

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
OCTOBER 15, 2002
6:00 P.M.**

MEMBERS PRESENT: Joseph McEachern, Chair; Anthony G. Mizzell, Vice-Chair; Joan B. Brady; Susan Brill; Paul Livingston; J.D. "Buddy" Meetze; L. Gregory Pearce, Jr.; Bernice G. Scott; Kit Smith; Thelma M. Tillis; James Tillis

OTHERS PRESENT: T. Cary McSwain, Carrie Neal, Larry Smith, Michielle Cannon-Finch, Amelia Linder, Tony McDonald, Milton Pope, Ashley Jacobs, Stephany Snowden, Roxanne Matthews, Pam Davis, Monique Walters, Harry Huntley, Marsheika Martin, John Hicks and Chris Eversman

INVOCATION – The Reverend Gregory Cunningham of New Life Beulah Baptist Church led the Invocation.

PLEDGE OF ALLEGIANCE

CALL TO ORDER – The meeting started at approximately 6:20 P.M.

PRESENTATION

Proclamation for Johnny "Big Daddy" Norris

Mr. McEachern and Ms. Scott presented a Proclamation to Johnny "Big Daddy" Norris for his dedication and service to the United Way and Richland County.

Resolution for Stephany Snowden and staff

On behalf of Council, Mr. Meetze presented Stephany Snowden and staff with a Resolution for their presentation at the 2002 SC Association of Counties Conference.

Resolution for Walter Powell, Jr.

On behalf of Council, Mr. Mizzell presented Mr. Walter Powell, Jr. with a Resolution for his involvement with the community and serving as President of the St. Marks Wood neighborhood.

Mr. McEachern recognized Mr. Vince Ford, Mr. Jasper Salmond and Ms. Francenia Heizer present in the audience.

ADOPTION OF AGENDA

Mr. Tuten moved, seconded by Ms. Scott, to move item-8 to the top of the agenda and reorder the agenda.

Ms. Smith stated the item is currently on the agenda in the beginning.

Mr. Tuten and Scott withdrew their motions.

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Mr. Pearce moved, seconded by Mr. Mizzell, to move the consent items to the top of the agenda. The vote in favor was unanimous.

Ms. Michelle Cannon-Finch made a correction to the agenda under Open/Close Public Hearing Items, changing item 2-h to item 2-g and made a correction to the agenda under Approval of Consent Items, adding item 1-e and item 2-e.

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

CITIZEN'S INPUT

Ms. Evelyn Bush spoke to items 7-a (To Appoint/Commission Two Code Enforcement Officers for Public Works) and 7-b (To Appoint/Commission One Code Enforcement Officer for the Development Services Department).

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Larry Smith, County Attorney, requested a legal briefing on Richland County versus Hollingshed Partnership in Executive Session.

After a brief discussion, Mr. McEachern stated it would be added to the agenda as item 10-a after Citizen's Input.

APPROVAL OF MINUTES

September 24, 2002: Zoning Public Hearing

Mr. Livingston moved, seconded by Ms. Scott, to approve the minutes. The vote in favor was unanimous.

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Mr. Livingston requested for someone on the prevailing side to make a motion to reconsider item 7-b (Consideration of refund of earnest money to Quality Beverage, LLC).

Mr. Livingston moved, seconded by Ms. Tillis, to reconsider the item. The vote in favor was unanimous.

Consideration of refund of earnest money to Quality Beverage, LLC

Ms. Scott moved, seconded by Mr. Livingston, to approve reimbursing \$5,000.00 of earnest money to Quality Beverage, LLC. The vote was in favor. Mr. Meetze opposed.

Mr. Livingston moved, seconded by Ms. Brill, to approve the minutes as amended. The vote in favor was unanimous.

REPORT OF COUNTY ADMINISTRATOR

Quarterly Financial Report

Mr. McSwain stated the Quarterly Financial Report was submitted to Council. He stated a discussion would take place on this issue at a future Work Session.

APPROVAL OF CONSENT ITEMS

Mr. Mizzell moved, seconded by Ms. Brady, to approve the following consent items:

- **02-39MA, Time Warner Cable, From RS-3 to PDD, Satellite Dish Area for Time Warner Cable, 6539 Frost Avenue, West of Monticello Road**
- **02-63MA, Charlene Meetze, From RU to PDD, Produce Market, West Side of Kennerly Road & C. Wright Road**
- **03-03MA, Robert Cripps, From RU to C-3, General Retail Businesses, US 76 & CNL Railroad in White Rock**
- **03-05MA, HR Developers, Inc., From RU to C-3, Grocery Store & General Retail, South Side of Garners Ferry Road, Across From Lower Richland HS**
- **03-10MA, Nelson Lamonato, From RU to C-3, General Commercial Retail and Auto Repair, 4612-4624 Leesburg Road**
- **Amendment to Section 26.61.2(6) of the Zoning Code to further define uses permitted in rural zoning districts to limit such uses to non-profit**
- **Ordinance Amendment – Inclusion of and application to all sewer facilities in Richland County**
- **Ordinance Amendment: Sale of Pets**
- **Ordinance: Funding Agreement for the Conference Center**

The vote in favor was unanimous.

OPEN/CLOSE PUBLIC HEARING ITEMS

- **SCT Utilities simplified FILOT**

Mr. McEachern opened the floor to a public hearing. He stated no one signed up to speak. The public hearing was closed.

Mr. Livingston moved, seconded by Mr. Mizzell, to approve this item for third reading. The vote in favor was unanimous.

- **Plasti-Line Infrastructure Credit Agreement Ordinance**

Mr. McEachern opened the floor to the public hearing. No one signed up to speak at this time. The public hearing was closed.

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It was moved and seconded to approve this item for Second Reading. The vote in favor was unanimous.

- **Ordinance to amend Lease Agreement between Richland County and Palmetto Health Alliance**

Mr. McEachern opened the floor to the public hearing.

The following persons signed up to speak "in favor" of this item: Ms. Elizabeth McCullough, Mr. Jim Vasarhelyi, Mr. Vince Ford, Dr. Raymond Bynoe, Mr. Otha Dillihay, Mr. Jasper Salmond, Mr. Chuck Beaman and Mr. Kester Freeman

Ms. Evelyn Bush spoke in opposition of this item.

Mr. McEachern closed the floor to the public hearings.

- **Master Multi-County Park Agreement with Fairfield County**

Mr. McEachern opened the floor to the public hearings. No one signed up to speak. The public hearing was closed.

- **Resolution regarding SC JEDA Loan for SCE&G**

Mr. McEachern opened the floor to the public hearing. He stated no one signed up to speak. The public hearing was closed.

- **Resolution in support of JEDA Bonds for Palmetto Health Alliance**

Mr. McEachern opened the floor to the public hearing.

The following persons spoke:

Mr. Paul Duane signed up to speak "in favor" of this item.

Ms. Evelyn Bush spoke "against" this item.

The public hearing was closed.

- **Bond Ordinance Conservation Commission**

Mr. McEachern opened the floor to the public hearing.

The following persons signed up to speak "in favor": Mr. Kenneth Simmons, Mr. Harold Cannon, Mr. Mark J. Lynn, Ms. Robin White, Mr. Lonnie Shealy, Mr. Bill Barron, Ms. Ann R. Jennings,

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Ms. Jeanette Smith, Ms. Marie Hill, Ms. Belinda Gergel, Mr. Roger Poston, Mr. Cal Watson, Mr. Glen Davis, Ms. Margaret Dubard, Ms. Becky Bailey, Mr. Robert Guld

The following persons signed up to speak "against" this item: Ms. Evelyn Bush, Mr. Bill Kauric, Mr. Hugh E. Jones, Mr. Sampson Brown, Ms. Yvonne Brown, Reverend Joseph & Janis English, Mr. Ed Cates, Mr. Michael Privett, Mr. Tom Gasman, Ms. Cynthia German, Mr. Isaiah Ellison, Mr. Steve Kimball, Mr. E. Ray Moore, Jr., Mr. James Rayfield, Ms. Kenneth Palmer, Mr. Joseph Johnson, Ms. Annie J. Mobley, Mr. David Rast, Dr. Albert Reid, Ms. Deloise Jones, Mr. William DePass, Ms. Kay McClanahan, Mr. Bill McClanahan, Mr. Eddie Jones, Ms. Jana Humphries, Mr. William Stewart, Ms. Lillie Bates, Ms. Kathy Morgan, Ms. Teresa Green, Ms. Lee Felcher, Mr. Bernard Wilson

The public hearing was closed.

Mr. McEachern requested with unanimous consent of Council to recess the meeting. There were no objections.

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Council recessed at approximately 9:00 p.m. and reconvened at approximately 9:10 p.m.
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1. THIRD READING ITEMS

02-55MA, Milliken Forest Company, From RS-1 to C-1, Satellite Office, Legrand Road behind Ramada Inn, Two Notch Road & I-77

Mr. Pearce moved, seconded by Ms. Scott, to approve this zoning change for Third Reading. The vote was in favor. Mr. McEachern opposed.

Millage Ordinance

Mr. Harry Reed, County Auditor, gave a brief report.

Mr. Livingston moved, seconded by Ms. Brady, to give Third Reading approval to an ordinance levying taxes on all taxable property from July 1, 2002 to June 30, 2003. The vote in favor was unanimous.

**02-60MA
Greg Lehman/Mungo Development/Longtown Tract
From M-1 to PUD-2
Longtown Road**

Mr. Chris Eversman, Public Works Director, presented Council with an internal site review. He stated a traffic study was performed. He stated the impact of the development would have a greater impact on the community than originally discussed.

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(Mr. McEachern passed the gavel to Mr. Mizzell).

A discussion took place.

Mr. McEachern moved, seconded by Ms. Tillis, to defer this item to the November 12th meeting in order for the community to meet with the developer and for staff to make recommendations to Council.

The vote was as follows:

| <u>Favor</u> | <u>Oppose</u> |
|--------------|---------------|
| Pearce | Livingston |
| McEachern | Mizzell |
| Smith | Meetze |
| Brill | Brady |
| Tuten | Scott |
| Tillis | |

The motion passed.

A discussion took place.

Mr. Pearce moved, seconded by Ms. Scott, to reconsider the vote.

The vote to reconsider was as follows:

| <u>In favor</u> | <u>Oppose</u> |
|-----------------|---------------|
| Pearce | McEachern |
| Livingston | Smith |
| Brady | Tillis |
| Meetze | |
| Mizzell | |
| Brill | |
| Tuten | |
| Scott | |

The motion to reconsider passed.

Mr. Pearce moved, seconded by Ms. Scott, to defer this item to a Special Called Meeting at 6:30 p.m. on Tuesday, October 22nd.

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The vote to defer was as follows:

| | |
|-----------------|---------------|
| <u>In favor</u> | <u>Oppose</u> |
| Pearce | McEachern |
| Livingston | |
| Brady | |
| Meetze | |
| Mizzell | |
| Smith | |
| Brill | |
| Tuten | |
| Scott | |
| Tillis | |

The motion passed.

2. SECOND READING ITEMS

Ordinance Amendment: Revised County Roads, Chapter 21

Ms. Scott moved, seconded by Mr. Mizzell, to defer this item to the November 12th meeting. The vote in favor was unanimous.

Ordinance authorizing Development Agreement with Brickyard/Longtown, LLC (Mungo Development)

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

Mr. Smith informed Council that this item would require two public hearings.

Council agreed to hold a public hearing on November 12 with no action to be taken at that time and the second public hearing will be held on November 19th.

Ordinance to amend Lease Agreement between Richland County and Palmetto Health Alliance

On behalf of Council, Mr. Pearce thanked the due diligence efforts that the Richland Memorial Board has done on behalf of the County regarding this issue.

Mr. Pearce moved, seconded by Ms. Scott, to defer this item until attorneys can complete due diligence on the County's behalf. The vote in favor was unanimous.

3. FIRST READING ITEM

Master Multi-County Park Agreement with Fairfield County

Mr. Livingston moved, seconded by Mr. Mizzell, to give First Reading approval to a master multi-county park agreement that replaces each phase agreement as the governing documents for the park. The vote in favor was unanimous.

4. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

a. Memorandum-of-Understanding Vulcan Materials

Mr. Livingston stated the committee met and discussed the issue and did not agree with certain language on page 84 of the agenda regarding the *6% interest rate after 20 years*. He stated this was not an official part of the agreement.

A discussion took place.

Ms. Smith moved, seconded by Mr. Livingston, to defer this item to the Special Called Meeting on October 22nd at 6:30 p.m. The vote in favor was unanimous.

5. REPORT OF DEVELOPMENT AND SERVICES COMMITTEE (Deferred from 10/01/02)

a. Contracts: Renewal of County's Recycling Contract

Ms. Brady moved, seconded by Ms. Brill, to defer this item to the November 12th meeting until a response is received from the collectors. The vote in favor was unanimous.

6. REPORT OF ADMINISTRATION AND FINANCE COMMITTEE (Deferred from 10/01/02)

a. Magistrates' Budget Amendment: Two more positions

Mr. McSwain stated he has tentatively identified an area that would fund these two positions in the Expenditure Budget. He requested holding off filling these two positions until January.

Mr. Mizzell moved, seconded by Ms. Brill, to follow the Administrator's recommendation to hold appointing positions until January of 2003.

Ms. Scott requested for staff to keep for \$30,000.00 until it is found.

The vote was in favor. Ms. Scott opposed.

b. Resolution regarding SC JEDA Loan for SCE&G

Mr. Mizzell moved, seconded by Ms. Brady, to approve the resolution supporting the issuance of \$150,000,000.00 industrial revenue bonds to SCE&G. The vote in favor was unanimous.

7. APPROVAL OF RESOLUTIONS

a. To Appoint/Commission Two Code Enforcement Officers for Public Works

Ms. Smith moved, seconded by Ms. Brady, to approve a resolution appointing and commissioning Stevan L. Amick and Earnest Wayne Frierson as code enforcement officers. The vote was in favor. Ms. Scott opposed.

b. To Appoint/Commission One Code Enforcement Officer for the Development Services Department

Ms. Smith moved, seconded by Ms. Brill, to approve a resolution appointing and commissioning Veronica L. Pinkett as a code enforcement officer. The vote in favor was unanimous.

c. Resolution in support of JEDA Bonds for Palmetto Health Alliance

Mr. Pearce moved, seconded by Ms. Tillis, to defer this item to the November 12th meeting. The vote in favor was unanimous.

8. REPORT OF RULES AND APPOINTMENTS COMMITTEE

Airport Commission-3

Mr. Livingston stated the committee recommended deferring notification of the airport commission temporarily.

A discussion took place.

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

Building Board of Adjustments and Appeals-3

Mr. Livingston notified Council of the three vacancies on this board. This was received as information.

Employee Grievances-2

Mr. Livingston notified Council of two vacancies on this board. This was received as information.

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Midlands Commission on Homelessness-1

Mr. Livingston notified Council that there is one vacancy to be made to this board. This was received as information

APPOINTMENTS

Board of Assessment Control -1

Mr. Livingston stated there is one appointment to be made to this board with three applications received.

The vote was as follows:

| <u>Rosen</u> | <u>Headley</u> | <u>Chappell</u> |
|--------------|----------------|-----------------|
| Brady | Livingston | Pearce |
| Meetze | Mizzell | Smith |
| Brill | McEachern | Tuten |
| | Scott | |
| | Tillis | |

A discussion took place regarding the number of votes a person would need to be appointed.

Ms. Smith stated this issue need to go before the Rules and Appointments Committee.

The vote was retaken and it was as follows:

| <u>Rosen</u> | <u>Headley</u> | <u>Chappell</u> |
|--------------|----------------|-----------------|
| Brady | Livingston | Pearce |
| Meetze | Mizzell | Tuten |
| Brill | McEachern | |
| | Smith | |
| | Scott | |
| | Tillis | |

Mr. Shep Headley was appointed.

Board of Zoning and Adjustments and Appeals-1

Mr. Livingston stated there is one vacancy on this board with one application received by Ms. Sheila Dorsey. He stated the committee recommended appointing Ms. Dorsey to the board. The vote in favor was unanimous.

Building Board of Adjustment and Appeals

Mr. Livingston stated there are three appointments to be made to this board. He stated no applications were received. The committee recommended for staff to re-advertise.

9. CITIZEN'S INPUT - No one signed up to speak at this time.

EXECUTIVE SESSION

Ms. Smith moved, seconded by Mr. Mizzell, to go into Executive Session to give the attorney guidance in the Hollingshed case.

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Council went into Executive Session at approximately 10:20 p.m. and came out at approximately 10:31 p.m.
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Ms. Tillis moved, seconded by Mr. Pearce, to come out of Executive Session. The vote in favor was unanimous.

Richland County versus Hollingshed

Mr. McEachern stated Council received a legal briefing from the County Attorney. No action was taken.

MOTION PERIOD

Smith –Ms. Smith requested a template or chart showing an audit of the County's current Economic Development commitment such as how many jobs each company was going to create, by when, how much capital investment, zip code of employees, etc. Full Council was in agreement.

Mizzell – requested for the Public Safety Committee to give a status report to Council. He also requested that communication between law enforcement and public safety departments are addressed before the November 19th meeting.

Meetze – Requested to send to the Rules and Appointments Committee to change the Motion Period to Motion Period and/or Discussion with the discussions not lasting for over 10 minutes.

10. ADJOURNMENT

Ms. Brady moved, seconded by Mr. Meetze, to adjourn the meeting at approximately 10:36 p.m. The vote in favor was unanimous.

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Joseph McEachern, Chair

Anthony G. Mizzell

Joan Brady

Susan Brill

Paul Livingston

J.D. "Buddy" Meetze

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

Thelma M. Tillis

James Tuten

The minutes were transcribed by Marsheika G. Martin