

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION MEETING TUESDAY, JUNE 21, 2005 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	Joyce Dickerson
Member	Valerie Hutchinson
Member	Paul Livingston
Member	Joseph McEachern
Member	Mike Montgomery
Member	Bernice G. Scott
Member	Kit Smith
Member	Damon Jeter
Absent	Doris Corley

OTHERS PRESENT – T. Cary McSwain, Michielle Cannon-Finch, Larry Smith, Amelia Linder, Anna Almeida, Michael Criss, Milton Pope, Tony McDonald, Joe Cronin, Stephany Snowden, Ashley Bloom, Chief Harrell, Marsheika Martin

CALL TO ORDER – The meeting was called to order at approximately 6:03 p.m.

INVOCATION – The Invocation was given by the Honorable Bernice G. Scott.

PLEDGE OF ALLEGIANCE

POINT OF PERSONAL PRIVILEGE

Mr. Mizzell announced the 25th Wedding Anniversary of Mr. and Mrs. McEachern. He also recognized the Elected Officials in the audience.

Ms. Scott announced that it was Mr. Tony McDonald's birthday.

ADOPTION OF AGENDA

Mr. Mizzell stated that item 5-a need to be discussed in Executive Session. He requested to move this item to the beginning of the agenda.

Mr. McEachern moved, seconded by Ms. Scott, to move item 5-a after the Report of the Clerk of Council.

Mr. Livingston requested for Council to consider a resolution regarding Central Midlands Council of Governments' electing a Vice-Chairperson this week.

Ms. Smith requested for this to be added to agenda during the Motion Period.

Ms. Michelle Cannon-Finch, Clerk of Council, made the following corrections to the agenda:

- Item 2-c (Utilities Ordinance Amendment) is a First Reading item.
- Item 1-b should read 01511-01
- Item 1-e should read 22015-03

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

CITIZEN'S INPUT

No one signed up to speak at this time

APPROVAL OF MINUTES

Regular Session: June 7, 2005

Mr. Montgomery moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

Special Called Meeting: June 8, 2005

Mr. McEachern moved, seconded by Mr. Montgomery, to approve the minutes as submitted. The vote in favor was unanimous.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Larry Smith stated that item 5-a, a legal matter, is the only item that need to be discussed in Executive Session.

REPORT OF THE COUNTY ADMINISTRATOR

No report given at this time.

REPORT OF THE CLERK OF COUNCIL

NACo Conference/3rd Reading of Recreation Commission Bond Ordinance

Ms. Finch stated that the NACo Conference will be held July 14th through the 21st which is the same time that 3rd reading of the Recreation Commission Bond Ordinance is scheduled. She requested guidance on this issue.

After discussion, Council stated Second Reading will be held on the 12th and Third Reading will be held during a Special Called Meeting on July 26th.

Reschedule of A&F and D&S Committee Meetings

On June 28th, the schedule will be as follows: A&F Work Session is scheduled for 4:00p; A&F Committee Meeting is scheduled for 5:00p and the D&S Committee Meeting will be held at 6:00p.

Treasurer's Office Position

Council was informed that the Public Hearing and 3rd reading of this item is scheduled for June 28th at 6:45 p.m.

EXECUTIVE SESSION

Detention Center Matter – Legal Matter

Ms. Dickerson moved, seconded by Ms. Hutchinson, to go into Executive Session to discuss a legal matter. The vote in favor was unanimous.

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**Council went into Executive Session at approximately 6:15 p.m.
and came out at approximately 6:40 p.m.**
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Ms. Scott moved, seconded by Mr. Montgomery, to come out of Executive Session. The vote in favor was unanimous.

Mr. Mizzell stated Council was briefed on an ongoing investigation with the Detention Center. He stated the public would be notified once the investigation is complete.

PUBLIC HEARING ITEMS

There were no public hearing items at this time.

APPROVAL OF CONSENT ITEMS

Mr. Montgomery moved, seconded by Mr. McEachern, to adopt the following items for the consent agenda:

- **05-60MA, Randy Mosteller, RU to C-3, Retail Commercial, 01511-01-04/05/06/08, Dutch Fork Road near the Lowman Home [Third Reading]**
- **05-61MA, David Lucas, D-1 to C-3, General Commercial, 04003-02-16, Broad River Road & Sease Road [Third Reading]**
- **05-62MA, Karen McMillan, RS-3 to C-1, Boarding House, 09311-06-05, 5752 Knightner Road near Monticello Road [Third Reading]**
- **05-64MA, Carroll Investment Properties, C-3 & D-1 to RG-2, Construct multi-family development, 19100-04-20, North Side Garner's Ferry Road at Mill Creek [Third Reading]**
- **05-68MA, RSL Simon, LLC, Jeff Freeman, PUD-2 to amended PUD-2, MH to PUD-2, Office Park, 23000-03-19, Summit Terrace Court [Third Reading]**
- **05-70MA, Village of Hope, CDC, RG-2 to PUD-1R, Mixed Residential densities and commercial, 09104-01/06/20, McRae and Gibson Streets [Third Reading]**
- **Land Development Code-Vested Rights [Third Reading]**
- **Planning and Development Services: Adoption of the 2003 Editions of the International Residential Code, International Fuel Gas Code, and International Property Maintenance Code [Second Reading]**
- **Ordinance repealing Deed in Richland Northeast Industrial Park [Second Reading]**
- **Planning and Development Services: Organization Ordinance [Second Reading]**
- **Traffic Calming Standard Ordinance [Second Reading]**

The vote in favor was unanimous.

1. THIRD READING ITEMS

- a. **05-52MA
NKD, Inc. River Shoals
TMS 04300-04-10 O'Sheal Road
RU to PUD-1R [Pages 19-23]**

Ms. Scott moved, seconded by Ms. Dickerson, to approve this item for Third Reading.

Ms. Hutchinson made a substitute motion, seconded by Ms. Smith, to amend the homes to 135. The motion failed.

The vote for the main motion was in favor.

Ms. Smith called for division.

The vote was as follows:

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

The motion passed.

- e. **05-63MA
Christina Middleton
D-1 to RS-2
Single Family Detached
Subdivision
22015-03-40/63
Lower Richland Boulevard**

Mr. Pearce moved, seconded by Ms. Scott, to approve the rezoning request. The vote in favor was unanimous.

i. Land Development Code – Vested Rights

Ms. Scott expressed concerns of this item regarding the appealing process, specifically Page 60 of the agenda under section-h.

A discussion took place.

Mr. Michael Criss, Planning Director, briefed Council on the issue.

The discussion continued.

Ms. Smith raised a **point of order**, stating that the discussion was not the pending question and requested for Ms. Scott to bring an amendment before Council.

After discussion, Ms. Scott moved to defer this item, but withdrew for further discussion.

The discussion continued.

Ms. Scott moved to defer to the next Council meeting. Ms. Dickerson seconded. The motion to defer failed.

Ms. Smith moved, seconded by Mr. Pearce, to approve for Third Reading. The vote was in favor.

Ms. Scott wanted the record to reflect that she opposed this because the people who have the land will come back to this Council and hunt them to death because it is not right.

2. FIRST READING ITEM

c. Utilities Ordinance Amendment

Mr. McSwain stated the information requested is not complete at this time.

Mr. McEachern moved, seconded by Mr. Pearce, to defer to the next Council Meeting. The vote in favor was unanimous.

3. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

a. Ordinance authorizing amendment to the Master Multi-County Park Agreement to include International Paper, Inc. and R.C. McEntire, Inc.

Mr. Livingston stated the Committee recommended approval. The vote in favor was unanimous.

4. CITIZEN'S INPUT

Ms. Cathy Sikes thanked Council members who worked with the community.

5. MOTION PERIOD

a. Approval of Resolution – Rev. Onetha Chambers

Mr. Jeter moved, seconded by Ms. Scott, to approve the resolution. The vote in favor was unanimous.

b. Resolution for Central Midlands Council of Governments recommending Paul Livingston for position of Vice-Chair, term beginning July 1st of 2005

Mr. Montgomery moved, seconded by Ms. Dickerson, to approve the resolution. The vote in favor was unanimous. (Ms. Scott abstained.)

c. Recreation Commission

Ms. Smith requested for a resolution to be placed on the Special Called Meeting agenda for June 28th expressing the philosophy of Richland County Council towards the future of recreational services in Richland County. The vote in favor was unanimous.

d. Elected Officials' CPI

Mr. Pearce moved, seconded by Mr. McEachern, to refer to the A&F Committee regarding the elected officials' CPI in order to clear up the ordinance and to clarify which one will be used this current year to calculate their salary (3.4 or 2.7).

Ms. Smith raised a **point of** order stating this was petty to come before Council.

e. Mr. Jim Friend

Mr. Montgomery moved, seconded by Ms. Dickerson, to approve a resolution recognizing Mr. Jim Friend, owner of Zorba's Greek Restaurant on Decker Boulevard, because of involvement in the planning process of Decker Blvd.

f. Richland 101 Kids

Mr. McEachern commented on Richland 101 Kids and commended staff.

Mr. McSwain commended Ms. Snowden and staff for a job well done in getting applications together for NACo and Richland 101.

Mr. Pearce stated it was gratifying to him to see these programs get the recognition.

6. ADJOURNMENT – The meeting adjourned at approximately 7:17 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 Marsheika G. Martin