

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 1, 2005 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	Anthony G. Mizzell
Vice Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Paul Livingston
Member	Joseph McEachern
Member	Mike Montgomery
Member	Bernice G. Scott
Member	Kit Smith
Member	Damon Jeter
Member	Doris M. Corley

**OTHERS PRESENT** - T. Cary McSwain, Michelle Cannon-Finch, Larry Smith, Milton Pope, Tony McDonald, Ashley Jacobs, Monique Walters, Joe Cronin, Roxanne Matthews, Michelle Onley, Michael Criss, Chief Harrell, Amelia Linder, Stephany Snowden, Kendall Johnson, Anna Almeida, Ralph Pearson, Judge Amy McCulloch, Donny Phipps, Pam Davis, Dale Welch

### CALL TO ORDER

The meeting was called to order at approximately 6:13 p.m.

### INVOCATION

The Invocation was given by the Honorable Kit Smith

### PLEDGE OF ALLEGIANCE

**POINT OF PERSONAL PRIVILEGE** – Mr. Mizzell recognized that Judge Amy McCulloch was in the audience.

**ADOPTION OF AGENDA** – Ms. Corley moved, seconded by Mr. McEachern, to adopt the agenda as submitted. The vote in favor was unanimous.

#### **PRESENTATION**

There was no presentation.

#### **APPROVAL OF MINUTES**

**Regular Session: October 18, 2005** – Ms. Corley moved, seconded by Ms. Dickerson, to adopt the minutes as submitted. The vote in favor was unanimous.

Mr. Jeter moved, seconded by Ms. Scott, to reconsider approval of the minutes. The vote in favor was unanimous.

Mr. Jeter moved, seconded by Ms. Scott, to amend the minutes to reflect a TEFRA public hearing was held pursuant to Section 147 of the Internal Revenue Code of 1986. The vote in favor was unanimous.

Mr. Montgomery moved, seconded by Ms. Dickerson to adopt the minutes as amended. The vote in favor was unanimous.

**Special Called Meeting: October 25, 2005** – Mr. Pearce moved, seconded by Ms. Dickerson to adopt the minutes as submitted. The vote in favor was unanimous.

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

Mr. Pearce moved, seconded by Ms. Hutchinson, to move these items to after Citizen's Input and reorder the remaining items. The vote in favor was unanimous.

- a. **Personnel Matter**
- b. **Personnel Matter**

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

Mr. McSwain inquired as to whether Council had received a fax regarding some litigation. The attorneys are reviewing the litigation and this matter will be brought back to Council in the future.

#### **REPORT OF THE CLERK OF COUNCIL**

**Urban League 2005 Equal Opportunity Day Dinner, Thursday, November 3<sup>rd</sup> at 6:00 p.m.—Seawells** – Ms. Finch informed Council she had and would distribute the tickets for this event.

#### **REPORT OF THE CHAIRMAN**

No report given at this time.

### PUBLIC HEARING ITEMS

- **Ordinance placing a time limit on refunds of overpaid taxes** [Third Reading] – No one signed up to speak.
- **Sheriff's Request: Increase General Fund budget by \$167,000.00 for purchase of radios and tasers** [Third Reading] – No one signed up to speak.
- **Ordinance authorizing the collection of a special duty administrative service fee** [Third Reading] – No one signed up to speak.
- **Ordinance authorizing easement to Sloan Construction Company** [Third Reading] – No one signed up to speak.
- **Ordinance to authorize a quit-claim deed on Eisenhower Drive** [Third Reading] – Mr. McEachern moved, seconded by Mr. Montgomery, to defer the public hearing. The vote in favor was unanimous.
- **A Budget Ordinance to add \$846,385.00 to FY 2005-2006 Solid Waste Budget** [Second Reading] – No one signed up to speak.
- **Sheriff's Request: Increase Victims Assistance budget by \$250,471.00** [Second Reading] – No one signed up to speak.

### CITIZEN'S INPUT

Ms. Karen Irick spoke in reference to the Hopkins Utility Fund for the operation of Franklin and Albene Park Utility Systems.

### APPROVAL OF CONSENT ITEMS

Ms. Hutchinson moved, seconded by Mr. McEachern, to approve the following consent items:

- **Ordinance placing a time limit on refunds of overpaid taxes** [Third Reading]
- **Sheriff's Request: Increase General Fund budget by \$167,000.00 for purchase of radios and tasers** [Third Reading]
- **Ordinance authorizing the collection of a special duty administrative service fee** [Third Reading]
- **Ordinance authorizing easement to Sloan Construction Company** [Third Reading]
- **Ordinance authorizing the Palmetto Health Lease Amendment** [Third Reading]
- **A Budget Ordinance to add \$864,385.00 to FY 2005-2006 Solid Waste Budget** [Second Reading]
- **Sheriff's Request: A budget amendment to cover General Fund revenue shortfall in the amount of \$250,471.00** [Second Reading]
- **Sheriff's Request: Increase Victims Assistance budget by \$250,471.00** [Second Reading]
- **05-88MA, Cliff Kinder [Farm at McCords Ferry], PDD to PDD (Amended) (89.2 acres), Revise Master Plan Access Point Locations, 21800-01-03/14 & 21900-09-08, Rabbit Run Road to Garners Ferry Road** [Second Reading]
- **05-89MA, Cliff Kinder [Barnstormers], PDD to PDD (Amended) (36.4 acres), Revise Master Plan Access Point Locations, 21800-01-04 & 21900-09-17, Rabbit Run Road to Garners Ferry Road** [Second Reading]
- **05-81MA, Tammy H. Barkoot, RU to GC, Retail Car Sales, 17400-05-23, Longtown Road** [Second Reading]
- **Ordinance to prohibit through truck traffic on Olympia Avenue** [First Reading]

- **Ordinance granting an Easement to the City of Columbia to provide water service to the Heart Center Medical Office Building at Palmetto Richland Memorial Hospital [First Reading]**
- **Ordinance granting a Cable Communications Easement to Time Warner Cable at Palmetto Richland Memorial Hospital [First Reading]**
- **Resolution authorizing Palmetto Health Memorial Hospital to grant a Cable Communications Easement to Time Warner Cable**
- **Resolution regarding National Association of Counties Prescription Discount Card Program**
- **Budget Amendment for the Mental Health Court**
- **Request for New Department and Budget: Business Service Center**
  1. **Ordinance creating the Business Service Center [First Reading]**
  2. **Budget Amendment to authorize seven full-time positions and reallocation of \$170,071 to provide funding for the Business Service Center [First Reading]**
- **Budget Amendment establishing the Hopkins Utility Fund for the operation of Franklin and Albene Park Utility System [First Reading]**

The vote in favor was unanimous.

#### **THIRD READING ITEMS**

##### **Ordinance to authorize a quit-claim deed on Eisenhower Drive**

Mr. McEachern moved, seconded by Mr. Montgomery, to defer this item. The vote in favor was unanimous.

##### **Ordinance authorizing infrastructure financing agreement with AEB Business Properties, LLC (Buck Enterprises)**

Mr. Livingston moved, seconded by Mr. McEachern, to defer this item. The vote in favor was unanimous.

#### **SECOND READING ITEMS**

##### **Redevelopment Plan for the Olympia, Whaley, Granby Tax Increment Financing District Ordinance**

Ms. Smith moved, seconded by Ms. Dickerson, to defer this item to the next meeting. The vote in favor was unanimous.

##### **Ordinance amending an agreement between Richland and Fairfield Counties providing for the inclusion of additional property within the I-77 Corridor Regional Industrial Park**

Mr. Livingston moved, seconded by Mr. Jeter, to approve this item for Second Reading. A discussion took place. The vote in favor was unanimous.

## REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

### Legal Settlement of Condemnation Action for Burdell Fuller Road

[See Minutes of November 15, 2005]

Mr. Ralph Pearson briefed Council on the three alternatives to resolve this issue. Staff's recommendation was to abandon the project.

Mr. McEachern moved, seconded by Mr. Pearce, to accept staff's recommendation to abandon this project. The vote in favor was unanimous.

### Ordinance amending Warranty Requirements for New Roads [Third Reading]

A discussion took place.

**Point of Order** – Ms. Smith felt it would be difficult to give notice for a public hearing on something that Council had not adopted.

Mr. Livingston moved, seconded by Ms. Dickerson to defer this item and for staff to advertise for a public hearing. The vote in favor was unanimous.

### Ordinance authorizing Small Business Participation in the Residential Solid Waste Collection Program

Mr. Tony McDonald briefed Council regarding the discussions that took place with the collectors and their reactions to this item.

A discussion took place. Staff's recommendation was to try this program for a trial period.

Mr. McEachern moved, seconded by Ms. Smith, to give first reading approval to the ordinance and to adopt a pilot program with the trial period terminating by July 1, 2006. A discussion took place regarding the trial period. The vote in favor was unanimous.

## REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

No report given at this time. Ms. Smith stated that the resolution for the prescription discount card program was adopted and an implementation schedule was received under separate cover. The implementation of this program has been triggered by this schedule and adoption.

Mr. Jeter informed the committee that he had some information regarding the Bond Review Committee. Ms. Smith invited him to the committee meeting to present this information.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. ITEMS FOR DISCUSSION

- a. Employee Grievance Committee—Ordinance Amendment – Mr. McEachern stated this item stayed in committee.

- b. **Citizen's Input—Time Allotment** – Mr. McEachern stated that the committee recommended that there not be any change to the rule, but the chair be given flexibility. The vote in favor was unanimous.
- c. **Council Rules—Deadline for Administration & Finance and Development & Services Committee Agendas** – Mr. McEachern stated this item stayed in committee. Mr. McEachern stated that Mr. Montgomery had suggested that consideration be given to receiving the agendas electronically.

**REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

**Approval of an Industrial Development Revenue Bond for Plasti-Line, n/k/a ImagePoint, Inc. through JEDA** – Mr. Livingston stated the committee's recommendation was to approve this item. The vote in favor was unanimous.

Staff was directed to follow-up to make sure a public hearing has been scheduled.

**REPORT OF TOWNSHIP AD HOC COMMITTEE**

**Township Auditorium Renovations** – Mr. Livingston briefed Council regarding a meeting that took place between City Councilmen Rickenmann and Cromartie, members of the Township Board, the Township Director, Ms. Smith and himself to discuss the land purchase and renovations of the Township Auditorium.

Mr. Livingston moved, seconded by Mr. McEachern, to approve in concept the outlined renovations and land purchase for the Township Auditorium. A discussion took place. The vote was in favor.

**CITIZEN'S INPUT**

The following persons signed up to speak in favor of paving Sara Matthews Road:

- Rev. Reginald Flynn
- Mr. Eugene Davoll

**EXECUTIVE SESSION ITEMS**

Mr. Pearce moved, seconded by Ms. Dickerson, to go into Executive Session to discuss two personnel matters. The vote in favor was unanimous.

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**Council went into Executive Session at approximately 7:31 p.m. and came out at approximately 8:09 p.m.**  
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Mr. Pearce moved, seconded by Ms. Corley, to come out of Executive Session. The vote in favor was unanimous.

**Richland County Council**  
**Regular Session**  
**Tuesday, November 1, 2005**  
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**Personnel Matter** – Mr. Pearce moved, seconded by Ms. Scott, to accept the retirement of Mr. McSwain from the position of County Administrator effective November 1, 2005 and to approve the written consultant agreement with Mr. McSwain as discussed in Executive Session. The vote in favor was unanimous.

**Personnel Matter** – Mr. Livingston moved, seconded by Ms. Scott, to approve the appointment of Milton Pope as Interim County Administrator and to authorize the Chair to execute a written agreement setting forth the terms of Mr. Pope's appointment as Interim County Administrator. The vote in favor was unanimous.

#### **POINT OF PERSONAL PRIVILEGE**

Mr. Mizzell complimented Mr. McSwain on his work over the years for the County, his devotion to the community, and assembling such a great staff. Mr. Mizzell thanked Mr. McSwain and stated he looked forward to working with him in the future.

#### **MOTION PERIOD**

**Retirement Celebration and Resolution for Cary McSwain** – Mr. Mizzell moved, seconded by Mr. Montgomery, to have Council authorize a retirement celebration and resolution for Mr. McSwain for all of his services and accomplishments during his tenure as County Administrator of Richland County. The vote in favor was unanimous.

**Public School Funding** – Mr. McEachern moved, seconded by Mr. Montgomery, to have staff bring back a report for discussion at the next A&F Committee meeting on what is being considered in the House and Senate and to work on scheduling a joint meeting with the legislative delegation and school board members. Mr. Pearce suggested contacting the Association of Counties to obtain a copy of all the proposals to be taken up in the legislative committee. The vote in favor was unanimous.

**Resolution for Kay Patterson** – Mr. McEachern moved, seconded by Ms. Scott, to approve a resolution for Senator Kay Patterson for his service to the community. The vote in favor was unanimous.

**FranklinPark/Albene Park** – Ms. Scott moved, seconded by Mr. Jeter, to have all paperwork concerning the Franklin Park and Albene Park water issue sent through the County Administrator for approval. The vote in favor was unanimous.

**Farmer's Market** – Mr. Jeter moved, seconded by Ms. Smith, to have staff bring back a status report and comprehensive plan or outline in regard to the Farmer's Market. The vote in favor was unanimous.

#### **ADJOURNMENT**

Mr. Pearce moved, seconded by Ms. Dickerson. The vote in favor was unanimous.

The meeting adjourned at approximately 8:26 p.m.

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Anthony G. Mizzell, Chair

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L. Gregory Pearce, Jr. Vice-Chair

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Doris M. Corley

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Joyce Dickerson

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Valerie Hutchinson

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Damon Jeter

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Paul Livingston

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Joseph McEachern

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Mike Montgomery

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley