

MINUTES OF



RICHLAND COUNTY COUNCIL SPECIAL CALLED MEETING TUESDAY, MARCH 13, 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	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

Absent Paul Livingston

OTHERS PRESENT - Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Stephany Snowden, Brad Farrar, Dwight Hanna, Tiaa Rutherford, Anna Almeida, Michael Criss, Jennie Sherry-Linder, Daniel Driggers, Audrey Shifflett, Teresa Smith, Andy Metts, John Hixon, Chief Harrell, Rodolfo Callwood, Sandra Hayes, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:03 p.m.

INVOCATION

The Invocation was given by the Honorable Kit Smith

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Kit Smith

ADOPTION OF AGENDA

Mr. McEachern stated the following corrections and additions to the agenda: the date for the minutes should be 2007, the public hearing should be 6.a., and the TMS # on 3.f. should be 11111-01-54. Ms. Finch stated that the backup for 3.b., 3.f. and for the residential care facility that is being added were distributed before the meeting. Ms. Smith moved seconded by Ms. Dickerson, to adopt the agenda as corrected and the additions of residential care facility and possible JEDA Bond public hearing discussion. Ms. Smith amended her motion to allow a presentation by Dr. Caroline Whitson. The vote in favor was unanimous.

PRESENTATION

Dr. Caroline Whitson, Transportation Study Commission, Steering Committee Chairperson – Dr. Whitson stated that the Executive Committee has met five times and each of the three task forces has met or scheduled a meeting. The Executive Committee has received briefings from county staff about procedures, reviewed the requests and proposals of four firms and has selected a firm to propose as the consulting firm. They have view a presentation about ongoing work in transportation and have met with the consultants to review the scope of services. They have approved the Richland on the Move logo. They also set a date of April 4th for public hearings.

CITIZEN'S INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Special Called: February 6, 2007 – Ms. Hutchinson moved, seconded by Mr. Jeter, to approve the minutes as distributed. The vote in favor was unanimous.

Special Called: February 15, 2007 – Mr. Pearce, moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

Regular Session: February 20, 2007 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

The items were potential Executive Session Items:

1. **Legal Briefing: Regarding Pending Litigation**
2. **Pending Litigation: Watts, et. al. vs. Richland County**
3. **Personnel Matter (Administrator's Contract)**
4. **Contract Award for Transportation Consultant: Richland County Transportation Study Commission**

Ms. Smith moved, seconded by Ms. Scott, to move Executive Session until after Citizens Input. The vote in favor was unanimous.

REPORT OF THE COUNTY ADMINISTRATOR

Budget Update – Mr. Pope stated that the budget process was proceeding and staff was about halfway through with the initial reviews. Richland School District I may require additional time to provide information.

Farmers' Market Update – Mr. Pope stated that we are proceeding with the scope of service and obtaining the guaranteed maximum price for the wholesale portion. Commissioner Weathers will be giving a presentation at the March 20th meeting.

Richland 101 Class – Mr. Pope stated that the first class was held March 12th and over half the participants are new residents.

County Focus Magazine – Mr. Pope stated that Richland County was on the cover of the magazine and there was an article regarding the All America Community Award.

REPORT OF THE CLERK OF COUNCIL

Neighborhood Planning Conference-March 31st, Midlands Technical College, Northeast Campus – Ms. Finch reminded Council of the Neighborhood Planning Conference on March 31st from 7:30 a.m-3:00 p.m. at Midlands Technical College, Northeast Campus and Dr. Harvey B. Gantt is the keynote speaker.

REPORT OF THE CHAIRMAN

Revoking Township Auditorium MOU with the City of Columbia – Mr. McEachern stated that Council should have received an e-mail regarding the revocation of the Township Auditorium MOU with the City of Columbia.

Mercer Consulting Company Update – Mr. McEachern stated that Council should also have received an e-mail regarding the Mercer contract. It was also noted that this item was on the agenda and would be taken up then.

PUBLIC HEARING ITEMS

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

- **Ordinance Approving the Broad River Regional Wastewater Treatment Plant Rate Adjustment** – Mr. Earl McLeod spoke against this item. He requested that the beginning date for the tap fee increase be consistent with the beginning date for the user fee increase.

The public hearing was closed.

APPROVAL OF CONSENT ITEMS

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

- **06-63MA, C. Douglas Caughman, RU to GC (3.54 Acres), Family Day Care & General Commercial, 19011-02-01(p), 378 & Garners Ferry Road [Second Reading]**
- **06-64MA, James Craig/Heritage Forest Development, M-1 to RS-LD (26.23 Acres), Single Family Residential Subdivision, 17600-02-04, Wooten Road [Second Reading]**
- **Township Auditorium: An Ordinance Authorizing Richland County, South Carolina, to Issue Tax-Exempt Debt in the Approximate Amount of \$18,000,000 to be Paid From & Secured by a Pledge of the County's Hospitality Tax; Approving the Form and Term of Certain Documents in Connection with the Issuance of the Debt; Authorizing the County Administrator to Determine Certain Matters Relating to the Debt and the Disposition of the Proceeds Thereof; and Other Matters Related Thereto [First Reading]**
- **Request for Approval for the Revised Traffic Calming Standard**
- **Approval of Contract with Lyn-Rich Contracting Company for Renovations at the Pine View Road EMS Station**

The vote in favor was unanimous.

THIRD READING ITEMS

Ordinance Authorizing the Issuance and Sale of \$16,970,000.00 General Obligation Bonds for Broad River Regional Wastewater Treatment Plant Construction – Ms. Scott moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote was in favor.

06-51MA, Lowman Homes, RU to PDD (206.7 Acres) Mixed Use, 01511-03-03/04/05/06/09, 01511-04-01/04/18, 01515-0101, Dutch Fork Road and Johnson Marina Road – Mr. Pearce moved, seconded by Ms. Hutchinson.

Mr. Malinowski proposed the following amendment to Section II. c. to read: "green space to be defined as fields, passive recreation areas, wooded areas, wetlands,

watercourses and other similar types of uses designed for environmental, scenic, or passive recreational purposes.”

Mr. Pearce and Ms. Hutchinson accepted the amendment. A discussion took place.

The vote in favor was unanimous.

SECOND READING ITEMS

Ordinance Authorizing the Issuance and Sale of the Broad River Sewer System General Obligation Refunding Bonds of Richland County, South Carolina in the Principal Amount not to Exceed \$16,500,000.00. – Ms. Smith moved, seconded Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

Ordinance Authorizing Deed to Forum Development II, LLC for Lot 14 in the Richland Northeast Industrial Park (Portion of TMS #25800-04-01) - Ms. Hutchinson moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

07-01MA, Cynthia Stewart, RU to OI (2 Acres), Insurance Office, 25900-04-04, Two Notch Road – Ms. Hutchinson moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

07-09MA, Robert Fuller/(Dunlap & Sharp Condos), M-1 to GC (3.54 Acres), Student Condominium Residential Project, 11111-01-54, Bluff Industrial Blvd. Extension – Ms. Scott moved, seconded by Mr. Jeter, to approve this item and to meet with the surrounding businesses before Third Reading. The vote in favor was unanimous.

07-01MA, Copper Beach Townhouses, HI to RM-HD (5.46 Acres), Multi-Family Townhouses, 13607-02-01, Bluff Road & Southern Drive – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

07-06MA, Dunbar Funeral Home, RU to GC (2 plus Acres), General Commercial, 20281-01-16(p), 4219 Hardscrabble Road – Mr. Montgomery moved, seconded by Ms. Scott, to First Reading approval to OI re-zoning and to send this back to the Planning Commission. The vote in favor was unanimous.

07-08MA, H. H. Hunt, M-1 to GC (10.42 Acres), Proposed Apartment Project, 04914-01-01 & 04910-01-07, Piney Woods Road – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions Created and Recognized; Subsection (k), Richland County Transportation Study Commission; so as to Amend the Membership and Structure of the Commission – Ms. Smith moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Budget Amendment: Request to Transfer \$50,000 to the Council Services Budget

– Ms. Smith made a substitute motion, seconded by Mr. Montgomery, to approve the budget transfer from the fund balance to Council Services and request the Clerk to develop some recommendations for the next budget year for Council's consideration. A discussion took place.

The vote in favor was unanimous.

(This item was Reconsidered at the March 20th Meeting) Undesignated Hospitality Tax Funding Request: SC Gospel Quartet 8th Annual Awards Banquet and Concert (\$30,000) – Ms. Scott moved, seconded by Mr. Jackson, to approve this item. A discussion took place.

Mr. Jeter made a substitute motion, seconded by Ms. Dickerson, to appropriate \$15,000 from the Undesignated Hospitality Tax Fund for the 8th Annual SC Gospel Quartet Concert.

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

The substitute motion failed.

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

The main motion failed.

Farmers' Market: An Ordinance Authorizing and Approving the Issuance of Either Tax-Exempt or Taxable Installment Purchase Revenue Bonds in One or More Series by a Non-Profit Corporation to Provide Funding to Finance the Costs of of Acquiring and Constructing Wholesale Farmers' Market Facilities and Related Infrastructure; and Making Provision for All Other Matters Relating to the

Foregoing – The committee’s recommendation was for approval. The vote in favor was unanimous.

Animal Care Work Session—Committee or Council Level – This item was taken up during the motion period.

Undesignated Hospitality Tax Funding Request: Capital Chevrolet Classic – Ms. Hutchinson moved, seconded by Mr. Jeter, to appropriate \$5,000 from the Undesignated Hospitality Tax Fund for this item and that underprivileged child be allowed to participate in this event. A discussion took place.

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

The vote was in favor.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, Through Truck Prohibited; so as to Prohibit Through Truck Traffic on Bakersfield Road in Richland County, South Carolina – The committee’s recommendation was for approval. A discussion took place.

The vote in favor was unanimous.

Request to Enter into a Partnership with Clemson University’s Institute for Economic and Community Development for the Purpose of Developing a Five (5) Year Strategic Plan for the County – The committee’s recommendation was for approval. A discussion took place.

Ms. Smith made a substitute motion to hold a one hour work session on the scope of services and forward it to the next council meeting. The motion died for lack of a second.

Ms. Smith made a substitute motion, seconded by Ms. Scott, to defer this item until the March 20th meeting.

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

The substitute motion failed.

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

The vote on the main motion was in favor.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS AND COMMITTEES

- a. **Board of Assessment Appeals—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- b. **Internal Audit Committee—1** – Mr. Montgomery 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. **Board of Zoning Adjustments and Appeals—1** – Mr. Montgomery stated that the committee recommended Mr. Joshua McDuffie. The vote in favor was unanimous.
- b. **Building Codes Board of Appeals—1** – Mr. Montgomery stated there were no applicants for this vacancy.

Hospitality Tax Committee—3 – Mr. Montgomery stated there were nine applicants and three vacancies.

No one voted for Mr. John Nelums.

No one voted for Ms. Prentiss McLaurin.

Mr. Pearce, Mr. Malinowski, Mr. Jeter, Ms. Hutchinson, Mr. McEachern, and Mr. Montgomery voted for Mr. Steven P. Leidinger.

Mr. Jackson, Ms. Dickerson and Ms. Scott voted for Ms. Mary Skinner-Jones.

Ms. Smith voted for Ms. Ann C. Elliott.

No one voted for Ms. Colleen C. Bozard.

Mr. Leidinger was appointed to the at-large vacancy.

Mr. Pearce, Mr. Malinowski, and Mr. Montgomery voted for Ms. Michelle Thompson.

Mr. Malinowski, Mr. Jackson, Mr. Jeter, Ms. Hutchinson, Mr. McEachern, Ms. Dickerson, Ms. Smith, Ms. Scott and Mr. Montgomery voted for Mr. Herbert Sims.

Mr. Pearce, Mr. Jackson, Mr. Jeter, Ms. Hutchinson, Mr. McEachern, Ms. Dickerson, Ms. Smith, and Ms. Scott voted for Mr. Norris Ellis.

Mr. Sims and Mr. Ellis were appointed.

c. Planning Commission—2 – Mr. Montgomery stated there were nine applicants and two vacancies.

Ms. Smith voted for Ms. Heather Cairns.

No one voted for Ms. Angela L. Geiger.

Mr. Pearce, Mr. Jackson, Mr. Jeter, Ms. Hutchinson, Mr. McEachern, Ms. Dickerson, Ms. Scott, and Mr. Montgomery voted for Mr. Patrick Palmer.

No one voted for Mr. Walter Powell, Jr.

Mr. Malinowski voted for Ms. Elizabeth Ward.

Mr. Pearce, Mr. Malinowski, Mr. Jeter, Ms. Dickerson, Ms. Smith, Ms. Scott and Mr. Montgomery voted for Ms. Enga Ward.

Mr. Jackson, Ms. Hutchinson and Mr. McEachern voted for Ms. Barbara Wyatt.

Mr. Palmer and Ms. Enga Ward were appointed.

III. PLANNING COMMISSION, LARRY McBRIDE'S STATUS – This item was held in committee.

IV. CLARIFICATION OF COUNCIL RULES

a. Section 2.5 Participation, Regarding Perceived Conflict of Interest – This item was held in committee.

b. Section 4.6 Reports (Committee), Regarding Bringing Forth an Item That is Recommended for Denial in Committee Before Full Council – This item was held in committee.

V. REVOKING THE TOWNSHIP AUDITORIUM MOU WITH THE CITY OF COLUMBIA – The committee recommended advertising for the vacancies on the Township Board. The vote in favor was unanimous.

Contract Award for Transportation Consultant: Richland County Transportation Study Commission – This item was deferred until the March 20th meeting.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

PT444 Keenan Energy/Westside Ice – The committee recommended granting the abatement on the personal property. A discussion took place.

The vote in favor was unanimous.

Project Ceres Inducement and Millage Rate Resolution and Agreement - Mr. Pearce stated the committee's motion was to approve the inducement and millage rate resolution and the agreement for Project Ceres, as well as to administer the pass through grant for \$800,000 relating to this project.

A discussion took place.

The vote in favor was unanimous.

Ordinance Amending Ordinance No. 110-06HR, Which Authorized a Deed to L-J, Inc. for Lots 18 & 19 in the Richland Northeast Industrial Park, so as to Allow the

Lots to be Conveyed to David N. Jordan – The committee’s recommended approval of this item. The vote in favor was unanimous.

Mercer Consulting Company Update – Ms. Scott moved, seconded Ms. Dickerson, to approve this item. The vote in favor was unanimous.

APPLICATION OF LOCATING A COMMUNITY RESIDENTIAL CARE FACILITY IN AN UNINCORPORATED AREA OF RICHLAND COUNTY

Clifford A. Counts, 2452 Rolling Pines Road, Columbia, South Carolina 29210 – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

Lutheran Homes JEDA Bonds Public Hearing Discussion – A discussion took place. Ms. Smith moved, seconded by Mr. Malinowski, to refer this item back to staff. The vote in favor was unanimous.

CITIZEN’S INPUT

No one signed up to speak.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized Richland County’s exceptional rating on how the funds were handled for the Community Development Block Grants Program and HOME program.

EXECUTIVE SESSION ITEMS

- a. **Legal Briefing: Regarding Pending Litigation** – No action was taken.
- b. **Pending Litigation: Watts et. al. vs. Richland County** – Directed County Attorney to respond accordingly.
- c. **Personnel Matter (Administrator’s Contract)** – No action taken. (Special Called Meeting: March 20th at 5:00 p.m.)
- d. **Contract Award for Transportation Consultant: Richland County Transportation Study Commission** – Ms. Smith moved, seconded by Mr. Pearce, to forward this item to the March 20th meeting. The vote in favor was unanimous.

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

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Council went into Executive Session at approximately 8:09 p.m. and came out at approximately 9:01 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

Waiving Accommodations Tax Application Deadline for Collaborative for Community Trust – Ms. Smith moved, seconded by Mr. Pearce, to waive the deadline for application for Accommodations Tax for Collaborative for Community Trust. The motion failed.

Resolution for Richland County Employee Randy Byrd – Ms. Scott moved, seconded by Mr. Montgomery, to adopt a resolution for Richland County employee Randy Byrd. The vote in favor was unanimous.

Schedule Work Session for Animal Care – Mr. Montgomery moved, with unanimous consent, to schedule the Animal Care work session for March 20th at 4:00 p.m.

Scheduling of Audit Update Work Session – A work session was not scheduled at this time. Mr. McEachern requested that the County Administrator provide Council with the management letter for their review.

Update on Ambulance Fees and Collection Efforts of Unpaid Fees – Mr. Pearce directed staff to provide Council, as part of the revenue meeting, with an update on the ambulance fees and whether the efforts to reduce that amount of money have been successful.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; so as to provide for a Traditional Recreation Open Space District and to initiate the rezoning of the following properties from RU to TRO: Columbia Country Club, Golf Club of South Carolina (Crickentree), Linrick Golf Course, and Sedgewood Country Club; and to initiate the rezoning of the following properties from RS-LD to TRO: Forest Lake Club, Spring Valley Country Club, Wildewood Country Club, Windermere Club, and Woodlands Country Club; and to initiate the rezoning of the following property from M-1 to TRO: Northwoods Golf Club; and to send all of these matters to the April 2nd Planning Commission meeting for their consideration and to the April 24th Zoning Public Hearing for a public hearing, with such public hearing concerning these items being advertised as soon as possible and add that the pending ordinance doctrine should attach to these text and map amendments from the outset of this motion or as soon thereafter as possible – Ms. Hutchinson moved, seconded Mr. Montgomery, to give First Reading by title only to this item. A discussion took place.

The vote in favor was unanimous.

Wellness Program – Mr. McEachern directed staff to look into a wellness program for Richland County.

ADJOURNMENT

The meeting adjourned at approximately 9:20 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