

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JUNE 20, 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.*

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### 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
Absent	Doris Corley
	Kit Smith

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

### CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

### INVOCATION

The Invocation was given by the Honorable Valerie Hutchinson

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Valerie Hutchinson

**POINT OF PERSONAL PRIVILEGE** – Mr. Mizzell acknowledged that City Councilman E. W. Cromartie, Mayor of Springdale, Pat Smith and Mayor of Blythewood, Pete Amoth were in the audience.

#### **PRESENTATION**

**Holly Cummings, Community Development Director, Midlands Education and Business Alliance** – Ms. Cummings, Stephen Benjamin and Dr. Kay Shaw gave a brief overview of the Midlands Education and Business Alliance and made a formal request for \$50,000.

#### **ADOPTION OF AGENDA**

Ms. Finch stated that one of the tax map numbers for item 2.b. was incorrectly printed and that the correct number was 17400-11-03.

Ms. Linder stated that 1.g. needed to be removed from consent and that Mr. Pope would address her concern during the approval of consent items.

Mr. Livingston moved, seconded by Ms. Dickerson, to add to the agenda the CMRTA issue request for discussion. The vote in favor was unanimous.

Mr. Montgomery moved, seconded by Mr. Pearce, to approve the agenda as amended and to place the CMRTA issue as #3 and renumber the remainder of the agenda. The vote in favor was unanimous.

**POINT OF ORDER** – Mr. Montgomery stated that the citizens who signed up to speak during the second Citizen Input period regarding the CMRTA should be allowed to speak during the first Citizens Input period since this item was added to the agenda.

Mr. Livingston suggested that the citizens not speak during Citizens Input, but wait until a public hearing is held on this matter.

#### **CITIZEN'S INPUT**

The citizens were not allowed to speak due to the matter they signed up to speak on being on the agenda and also requiring a public hearing.

#### **APPROVAL OF MINUTES**

**Regular Session: June 6, 2006** – Mr. Livingston moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

**Special Called: April 25, 2006** – Ms. Dickerson 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. **Contractual Matter: Recreational Facility Property Purchase**
- b. **Contractual Matter: Rowing Center Property Purchase**
- c. **Contractual Matter: Owens Field Update**
- d. **2006 Clerk's Evaluation**

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

#### REPORT OF THE COUNTY ADMINISTRATOR

**Employee Grievances** – Mr. Pope stated Mr. McDonald, the Grievance Chair and he will be meeting to discuss the employee grievance and the grievance items will be included on the July 11<sup>th</sup> agenda.

#### REPORT OF THE CLERK OF COUNCIL

- a. **Agenda Solution Program** – Ms. Finch stated that she had spoken with IT regarding the timeline for the RFP for the agenda solution program. The information should be available to Council at 3<sup>rd</sup> reading of the budget.
- b. **Photograph for the County News** – Ms. Finch stated that Council will be having a photograph taken June 22<sup>nd</sup> at 5:30 p.m. in their blue Richland County shirt.
- c. **United Black Fund** – Ms. Finch stated that she had 10 tickets for the 16<sup>th</sup> Annual Hall of Fame Induction that will be held June 23<sup>rd</sup> at Seawell's.
- d. **Thelma Tillis Thank You Card** – Ms. Finch stated that Council had received a thank you card from Councilwoman Tillis.

#### REPORT OF THE CHAIRMAN

No report was given at this time.

#### PUBLIC HEARING ITEMS

- **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** – No one signed up to speak.
- **Budget Amendment: Sheriff's Department Administrative Fee** – No one signed up to speak.
- **Ordinance Authorizing Development Agreement with Bright-Myers 2001, LLC** – Robert Fuller signed up to speak in favor of this item.

#### APPROVAL OF CONSENT ITEMS

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

- **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.** [Third 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** [Third Reading]

- **06-12MA, Blythewood Farms (Cliff Kinder), RU to PDD (249 acres), Single Family Residential S/D, 15100-06-07 & 17800-04-68, SE Quadrant of Langford Rd. & Wilson Blvd. [Third Reading]**
- **06-19MA, Joe Clark, RU to GC (3.5 Acres), General Commercial, 01500-02-15, Corner of Dutch Fork Rd./Three Dog Road [Third Reading]**
- **06-26MA, Paul Levine, Copper Beech Townhomes, HI to RM-HD, Multi-Family Residential, 13607-02-01(p), Bluff Road and Southern Drive [Third Reading]**
- **06-02MA, William Burch, RU to GC, Transfer Yard, 02412-01-10, Dutch Fork Road & Gates Road [Third Reading]**
- **An Ordinance Amending Ordinance No. 038-06HR, Which Authorized Two Deeds to Forum Development II, LLC for Certain Parcels of Land Known as Lot 12 (approximately 9.665 acres) and Lot 28 (Approximately 2.713 Acres) in the Richland Northeast Industrial Park; so as to Delete Any Reference to Lot 28 [Second Reading]**
- **An Ordinance Authorizing An Amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park By and Between Richland County, South Carolina and Fairfield County, South Carolina, in Order to Expand the Boundaries of the Park to Include Certain Property Owned by Vulcan Construction Materials, L.P. and other Matters Related Thereto [Second Reading]**

The vote in favor was unanimous.

### THIRD READING ITEMS

**Budget Amendment: Sheriff's Department Administrative Fee** – Mr. McEachern moved, seconded by Ms. Dickerson, to approve the ordinance on page 38 of the distributed agenda. The vote in favor was unanimous.

### SECOND READING ITEMS

**Ordinance Authorizing Development Agreement with Bright-Myers 2001, LLC** – Ms. Scott moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

Ms. Scott withdrew the motion.

Ms. Dickerson moved, seconded by Mr. Pearce, to approve this item. A discussion took place.

Ms. Scott abstained. The vote was in favor.

**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 Road & I-77** – Mr. Livingston moved, seconded by Mr. Montgomery, to approve this item. A discussion took place.

Ms. Scott abstained. The vote was in favor.

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

**RTA's Request** – Mr. Livingston moved, seconded by Ms. Scott, to give First Reading approval by title only to an ordinance recommended by the RTA Board. A discussion took place.

Ms. Scott called for the question. The vote in favor was unanimous.

The vote in favor of the original motion was unanimous.

Mr. Montgomery moved, seconded by Mr. Jeter, to give First Reading approval to an ordinance to amend the upcoming FY2007 budget to create a mass transit fee of \$30.00 for each automobile registered in Richland County in the coming budget year. The estimated revenue will be \$7,680,000 and \$7,500,000 would be earmarked to fund the CMRTA with the following provisos and requirements: the City of Columbia must continue to fund \$1,000,000 per year; part of the funds would be used to employ a full-time transportation planner in the County Planning Department to not only address the County's mass transit needs, but highway needs and to evaluate appropriately what needs to be done from a standpoint of overall transportation planning in the County development; to have Richland County Council employ an appropriate mass transit expert to consult with them on dealing with this issue and on building a long-term future plan; the City of Columbia, Lexington County, Cayce, West Columbia, Forest Acres, Blythewood, Irmo and other potential participating municipalities be offered the opportunity to participate if they are going to subscribe and step up to the bar; this proposal and this fee would be contingent upon the County and CMRTA entering into an intergovernmental MOU to be approved by Council, which would deal with the use of those funds and the long-term strategy; and it would also be contingent and a stipulation be included in the MOU that there would be no route cuts or adverse effects in Richland County and the cuts that they have proposed and promised if funding did not apply would occur in Lexington County unless Lexington County or agencies in Lexington County came up with pro-rata funding equivalent proportionally to what Richland County is funding.

A discussion took place. Ms. Scott called for the question, seconded by Mr. Livingston. The vote in favor was unanimous.

The vote in favor of the motion was unanimous.

Mr. Livingston moved, seconded by Ms. Scott, to give First Reading approval by title only to create a millage agency, and to set up a transportation work session, and to instruct the Administrator to identify a funding source for \$10,000 and ask the City of Columbia to contribute \$10,000 to retain the services of a transportation consultant to assist during this process. A discussion took place. The vote in favor was unanimous.

## **REPORT OF RULES AND APPOINTMENTS COMMITTEE**

### **I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES**

- a. Board of Assessment Appeals—1** – Mr. McEachern stated the committee recommended for staff to advertise the vacancy. The vote in favor was unanimous.
- b. Community Relations Council—2** – Mr. McEachern stated the committee recommended for staff to advertise the vacancies. The vote in favor was unanimous.

**II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

- a. **Building Codes Board of Assessment and Appeals—3** – Mr. McEachern stated there were three applicants and three vacancies. The committee's recommendation was to appoint Michael Lowman, Greg Mackie and Tammy St. Clair. The vote in favor was unanimous.

**III. ITEMS FOR DISCUSSION**

- a. **Amending the Ordinance Requirements Regarding Residence for Members of the Planning Commission** – Mr. Montgomery stated that the committee's recommendation was to amend the ordinance to include the following requirements: the applicants must reside in Richland County, add the proviso that in naming members of this body to fill vacancies the Council shall give due consideration as to whether applicants live in the incorporated or unincorporated area of the County and the application form shall be amended to require the submission of this information by the applicant.

The vote in favor was unanimous.

- b. **Amending the Ordinance Requirements Regarding Residence for the Members of the Board of Zoning Appeals** – Mr. Montgomery stated that the committee's recommendation was to amend the ordinance to include the following requirements: the applicants must reside in Richland County, add the proviso that in naming members of this body to fill vacancies the Council shall give due consideration as to whether applicants live in the incorporated or unincorporated area of the County and the application form shall be amended to require the submission of this information by the applicant.

The vote in favor was unanimous.

- c. **Time Frame for Administrator to Make Recommendations after Receiving Recommendation from Grievance Committee** – Mr. McEachern stated the committee's recommendation was that the Administrator has up to 20 days to make a recommendation to Council once the Administrator receives the Grievance Committee's recommendation. The vote in favor was unanimous.

- d. **Update on Electronic Agenda** – Mr. McEachern stated that the \$75,000 for this was included in the budget and that IT will be providing a timetable. This item was received as information.

**APPROVAL OF RESOLUTIONS**

**A Resolution to Appoint and Commission Brandon C. Hooker, Thomas L. Smith, Jr., and Ceff R. Kennedy 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.

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

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

**CITIZEN'S INPUT**

Mr. Richard Evans spoke regarding Detention Center Officers' pay.

Mr. Sheldon Rice spoke regarding primary voting difficulties.

**REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS**

Mr. Pearce 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 8:02 p.m. and came out at approximately 8:30 p.m.**  
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Mr. Montgomery moved, seconded by Mr. McEachern, to come out of Executive Session. The vote in favor was unanimous.

- a. **Contractual Matter: Farrow Road Recreational Facility Property Purchase** – No action was taken.
- b. **Contractual Matter: Rowing Center Property Purchase** – No action was taken.
- c. **Contractual Matter: Owens Field Update** – No action was taken.
- d. **Personnel Matter: 2006 Clerk's Evaluation** – No action was taken.

**MOTION PERIOD**

**Rules for Presentation Before Council** – Mr. Montgomery referred to the Rules & Appointments Committee the review of the rules regarding presentations before Council and to have the committee consider imposing a rule that presentations are for informational purposes and not for funding requests and bring a recommendation back to Council.

Mr. Mizzell stated that the Midlands Technical College Northeast Enterprise Campus has requested a work session for the week of July 17 or July 24.

**ADJOURNMENT**

The meeting adjourned at approximately 8:37 p.m.

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Anthony G. Mizzell, Chair

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L. Gregory Pearce, Jr. Vice-Chair

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Doris M. Corley

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Joyce Dickerson

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Valerie Hutchinson

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Damon Jeter

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Paul Livingston

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Joseph McEachern

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Mike Montgomery

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley