

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JULY 11, 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	Bernice G. Scott
Member	Damon Jeter
Member	Paul Livingston
Member	Joyce Dickerson
Member	Kit Smith
Absent	Doris Corley

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Chief Harrell, Michael Criss, Monique Walters, Stephany Snowden, Kendall Johnson, Jennifer Dowden, Teresa Smith, Daniel Driggers, Audrey Shifflett, Lillian McBride, Geo Price, Rodolfo Callwood, Anna Almeida, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

Mr. Montgomery moved, seconded by Mr. Pearce, to take a five minute recess. The vote in favor was unanimous.

Mr. Montgomery moved, seconded by Mr. Pearce, to reconvene. The vote was in favor.

INVOCATION

The Invocation was given by the Honorable Joseph McEachern

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joseph McEachern

POINT OF PERSONAL PRIVILEGE -- Ms. Dickerson acknowledged that Rep. Joe Brown was in the audience.

Mr. McEachern acknowledged that Sen. Kay Patterson and Mayor Pete Amoth were in the audience.

Mr. Jeter acknowledged that Rep. Byrd was in the audience.

PRESENTATION OF RESOLUTIONS

Richland County's Oldest Registered Voter – Ms. Lillian McBride presented a resolution to Ida Williams for being the oldest registered voter in Richland County.

Richland County's Youngest Registered Voter – Ms. Lillian McBride presented a resolution to Denise Sharp for being the youngest registered voter in Richland County.

PRESENTATION

Mr. John Marcy, Chamber of Commerce – Mr. Macy briefed Council on the proposed City of Columbia/Richland County City-County Steering Committee.

ADOPTION OF AGENDA

Ms. Finch stated that Item 2.i. should be consent.

Mr. Livingston moved, seconded by Ms. Hutchinson, to approve the agenda as amended.

CITIZEN'S INPUT

The citizens that signed up did not speak.

APPROVAL OF MINUTES

Regular Session: June 20, 2006 – Mr. Livingston moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

Regular Session: June 22, 2006 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

Zoning Public Hearing: June 27, 2006 – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes as submitted. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. Clerk's Evaluation
- b. Potential Litigation Regarding Implementation of the NPDES Permit

Mr. Smith stated that along with the items listed under his report that the items listed under the Report of the County Administrator need to be taken up in Executive Session.

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

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Employee Grievances**
- b. **Proposed Whitaker Container Air Curtain Incinerator**
- c. **Purchase of Riverside Golf Property**
- d. **Recreation Property Contract**
- e. **Update on Owens Field Assignment**

Mr. Pope stated that items a-e need to be taken up during Executive Session.

f. **NaCo Discount Drug Card Program Launch** – Mr. Pope stated that the program will be launched on Monday, July 17. There will be a press conference held on N. Main Street. The cards will be available at Richland County Veteran's Affairs, Richland County Human Resources, Eau Claire Cooperative Health, Senior Resources, Richland Community Health Care and also persons being released from the detention center. The PIO staff is going to work with the Ombudsmen's Office to publicize this event and the Office of Public Information will be during things in the future to make sure that persons wanting to participate in this program will be able.

REPORT OF THE CLERK OF COUNCIL

- a. **Palmetto Capital City Classic Board** – There will be a press conference July 13th at 11:00 a.m. at USC Lettermen's Lounge. Council members are invited to participate in this press conference to kick off the season.
- b. **Confirm Date for Special Called Meeting in July** – Ms. Finch stated that committees and the Zoning Public Hearing will be held on July 25th and suggested that the Special Called meeting be held immediately following the A&F committee meeting.

REPORT OF THE CHAIRMAN

- a. **Planning Commission Request for Subdivision Review** – Mr. Mizzell stated that the Planning Commission is requesting that the subdivision review be given back to the Planning Commission.
- b. **Administrator Search** – Mr. Mizzell stated that several council members meet with the Mercer Group on July 10th. There will likely be follow-up meetings in the next two weeks.

PUBLIC HEARING ITEMS

- **Ordinance Authorizing Development Agreement with Bright-Myers 2001, LLC** – The citizens waived their right to speak.
- **An Ordinance Extending the Moratorium on Either the Approval or Denial of Floodplain Management Permits for Development or Construction within a Portion**

of the Congaree River Floodplain – Ms. Virginia Sanders spoke in favor of extending the moratorium

- **Resolution in Support of the Issuance by the South Carolina Jobs-Economic Development Authority of its not exceeding \$12,000,000 Economic Development Revenue Bonds (Young Men’s Christian Association of Columbia, S.C. 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.

APPROVAL OF CONSENT ITEMS

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

- **An Ordinance Amending the Master Agreement Governing the I-77 Corridor Regional Industrial Park In Order to Expand the Boundaries of the Park to Include Property Owned by Vulcan Construction Materials, L.P.** [Third Reading]
- **06-18MA, Brant Taylor, RM-MD to GC, Commercial Warehouse, 22601-01-03, Percival Road near Inglesby Drive** [Second Reading]
- **06-27MA, Chinese Cultural Center, M-1 to GC, Chinese Culture Activity Center, 16104-02-13, 1217 Pineview Drive** [Second Reading]
- **06-29MA, Martin Moore, NC to OI, Professional Office Park, 20200-01-18, Clemson Rd. Across from Killian Elementary School** [Second Reading]
- **06-31MA, Mungo Company, RS-LD to NC, Neighborhood Commercial, 24700-02-08(p), E. Side of Lower Richland Blvd. ¼ mile South of US 378** [Second Reading]
- **06-36MA, Jon Williams, HI to RM-MD, Residential Multi Family, 13607-02-01, SW Corner of Shop Rd. & Mauney Dr.** [Second Reading]
- **Approval of Construction Contract to Sloan Construction Company, Inc. for the 2006 Roadway Resurfacing Project** [First Reading]
- **Grant Approval for SE Richland Community Festivals (No personnel/No match)** [First Reading]
- **Amendment to Hospitality Tax Ordinance to Limit Distribution Increases to No more than 3% Annually** [First Reading]
- **An Ordinance Authorizing Deeds to Wesley United Methodist Church (along Barnwell Street)** [First Reading]

The vote in favor was unanimous.

THIRD READING ITEMS

Ordinance Authorizing Development Agreement with Bright-Myers 2001, LLC –Mr.

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

06-09MA, Bright-Myers 2001, LLC, Robert Fuller, M-1 & RU to GC, Walmart & Associated Development, 17400-11-03 & 14781-04-14/13/12, NW Quadrant of Killian Rd. & I-77 – Mr.

Pearce moves, seconded by Mr. Jeter, to approve this item. A discussion took place.

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

The vote was in favor.

An Ordinance Extending the Moratorium on Either the Approval or Denial of Floodplain Management Permits for Development or Construction within a Portion of the Congaree River Floodplain – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

SECOND READING ITEMS

06-21MA, Harold Pickrel, RU to RS-MD, Residential Subdivision, 17500-0302(p), West Side of Longtown Rd. @ Holly Ridge – Mr. McEachern moved, seconded by Ms. Dickerson, to approve this item contingent upon approval of a community agreement before Third Reading. The vote in favor was unanimous.

06-34MA, 24/7 Bonding Co., Inc., RS-HD to NC (3.2 Acres), Neighborhood Commercial, 13416-01-01, Eastway Drive at Bluff Road – Ms. Scott moved, seconded by Ms. Dickerson, to defer this item until the July 18th meeting. The vote in favor was unanimous.

An Ordinance Amending the Residency Requirements for Members of the Richland County Planning Commission – Mr. McEachern moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous.

An Ordinance to Amend the FY 06-07 Budget to Create a Mass Transit Fee of \$30.00 for each Automobile Registered in Richland County – Mr. Montgomery moved, seconded by Mr. McEachern, to approve this item with the following amendment: that the current vehicle registration fee be increased by \$20.00 for owner utilized vehicles and by \$30.00 for commercial vehicles, that the ordinance be amended to include a finding consistent with the equal protection to reflect that commercial users get an additional benefit from mass transit, this will make the general automobile registration fee total be increased to \$40.00 for privately owned vehicle and \$50.00 for commercial owned vehicles, that this be designated separately on the property tax bill as a vehicle registration fee/mass transit fee and that the proceeds from this fee be utilized to fund the current operating shortfall for the RTA and to hire a consultant to engage in a global planning of mass transit in Richland County with the 20-year plan to be the goal, that this program be completed prior to January 1, 2008, and that the fee be authorized for one year at a time.

Ms. Smith offered the following friendly amendment to the motion: to establish a citizen's task force to develop a comprehensive transportation infrastructure plan that includes, but is not limited to, road and street improvements, sidewalks and bikeways, greenways, and transit oriented development. The task force will not exceed 33 people and the task force will be named at the first meeting in October with a mission statement to be adopted at that time for clarification and will be funded from the road maintenance fee. Mr. Montgomery and Mr. McEachern accepted the amendment to the motion.

A discussion took place. The vote in favor was unanimous.

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An Ordinance to Levy and Impose a One Percent 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 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 by the Richland County Election Commission; to Provide for the Administration of the Tax, if Approved; and to Provide for Other Matters Thereto. – Ms. Smith moved, seconded by Mr. Pearce, to table this item. The vote in favor was unanimous.

An Ordinance Authorizing the Execution of an Intergovernmental Agreement by and between Richland County, South Carolina and the Central Midlands Regional Transit Authority; Providing for Public Transit Services within the County; Providing for the Levying of Ad Valorem Taxes to Provide Sufficient Revenue to Fund the County's Obligation Under the Intergovernmental Agreement; and Other Matters Relating Thereto. – Mr. McEachern moved, seconded by Ms. Scott, to table this item. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Approval of Construction Contract for Ridgewood Community Infrastructure Improvements Project – Mr. Livingston moved, seconded by Ms. Scott, to defer this item until the July 18th meeting. The vote in favor was unanimous.

Ordinance to Prohibit the Parking of Vehicles in the Front Yard of Any Property Zoned RS-LD, RS-MD, or RS-HD – Mr. Montgomery moved, seconded by Ms. Hutchinson, to approve this item. A discussion took place.

Mr. Livingston called for the question, seconded by Ms. Scott.

The vote in favor was unanimous.

The vote on the motion was in favor. Mr. Mizzell opposed the motion.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Amendment to Hospitality Tax Ordinance to Limit Distribution Increases to no more than 3% Annually – Ms. Smith moved, seconded by Mr. McEachern, to continue the Business Service Center collection and ask the Treasurer's Office to work with the Administrator in an oversight capacity and bring a report back to Council after six months of its effectiveness. A discussion took place.

POINT OF ORDER – Mr. Montgomery stated that the ordinance has already taken effect and offered a friendly amendment that there is a review after six month. A discussion took place.

Mr. Livingston made a substitute motion to defer this item until the September committee meeting, seconded by Ms. Scott. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 2, Administration; Article VIII, Personnel Regulations; Division 8, Grievance Proceedings; Section 2-478, the Employee Grievance Committee; Paragraph (k); so as to Establish a Time Limit for the County Administrator to Bring Recommendations to Richland County Council – Mr. McEachern stated the committee recommended First Reading approval of this item. The vote in favor was unanimous.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

An Ordinance Amending Ordinance No. 006-06HR, which Authorized a Deed to Forum Development II, LLC for a Certain Parcel of Land Known as Lot 27 (Approximately 2,699 Acres Total) in the Richland Northeast Industrial Park, a Portion of Richland TMS #25800-04-01; so as to Allow Forum Development II, LLC to Assign its Interest in the Property –

Mr. Livingston stated the committee recommended First Reading approval of this item. The vote in favor was unanimous.

Resolution in Support of the Issuance by the South Carolina Jobs-Economic Development Authority of its Exceeding \$12,000,000 Economic Development Revenue Bonds (Young Men's Christian Association of Columbia, S.C. 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. – Mr. Pearce moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous.

CITIZEN'S INPUT

Mr. Jeffrey Muir, Ms. Sandy Rollings, Ms. Erin Moore, and Ms. Jeannie Weingarth spoke regarding purchase of Riverside Golf property.

Mr. Sheldon Rice spoke regarding USC Campus smoking ban.

POINT OF PERSONAL PRIVILEGE – Mr. Livingston stated that the Riverside Golf property is on the agenda under the County Administrator's Report and the issue will be addressed.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. **Clerk's Evaluation** – No action was taken.
- b. **Potential Litigation Regarding Implementation of the NPDES Permit** – No action was taken.
- c. **Employee Grievances** – Mr. Pearce moved, seconded by Mr. Montgomery, to uphold the Administrator's recommendations on the employee grievances. The vote in favor was unanimous.
- d. **Proposed Whitaker Container Air Curtain Incinerator** – Mr. Montgomery moved, seconded by Mr. McEachern, to advise DHEC Council does not oppose this item. The vote in favor was unanimous.

- e. **Purchase of Riverside Golf Property** – Mr. Livingston moved, seconded by Ms. Scott, to continue the negotiations as discussed in Executive Session regarding this item. The vote in favor was unanimous.
- f. **Recreation Property Contract** – Mr. McEachern moved, seconded by Mr. Montgomery, to have administration negotiate the option with regard to this item. The vote in favor was unanimous.
- g. **Update on Owens Field Assignment** – Mr. Pearce moved, seconded by Ms. Scott, to move this item to the July 18th meeting. A discussion took place.

Ms. Smith made a substitute motion, seconded by Mr. Montgomery, to add this item to the agenda as soon as possible, but to receive the legal opinion that was requested in Executive Session, as well as, the history of the airport and the amount of federal dollars that have been invested. A discussion took place.

Ms. Smith withdrew her motion.

The vote on the main motion was unanimous.

Mr. Pearce 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 7:22 p.m. and came out at approximately 9:05 p.m.
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Mr. Pearce moved, seconded by Ms. Hutchinson, to come out of Executive Session. The vote in favor was unanimous.

MOTION PERIOD

July Special Called Meeting – Mr. Montgomery moved, seconded by Ms. Dickerson, to hold a special called meeting on July 25th immediately following the A&F Committee meeting. The vote in favor was unanimous.

Chamber Steering Committee – Ms. Smith referred this item to the D&S Committee meeting.

Update on TIF – Mr. Jeter requested Administrator update Council at the September 5th meeting regarding this item.

Resolution for Rep. Joe E. Brown – Ms. Dickerson moved to adopt a resolution for Rep. Joe E. Brown for the Education that Transcends Youth sponsored by Rev. Darrell Jackson and Allen University. The vote in favor was unanimous.

ADJOURNMENT

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

The meeting adjourned at approximately 9:16 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