

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 1, 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	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

OTHERS PRESENT - Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Stephany Snowden, Jennifer Dowden, Joe Cronin, Larry Smith, Amelia Linder, Michael Criss, Jennie Sherry-Linder, Geo Price, Audrey Shifflett, Angie McInchok, Teresa Smith, Randy Byrd, Daniel Driggers, Gary Watts, Andy Metts, Chief Harrell, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:02 p.m.

INVOCATION

The Invocation was given by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

RICHLAND 101 GRADUATION

Mr. McEachern and Ms. Hutchinson presented the certificates to the graduates.

PRESENTATION OF RESOLUTIONS

Randy Byrd—Act of Heroism – Ms. Scott and Ms. Dickerson presented Mr. Randy Byrd with a resolution in honor of his act of heroism.

CITIZEN'S INPUT

Allen Shumaker, Bill Dixon and Paul Clifton spoke regarding the sewer extension agreements.

APPROVAL OF MINUTES

Regular Session: April 17, 2007 – Mr. Livingston moved, seconded by Mr. Jeter, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Finch added TMS# 11111-01-54, M-1 to GC as additional information for Item 1.a.

Mr. Smith requested that pending litigation—Cloud vs. Richland County be added to the agenda under the Report of the County Attorney for Executive Session Items. He also stated that Item a. Minimum Acreage Required for Development Agreements under the Report of the County Attorney for Executive Session Items was in reference to Item 2.b. and a report would be given in open session.

Mr. McEachern requested that Executive Session be held after Citizens Input.

Mr. Pope requested that Item e. Bookert Heights Sewer Project under the Report of the County Administrator be added as Item 8 on the agenda in order that action may be taken on the item.

Mr. Gary Watts requested that Item 5.b. be moved up in the agenda to accommodate a prior engagement. Mr. Pearce moved, seconded by Ms. Scott, to move Item 5.b. to immediately following the Adoption of the Agenda. The vote in favor was unanimous.

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

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Request to Approve a Budget Amendment to Increase the Coroner's Budget for Body Removal Services (\$50,000) – The committee recommended approval. A discussion took place.

Mr. Pearce requested the following amendment: to direct the Administrator to meet with the Coroner and investigate during the budget process the potential of cost savings by the County taking over the body removal service.

Mr. Pearce withdrew his motion.

The vote in favor of the committee's recommendation was unanimous.

REPORT OF THE COUNTY ADMINISTRATOR

Lawnmower Exchange Program – Mr. Joe Cronin gave a brief report on the lawnmower exchange event that was held on April 21st.

Pets in the Park Event – Ms. Jennifer Dowden gave a brief report on the 3rd Annual Pets in the Park event that took place on April 14th at North Springs Park.

Potential Sale of County Property – This item was taken up during Executive Session.

Potential Litigation – This item was taken up during Executive Session.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

The following items were potential Executive Session Items:

- a. **Minimum Acreage Required for Development Agreements** – The statute requires that the minimum acreage for a development agreement is 25 acres and therefore, the property listed in Item 2.b. was not eligible for a development agreement.
- b. **Contractual Matter: Potential Sale of County Property**
- c. **Potential Litigation: Legal Advice**
- d. **Pending Litigation: Cloud vs. Richland County**

POINT OF ORDER – Ms. Scott stated that when Council takes action on an item it should be included on the agenda even if all of the information has not been received and then staff can ask that the item be deferred.

REPORT OF THE CLERK OF COUNCIL

No report was given at this time.

REPORT OF THE CHAIRMAN

No report was given at this time.

PUBLIC HEARING ITEMS

None.

APPROVAL OF CONSENT ITEMS

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

- **07-15MA, Keith Moore, RU to NC (2.15 Acres), Neighborhood Commercial Use, 25700-02-02, Spears Creek Church Road [Second Reading]**
- **07-16MA, Brad Lail, RU/NC to GC (11.26 Acres), General Commercial Use, 17104-02-02/03/04, Parklane Rd. & Legrand Road [Second Reading]**
- **Request to Approve a Memorandum of Understanding with Clemson University's Institute for Economic and Community Development for the Purpose of Developing a 5 year Strategic Plan**
- **Request to Approve Change Order #2 for the 2006 Resurfacing Project (Awarded to Sloan Construction Company, Inc.) to Authorize the Resurfacing/Repair of the SCDOT Portion of Mallet Hill Rd.**
- **Request to Approve a Budget Amendment to Risk Management, Ombudsman, and Central Services [First Reading]**
- **Resolution to Distribute \$27,327.18 in Federal Forestry Funds**
- **Ordinance Authorizing the Issuance of Revenue Refunding Bonds and Revenue Bonds for the Benefit of International Paper Company and Related Matters in Connection Therewith [First Reading]**
- **Resolution Towards the Issuance of Revenue Refunding Bonds and Revenue Bonds for the Benefit of International Paper Company and Related Matters in Connection Therewith**
- **Request to Renew Contract with Correct Care Solutions for the Provision of Medical Services at the Alvin S. Glenn Detention Center**
- **Emergency Services: Request for Approval to Purchase Four New Ambulance Vehicles and Five New Chassis for Ambulance Remounts**
- **Request for Approval for the Administrator to Negotiate a Price with the Vendor Selected to Provide a CAD System for the Richland County/City of Columbia 911 Center**

The vote in favor was unanimous.

THIRD READING ITEMS

07-09MA, Robert Fuller, M-1 to GC (3.54 Acres), Student Condominium Residential Project, 11111-01-54, Bluff Industrial Blvd. Extension – Ms. Scott moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Ms. Scott, to approve this item. The vote was in favor. Mr. McEachern opposed.

Ordinance Amending Chapter 26, Land Development Code Regarding Traditional Recreation Open Space – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous, with Ms. Scott abstaining from participating in the discussion and voting on this item.

POINT OF ORDER – Mr. McEachern directed, with a consensus of Council, the Administrator to give the Planning Commission direction on how to go forward with the map amendments related to the above-referenced text amendment. It was decided that this item would be taken up during the motion period.

FIRST READING

FY 2007-2008 Budget Ordinance – Mr. Montgomery moved, seconded by Mr. Jeter, to approve this item by title only. The vote in favor was unanimous.

FY 2007-2008 Millage Ordinance – Mr. Montgomery moved seconded by Mr. Jeter, to approve this item by title only. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Funding Options and Prioritization for Electric Traffic Signals on New and Existing County Roads

- a. **Funding Options for Electric Traffic Signals** – A discussion took place.

Mr. Jackson stated that the committee forwarded a recommendation approving the assessment district as a funding source.

Ms. Hutchinson made a substitute motion, seconded by Ms. Dickerson, to approve the road maintenance fee as the funding source.

Ms. Smith made a substitute motion to adopt Item 4.c.2.

POINT OF ORDER – Mr. McEachern stated that Ms. Smith was taking the items up out of order.

Ms. Smith refined her motion, seconded by Mr. Livingston, to defer Items 4.c.1 and 4.c.2 until the next Council meeting and take them up immediately after the consideration of the policy.

Ms. Smith withdrew her motion. A discussion took place.

Ms. Smith moved, seconded by Mr. Livingston, to defer this item until the next Council meeting and have it placed on the agenda following Third Reading of the Ordinance establishing the traffic signal program. The vote in favor was unanimous.

- b. **Proposed Traffic Signal Prioritization Policy** – Ms. Smith moved, seconded by Mr. Livingston, to defer this item until the next Council meeting and have it placed on the agenda following Third Reading of the Ordinance establishing the traffic signal program. The vote in favor was unanimous.

Request for Approval of a Sanitary Sewer Extension Agreement for Sewer Service to the Rothstein Tract, Walmart Shopping Center and the Upgrade of Several Existing System Components (*This portion of the minutes was reconsidered at the May 15th meeting*) – Ms. Scott moved, seconded by Mr. Jeter, to approve this item.

Ms. Smith moved, seconded by Ms. Hutchinson, to defer this item until the next Council meeting. Ms. Smith agreed to hold her motion to allow discussion.

A discussion took place. Ms. Scott called for the question.

Ms. Scott withdrew her motion to allow Mr. Livingston to speak.

Ms. Scott called for the question, to defer this item until the next Council meeting.

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

The motion to defer failed.

Ms. Smith moved, seconded by Mr. Pearce, to add the following language to the introduction: or entered into as a result of a court order. The vote in favor was unanimous.

Ms. Smith moved, seconded by Ms. Hutchinson, to delete the second paragraph and the recitals. A discussion took place.

Mr. Montgomery moved, seconded by Ms. Hutchinson, to recess for five minutes. The vote in favor was unanimous.

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

Ms. Smith withdrew her motion to delete the second paragraph and recitals.

Ms. Smith moved to remove the following language from Article I. Paragraph 8: *The Developer shall obtain all easements in the name of the County for all easements related to the Facilities and shall advise the County prior to closing on the purchase of any easement of the proposed purchase price. In the event the County or the Developer believes the negotiated easement cost is excessive; County staff shall place on the next available meeting agenda of its Council or an appropriate committee thereof a request that it condemn any easement not acquired through negotiation. If Council does not approve the condemnation, such easement may be acquired for the negotiated price. The Developer shall be reimbursed with sewer tap certificates for easement acquisition costs whether by condemnation or negotiation.* The following paragraph would replace Article I. Paragraph 8: The Developer shall obtain all easements in name of the County and shall advise the County prior to closing on the purchase of any easement of the proposed purchase price. The Developer shall be reimbursed with sewer tap certificates for reasonable easement acquisition costs as determined by the County.

Mr. Montgomery moved, seconded by Ms. Scott, to adopt all of Ms. Smith's amendments to the Rothstein Agreement that do not conflict with the settlement agreement of February 8, 1995 captioned Partial Settlement Order entered into between Richland County and others. A discussion took place in which Mr. Montgomery requested that the County Attorney apprise Council if there are any changes in the subsequent agreement that would affect the motion as amended before the minutes are approved, so the minutes may be reconsidered, if necessary.

Mr. Malinowski moved, seconded by Norman Jackson, to offer the following amendment: to direct the Administrator, in conjunction with DHEC, determine exactly what deficiencies exist in the Richland County Sewer District, and until a consultant can advise Council exactly how these extension agreements will affect the County financially and in sewer capacity, that the extensions will only be allowed to correct deficiencies brought to the County by DHEC. A discussion took place.

Mr. Jeter called for the question, seconded by Ms. Scott.

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

Mr. Malinowski's proposed amendment failed.

Mr. Montgomery's proposed amendment passed. Mr. McEachern opposed.

Ms. Smith moved, seconded by Mr. Montgomery, to approve the Rothstein agreement as amended. The vote was in favor. Mr. Malinowski, Mr. Jackson, and Mr. McEachern opposed.

Request for Approval of Sanitary Sewer Extension Agreement for the Upgrade of an Existing Sewer Lift Station and the Construction of an Odor Control Building to Serve the Eagles Rest Subdivision (This portion of the minutes was reconsidered at the May 15th meeting) – Ms. Smith moved, seconded by Mr. Montgomery, to amend the agreement by deleting the second paragraph under recitals. The vote in favor was unanimous.

Ms. Smith moved, seconded by Mr. Montgomery, to amend the agreement to delete second "f" under Article II—Responsibility of County. A discussion took place.

Ms. Smith withdrew her motion.

Ms. Smith moved, seconded by Mr. Montgomery, to direct legal staff to review the questions raised in her memorandum and guidance given to Council prior to the minutes being adopted. A discussion took place.

Ms. Smith moved, seconded by Ms. Dickerson, to approve the sewer extension agreement. The vote was in favor.

Request for Approval of a Sanitary Sewer Extension Agreement for Sewer Service to River Shoals Subdivision (This portion of the minutes was reconsidered at the May 15th meeting) – Ms. Smith moved, seconded by Ms. Dickerson, to approve the sewer extension agreement. The vote was in favor.

Request to Approve the Award of a Construction Contract to Sloan Construction Company, Inc. for the Paving Program (South Contract) – Ms. Scott moved, seconded by Mr. Livingston, to remove Willow Wind Road from the paving list.

Ms. Hutchinson made a substitute motion, seconded by Mr. Livingston, to delete Willow Wind Road from the paving contract and direct the Administrator to negotiate a new price with the lowest responsive bidder and authorize the Administrator to execute the

**Richland County Council
Regular Session
Tuesday, May 1, 2007
Page Nine**

newly negotiated contract and proceed with the paving program. The Administrator is further directed to bid and award a contract for paving the next roads on the priority list not to exceed the amount of funds not expended on Willow Wind Road. A discussion took place.

The vote in favor was unanimous.

Request to Place Sewer Extension Authority Under Richland County Council – Mr. Jackson stated that the committee recommended approval of this item. A discussion took place.

Mr. Livingston made a substitute motion, seconded Ms. Scott, to send this item back to committee and set a comprehensive policy. A discussion took place.

The vote in favor of the substitute motion was unanimous.

Request to Place Subdivision Authority Under The Richland County Planning Commission – Mr. Jackson stated that the committed recommended approval of this item.

Mr. Livingston made a substitute motion, seconded by Ms. Dickerson, to request the Administrator to review this request and make a recommendation to Council. A discussion took place.

Ms. Smith made a substitute motion, seconded by Mr. Montgomery, to retain the subdivision authority under the Development Review Team, but ensure that the agendas for those meetings are posted so that the public may observe.

Mr. Livingston withdrew his substitute motion.

A discussion took place.

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

The vote was in favor of the substitute motion.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Citadel Foundation/Northpoint Industrial Park—Financial Plan and Contract Approval – Mr. Jeter stated that this item needed to be deferred until the May 15th meeting. The vote in favor was unanimous.

Potential Speculative Building(s) Development: Financial Plan – Mr. Jeter stated that this item needed to be deferred until the May 15th meeting. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS AND COMMITTEES

- a. **East Richland Public Service Commission—2** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

II. NOTIFICATION OF VACANCIES

- a. **Planning Commission—1** – Mr. Montgomery stated there were eight applicants and one vacancy.

No one voted for Ms. Barbara Wyatt.

Mr. McEachern voted for Ms. Elizabeth Ward.

No one voted for Ms. Mary J. Sturgeon.

No one voted for Mr. Mark Richardson.

Mr. Jeter voted for Mr. Walter Powell, Jr.

Mr. Malinowski and Ms. Smith voted for Ms. Leanne Johnson.

Mr. Jackson voted for Ms. Angela Geiger.

Mr. Pearce, Ms. Hutchinson, Mr. Livingston, Ms. Dickerson, Ms. Scott and Mr. Montgomery voted for Ms. Heather Cairns.

Ms. Heather Cairns was appointed.

- b. **Riverbanks Zoo—1** – Mr. Montgomery stated there was one applicant and one vacancy. The committee's recommendation was to appoint Mr. Bud Tibshrary. The vote in favor was unanimous.

III. Amendments to Council Rules

- a. **Section 4.6 Reports** – This item was held in committee.
- b. **Section 5.21 Voting** – This item was held in committee.

The committee had a presentation on the Performing Arts Board and a restructuring program was taken under advisement.

Bookert Heights Sewer Project – Mr. Pearce moved, seconded by Ms. Dickerson, to award the construction contract in the amount of \$1,170,699.00 to Trussell Brothers. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION ITEMS

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

=====
Council went into Executive Session at approximately 9:06 p.m. and came out at approximately 9:47 p.m.
=====

Mr. Pearce moved, seconded by Mr. Jackson, to come out of Executive Session. The vote in favor was unanimous.

- a. **Contractual Matter:** Potential Sale of County Property – This item was received as information and the Administrator was directed to do due diligence to bring a report back to Council.
- b. **Potential Litigation:** Legal Advice – This item was received as information.
- c. **Pending Litigation:** Cloud vs. Richland County – Mr. Pearce moved, seconded by Ms. Hutchinson, to direct the County Attorney to proceed. The vote was in favor. Mr. Malinowski and Ms. Scott opposed.

MOTION PERIOD

Invitation to Sheriff – Ms. Smith moved, seconded by Mr. Jackson, to direct the Administrator to invite the Sheriff to meet with Council regarding a potential lawsuit. The vote in favor was unanimous.

Consideration of Alternative 1 of Golf Course Re-Zoning – Mr. Montgomery moved, seconded by Ms. Hutchinson, to direct to staff to forward Alternative 1 to the Planning Commission on the re-zoning of the golf course properties. The vote in favor was unanimous. Ms. Scott abstained from voting.

Review of Sewer Policy – Ms. Smith forwarded to the D&S Committee the review of the sewer policy to include: the analysis of demand vs. capacity, the outstanding taps upon completion of the expansion, the feasibility of eliminating sewer extension agreements, and a legal review and opinion on ways to terminate the consent agreement and establish a Richland County service area.

Development of Long Range Plans for Sewer District –Mr. Malinowski forwarded to the D&S Committee the immediate development of long range plans of the Richland County sewer district with specific yearly goals to achieve the plans. The long range corridor should be at least five years and these plans will be reviewed semi-annually by the D&S Committee or Council, whichever the Administrator deems appropriate. The initial plans should be completed within six to nine months.

Body Removal Alternatives Negotiations with Coroner – Mr. Pearce directed the Administrator to place on his February 2008 calendar a notation to begin negotiations with the Coroner regarding alternative ways for removal of bodies.

ADJOURNMENT

The meeting adjourned at approximately 9:55 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