

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 16, 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:

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| 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 |
| Absent | Doris Corley |
| | Kit Smith |

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Amelia Linder, Michael Criss, Anna Almeida, Monique Walters, Stephany Snowden, Kendall Johnson, Jennifer Dowden, Teresa Smith, John Hixon, Bill Peters, Srinivas Valavala, Carlton Hayden, Dee Dee Johnson, Howard Boyd, Daniel Driggers, Audrey Shifflett, Chief Harrell, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by Rev. Preston Winkler

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Lower Richland High School Lady Diamonds Basketball Team

PRESENTATION

Lower Richland Lady Diamonds, Basketball 4A SC State Champions – Mr. Mizzell and Ms. Scott recognized the Lady Diamonds for being the AAAA Girls' Basketball State Champions.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson acknowledged that the Mayor of Blythewood was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Jeter acknowledged that John Rickenbacker, Orangeburg County Council Chairman, was in the audience.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson asked that her dentist excuse be entered in the record for her earlier absence at the presentations and work session.

Rev. Preston Winkler, Executive Director, Community Relations Council – Rev. Winkler congratulated Richland County on being a finalist in the All America City competition.

Rev. Winkler stated the 42nd Annual CRC Luncheon will be held on June 14th at 12:30 p.m. at Seawell's with the keynote speaker being U. S. Attorney for South Carolina Reginald Lloyd.

Rev. Winkler highlighted the impact the Community Relations Council's services have had on the community.

Proclamation Honoring Public Works Week – Mr. McEachern presented the proclamation to the Public Works Department in honor of Public Works Week. Mr. Hixon and Ms. Teresa Smith thanked Council for their support of Public Works and acknowledged the employees from Public Works in the audience.

Mr. Bill Clark, Orangeburg County Administrator, All America City – Mr. Clark and Councilman John Rickenbacker spoke to Council regarding the impact winning the All America City Award last year has had on Orangeburg County and what Richland County should expect when they go to Anaheim to compete for All America City in June.

ADOPTION OF AGENDA

Mr. Smith stated that the following items need to be added as Executive Session items under the Report of the County Attorney: Contractual Matter – TIF; Pending Litigation – Kershaw County vs. Palmetto Utilities; Contractual Matter – Owens Field; and Pending Litigation – Davis and Richland County Recreation Commission vs. Richland County.

Ms. Finch stated that the tax map number for item 2g was incorrectly printed and that the correct numbers were 17400-11-03 & 14781-04-14/13/12.

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

CITIZEN'S INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Zoning Public Hearing: April 25, 2006 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

Regular Session: May 2, 2006 – Mr. Pearce moved, seconded by Mr. Montgomery, to approve the minutes as submitted. The vote in favor was unanimous.

Budget Work Session: May 4, 2006 – Mr. Jeter 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

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

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Council went into Executive Session at approximately 6:42 p.m. and came out at approximately 7:16 p.m.
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Mr. Pearce moved, seconded by Ms. Dickerson, to come out of Executive Session. The vote in favor was unanimous.

1. **Davis, et. al. vs. Richland County—Legal Briefing** – Mr. Montgomery moved, seconded by Ms. Dickerson, to instruct the County Attorney to prepare a letter to be executed by the Chairman, on behalf of Council, to the Governor concurring with the request of the legislative delegation that certain members of the Richland County Recreation Commission be removed from office for misconduct.
2. **TIF—Legal Briefing** – No action was taken.
3. **Owens Field – Contractual Matter** – No action was taken.
4. **Kershaw County v. Palmetto Utilities – Legal Briefing** – No action taken.

REPORT OF THE COUNTY ADMINISTRATOR

No report was given at this time.

REPORT OF THE CLERK OF COUNCIL

Oldest and Youngest Voter Resolution – Ms. Finch stated that Voter Registration requested that each Council member help to identify the youngest and oldest voter from their district. Mr. Pearce stated that the request was noted.

REPORT OF THE CHAIRMAN

No report was given at this time.

PUBLIC HEARING ITEMS

- **Ordinance Authorizing Development Agreement with Bright-Myers 2001, LLC** – Ms. Lindler requested the public hearing and second reading be deferred to give the applicant and planning staff a chance to further work on the development agreement. Mr. McEachern moved, seconded by Ms. Dickerson, to defer the public hearing until June 6th. The vote in favor was unanimous.

APPROVAL OF CONSENT ITEMS

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

- **An Ordinance Amending the Fiscal Year 2005-2006 Industrial Park Budget to add Forty Thousand Dollars (\$40,000) to Provide Funds for Kolorpro** [Third Reading]
- **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** [Third Reading]
- **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.** [Third Reading]
- **An Ordinance Authorizing an Amendment to the I-77 Fairfield/Richland County Regional Park Master Agreement: Expand Boundaries of Park to Include Elite ES, LLC** [Third Reading]
- **05-112MA, Bob Alexander, RU to GC, 1.7 acres, General Commercial, 03300-03-19 & 03300-01-08/09, Dutch Fork and Broad River Road** [Third Reading]
- **05-117MA, Tom Milliken, RU to LI, 61 Acres, Develop a Light Industrial Park, 16200-04-18(p), Harlem Street and Sparkman Drive** [Third Reading]
- **06-13MA, Sunshine House of South Carolina, RU to OI, 3.6 Acres, Construct a Sunshine House Facility, 02416-01-05, Across from Bickley Road Elem. School** [Third Reading]
- **06-14MA, Sam Agee, RU to GC, Construct a Hotel, 17109-02-07, SW Quadrant of Two Notch Rd. & 1-77** [Third Reading]
- **06-15MA, Otha Gibson, RM-HD to OI, Construct a Day Care Facility, 16911-02-10, Kneece Rd. near O'Neil Ct. & Decker Blvd.** [Third Reading]
- **06-16MA, Herbert Hobgood, RU to RC, Retail & Food Services, 06700-01-03, NW Quadrant of Monticello Rd. & Montgomery Rd.** [Third Reading]
- **Ordinance Authorizing Deed to Tripoint Development Company (the Public Sale of County Property located 401 Powell Road)** [Second Reading]
- **Ordinance Authorizing the Legal Department Budget Amendment** [Second Reading]
- **Ordinance Authorizing the Sale and Issuance of \$5,200,000 Hospitality Tax Special Obligation Bond Anticipation Note** [Second Reading]
- **Ordinance Amending Chapter 17, Article II, Section 17-10 (Parking in Residential Zones of the County) to Include Restrictions on the Parking of Inoperable Vehicles and Trailers in Residential Zoning Districts for more than 30 Consecutive Days** [Second Reading]
- **Ordinance Prohibiting Careless Driving and Driving Across Property to Avoid a Traffic Control Device** [Second Reading]
- **Ordinance Authorizing Certain Economic Incentives, Including Payment of a Fee in Lieu of Property Taxes, the Award of Infrastructure Improvement Credits, and Other Related Matters, Pursuant to a Fee Agreement Between Richland County and McEntire Produce, Inc.** [First Reading]

- **Ordinance Authorizing the Extension of the Project Acquisition Period Under that Certain Lease Agreement by and between Richland County and Sysco Food Services of Columbia, LLC (Project Butler) [First Reading]**
- **Resolution Authorizing the Extension of the Investment Period Under the Fee Agreement by and between Richland County and Sysco Food Services of Columbia, LLC (Project Butler) [First Reading]**

The vote in favor was unanimous.

THIRD READING ITEMS

06-07MA, Rhonda Jacobs, Westcott Development Co., M-1 & RU to RM-MD, 82 acres, Multi-Family Residential Project, 02600-09-04, Broad River Rd. & Bookie Richardson Road – Mr. Jeter moved, seconded by Ms. Scott, to defer this item until June 6th. The vote in favor was unanimous.

06-06MA, Rhonda Jacobs, Westcott Development Co., RU to RS-MD, 73 acres, Single-Family Residential S/D, 01600-06-01 & 02600-09-01/08/09 (p), Broad River Rd., & Bookie Richardson Road – Mr. Jeter moved, seconded by Ms. Scott, to defer this item until June 6th. The vote in favor was unanimous.

SECOND READING ITEMS

Ordinance Authorizing Development Agreement with Bright-Myers 2001, LLC – Mr. McEachern moved, seconded by Ms. Dickerson, to defer this item until June 6th. The vote in favor was unanimous.

06-09MA, Bright-Myers 2001, LLC, Robert Fuller, M-1 & RU to GC, Walmart and Associated Development, 17400-11-03 & 14781-04-14/13/12, NW Quadrant of Killian Rd. & I-77 – Mr. McEachern moved, seconded by Ms. Dickerson, to defer this item until June 6th. The vote in favor was unanimous. Ms. Scott abstained.

FIRST READING ITEMS

FY 2006-2007 Millage Ordinance – Mr. Montgomery moved, seconded by Mr. Livingston, to approve this item by title only. The vote in favor was unanimous.

Ordinance Authorizing the Sale and Issuance of Bond Anticipation Note for the Broad River Regional Wastewater Treatment Plant Construction – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

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

The vote was in favor.

APPROVAL OF RESOLUTION

A Resolution to Appoint and Commission Pamela C. Davis as a Code Enforcement Officer for the Proper Security, General Welfare, and Convenience of Richland County – Mr.

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

CITIZEN'S INPUT

No one signed up to speak.

MOTION PERIOD

Request that County Council Approve \$55,000 from Undesignated H-Tax Funds for the All-America Community Award. (The funds are appropriated and therefore will not require a budget amendment.) – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item.

A discussion took place.

Mr. McEachern made a substitute motion to amend the motion to appropriate from Hospitality Tax up to \$55,000 for the All-America City finalist budget. The vote was in favor.

ADJOURNMENT

The meeting adjourned at approximately 7:43 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