

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 16, 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

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Brad Farrar, Amelia Linder, Joseph Kocy, Donny Phipps, Michael Criss, Tiaa Rutherford, Anna Almeida, Jennie Sherry-Linder, Audrey Shifflett, Andy Metts, Rodolfo Callwood, Daniel Driggers, Sherry Wright-Moore, Pam Davis, Teresa Smith, Paul Brawley, Chief Harrell, Gary Watts, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:06 p.m.

INVOCATION

The Invocation was given by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson and the guest Girl Scout Troop

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that Pete Amoth, Mayor of Blythewood and Paul Brawley, Richland County Auditor were in the audience.

Ms. Hutchinson recognized that Gary Watts, Richland County Coroner was in the audience.

PRESENTATIONS

Mr. Kyle Michel, Engenuity Update – Mr. Kyle Michel and Mr. Neil McLean gave a brief update on Engenuity.

Presentation of Resolution: Gary Watts, Coroner, Act of Heroism – Ms. Scott presented a resolution to Coroner Gary Watts in honor of his act of heroism.

CITIZEN'S INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: October 2, 2007 – Mr. Malinowski moved, seconded by Mr. Jackson to reconsider the portion of the minutes dealing with the 2007-2008 Millage Ordinance.

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

The vote to reconsider passed.

Mr. Malinowski moved, seconded by Mr. Jackson, to adopt the Auditor's recommendation. A discussion took place.

Ms. Smith moved, seconded by Mr. Montgomery, to place this item on the agenda before Citizen's Input.

POINT OF ORDER – Mr. McEachern inquired of the Parliamentarian if moving this item on the agenda would require unanimous consent.

Ms. Smith withdrew her motion.

Mr. Montgomery moved, seconded by Ms. Scott, to place this item on the agenda as Item 1.j. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve the minutes as amended. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Finch stated that Item 1.d. should be added to the Approval of Consent Items list, Item 4.a. does not have back up and p.133 of the back up material should go with Item 11.b.

Mr. Farrar stated that the TIF Update needed to be added under the Report of the County Attorney for Executive Session.

Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the agenda as amended. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Northeast Sanitary Landfill**
- b. **Farmers' Market Update**
- c. **Riverside Contract**
- d. **Internal Audit Committee Report**
- e. **TIF Update**

REPORT OF THE COUNTY ADMINISTRATOR

Employee Recognition—2 – Mr. Pope introduced the new Planning Development Director, Mr. Joseph Kocy.

Ms. Sherry Wright-Moore was presented a dozen roses from Mr. Pope in recognition of her service upon her departure from the County.

REPORT OF THE CLERK OF COUNCIL

Dinner with Lexington County, October 18th at 7:00 p.m. (Updated Directions) – Ms. Finch reminded Council of the dinner with Lexington County Council on Thursday, October 18th at 7:00 p.m. She also stated that she had updated directions for those that were planning on attending.

Annual Palmetto Health Update, November 20th at Noon – Ms. Finch stated that Palmetto Health has scheduled their annual update for November 20th at noon. A discussion took place. This item will be taken up during the Motion Period.

Agenda Software Training – Ms. Finch stated that there will be two training sessions on October 31st at 1:00-2:45 p.m. and 3:00-5:00 p.m.

Midlands Technical College Oyster Roast – Ms. Finch stated that the re-scheduled date is October 30th. Council members that are planning to attend, please let Ms. Finch know tonight.

Retreat Locations – Ms. Finch stated that there were several locations available. This item will be taken up during the Motion Period.

REPORT OF THE CHAIRMAN

Deferred Public Hearing Item – Mr. McEachern stated that a public hearing will be held on the Auditor's Budget Amendment Request at the November 6th meeting.

PUBLIC HEARING ITEMS

- **A Budget Ordinance to create positions: Sheriff's Department request for DNA grant** – No one signed up to speak.
- **A Budget Ordinance amending the FY 07-08 Victim's Assistance Budget to fund deficit in the amount of \$628,750**
- **A Budget Ordinance to increase Administration fee from \$5.00/hr. to \$10.00/hr. for the Victim's Assistance Department** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

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

- **A Budget Ordinance to create positions: Sheriff's Department request for DNA grant** [Third Reading]
- **A Budget Ordinance to increase Administration fee from \$5.00/hr. to \$10.00/hr. for the Victim's Assistance Department** [Third Reading]
- **07-41MA, Johnathan Holley, Eternal Garden, RU to GC (13.29 Acres), Cemetery, 19100-04-37(p), Behind 8132 Garners Ferry Road** [Third Reading]
- **07-42MA, Red Gate Farms II, RU to PDD (71.41 Acres), Commercial/Residential, 12700-01-21 & 15100-01-04(p), Syrup Mill Road & Blythewood Road** [Third Reading]
- **07-45MA, South Capital Group, RU to RM-HD (6.21 Acres), Multi-Family Residential, 17016-03-03** [Third Reading]
- **07-46MA, Billy Stanick, RU to GC (2.84 Acres), Warehouse for Existing Business, 01511-01-02 & 09, 2150 Dutch Fork Road** [Third Reading]

- **07-48MA, Cheryse Jordan, OI to GC (.67 Acres), General Commercial Use, 02505-03-04 & 07, 1770 Dutch Fork Road [Third Reading]**
- **07-51MA, Hurricane Construction, RU to RS-MD (8.34 Acres), Single Family Residential, 05200-03-18 & 05200-03-60, Hollingshed Road [Third Reading]**
- **An Ordinance Establishing Policies and Procedures to be followed in connection with conduit financings**
- **Ordinance authorizing the issuance of not to exceed \$5,000,000 general obligation bonds to be used for the following purposes: purchase of land and constructing a public safety facility (\$1,600,000); purchase of vehicles for use by the Sheriff's Department for fiscal year 2007-2008 (\$2,000,000); and for the expansion of the City's Animal Shelter (\$1,400,000) [Second Reading]**
- **Ordinance authorizing the issuance of not to exceed \$6,975,000 general obligation bonds or bond anticipation notes for the payment of the outstanding Bond Anticipation Note issued for the Innovista Project [Second Reading]**

THIRD READING

A Budget Ordinance amending the FY 07-08 Victim's Assistance Budget to fund deficit in the amount of \$628,750 – Mr. Pearce moved, seconded by Ms. Scott, to approve this item. A discussion took place.

The vote in favor was unanimous.

FY 2007-2008 Millage Ordinance – Mr. Malinowski moved, seconded by Mr. Jackson, to adopt the Auditor's recommendation. A discussion took place.

Ms. Scott called for the question.

Ms. Scott withdrew her call for the question to allow further discussion.

Ms. Scott called for the question, seconded by Mr. Montgomery. The vote in favor was unanimous.

Mr. Pearce made a substitute motion, seconded by Ms. Dickerson, to adopt the unadjusted millage and to have the Chairman immediately appoint a committee to evaluate the fund balance and make recommendations prior to the beginning of the budget process for FY 2008-2009.

Mr. Jackson made a second substitute motion, seconded by Mr. McEachern, to adopt the unadjusted millage and rebate the difference to the taxpayers.

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

The second substitute motion failed.

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

The vote was in favor of the substitute motion.

SECOND READING

Animal Care Bond Ordinance – Mr. Montgomery moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

Mr. Montgomery and Mr. Livingston accepted Mr. Pope's recommendation to refer the proposed MOU to the A&F Committee and to hold this item at Third Reading until the Council agrees to an appropriate MOU.

The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS AND COMMITTEES

- a. Airport Commission—3** – Mr. Livingston stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

- b. **Board of Assessment Appeals—1** – Mr. Livingston stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- c. **Building Codes Board of Adjustments and Appeals—1** – Mr. Livingston 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. **Accommodations Tax Advisory Committee—1** – Mr. Livingston stated there was one applicant and one vacancy. The applicant withdrew his application due to a conflict. The committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- b. **Business Service Center Appeals Board—5** – Mr. Livingston stated there were no applicants and five vacancies. The committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- c. **Employee Grievance Committee—1** - Mr. Livingston stated there were no applicants and one vacancy. The committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- d. **Employee Grievance Committee—2** – Mr. Livingston stated there were no applicants and two vacancies. The committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- e. **Music Festival Board—1** – Mr. Livingston stated there was one applicant and one vacancy. The committee recommended appointing Ms. Debora D. Lloyd. The vote in favor was unanimous.
- f. **Township Auditorium Board—2** – Mr. Livingston stated there was one applicant and two vacancies. The committee recommended appointing Mr. Jack M. Mills and re-advertising for the remaining vacancy. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Sanitary Sewer Main Extension Agreement for Kingston Village Off-Site Gravity Sewer – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item until the D&S Committee. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

KIRCO MOU – Mr. Jeter stated that the committee recommended approval of this item.

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

The vote was in favor.

Approval of the Resolution approving the 2007 Assessment Roll for the Village at Sandhill Improvement District – Mr. Livingston moved, seconded by Ms. Scott, to approve this item. A discussion took place.

The vote in favor was unanimous.

Approval of Resolution to appoint and commission Audrey L. Hudson 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

No one signed up to speak.

EXECUTIVE SESSION ITEMS

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

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Council went into Executive Session at approximately 8:27 p.m. and came out at approximately 10:07 p.m.
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The vote in favor was unanimous to come out of Executive Session.

- a. **N. E. Sanitary Landfill vs. Richland County** – Mr. Livingston moved, seconded by Ms. Scott, to change the existing language of the ordinance.

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

The motion failed.

Mr. Jackson moved, seconded by Mr. Jeter, to direct the Chairman to appoint an ad hoc committee of no more than five members.

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

The vote was in favor.

- b. **Farmers' Market Update** – No action taken.
- c. **Riverside Contract** – No action taken.
- d. **Internal Audit Committee Report** – No action was taken.
- e. **TIF Update** – No action taken.

Business License Fee Schedule – Mr. Montgomery moved, seconded by Ms. Smith, to approve this item. A discussion took place.

The vote in favor was unanimous.

MOTION PERIOD

Forming a task force to review the land development code as it pertains to water quality issues – Ms. Hutchinson directed staff to form a task force to review the land development code as it pertains to water quality issues.

Sunday Beer Sales – Mr. Jeter referred to the A&F Committee an ordinance to allow Sunday retail sale of beer or wine and to draft a referendum to be placed on the ballot.

Cool Counties Presentation – Ms. Hutchinson referred to the D&S Committee a Cool Counties presentation.

Ashley Ridge Roads – Ms. Dickerson directed staff to bring a report back to the D&S Committee on whether the requirements have been met regarding the roads in the Ashley Ridge Subdivision and if the roads are ready to be accepted by the County.

Council Retreat – Ms. Smith moved, seconded by Ms. Hutchinson, to hold the Council Retreat at the Madren Conference Center in Clemson on January 31st-February 2nd.

Mr. Jackson moved to hold the Council Retreat at Winthrop University.

Vote to hold Council Retreat at the Madren Conference Center:

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

Vote to hold Council Retreat at Winthrop University:

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

Mr. Pearce moved, seconded by Ms. Scott, to suspend the rules.

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

Franchise Fees – Mr. Malinowski referred to the D&S Committee an update regarding the options for assessing franchise fees on utilities.

ADJOURNMENT

The meeting adjourned at approximately 10:34 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