 2007 has been set for a ribbon cutting ceremony on the expansion of a wing on the City shelter. This is the present track that the County is taking. If there are other barriers to moving forward then this matter would be brought to Council to move forward with constructing a County animal care facility.

Mr. Pope stated that in draft documents from the City of Columbia that the City would have operational control of the joint animal care facility.

Mr. Livingston requested a comparison of operational costs of the County owned facility and what is being proposed by the City.

Mr. Pope requested by November that the County have a firm direction that they want to pursue in regard to this matter.

Retreat Subcommittee – Mr. Pope stated that he still needed to meet with the Chairman and Vice-Chairman regarding the Retreat structure.

Mr. Mizzell stated that Mr. Pearce was in charge of setting up this meeting.

2006 Budget Book – Mr. Pope stated that the budget book was on Council's desk. Mr. Pope also recognized the budget staff.

REPORT OF THE CLERK OF COUNCIL

November 7th Council Meeting [Election Day] – Ms. Finch stated that November 7th is Election Day and requested direction from Council concerning the dates for Council meetings in November. Mr. Mizzell suggested that the first meeting in November be held on the 14th.

Mayor's Corporate Citizen Luncheon Oct. 24th, 12 Noon – Ms. Finch stated that she needed to know who was planning to attend this luncheon. Mr. Mizzell requested that Ms. Finch contact Council individually regarding the luncheon.

Urban League Annual Dinner – Ms. Finch stated that this dinner would be held October 26th at 6:00 p.m. at Seawell's. Mr. Mizzell requested that Ms. Finch contact Council individually regarding the dinner.

REPORT OF THE CHAIRMAN

Administrator's Search Status – This item was taken up during Executive Session.

PUBLIC HEARING ITEMS

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

- **An Ordinance Amendment to the Richland County Road Paving Program to permit reordering of the road priority list**

Mr. Eugene Davoll and Ms. Caroline Dennis spoke in favor of this item.

Mr. James Watson, Ms. Lucy Watson, Ms. Margaret Anderson, Ms. Eleanor Boyd, Ms. Jessie Jacobs, Ms. Brenda Simms, Ms. Tabitha Brown, Mr. Lavern Dennis, Ms. Hattie

Fruster, Ms. Helen Taylor, Ms. Yolanda Myers-Taylor, Mr. Leonard Mack, and Mr. Reginald Harris spoke against this item.

- **An Ordinance authorizing a quitclaim deed to Wardell Wallace for a 15' Right-of-Way on Bluff Oaks Road** – No one signed up to speak.
- **An Ordinance authorizing a quit claim deed to Jerry L. Tucker purported Right-of-Way on Moon Rise Street** – No one signed up to speak.
- **An Ordinance amending the fiscal year 2006-2007 general fund annual budget to allocate a portion of the County's road maintenance fee toward expenditures on specific projects road maintenance fee** – No one signed up to speak.

The public hearing was closed.

APPROVAL OF CONSENT ITEMS

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

- **06-41MA, Seven Acre Cut, LLC, M-1 to GC, Retail, TMS# 14600-03-59, Killian Road & I-77** [Third Reading]
- **06-42MA, Steven Odom, RU/LI to RC, Business Offices, TMS# 21614-01-25 & 24(p) and TMS# 21613-01-01, Lower Richland Blvd.**
- **06-43 MA, Stonemont Phase 2, RU to RS-MD, Residential Development, TMS# 04100-01-09, Koon Road** [Third Reading]
- **06-44MA, Brody Pointe, RU to RS-LD, Residential Use, TMS# 01413-01-04/07, 137 & 139 Brody Road** [Third Reading]
- **An Ordinance authorizing a quitclaim deed to Jerry L. Tucker purported Right-of-Way on Moon Rise Street** [Third Reading]
- **An Ordinance amending the FY 2006-2007 General Fund Annual Budget to establish a Road Plan inspection fee of \$350.00 per inspection and appropriate \$82,200.00 for hiring two inspectors in the Engineering Department** [Second Reading]
- **Sheriff's Budget Amendment: Homeland Security Coordinator FTE (\$28,250.00)** [Second Reading]
- **Sheriff's Department School Resource Officer FTE (\$29,719.00; previously \$42,566.00)** [Second Reading]
- **Ordinance authorizing the sale and issuance of up to \$4 million General Obligations for the purchase of Sheriff vehicles** [Second Reading]
- **Budget Amendment: Transportation Consultant (Carter Goble Lee \$56,400.00)** [Second Reading]
- **Ordinance authorizing the sale and issuance of up to \$7,000,000 Hospitality Tax Special Obligation Bond Anticipation Notes for the purchase of Recreation Property** [Second Reading]
- **Ordinance amending the FY 2006-2007 General Fund Annual Budget to add one-full-time position to the emergency Services Department for an Emergency Management Planner to be funded through grant funds** [Second Reading]

The vote in favor was unanimous.

THIRD READING ITEMS

06-39MA, Parker Jennings, RU to PDD, Mixed Use Development, TMS# 01500-02-09, 1300 Peace Haven Road – [This portion was reconsidered in the November 21st minutes]

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

Ms. Smith moved, seconded by Ms. Hutchinson, to amend the motion to require extensive screening along Peacehaven Road. The vote in favor was unanimous.

Ms. Smith moved, seconded by Ms. Hutchinson, to amend the motion to set the hours of operation from 8:00 a.m. to 8:00 p.m. A discussion took place. Ms. Smith agreed to amend the hours of operations to 6:00 a.m. to 8:00 p.m.

<u>In favor</u>	<u>Oppose</u>
Montgomery	Jeter
McEachern	Mizzell
Pearce	Livingston
Hutchinson	Scott
Smith	Dickerson

The motion failed to amend the hours of operation.

Ms. Smith moved, seconded by Ms. Hutchinson, to amend the motion to not allow heavy industrial equipment on this property. A discussion took place.

<u>In favor</u>	<u>Oppose</u>
Montgomery	Mizzell
McEachern	Livingston
Pearce	Scott
Jeter	Dickerson
Hutchinson	
Smith	

The motion to not allow heavy industrial equipment on this property passed.

A discussion took place regarding the amended main motion.

<u>In favor</u>	<u>Oppose</u>
Jeter	Montgomery
Pearce	McEachern
Mizzell	Hutchinson
Livingston	Smith
Scott	
Dickerson	

The main amended motion passed.

An Ordinance Amendment to the Richland County Road Paving Program to permit reordering of the road priority list – Ms. Scott moved, seconded by Ms. Dickerson, to defer this item until the November 14th meeting. A discussion took place.

<u>In favor</u>	<u>Oppose</u>
Jeter	Montgomery
Pearce	McEachern
Mizzell	Hutchinson
Livingston	Smith
Scott	
Dickerson	

The motion to defer passed.

An Ordinance authorizing a quitclaim deed to Wardell Wallace for a 15' Right-of-Way on Bluff Oaks Road – Mr. McEachern moved, seconded by Mr. Montgomery, to table this item. The vote in favor was unanimous.

An Ordinance amending the fiscal year 2006-2007 general fund annual budget to allocate a portion of the County's road maintenance fee toward expenditures on specific projects road maintenance fee – Mr. Pearce moved, seconded by Ms. Smith, to approve this item. The vote was in favor.

06-23MA, Bluegrass Villages, RU to PDD, Single Family S/D and related Commercial, 12600-02-01, Blythewood Road & Muller Road – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item with the stipulation that it blend in the Neighborhood Commercial. A discussion took place. The vote in favor was unanimous.

SECOND READING ITEMS

Ordinance approving the Broad River Regional Wastewater Treatment Rate Adjustment – Ms. Smith moved, seconded by Ms. Scott, to approve this item and to schedule a work session prior to Third Reading. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Approval of MOU with the Renaissance Foundation for funding of the Bethel Cultural Arts Center – Mr. Livingston moved, seconded by Ms. Scott, to approve this item. A discussion took place.

Ms. Smith moved, seconded by Mr. Montgomery, to amend #2 of the MOU to authorize a \$300,000 contribution, \$100,000 a year each for the next three years, and for the next two years a \$100,000 contribution contingent upon a City donation of a like amount. A discussion took place.

Mr. Jeter called for the question on the amendment, seconded by Ms. Scott.

<u>In favor</u>	<u>Oppose</u>
Jeter	Montgomery
Livingston	McEachern
Scott	Pearce
Dickerson	Mizzell
	Smith
	Hutchinson

The vote on calling for the question failed.

A discussion took place.

Ms. Smith withdrew her proposed amendment. A discussion took place.

Mr. Montgomery made a substitute motion, seconded by Ms. Hutchinson, to approve the MOU with the MOU to have consistency in the idea that Richland County Council is making a conditional \$500,000 contribution, renewal each year at the discretion of Council in the amount of \$100,000 per year, has been recommended by the County Attorney. A discussion took place.

Mr. Montgomery withdrew his substitute motion.

Ms. Smith offered the following friendly amendment: Paragraph 2— ... which shall equal a total award of Five Hundred Thousand (\$500,000) Dollars over five years, subject to the conditions as outlined in Paragraph 6 below.

The vote in favor of the motion with the friendly amendment was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

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

- a. **Board of Zoning Adjustments and Appeals—1** – Mr. McEachern stated the committee recommended staff to advertise for the vacancy. The vote in favor was unanimous.
- b. **Employee Grievance Committee—1** – Mr. McEachern stated the committee recommended staff to advertise for the vacancy. The vote in favor was unanimous.

II. ITEMS FOR DISCUSSION

- a. **Farmers' Market Committee** – Mr. McEachern stated that this item would be held in committee.
- b. **Lexington/Richland Alcohol and Drug Abuse Council** – Mr. McEachern stated that this item would be held in committee.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

An Ordinance consenting to an assignment to HOLO (SC) QRS 16-91, INC or other applicable entity of certain rights and obligations of Holopack International Corp. – Mr. Livingston stated the committee recommended First Reading approval of this item. The vote in favor was unanimous.

L-J Lots 18 and 19 – Mr. Livingston stated the committee recommended First Reading approval of this item. The vote in favor was unanimous.

APPROVAL OF RESOLUTION

A Resolution to appoint and commission Roger Myers as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Pearce moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

CITIZEN'S INPUT

The citizens that signed up had previously spoken during the public hearings.

EXECUTIVE SESSION ITEMS

- a. **Floodplain Overlay** – No action taken.
- b. **Attorney General Opinion** – No action taken.
- c. **TIF Update** – Mr. Montgomery moved, seconded by Mr. Jeter, to give First Reading approval, by title only, to the ordinance which would support an agreement with the City of Columbia subject to terms to be negotiated by the staff which would include an agreement according to the terms we have discussed with legal counsel, the dispute regarding the TIF that would require the City Council to pass an ordinance and give reading concurrent with the County Council, giving Third Reading approval that would require both parties to accept the outcome of the decision according to the process and to set that process in motion. The vote in favor was unanimous.
- d. **Animal Care Report** – No action taken.
- e. **Administrator's Search Update** – No action taken.

Mr. Pearce moved, seconded by Mr. Livingston, to go into Executive Session. The vote in favor was unanimous.

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Council went into Executive Session at approximately 8:08 p.m. and came out at approximately 9:19 p.m.
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Mr. Pearce moved, seconded by Ms. Scott, to come out of Executive Session. The vote in favor was unanimous.

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APPROVAL OF MINUTES

Regular Session: October 3, 2006 – Ms. Scott moved, seconded by Ms. Dickerson, to reconsider the amendments based on the Attorney General's Opinion related to the CMRTA funding.

<u>In favor</u>	<u>Oppose</u>
McEachern	Montgomery
Hutchinson	Jeter
Scott	Pearce
Dickerson	Mizzell
	Livingston
	Smith

The motion for reconsideration failed.

Ms. Smith moved, seconded by Mr. Montgomery, to approve the minutes as distributed.

POINT OF ORDER – Mr. McEachern stated for the record his objection to the ordinance that was before Council at the last meeting.

<u>In favor</u>	<u>Oppose</u>
Montgomery	McEachern
Jeter	Hutchinson
Pearce	Scott
Mizzell	Dickerson
Livingston	
Smith	

The vote on the approval of the minutes was in favor.

MOTION PERIOD

Diversity Training at 2007 Retreat – Ms. Scott requested that diversity training be placed on the agenda for the upcoming Retreat.

Policy on Acceptance of Invitations Requiring Expenditures – Ms. Smith referred to the Rules & Appointments Committee the establishment of a policy on the acceptance of invitations that require the expenditure of funds.

Broad River Regional Wastewater Work Session – Ms. Smith requested that a work session be held on October 24th at 4:00 p.m. regarding the sewer rates.

Township Auditorium – Mr. Livingston requested that the Township Auditorium be placed on the November 14th agenda.

Hospitality Tax Ordinance Report – Ms. Scott requested a copy of the Hospitality Tax Ordinance.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized that Mr. Jeter received the Outstanding Public Service Award from the Friends of the South Carolina Libraries.
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Kester Freeman Resolution Presentation – Mr. Livingston requested that the presentation of the resolution be placed on the November 14th agenda.

ADJOURNMENT

Mr. McEachern moved, seconded by Ms. Dickerson, to adjourn. The vote in favor was unanimous.

The meeting adjourned at approximately 9:41 p.m.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley