

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 3, 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	Damon Jeter
Member	Paul Livingston
Member	Joyce Dickerson
Member	Kit Smith
Member	Bernice G. Scott
Member	Doris Corley

OTHERS PRESENT – Milton Pope, Tony McDonald, Roxanne Matthews, Larry Smith, Amelia Linder, Chief Harrell, Donny Phipps, Anna Almeida, Michael Criss, Tiaa Rutherford, Jennie Sherry-Linder, Andy Metts, Stephany Snowden, Jennifer Dowden, Joe Cronin, Daniel Driggers, Rodolfo Callwood, Audrey Shifflett, Teresa Smith, Monique Walters, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Joyce Dickerson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson.

PRESENTATION

Mr. Neil McLean, Ex. Dir., Engenuity – Mr. Neil McLean gave a brief update on Engenuity and the hydrogen and fuel cell economy. Mr. McLean stated that Engenuity is presently building a wet lab space at USC. Mr. McLean requested that the County evaluate hydrogen and fuel cell applications for County operations. Mr. McLean also invited Council to Engenuity '06 on the afternoon of October 17th.

Mr. Curtis S. Bennett, Master Code Professional Planning & Development Services Department – Mr. Donny Phipps recognized Mr. Curtis S. Bennett on becoming the first Master Code Professional in Richland County.

ADOPTION OF AGENDA

Mr. Pope stated that a legal briefing regarding the bond policy needed to be added under Report of the County Attorney for Executive Session Items. Mr. Pearce moved, seconded by Mr. Montgomery, to add this item to the agenda. The vote in favor was unanimous.

Ms. Smith moved, seconded by Mr. McEachern, to move Executive Session until after the 2nd Citizen's Input. The vote in favor was unanimous.

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

CITIZEN'S INPUT

The citizen that signed up did not speak at this time.

APPROVAL OF MINUTES

Regular Session: September 19, 2006 – Mr. Jeter moved, seconded by Ms. Dickerson, to reconsider the portion of the minutes dealing with the CMRTA. The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve the minutes. The vote was in favor.

Special Called: September 19, 2006 – Mr. Livingston moved, seconded by Ms. Smith, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: September 26, 2006 – Mr. Montgomery moved, seconded by Ms. Hutchinson, to approve the minutes with the following correction: 06-39MA, Parker Jennings, RU to PDD, Mixed-Use Development, 01500-02-09, 1300 Peace Haven Road was not approved unanimously. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

a. Outstanding Bonds—Legal Advice

Mr. Smith stated that along with the legal advice regarding outstanding bonds that if there were any questions regarding the Employee Grievance listed under the Report of the County Administrator those would need to be taken up during Executive Session.

REPORT OF THE COUNTY ADMINISTRATOR

Employee Grievance – Mr. Pope stated that the Employee Grievance committee reheard the item and Administration concurs with their recommendation to uphold the termination. Mr. McEachern moved, seconded Ms. Smith, to uphold the Administrator's recommendation. The vote in favor was unanimous.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

No report was given.

PUBLIC HEARING ITEMS

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

- **Ordinance to approve the Issuance and Sale of Special Resource Revenue Bonds for the Vulcan River Road Project** – No one signed up to speak.
- **Ordinance authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina, and International Truck and Engine Corporation** – No one signed up to speak.

The public hearing was closed.

APPROVAL OF CONSENT ITEMS

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

- **Ordinance to approve the Issuance and Sale of Special Resource Revenue Bonds for the Vulcan River Road Project** [Third Reading]
- **Ordinance authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina, and International Truck and Engine Corporation** [Third Reading]
- **Ordinance amending the Imagine Richland 2020 Comprehensive Plan, adopted on May 3, 1999, by incorporating the "Broad River Neighborhoods Master Plan" into the I-20 Interbeltway Subarea Plan** [Third Reading]
- **06-41MA, Seven Acre Cut, LLC, M-1 to GC, Retail, 14600-03-59, Killian Rd. & I-77** [Second Reading]
- **06-42MA, Steven Odom, RU/LI to RC, Business Offices, 21614-01-25 & 25 (p) and 21613-01-01, Lower Richland Blvd.** [Second Reading]
- **06-43MA, Stonemont Phase 2, RU to RS-MD, Residential Development, 04100-01-09, Koon Rd.** [Second Reading]
- **06-44MA, Brody Pointe, RU to RS-LD, Residential Use, 01413-01-04/07, 137 & 139 Brody Rd.** [Second Reading]

- **Richland County/Homebuilders Association Task Force Recommendations**
 1. **Amendments to Section 5 of Richland County Road Design Standards**
 2. **Budget Amendment (To Establish a Road Plan Inspection Fee of \$350 Per Inspection And Appropriate Eighty-Two Thousand Two Hundred [\$82,200] for Hiring of Two Inspectors in Engineering Department) [First Reading]**
- **Solid Waste Contract Renewals**
- **Design/build for State Farmers' Market Project**
- **Sheriff Budget Amendment: Homeland Security Coordinator FTE (\$28,250) [First Reading]**
- **Sheriff Budget Amendment: School Resource Officer FTE (\$29,710) [First Reading]**
- **Ordinance authorizing the sale and issuance of up to \$4 million General Obligation Bonds for the purchase of Sheriff Vehicles [First Reading]**
- **Budget Amendment: Transportation Consultant (Carter Goble Lee, \$56,400) [First Reading]**
- **Emergency Services Grant Approvals [First Reading]**
- **Ordinance authorizing the sale and issuance of up to \$7,000,000 Hospitality Tax Special Obligation Bond Anticipation Notes for the purchase of Recreation Property [First Reading]**

The vote in favor was unanimous.

THIRD READING ITEMS

06-23MA, Bluegrass Villages, RU to PDD, Single Family S/D and Related Commercial, 12600-02-01, Blythewood Road & Muller Road – Ms. Dickerson moved, seconded by Mr. McEachern, to defer this item until the October 17th meeting. The vote in favor was unanimous.

An Ordinance amending the Fiscal Year 2006-2007 Road Maintenance budget with an increase in the road maintenance fee to \$36.00 for private vehicles and \$44.00 for commercial vehicles with \$20.00 designated for road maintenance work and \$16.00/\$24.00 designated for funding mass transit and to appropriate two million eight hundred thousand dollars (\$2,800,000.00) for mass transit – Ms. Livingston moved, seconded by Mr. Pearce, to approve this item. Mr. Jeter offered the following friendly amendment: contingent upon the county's ability to negotiate an intergovernmental agreement with the RTA, City of Columbia and other municipalities. Mr. Livingston did not accept the amendment.

Mr. Jeter moved, seconded by Ms. Dickerson, to include the following amendment to the ordinance: to negotiate an intergovernmental agreement with the RTA, City of Columbia and other municipalities. A discussion took place.

POINT OF ORDER – Mr. McEachern stated that the ordinance before Council tonight is not the ordinance that passed at the last meeting.

Mr. Montgomery offered the following friendly amendment: The City of Columbia, the Central Midlands Regional Transit Authority, City of Cayce, Town of Springdale, City of West Columbia, and any other municipality or governmental entity which shall participate in the operation of the transit system shall execute an intergovernmental agreement incorporating these terms and such other terms as are determined necessary by Richland County's attorney to effectuate the intent of this ordinance. The intergovernmental agreement shall commit the signatories to the terms and

conditions of this ordinance and to participation in development of the plan anticipated hereby. The intergovernmental agreement shall be executed by all parties prior to December 1, 2006.

Ms. Dickerson withdrew her second.

A discussion took place.

Mr. Montgomery moved, seconded by Mr. Jeter to include the following amendment to the ordinance: The City of Columbia, the Central Midlands Regional Transit Authority, City of Cayce, Town of Springdale, City of West Columbia, and any other municipality or governmental entity which shall participate in the operation of the transit system shall execute an intergovernmental agreement incorporating these terms and such other terms as are determined necessary by Richland County's attorney to effectuate the intent of this ordinance. The intergovernmental agreement shall commit the signatories to the terms and conditions of this ordinance and to participation in development of the plan anticipated hereby. The intergovernmental agreement shall be executed by all parties prior to December 1, 2006.

A discussion took place. Mr. Livingston offered a friendly amendment to only include the City of Columbia and RTA in the intergovernmental agreement with provision to allow the County Attorney to include any additional legal language that needs to be in place. Mr. Montgomery and Mr. Jeter accepted Mr. Livingston's amendment.

Mr. Pearce called for the question, seconded by Mr. Livingston.

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

The vote on the call for the question failed.

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

The vote on the amendment failed.

Ms. Smith moved, seconded by Ms. Scott, to offer the following amendment under Section IV, Subparagraph 4, (before the sentence beginning In addition): The Commission shall also assess the highways and road improvements that are needed to alleviate congestion that will allow people and goods to move through the County efficiently. This will include, but not be limited to, looking at incentives for development that will be conducive to public transit in all areas of the

County. Also, add the language that we will include plans to alleviate traffic congestion. For example, the Lower Richland connector and Clemson Road will be studied. Mr. Livingston and Mr. Pearce accepted the amendment.

Ms. Dickerson moved, seconded by Ms. Corley, to defer this item until the October 17th meeting.

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

The substitute motion failed.

Ms. Smith moved for a recess, seconded by Ms. Scott.

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

The motion for recess failed.

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

A discussion took place regarding the vote. Mr. McEachern requested a recount. Mr. Smith stated that in order to clarify the vote a recount would be appropriate.

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

Another discussion took place regarding the vote. An individual voice vote was requested by Ms. Smith.

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

The main motion with the amendment passed.

Ms. Scott moved for a recess, seconded by Ms. Smith. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded by Mr. Pearce, to reconvene. The vote in favor was unanimous.

SECOND READING ITEMS

06-39MA, Parker Jennings, RU TO PDD, Mixed Use Development, 01500-02-09, 1300 Peace Haven Road – Ms. Corley moved, seconded by Mr. Livingston, to approve this item. The vote was in favor.

Ordinance Amending the FY 2006-2007 General Fund Annual Budget to Allocate a Portion of the County's Road Maintenance Fee Toward Expenditures on Specific Projects – Mr. Montgomery moved, seconded by Mr. Livingston, to approve this item. The vote was in favor.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Ordinance approving the Broad River Regional Wastewater Treatment Rate Adjustment – Mr. McEachern stated that the committee recommended approval.

Mr. McEachern made a substitute motion to defer this item until the October 17th meeting, seconded by Ms. Hutchinson. A discussion took place. The substitute motion failed.

The vote on the committee's recommendation for First Reading approval was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

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

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

- c. **Planning Commission—1** – Mr. McEachern stated the committee recommended staff to advertise for the vacancy. The vote in favor was unanimous.

APPROVAL OF RESOLUTION

Resolution approving Richland County Council reimbursing certain expenditures incurred prior to the issuance by Richland County, South Carolina of its General Obligation Bond Anticipation Notes (Innovista Garage) – Mr. Livingston moved, seconded by Ms. Scott, 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

Sandra Smith, 600 Pineywoods Road, Columbia, South Carolina 29210 – Ms. Corley moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

CITIZEN'S INPUT

Mr. Henry Burke spoke regarding an ordinance on parked cars.

Mr. McEachern moved, seconded by Mr. Jeter, to waive Council's rules and allow Mr. Davoll speak regarding the road paving program ordinance. The vote in favor was unanimous.

Mr. Eugene Davoll spoke regarding the road paving program.

EXECUTIVE SESSION ITEMS

- a. **Pass Through Bond—Legal Advice**

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 7:46 p.m. and came out at approximately 8:00 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

Resolution for Caroline Coleman Bennett and Naming Charlie's Columbia Backyard as Richland County's Children's Book – Ms. Smith moved to adopt a resolution for Caroline Coleman Bennett and to name her book, *Charlie's Columbia Backyard*, as the official Richland County Children's Book. The vote in favor was unanimous.

Update on Joint City/County Animal Shelter – Mr. Mizzell requested an update on the joint City/County Animal Shelter. The vote in favor was unanimous.

EXECUTIVE SESSION

b. Personnel Item

Mr. Scott 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 8:10 p.m. and came out at approximately 8:14 p.m.

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ADJOURNMENT

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

The meeting adjourned at approximately 8:15 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