

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 15, 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.*

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### 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, Tamara King, Joe Cronin, Larry Smith, Amelia Linder, Michael Criss, Jennie Sherry-Linder, Anna Almeida, Audrey Shifflett, Teresa Smith, Bill Peters, Sandra Haynes, Daniel Driggers, Andy Metts, John Hixon, Tiaa Rutherford, Pam Davis, Chief Harrell, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:01 p.m.

Mr. McEachern stated that one of the presentations was inadvertently left off the agenda and would need to be added by unanimous consent. Ms. Scott moved, seconded by Mr. Malinowski to add this presentation to the agenda. The vote in favor was unanimous.

## INVOCATION

The Invocation was given by the Honorable L. Gregory Pearce, Jr.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable L. Gregory Pearce, Jr.

**POINT OF PERSONAL PRIVILEGE** – Mr. McEachern congratulated Mr. Pearce on the birth of his grandson.

## PRESENTATIONS

**Public Works Week, May 19-26, 2007** – Ms. Scott and Ms. Hutchinson presented Ms. Teresa Smith with a proclamation in honor of Public Works Week.

**Transportation Study Commission Update** – Mr. Bill Leidinger gave a report on the progress the commission has made since its creation. Mr. Leidinger stated that there are four upcoming meetings scheduled: Lower Richland—May 29<sup>th</sup> at Lower Richland High School; Northeast—May 31<sup>st</sup> at Ridgeview High School; Northwest—June 4<sup>th</sup> at St. Andrews Middle School; and Downtown—June 7<sup>th</sup> at the Richland County Library.

Mr. Ernie Bowman, Project Manger, from Parker Brinkerhoff gave a brief update from the consultants.

Mr. Livingston suggested that the Transportation Study Commission make the same presentation they made to County Council to the Columbia City Council.

## CITIZEN'S INPUT

No one signed up to speak.

## LEGAL REVIEW OF SANITARY SEWER EXTENSION AGREEMENTS FOR:

### **(1) Rothstein Tract, (2) Eagles Rest Subdivision, and (3) River Shoals Subdivision**

Mr. Smith stated that legal staff reviewed the sanitary sewer extension agreements and have amended the agreements consistent with the motion that was made at the previous meeting and believe they are consistent with the 1995 Court Order. Mr. Smith further stated that he needed direction regarding the life of the taps certificates provision that is referenced in the Rothstein Agreement. A discussion took place.

Mr. Montgomery moved, seconded by Ms. Scott, to reconsider the agreements. The vote in favor was unanimous.

Mr. Montgomery moved, seconded by Ms. Scott, to approve to the three agreements with the following change to the Rothstein Agreement: the words "are entered into as a result of a court order" stricken just so it deals with the prior agreements or written between the parties and that with all three of the agreements having a tap certificate life of ten years, as opposed to five. The vote was in favor.

### **APPROVAL OF MINUTES**

**Zoning Public Hearing: April 24, 2007** – Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

**Regular Session: May 1, 2007** – Mr. Malinowski stated there was a grammatical error at the end of page 10 that needed to be corrected.

Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes as corrected and reconsidered. The vote in favor was unanimous.

### **ADOPTION OF AGENDA**

Mr. McEachern stated that Item 1.e. needed to be removed from the agenda.

Ms. Finch stated that Item 1.c. needed to be removed from the consent agenda.

Mr. McEachern stated that Item 6.a. needed to be removed from the agenda.

Mr. Smith stated that the TIF Update needed to be added under the Report of the County Attorney for Executive Session.

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

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

### **REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS**

The following items were potential Executive Session items:

- a. **N. E. Sanitary Landfill Lawsuit**
- b. **TIF Update**
- c. **Employee Grievances**

### **REPORT OF THE COUNTY ADMINISTRATOR**

**Employee Grievances** – Ms. Smith moved, seconded Mr. Montgomery, to uphold the Administrator's recommendation. The vote in favor was unanimous.

**Animal Care Recommendations** – This item is on the agenda for action.

**Employee Recognition** – Mr. Pope presented Ms. Roxanne Matthews with a dozen roses in recognition of her service to the County upon her departure from the County.

**Transportation Public Forum** – Mr. Cronin reiterated when the transportation public forums would be taking place.

#### REPORT OF THE CLERK OF COUNCIL

**Celebrate Freedom** – Ms. Finch stated that she had received VIP parking passes for this event.

#### REPORT OF THE CHAIRMAN

**Wellness Program** – Mr. McEachern stated the USC and Palmetto Health have collaborated on a wellness program. There may be an opportunity for Richland County to also collaborate with them.

**Planning Summit** – Mr. McEachern reminded Council of the Planning Summit on Thursday, May 17<sup>th</sup> at the Convention Center.

#### PUBLIC HEARING ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges, Article 1, in general; Section 21-11, Traffic Engineering; so as to permit the construction and maintenance of electric traffic signalization devices for County maintained roads** – Mr. Ed Vraniac spoke in favor of this item.
- **Emergency Services: Request for Approval of Stretcher and EKG Equipment Purchases** – No one signed up to speak.
- **Ordinance Authorizing the Granting of a Sanitary Sewer Right-of-Way Easement to the City of Columbia Across Property Identified as a Portion of TMS # 17400-09-15, to Serve the Killian Crossroads Development** – No one signed up to speak.
- **Sheriff's Department Budget Amendment for Special Duty Pay and Request for One Additional FTE** – No one signed up to speak.
- **Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions created and recognized; so as to create a Business Service Center Appeals Board** – No one signed up to speak.

### APPROVAL OF CONSENT ITEMS

Mr. Montgomery moved, seconded by Mr. Livingston , 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 [Third Reading]**
- **07-16MA, Brad Lail, RU/NC to GC (11.26 Acres), General Commercial Use, 17104-02-02/03/04, Parklane Rd. & Legrand Road [Third Reading]**
- **Emergency Services: Request for Approval of Stretcher and EKG Equipment Purchases [Third Reading]**
- **Ordinance Authorizing the Granting of a Sanitary Sewer Right-of-Way Easement to the City of Columbia Across Property Identified as a Portion of TMS #17400-09-15, to serve the Killian Crossroads Development [Third Reading]**
- **Sheriff's Department Budget Amendment for Special Duty Pay and Request for One Additional FTE [Third Reading]**
- **Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Board and Commissions Created and Recognized; so as to Create a Business Service Center Appeals Board [Third Reading]**
- **Request to Approve a Budget Amendment for Risk Management, Ombudsman, and Central Services [Second Reading]**
- **Request to Approve a Budget Amendment for the Coroner's Office [Second Reading]**
- **Ordinance Authorizing the Issuance of Revenue Refunding Bonds and Revenue Bonds for the Benefit of International Paper Company and Related Matters in Connection Therewith [Second Reading]**

The vote in favor was unanimous.

### THIRD READING

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges, Article 1, in general; Section 21-11, traffic engineering; so as to permit the construction and maintenance of electric traffic signalization devices for County maintained roads** – Ms. Hutchinson moved, seconded by Mr. Montgomery, to approve this item. A discussion took place.

The vote was in favor. Ms. Scott opposed.

### FIRST READING

**Recommendation from Planning Commission to Amend the Comprehensive Plan by Incorporating "The Renaissance Plan for the Decker Boulevard/Woodfield Park**

**Area” into the I-20 Corridor Sub-Area Plan** – Mr. Montgomery moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

**Animal Care Recommendation** – Mr. Pope briefed Council on their options and also provided them with his recommendation regarding this item.

A discussion took place.

Mr. Jeter moved, seconded by Ms. Hutchinson, to approve option #1 to partner with the City of Columbia to build the Columbia Animal Shelter Annex. The vote in favor was unanimous.

Mr. Montgomery moved, seconded by Ms. Dickerson, to refer the second part of the Administrator’s recommendation regarding capital grants back to the D&S committee for the purpose of addressing an amendment to our Animal Registration Ordinance to create a structure which will have separate licensing fees for unspayed and unneutered and spayed, neutered and micro-chipped animals and then would work with Lexington County and Project Pet to develop a bond ordinance to use those fees to retire the bond debt.

Mr. Jeter recommended the following amendment: to have the Chairman appoint a special committee to work with Lexington County Council to move this matter along.

Mr. Montgomery accepted Mr. Jeter’s amendment. The vote in favor was unanimous.

## **REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

**Proposed Traffic Signal Prioritization Policy** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve prioritization by using the South Carolina Department of Transportation criteria. A discussion took place.

The vote was in favor. Ms. Scott opposed.

**Funding Options for Electric Signals** – Ms. Smith moved, seconded by Ms. Dickerson, to take up the options for funding in the next budget year. A discussion took place.

Ms. Smith withdrew her motion.

Ms. Hutchinson moved, seconded by Mr. Malinowski, to refer the options for funding to the current budget process to identify funding for electric signals for the coming fiscal year. A discussion took place.

The vote was in favor. Ms. Scott opposed.

**Request to Approve the Installation and Maintenance of a Traffic Signal at the Intersection of Summit Parkway and Summit Ridge Drive** – Ms. Hutchinson moved, seconded by Mr. Jackson, to approve the traffic signal with the funding to consist of \$45,000 from the County Transportation Committee and necessary additional funds from the 2007 traffic calming account with the Public Works Department.

Ms. Smith made a substitute motion, seconded by Ms. Dickerson, to refer this item to the Public Works Department for evaluation with other requests by July 1<sup>st</sup> using the prioritization criteria. A discussion took place.

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

The substitute motion passed.

#### **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

**Citadel Foundation/Northpoint Industrial Park—Land Purchase** – Mr. Jeter stated that the committee recommended approval of this item. The vote in favor was unanimous.

**Midlands Technical College: Request for Multi-County Industrial Park Status** – Mr. Jeter stated that the committee recommended approval of this item. 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. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- b. Board of Zoning Appeals—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.

## II. NOTIFICATION OF VACANCIES

- a. **Central Midlands RTA—4** – Mr. Montgomery stated that Mr. Livingston requested the Clerk to advise the committee of the policies that other agencies appointing to the RTA are using so we can make sure that Richland County's representatives are not adversely affected by our term policies. The appointments are being held pending the receipt of this information.
- b. **Employee Grievance Committee—2** – Mr. Montgomery stated there was two applicants and two vacancies. The committee's recommendation was to appoint Ms. Deborah Jordan and Mr. Llewlyn Walters. The vote in favor was unanimous.
- c. **Internal Audit Committee—1** – Mr. Montgomery stated there was one applicant and one vacancy. The committee's recommendation was to appoint Mr. Ulice Lance. The vote in favor was unanimous.
- d. **Township Auditorium—2** – Mr. Montgomery stated there were nine applicants and two vacancies.

No one voted for Ms. Patricia Williams.

No one voted for Mr. Luther Thomas, Jr.

Mr. McEachern voted for Ms. Tre Tailor.

No one voted for Mr. Willie Simons.

Ms. Hutchinson voted for Ms. Shannon Pooser.

No one voted for Mr. John Pincelli.

Ms. Smith voted for Mr. Steven Larkin.

Mr. Pearce, Mr. Malinowski, Mr. Jackson, Mr. Jeter, Ms. Hutchinson, Mr. Livingston, Ms. Dickerson, Ms. Scott and Mr. Montgomery voted for Ms. Angela Kirby.

Mr. Pearce, Mr. Malinowski, Mr. Jackson, Mr. Jeter, Mr. Livingston, Ms. Dickerson, Ms. Smith, Ms. Scott and Mr. Montgomery voted for Ms. Tara Robertson Hart.

Ms. Angela Kirby and Ms. Tara Robertson Hart were appointed.

**POINT OF PERSONAL PRIVILEGE** – Mr. Livingston recognized that Ms. Sally Roach, Director of Township Auditorium, was in the audience.

**III. Amendments to Council Rules**

- a. **Section 1.7 – Agenda** – The committee recommended amending Item b.2. under Section 1.7 of the Council Rules to read: any item defeated, tabled or not acted on by committee within 90 days of that item having been placed on the committee’s agenda may be placed on the agenda when the Clerk’s Office has received a written request signed by three members of Council.
- b. **Section 4.6 – Reports** – The committee recommended amending the second paragraph of Section 4.6 of the Council Rules to read: All items presented to Council by committee must carry the committee’s disposition of the item, whether that disposition be to recommend approval, to recommend denial, to make no recommendation at all, or to make any other disposition with respect to the item. Any item defeated, tabled, or not acted on by committee within 90 days of that item having been placed on the committee’s agenda may be placed on the Council agenda when the Clerk’s Office has received a written request signed by three members of Council.
- c. **Section 5.21 – Voting** – This item was held in committee.
- d. **Composition of Planning Commission** – This item was held in committee.

**CITIZEN’S INPUT**

No one signed up to speak.

**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 9:07 p.m. and came out at approximately 10:01 p.m.**  
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Mr. Livingston moved, seconded by Mr. Pearce, to come out of Executive Session. The vote in favor was unanimous.

- a. **N. E. Sanitary Landfill Lawsuit** – Mr. Livingston moved, seconded by Ms. Dickerson, to move forward as discussed in Executive Session. The vote in favor was unanimous.
- b. **TIF Update** – Mr. Livingston moved, seconded by Ms. Scott, to move forward as discussed in Executive Session. The vote in favor was unanimous.

#### **MOTION PERIOD**

**Free and Fair Trade Resolution** – Mr. Jeter referred to the D&S Committee a draft resolution dealing with free and fair trade.

**Review of Sign Ordinance** – Mr. Jackson referred to the D&S Committee the review of the County's sign ordinance.

**Request to Place Sewer Extension Authority under Richland County Council** – Mr. Malinowski moved, seconded by Mr. Norman Jackson, to place the sewer extension authority under Richland County Council, to initiate a study to determine whether to eliminate the current policy of allowing developers to extend sewer lines in exchange for taps, that administration conduct a study and make recommendations to Council as soon as possible, that Richland County suspend sewer extension agreements until this particular study has been completed and that Council has acted on those recommendations of staff, and the adoption of an ordinance or resolution that establishes a life of up to five years for all taps so that all developers have the same benefit. The requested study should include the growth plan for the entire county, a review of the consent of the older items, the provision for establishment of a Richland County service area for both water and sewer.

A discussion took place. The vote in favor was unanimous.

**Wellness Program** – Mr. McEachern authorized Mr. Pope to proceed with this program.

#### **ADJOURNMENT**

The meeting adjourned at approximately 10:10 p.m.

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Joseph McEachern, Chair

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Valerie Hutchinson, Vice-Chair

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Joyce Dickerson

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Norman Jackson

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Mike Montgomery

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L. Gregory Pearce, Jr.

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley