

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 14, 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.*

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### MEMBERS PRESENT:

Chair	Anthony G. Mizzell
Vice Chair	L. Gregory Pearce, Jr.
Member	Valerie Hutchinson
Member	Joseph McEachern
Member	Mike Montgomery
Member	Doris Corley
Member	Paul Livingston
Member	Joyce Dickerson
Member	Kit Smith
Member	Bernice G. Scott
Absent	Damon Jeter

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Larry Smith, Amelia Linder, Anna Almeida, Michael Criss, Tiaa Rutherford, Brenda Carter, Jim Wilson, Judy Carter, Chief Harrell, Sherry Wright-Moore, Stephany Snowden, Kendall Johnson, Joe Cronin, Daniel Driggers, Rodolfo Callwood, Audrey Shifflett, Teresa Smith, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:01 p.m. Mr. Mizzell stated that Mr. Jeter was out of town on business and asked to be excused.

### INVOCATION

The Invocation was given by the Honorable Bernice G. Scott

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bernice G. Scott

## PRESENTATIONS

**Association of Counties—New Tax Cap Law, Robert Crooms** – Mr. Robert Crooms briefed Council on the effect of the new tax cap law. Mr. Mizzell suggested that a work session be scheduled to discuss this in more detail.

**Resolution Honoring Mr. Kester Freeman, Retired CEO, Palmetto Health Alliance** – Mr. Livingston and Mr. Pearce presented a resolution to Mr. Kester Freeman honoring his years of service to healthcare.

**POINT OF PERSONAL PRIVILEGE** – Mr. McEachern recognized the healthcare services of Palmetto Health.

**Richland 101 Graduation** – Mr. Mizzell and Mr. Pearce presented Richland 101 graduates with their certificates. Ms. Amy Main, Richland 101 graduate, made a brief speech.

**Recreation Complex, Task 2 Update—Ken Simmons/Harry Miley** – Mr. Ken Simmons and Mr. Harry Miley updated Council regarding the plans for the recreation complex.

**“Charley” Children’s Book Presentation** – This presentation was forwarded to the next council meeting.

## ADOPTION OF AGENDA

Ms. Hutchinson moved, seconded by Mr. Pearce, to adopt the agenda as distributed. The vote in favor was unanimous.

## CITIZEN’S INPUT

Ms. Martha Robinson spoke in favor of the Ballentine Library.

## APPROVAL OF MINUTES

**Regular Session: October 17, 2006** – Mr. Livingston moved to reconsider the portion of the minutes dealing with the Third Reading of 06-39MA, Parker Jennings, RU to PDD, Mixed Use Development, 01500-02-09, 1300 Peace Haven Road, seconded by Ms. Scott. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Ms. Scott, to add the reconsideration to the agenda before Citizen’s Input. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes noting the reconsideration. The vote in favor was unanimous.

**Zoning Public Hearing: October 24, 2006** – Mr. Montgomery moved, seconded by Ms. Corley, to approve the minutes as distributed. The vote in favor was unanimous.

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated the following items were potential Executive Session items:

- a. **Pending Litigation – Columbia Venture vs. Richland County**
- b. **Richland Northeast Sanitary Landfill vs. Richland County**
- c. **Contractual Matter – TIF Ordinance**
- d. **Employee Grievance**
- e. **Contractual Matter – CMRTA**
- f. **Legal Advice – Ordinance Adopting the 1995 Base Flood Elevations Along the Congaree River**
- g. **Pending Litigation – Whitaker Container vs. Richland County** – to be brought back to the next council meeting.

Mr. Pearce moved, seconded by Mr. McEachern to move Executive Session until after Citizen's Input. The vote in favor was unanimous.

## REPORT OF THE COUNTY ADMINISTRATOR

**Employee Grievance** – Mr. McEachern moved, seconded by Ms. Corley, to uphold the Administrator's recommendation. The vote in favor was unanimous.

**Work Session with Recreation Consultants** – Mr. Pope requested that Council hold the work session with the consultants in the next several weeks.

## REPORT OF THE CLERK OF COUNCIL

**Richland Memorial Hospital Board Annual Meeting** – Ms. Finch stated that the tentative date for this meeting is Wednesday, December 6<sup>th</sup> at noon in the Bagnall Board Room.

## REPORT OF THE CHAIRMAN

No report was given.

## PUBLIC HEARING ITEMS

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

- **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** – No one signed up to speak.
- **Sheriff's Budget Amendment: Homeland Security Coordinator FTE (\$28,250.00)** – No one signed up to speak.
- **Sheriff's Department School Resource Officer FTE (\$29,710.00, previously \$42,566.00)** – No one signed up to speak.
- **Ordinance Authorizing the Sale and Issuance of up to \$4 million General Obligation Bonds for the Purchase of Sheriff's Vehicles** – No one signed up to speak.
- **Budget Amendment: Transportation Consultant (Carter Goble Lee \$56,400.00)** – No one signed up to speak.

- **Ordinance Authorizing the Sale and Issuance of up to \$7,000,000.00 Hospitality Tax Special Obligation Bond Anticipation Notes for the Purchase of Recreation Property** – No one signed up to speak.
- **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** – No one signed up to speak.
- **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.** – No one signed up to speak.
- **Ordinance Authorizing Deed to L-J, Inc. for Lots 18 and 19 (Approximately 14.14 Acres Total) in the Richland Northeast Industrial Park, a Portion of Richland County TMS#25800-04-01** – No one signed up to speak.

The public hearing was closed.

#### APPROVAL OF CONSENT ITEMS

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

- **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** [Third Reading]
- **Sheriff's Budget Amendment: Homeland Security Coordinator FTE (\$28,250.00)** [Third Reading]
- **Sheriff's Department School Resource Officer FTE (\$29,710.00, previously \$42,566.00)** [Third Reading]
- **Ordinance Authorizing the Sale and Issuance of up to \$4 million General Obligation Bonds for the Purchase of Sheriff's Vehicles** [Third Reading]
- **Budget Amendment: Transportation Consultant (Carter Goble Lee \$56,400.00)** [Third Reading]
- **Ordinance Authorizing the Sale and Issuance of up to \$7,000,000.00 Hospitality Tax Special Obligation Bond Anticipation Notes for the Purchase of Recreation Property** [Third 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** [Third Reading]
- **Ordinance Authorizing Deed to L-J, Inc. for Lots 18 and 19 (Approximately 14.14 Acres Total) in the Richland Northeast Industrial Park, a Portion of Richland County TMS#25800-04-01** [Second Reading]
- **06-52MA, Rice Creek Farms, Partnership/Joe Clark & Tom Studer, RU to NC, Neighborhood Commercial, O1506-01-05/06, Three Dog Road & Hwy. 76** [Second Reading]
- **06-56MA, Judy/Gwen Properties, LLC/Gwen Scott, RU to RS-LD, Residential Use 03310-01-03, 27 Natures Creek Trail** [Second Reading]
- **Coroner: Request to Change Part-Time Clerk 1 Position to Full-Time Secretary** [First Reading]
- **Election Commission: Budget Amendment for Voting System Hardware and Software Maintenance (\$25,396.00)** [First Reading]

- **Resolution Identifying the Cultural Council of Richland and Lexington Counties as the Designated Arts Organization for Richland County** [First Reading]
- **Request to Enter Into Negotiations for Solid Waste Contract Extension and Rate Increase (Area 1—Allwaste Service)** [First Reading]
- **Acceptance of Conservation Easement for Mr. Jim Poddell for 10 Acres in the Crane Creek Watershed** [First Reading]
- **Owens Field Picnic Area** [First Reading]

The vote in favor was unanimous. Mr. Montgomery abstained from voting on 06-56MA, Judy/Gwen Properties, LLC/Gwen Scott, RU to RS-LD, Residential Use, 03310-01-03, 27 Natures Creek Trail.

### THIRD READING ITEMS

**Ordinance Adopting the 1995 Base Flood Elevations Along the Congaree River** – Mr. Pearce moved, seconded by Ms. Scott, to defer this item until after Executive Session.

Mr. Pearce moved, seconded by Ms. Dickerson, to defer this item until the first meeting in December. The vote in favor was unanimous.

**An Ordinance Amendment to the Richland County Road Paving Program to Permit Reordering of the Road Priority List** – Mr. Livingston moved, seconded by Ms. Dickerson, to amend the ordinance to state that there will be no additional changes in the current priority list and that the ordinance will take effect with the new priority list.

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

The motion failed on a tie vote.

Ms. Smith moved, seconded by Ms. Scott, to defer this item until after the community meeting can be held. The vote was in favor.

### SECOND READING ITEMS

**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.** – Ms. Smith moved, seconded by Mr. Pearce, to defer this item until staff places it back on the agenda. The vote in favor was unanimous.

**TIF Ordinance** – Ms. Smith moved, seconded by Mr. Montgomery, to approve this item. A discussion took place.

Ms. Smith moved, seconded by Mr. Montgomery, to move this item until after Executive Session. The vote in favor was unanimous.

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

**06-50MA, Brantley Manor, RS-LD to RU, Bed & Breakfast, O2307-01-07, 10 Leitner Point –**

Ms. Corley moved, seconded Ms. Dickerson, to approve this item.

Ms. Hutchinson made a substitute motion to approve this as Rural Residential, seconded by Mr. Montgomery.

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

The motion failed on a tie vote.

Mr. Livingston made a second substitute motion to defer this item until the November 21<sup>st</sup> meeting to explore other zoning options, seconded by Ms. Scott.

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

The second substitute motion passed.

**REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

**Lease Agreement and Budget Amendment for the Opening of a New Library Facility in Ballentine** – Ms. Smith moved, seconded by Ms. Corley, to approve this item. A discussion took place.

The vote in favor was unanimous.

Council took a short recess.

**Potential Bond Item** – Ms. Smith stated that a work session was held on November 14<sup>th</sup> and the committee made the following recommendations: to direct staff on how to proceed on the potential bond items; to formulate a strategy to remove vehicle purchases from bonds; and to hold a work session on November 21<sup>st</sup> at 4:00 to discuss Animal Care, Ownership/Rental/Blend of Magistrate's Office and Woodrow Wilson House. A discussion took place.

The vote in favor was unanimous.

## REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**Amendments to the Richland Northeast Industrial Park Covenants** – Mr. Livingston stated the committee recommended deleting the buy back clause and 2.c. from the covenants. The vote in favor was unanimous.

**Ordinance Authorizing Deed: Northeast Industrial Park Land Purchase, Lot 25, (William H. Godshall and Bryan Chassereau)** – Mr. Livingston stated the committee recommended First Reading approval of this item. The vote in favor was unanimous.

**Ordinance Authorizing Water Main Easement to the City of Columbian on Consolidated Systems Property** – Mr. Livingston stated the committee recommended First Reading approval of this item. The vote in favor was unanimous.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

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

- a. **Richland Memorial Hospital Board of Trustees—4** – Mr. McEachern stated the committee recommended staff to advertise for these vacancies. The vote in favor was unanimous.

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

- a. **Board of Zoning Adjustments and Appeals-1** – Mr. McEachern stated there was one applicant and one vacancy. The committee's recommendation was to appoint Peggy Simons. The vote in favor was unanimous.
- b. **Employee Grievance Committee-1** – Mr. McEachern stated there was one applicant and one vacancy. The committee's recommendation was to appoint Suzie Haynes. The vote in favor was unanimous.
- c. **Performing Arts Center Board-2** – Mr. McEachern stated there was one applicant and two vacancies. The committee's recommendation was to appoint Shirley Fields-Martin and re-advertise the other vacancy. The vote in favor was unanimous.
- d. **Planning Commission-1** – Mr. McEachern stated there were seven applicants and one vacancy.

Ms. Corley voted in favor of Ms. Elizabeth Mattos-Ward.

There were no votes for Mr. Mark Richardson.

There were no votes for Mr. Walter Powell.

Mr. Mizzell, Mr. Livingston, Ms. Scott, and Ms. Dickerson voted in favor of Mr. Julius Murray.

Mr. McEachern voted in favor of Ms. Angela L. Geiger.

Mr. Montgomery, Mr. Pearce, Ms. Hutchinson, and Ms. Smith voted in favor of Ms. Heather Cairns.

There was a tie vote for Mr. Julius Murray and Ms. Heather Cairns.

Mr. McEachern, Ms. Corley, Mr. Mizzell, Mr. Livingston, Ms. Scott, and Ms. Dickerson voted in favor of Mr. Julius Murray.

Mr. Montgomery, Mr. Pearce, Ms. Hutchinson, and Ms. Smith voted in favor of Ms. Heather Cairns.

Mr. Julius Murray was appointed to the Planning Commission.

**III. Lexington/Richland Drug Abuse Council**

- a. **Term Date Changes** – Mr. McEachern stated the committee recommended giving First Reading approval, by title only, to the adjustment of terms on this item. The vote in favor was unanimous.

**IV. Farmer's Market Committee** – Mr. McEachern stated that the committee recommended advertising for this item. The vote was in favor.

**Application for Locating a Community Residential Care Facility in an Unincorporated Area of Richland County, Mrs. Catherine B. Hammond, 1124 Eastmont Drive, Columbia, SC 29204** – Mr. Livingston moved, seconded by Mr. McEachern, to defer this item until the November 21<sup>st</sup> meeting. The vote in favor was unanimous.

**Township Auditorium (forwarded from mtg. of 10/17/06)** – Mr. Livingston moved, seconded by Ms. Scott, to have the Township present to Council their recommendations. A discussion took place.

**Bond Court Pay Request** – Mr. Montgomery moved, seconded by Ms. Scott, to approve Alternative 2. A discussion took place. The vote was in favor.

**Ridgewood Infrastructure Improvements Project** – Mr. Livingston moved, seconded by Mr. Mizzell, to approve this item. The vote in favor was unanimous.

**Reconsideration of Peacehaven Road Portion of the October 17, 2006** – Mr. Livingston moved, seconded by Ms. Scott, to approve this portion of the minutes without the heavy equipment amendment. A discussion took place.

Ms. Smith made a substitute motion to defer the reconsideration until the November 21<sup>st</sup> meeting, seconded by Ms. Hutchinson.

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

The vote substitute motion failed on a tie vote.

Mr. Livingston amended his motion to not allow dump trucks or 18-wheeler vehicular use, seconded by Ms. Scott. A discussion took place.

Mr. Mizzell moved, seconded by Mr. Pearce, to table the item.

Mr. Mizzell withdrew the motion from the floor. Mr. Pearce withdrew his second.

Mr. Mizzell moved, seconded by Ms. Smith, to reconsider the deferral.

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

The vote was in favor of the motion for reconsideration of deferral.

Mr. Mizzell moved, seconded by Ms. Hutchinson, to defer this item until the November 21<sup>st</sup> meeting.

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

#### **CITIZEN'S INPUT**

Mr. Alvin Herbert and Ms. Agnes Hardeson spoke regarding the proposed duplex on Piney Woods Road.

#### **EXECUTIVE SESSION ITEMS**

- a. **Pending Litigation-Columbia Venture** – No action taken.
- b. **Richland Northeast Sanitary Landfill** – No action taken.
- c. **TIF Ordinance**

d. **CMRTA** – No action taken.

e. **Floodplain Ordinance**

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 8:31 p.m. and came out at approximately 9:29 p.m.**  
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Mr. Pearce moved, seconded by Mr. Montgomery, to come out of Executive Session. The vote in favor was unanimous.

**MOTION PERIOD**

**Arbor Day Resolution** – Ms. Hutchinson moved, seconded by Ms. Smith, to recognize December 1<sup>st</sup> as Arbor Day. The vote in favor was unanimous.

**Farm City Week Resolution** – Ms. Hutchinson moved, seconded by Ms. Smith, to proclaim that the week of November 17-23 be designated as Farm City Week. The vote in favor was unanimous.

**Eagle Scout Resolution** – Mr. Pearce moved, seconded Ms. Dickerson, to adopt a resolution for Maxwell Charles McEachern.

**Ms. Nell Mulligan Resolution** – Mr. Pearce moved, seconded Mr. McEachern, to adopt a resolution for Ms. Nell Mulligan in honor of her 103<sup>rd</sup> birthday.

**City of Columbia Homeless Letter** – Mr. Pearce forwarded this letter to the D&S committee.

**Retreat Pre-Planning** – Mr. Pearce updated Council on the plans for the upcoming Council retreat.

**Policy on Alcohol Consumption while Operating County Vehicles** – Mr. Montgomery requested staff to review the policy of alcohol consumption while operating county vehicles.

**Rowing Center** – Ms. Smith moved, seconded by Mr. Mizzell, to direct the County Administrator to bring back to the November 21<sup>st</sup> meeting a report for possible action regarding access to the rowing center. The motion failed.

**Smoking Ban Ordinance** – Mr. McEachern forwarded this item to the D&S committee.

**Project Pet** – Mr. Livingston requested staff to obtain and forward all information from Project Pet on their population control/no kill project for the November 21<sup>st</sup> work session.

**Columbia City Ballet** – Mr. Mizzell forwarded the emergency funding for the Columbia City Ballet to the A&F committee.

**POINT OF PERSONAL PRIVILEGE** – Mr. Mizzell congratulated Ms. Smith on her re-election.

**ADJOURNMENT**

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

The meeting adjourned at approximately 9:52 p.m.

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Anthony G. Mizzell, Chair

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L. Gregory Pearce, Jr. Vice-Chair

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Doris M. Corley

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Joyce Dickerson

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Valerie Hutchinson

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Damon Jeter

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Paul Livingston

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Joseph McEachern

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Mike Montgomery

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley