

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, APRIL 18, 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	Kit Smith
Member	Paul Livingston
Member	Doris Corley
Member	Joyce Dickerson

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Joe Cronin, Roxanne Matthews, Larry Smith, Amelia Linder, Donny Phipps, Michael Criss, Anna Almeida, John Hixon, Monique Walters, Daniel Driggers, Stephany Snowden, Kendall Johnson, Jennifer Dowden, Audrey Shifflett, Chief Harrell, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by Honorable Bernice G. Scott

PLEDGE OF ALLEGIANCE

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

ADOPTION OF AGENDA

Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the agenda as distributed. Ms. Finch stated that Items 4 and 9 need to be removed. A discussion took place.

Mr. Smith stated that the pending litigation of Davis, et. al. vs. Richland County needs to be added under the Report of the County Attorney.

Ms. Hutchinson withdrew her motion.

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

CITIZEN'S INPUT

A public hearing had previously been conducted regarding the item the citizen signed up to speak on; therefore, the citizen was not allowed to speak.

APPROVAL OF MINUTES

Regular Session: April 4, 2006 – Mr. Pearce stated that Ms. Corley's name was listed twice on the minutes; therefore, one needed to be stricken from the minutes.

Ms. Scott moved, seconded by Ms. Corley, to approve the minutes as amended. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated that there were three items that may need to be discussed in Executive Session:

1. **Davis, et. al. vs. Richland County—Legal Briefing**
2. **Stormwater Management Program—Legal Briefing**
3. **Floodplain Moratorium Ordinance—Legal Briefing**

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

REPORT OF THE COUNTY ADMINISTRATOR

Tax Increment Financing Legal Update – Mr. Pope stated that he had submitted some information and unless there were additional questions there was no need for the legal update.

Recreation Commission Request – Mr. Pope stated that the Recreation Commission requested an extension for submitting their budget. There were some scheduling problems with the commissioners and a subgroup of Council is to have a meeting with the Commission. The budget is supposed to be submitted by April 21st.

Farmers Market Update – Ms. Matthews gave a brief update to Council regarding this item.

Ms. Smith moved, seconded by Mr. McEachern, to refer to the A&F committee the request for a contract award and the source of funding to manage the Farmer's Market project. The vote in favor was unanimous.

1701 Capital Request Meeting – Mr. Pope reminded Council that this meeting is to be held April 19th at 9:30 a.m. at the Judicial Center. Mr. Montgomery, Mr. Pearce, Ms. Smith and Mr. McEachern are to attend this meeting.

Public Works Director – Mr. Pope introduced Ms. Teresa Smith as the new Public Works Director. Ms. Teresa Smith gave a brief speech.

REPORT OF THE CLERK OF COUNCIL

International Downtown Spring Conference, April 22-24, 2006, Marriott Hotel – Ms. Finch reminded Council that the IDA conference begins Friday, April 21st.

Three Rivers Music Festival Reception – Ms. Finch stated that Council is invited to a Pre-Opening and Sponsor Reception. The reception is April 19th at 6:00 p.m. at the main stage in the State Museum parking lot.

REPORT OF THE CHAIRMAN

International Downtown Spring Conference – Mr. Mizzell stated that if anyone has not signed up that would like to attend, please let Ms. Finch know immediately.

Disney Vacation – Mr. Mizzell stated that he had just returned from vacation.

PUBLIC HEARING ITEMS

- **Public Hearing and Resolution in Support of JEDA Bond to Finance a Student Housing Project at Allen University** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

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

- **A Budget Amendment Regarding the Detention Center Medical Contract** [Third Reading]
- **A Budget Amendment to Add Four (4) New Full-Time Positions to the Finance Department** [Third Reading]
- **06-01MA, Jack Wolfe, RU to RS-LD, Single Family Residences, 01312-01-05, Johnson Marina Road** [Third Reading]
- **06-05MA, RT Retail Development Services (Gary Stanfield), RU to GC, Retail Store, 05000-04-37, Broad River Road @ Rah Rah Way** [Third Reading]
- **06-08MA, Enga Acciaro, C-1 to C-3, Commercial Retail Store, 22900-02-05(p), Forum Drive in Village at Sandhill** [Third Reading]
- **06-11MA, Enga Acciaro, C-3 to C-1, Commercial Retail Store, 22900-02-05(p), Forum Drive in Village @ Sandhill** [Third Reading]
- **Amend the definition of Major and Minor Subdivision** [Third Reading]
- **Ordinance Authorizing a Quit-Claim Deed to Hendricks Commercial Properties, LLC for a Certain Portion of an Abandoned Right-of-Way Known as Oakdale Street** [Second Reading]

- **Ordinance Authorizing a Quit-Claim Deed to ASW Land Partnership for a Certain Portion of an Abandoned Right-of-Way Known as Oakdale Street** [Second Reading]
- **An Ordinance to Authorize Deed to SJ, LLC (Seal Jet): 3.56 Acres** [Second Reading]
- **An Ordinance to Authorize Deeds to Brazell Family, LLC: 6.941 Acres, Lot 11 and 5.057 Acres, Lot 6** [Second Reading]
- **An Ordinance to Authorize Deed to Cheek Properties, LLC (Fastenal): 3.38 Acres, Lot 26** [Second Reading]
- **Ordinance to Authorize Deeds to Forum Development Company II, LLC: 9.665 Acres, Lot 12 and 2.713 Acres, Lot 28** [Second Reading]

The vote in favor was unanimous.

SECOND READING ITEMS

06-09MA, Bright-Meyers 2001, LLC, Robert Fuller, M-1 & RU to GC, Wal-Mart and Associated Development, 17400-11-03 & 14781-04-14/13/12, NW Quadrant of Killian Road & I-77 – A discussion took place. Mr. McEachern moved, seconded by Ms. Dickerson, to defer this item to the May 2nd meeting. The vote was in favor.

Ms. Scott abstained due to an employment conflict.

Mr. Mizzell stated that he voted against deferral.

FIRST READING ITEMS

An Ordinance Amending the Fiscal Year 2005-2006 Industrial Park Budget to Add Forty Thousand Dollars (\$40,000.00) to Provide Funds for Kolorpro – Ms. Scott moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

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

Yvonne Harrison, 10425 Wilson Boulevard, Blythewood, South Carolina 29016 – Ms. Smith moved, seconded by Ms. Hutchinson to defer this item. A discussion took place.

Ms. Smith withdrew her motion.

Ms. Smith moved, seconded by Mr. McEachern, to table this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Ordinance Authorizing an Amendment to the I-77 Fairfield/Richland County Regional Industrial Park Master Agreement: Expand Boundaries of Park to Include Elite ES, LLC –

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

An Ordinance Authorizing an Amendment to the I-77 Fairfield/Richland County Regional Industrial Park Master Agreement: Expand Boundaries of Park to Include Guardian Fiberglass, Inc. – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

An Ordinance to Authorize Deed to Miller Valentine Partners, LTD, II: 6.11 Acres, Lot 2 and a Portion of Lot 18 -- Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

APPROVAL OF RESOLUTION TO APPOINT AND COMMISSION JOHN ADAM HIXON, SR.; HOWARD R. BOYD, II; SRINIVAS VALAVALA; ERNEST ROBERT HIGHTOWER, JR.; GARY DAVID BARTON; AND DAVID D. CABLE AS CODE ENFORCEMENT OFFICERS FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY

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

REPORT OF COUNTY ADMINISTRATOR'S SEARCH TASK FORCE

This issue was forwarded to the May 2nd meeting. The task force will be meeting on Thursday, April 20th at 4:00 p.m.

Public Hearing and Resolution in Support of JEDA Bond to Finance a Student Housing Project at Allen University – Mr. Pearce moved, seconded by Ms. Corley, to approve this item. The vote in favor was unanimous.

Public Hearing and Resolution in Support of JEDA Bond Issue for Eau Claire Cooperative Health Centers, Inc. – Ms. Smith moved, seconded by Ms. Scott, to defer this item to the May 2nd meeting. The vote in favor was unanimous.

Funding Request for the Columbia City Jazz Trip to Beijing – Ms. Scott moved, seconded by Mr. Livingston, to appropriate \$5,000 from the Council discretionary fund.

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

The motion failed.

CITIZEN'S INPUT

The citizen was not allowed to speak due to the nature of the subject he wished to speak on. Mr. Mizzell suggested that the citizen contact Mr. Pope with his concerns.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

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

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Council went into Executive Session at approximately 6:54 p.m. and came out at approximately 7:42 p.m.
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Mr. Pearce moved, seconded by Mr. Jeter, to come out of Executive Session. The vote in favor was unanimous.

1. **Davis, et. al. vs. Richland County—Legal Briefing** – Ms. Smith moved, seconded by Ms. Scott, to direct the County Attorney to write a letter to the governor on behalf of Council, to be signed by the Chairman, stating our position in support of our legislative delegation regarding their recommendation regarding the membership of the Recreation Commission.
2. **Stormwater Management Program—Legal Briefing** – Mr. Pearce moved, seconded by Mr. Livingston, to direct the Interim County Administrator to negotiate a proposed consent order with DHEC regarding the Richland County Stormwater Management Plan.
3. **Floodplain Moratorium Ordinance—Legal Briefing** – Mr. Livingston moved, seconded by Mr. Montgomery, to amend page 2 of the ordinance where it reads “established on February 21, 2006, is hereby extended until January 31, 2007”...to read “...is hereby extended for 60 days or until such time as FEMA provides sufficient data or the lawsuit is settled or the County adopts a plan”.

MOTION PERIOD

Undesignated Hospitality Tax Funds Criteria – Mr. Livingston forwarded to the A&F committee the criteria for the distribution of any undesignated hospitality tax funds particularly after the budget process. Mr. Livingston suggested finding a way to adapt this criteria to be used with not only hospitality tax, but other types of funding also.

Resolution for Lucas McFadden – Ms. Hutchinson moved to adopt a resolution for Lucas McFadden of WIS-TV and appointing him as County Administrator for the day on April 24th as a part of National County Government Week. The vote in favor was unanimous.

Development Plan for Wal-Mart – Mr. McEachern moved, seconded by Ms. Smith, to give First Reading approval by title only to the development agreement. The vote was in favor. Ms. Scott abstained due to an employment conflict.

ADJOURNMENT

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

The meeting adjourned at approximately 7:52 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