

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
APRIL 6, 2004
5:00 P.M.**

MEMBERS PRESENT: Bernice G. Scott, Chair; Joan B. Brady, Vice-Chair; Susan Brill; Paul Livingston; Doris M. Corley; Joseph McEachern; Anthony Mizzell; L. Gregory Pearce, Jr.; Kit Smith (arrived at 5:48 p.m.); Thelma M. Tillis; James Tuten

OTHERS PRESENT: T. Cary McSwain, Michielle Cannon-Finch, Larry Smith, Carrie Neal, Amelia Linder, John Hicks, Milton Pope, Tony McDonald, Ashley Bloom, Pam Davis, Monique Walters, Andy Metts, Chief Harrell, Marsheika Martin

CALL TO ORDER – The meeting was called to order at approximately 5:18 p.m.

POINT OF PERSONAL PRIVILEGE – Ms. Brill recognized a Boy Scouts member, Wyatt Kirk, in the audience.

INVOCATION – The Invocation was given by the Honorable James Tuten.

PLEDGE OF ALLEGIANCE

PRESENTATIONS:

Palmetto Pride Check – Ms. Becky Barnes updated Council on upcoming projects. She stated that May 13th through the 15th has been designated as the Liter-O-Tolerance Weekend.

Representative Jim Harrison, Chairman of Palmetto Pride Legislative Advisory Committee, presented a check to the following:

Mr. Abraham Riley with East Bluff Community Organization - \$8,000.00
Ms. Catherine Horne with EdVenture - \$9,000.00
Keep the Midlands Beautiful - \$8,800.00
Richland County Sheriff's Department - \$3,000.00

CASA Presentation – Ms. Kelly Davis of CASA recognized volunteers and board members in attendance. She then proceeded to update Council on the purpose of CASA and the need for the County's continued support.

Fair Housing Resolution – On behalf of Council, Mr. McEachern and Mr. Pearce presented a resolution in recognition of Fair Housing. Mr. William Gregory, Directory of Housing and Urban Development, accepted the resolution and reported on the importance of fair housing for everyone.

CITIZEN'S INPUT – The following persons spoke:

Mr. Dave Sweatman spoke against the Hobart Road issue.
Ms. Jennifer Slayton spoke against the Hobart Road issue.

Ms. Russell Hancock spoke against the Hobart Road issue.

ADOPTION OF AGENDA – Mr. Livingston moved, seconded by Mr. Mizzell, to add Siemens Diesel to the agenda under the Second Reading items. The vote in favor was unanimous.

Ms. Brady moved, seconded by Mr. Pearce, to move Executive Session items to the end of the agenda.

After discussion, Ms. Brady/Mr. Pearce withdrew their motions.

Mr. Pearce moved, seconded by Ms. Brady, to hold Executive Session before discussion of the Land Development Amendments. The vote in favor was unanimous.

Mr. Tuten moved, seconded by Mr. McEachern, to adopt the agenda as amended. The vote in favor was unanimous.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Larry Smith, County Attorney, stated the following items need to be discussed in Executive Session:

- a. **Update on pending litigation: Sam Berkheimer et al vs. Richland County**
- b. **Farmers Market (Contractual Matter)**
- c. **Land Development Code legal briefing**

APPROVAL OF MINUTES

Regular Session: March 16, 2004 – Ms. Brady moved, seconded by Mr. Tuten, to approve the minutes. The vote in favor was unanimous.

Special Called Meeting: March 23, 2004 – Mr. Tuten moved, seconded by Ms. Brady, to approve the minutes. The vote in favor was unanimous.

Zoning Public Hearing: March 23, 2004 – Ms. Brady moved, seconded by Mr. Tuten, to approve the minutes. The vote in favor was unanimous.

Special Called Meeting: March 30, 2004 – Ms. Brady moved, seconded by Ms. Corley, to approve the minutes. The vote in favor was unanimous.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Benedict College Co-Sponsorship** – Mr. McSwain stated that the games are to take place April 14th through the 17th.

A discussion took place.

Mr. Mizzell moved, seconded by Ms. Tillis, to allocate \$5,000.00 from the Hospitality Tax Fund.

A discussion took place.

Ms. Smith made a substitute motion, seconded by Mr. Mizzell, to take the \$5,000.00 from the \$200,000.00 fund which was designated for agencies outside of Richland County's unincorporated area. The vote in favor was unanimous.

b. Pine View EMS Station – Mr. McSwain gave an update on the EMS station.

REPORT OF THE CLERK OF COUNCIL – No report was given at this time.

OPEN/CLOSE PUBLIC HEARING ITEMS

Ms. Scott opened the floor to the following public hearings:

- **Ordinance Amendment: Solicitation on Roadways**
- **Budget Amendment (to receive) grant funding from the East Richland County Public Service District as a contribution**
- **Ordinance authorizing the sale of property regarding Plex**

No one spoke to any of the items.

Ms. Scott closed the floor to the public hearings.

APPROVAL OF CONSENT ITEMS – Mr. Mizzell moved, seconded by Ms. Brady, to approve the following consent items:

- **Budget Amendment (to receive) grant funding from the East Richland County Public Service District as a contribution**
[Third Reading]
- **04-32MA, Southland Development Company, D-1 to RS-1, Single Family detached Subdivision, 17600-02-06, Longtown Road & Longcreek Plantation Drive** [Second Reading]
- **04-38MA, Marion Motley, RR and RS-3 to RS-2, Single Family residential subdivision, 22016-01-06/07, 22015-02-01, Padgett Road** [Second Reading]
- **04-40MA, Kahn Development Company, C-1 to C-3, Retail space (Drugstore), 06113-01-01, Corner of Broad River Road & St. Andrews Road** [Second Reading]
- **Bond Ordinance for purchase of Sheriff's Vehicles** [Second Reading]

1. THIRD READING ITEMS

- a. Ordinance Amendment: Solicitation on Roadways** – Mr. Mizzell moved, seconded by Ms. Corley, to approve for Third Reading. The vote was in favor. Ms. Scott opposed.

- b. **04-35MA
Greg Lehman
RU to PUD-1R,
Residential and associated
Commercial uses, 14900-01-03/05/06
& 14800-01-03, 14800-05-10, NW corner
of Turkey Farm Road and US 21**

Council requested an update on changes made by the Planning Commission.

Ms. Amelia Linder, County Attorney, stated the Planning Commission recommended approval, but stated they do not approve all of the uses.

Ms. Smith moved to defer. The motion died for a lack of a second.

Ms. Smith wanted the record to reflect that "we do not have the entire document before us."

Ms. Scott wanted the record to reflect that "we have done this many times before and we need to vote on this."

Mr. Mizzell moved, seconded by Ms. Tillis, to approve this item for Third Reading based on the recommendations and conditions forwarded by the Planning Commission. The vote was in favor.

2. **SECOND READING ITEMS**

- a. **04-24MA
Robert Fuller
RU/M-2 to PDD
Expand Coreslab Facilities
24800-04-22/23
Garners Ferry Rd just East of Horrell Hill Road**

Mr. Mizzell moved, seconded by Ms. Brady, to approve this item for Second Reading. The vote in favor was unanimous.

- b. **04-33MA
Tom Margle
RU to RS-2
Single Family Detached Subdivision
04100-01-06 & 04200-01-37
Koon Road, ½ mile East of Coogler Rd.**

Ms. Smith moved, seconded by Ms. Brady, to defer Second Reading on this item until the community meets with the developer. The vote in favor was unanimous.

c. Ordinance authorizing the sale of property regarding Plex

Ms. Smith moved, seconded by Mr. Mizzell, to lift from being tabled and deny the ordinance. The vote in favor was unanimous.

d. Siemens Diesel – Mr. Livingston moved, seconded by Ms. Brady, to approve the Fee-In-Lieu for Second Reading. The vote in favor was unanimous.

3. FIRST READING ITEM

**a. 04-41MA
Mungo Co.
RU to PUD-1R
Single family residential subdivision
01700-04-12
Spring Hill**

Ms. Corley moved, seconded by Mr. McEachern, to approve this item for First Reading for the 490 homes.

Ms. Smith made a substitute motion to deny the item. She asked for the reasons for her denial to be recorded into the record. (Please see Attachment 1).

The vote for the motion passed.

4. REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

a. Hobart Road Project – Mr. McEachern moved, seconded by Mr. Pearce, to defer this item. The vote in favor was unanimous.

b. New Terminal and Hangar Expansion: Columbia Owens Downtown Airport - Ms. Brill moved, seconded by Mr. Tuten, to approve this item. The vote in favor was unanimous.

5. REPORT OF RULES AND APPOINTMENTS COMMITTEE

A. Notification of Vacancies

Mr. McEachern reported on the following notifications and stated the committee recommended advertisement:

- 1. Central Midlands Regional Transit Authority-4**
- 2. Midlands Commission on Homelessness-3**

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

B. Notification of Appointments

- 3. **Employee Grievance Committee-2** – No applications were received. Staff was directed to re-advertise.
- 4. **Internal Audit Committee-2** – Mr. McEachern stated one application was received. He stated the Committee recommended appointing Mr. Melvin T. Miller and re-advertising the vacant position. The vote in favor was unanimous.
- 5. **Planning Commission** – Mr. McEachern stated one application was received and the committee recommended re-appointing Mr. Howard VanDine. The vote in favor was unanimous.

C. Recommendations To Council - Regulations for Flag Lowering

Mr. McEachern stated the committee recommended deferring this item to the next meeting. The vote in favor was unanimous.

7. **CITIZEN'S INPUT** – Ms. Kim Murphy signed up to speak but had left the meeting. No one else signed up to speak.

8. **EXECUTIVE SESSION** – It was moved and seconded to go into Executive Session. The vote in favor was unanimous.

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Council went into Executive Session at approximately 7:00 p.m. and came out at approximately 8:29 p.m.
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It was moved and seconded to come out of Executive Session. The vote in favor was unanimous.

- a. **Update on pending litigation: Sam Berkheimer et al vs. Richland County** – This item was received as information.
- b. **Farmers Market (Contractual Matter)** – Mr. Livingston moved, seconded by Mr. McEachern, to direct the County Administrator to proceed with negotiations as discussed in Executive Session. The vote in favor was unanimous.
- c. **Land Development Code Legal Briefing** – This item was received as information.

9. Land Development Code Amendments

Schedule

Mr. McEachern moved to look at schedule for the Council meeting.

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A discussion took place. The schedule was as follows for Tuesday, April 20th:

Budget Work Session:	3:00 – 4:00
Land Development Amendments:	4:00 – 6:00
Regular Session Meeting	6:00

Pre-Implementation

Mr. Pearce requested language on a plan of implementation.

A brief discussion took place.

A discussion took place.

Ms. Smith formatted three different issues for discussion and adoption. (Please see Attachment 2). The motions were handed out to full Council.

A discussion took place.

Mr. Pearce requested staff to report on the financial impact of the Planning Department if additional employees would be needed to proceed with the implementation of the land use plan.

Ms. Smith stated staff needs to report what it would take optimally to staff the current code versus optimally to staff the new code.

Ms. Smith moved to direct staff to see if they could work out legally and administratively a way to deal with requests and changes in zoning if it were to result from some adverse impact on the translations.

The discussions continued regarding pre-implementation.

Ms. Smith moved, seconded by Mr. Pearce, to adopt the pre-implementation plan in concept and ask staff to refine it and bring something back to Council at the next work session. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Tillis, to accept the amendments and refer them to staff along with any additional amendments. The vote in favor was unanimous.

Council Oversight

A discussion took place regarding Council overseeing implementation. (See attachment.)

Mr. Pearce offered an amendment that a provision is added stating if something is implemented and is broken, that there is a quick fix provision.

A discussion took place.

Ms. Smith offered an amendment that the implementation period could be extended.

Economic Impact Study

(See the attachment regarding this item).

A discussion took place regarding the economic impact study.

A discussion took place regarding which amendments to work with, Ms. Smith's amendments or the packet of amendments submitted by different Council members.

Ms. Smith moved, and it was seconded, to refer all amendments to staff.

Mr. Livingston called for the questions.

The vote in favor of referring amendments to staff and staff come back with recommendations was unanimous.

10. MOTION PERIOD

- a. **Resolution for Bobbie Shaw [SCOTT]** – The resolution was approved.
- b. **National County Government Week – April 8 – 24, 2004** - Mr. McEachern moved, seconded by Ms. Corley, to approve the Resolution. The vote in favor was unanimous.

9. ADJOURNMENT- The meeting adjourned at approximately 9:13 p.m.

Bernice G. Scott, Chair

Joan B. Brady, Vice-Chair

Susan Brill

Doris M. Corley

Paul Livingston

Joseph McEachern

Anthony G. Mizzell

L. Gregory Pearce, Jr.

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Kit Smith

Thelma M. Tillis

James Tuten

The minutes were transcribed by Marsheika G. Martin