

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION MARCH 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 (arrived at approximately 6:16 p.m.)
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Damon Jeter
Member	Paul Livingston
Member	Joseph McEachern
Member	Mike Montgomery
Member	Bernice G. Scott
Member	Kit Smith
Member	Doris M. Corley
Member	L. Gregory Pearce, Jr. (left at approximately 6:54 p.m.)

ALSO PRESENT: T. Cary McSwain, Michielle Cannon-Finch, Brad Farrar, Amelia Linder, Milton Pope, Tony McDonald, Ashley Bloom, Michael Criss, Kendall Johnson, Stephany Snowden, Monique Walters, Marsheika Martin, Sherry Wright-Moore, Chief Harrell

CALL TO ORDER

Mr. Pearce called the meeting to order at approximately 6:02 p.m.

POINT OF PERSONAL PRIVILEGE

Mr. Pearce stated that Mr. Mizzell is running late and he thanked Council, staff and the public for allowing him to chair after his surgery. He stated after being in the hospital for about a week at Palmetto Richland Memorial, he was able to see the tremendous good care that the hospital gives to its patients.

Mr. Pearce recognized in the audience his daughter, Louise, and son-in-law, Dr. Steven Crewy, an emergency room physician.

INVOCATION

The Invocation was given by the Honorable Kit Smith.

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

Ms. Michielle Cannon-Finch, Clerk of Council, directed Council's attention to the memorandum that was placed in front of their seats. She stated ordinances from Legal were attached that should have been included in the agenda. Ms. Finch stated the ordinances were received after the agenda was prepared.

Mr. Brad Farrar, Deputy County Attorney, informed Council of the following items that need to be discussed in Executive Session:

- Contractual Matter – Legal Advice
- Employee Grievance (if there are any questions)
- Personnel Matter

Mr. McEachern requested for Executive Session to be held after the last Citizen's Input.

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

PRESENTATIONS

Columbia Museum of Art – Ms. Karen Brosius, Executive Director, stated that the County's support has made all the difference for the museum this past year. She thanked them also for making her first year such a success because of their strong commitment. Ms. Brosius gave some of museum's highlights of accomplishments for the past year.

Engenuity of South Carolina – Mr. Kyle Michelle gave a brief update of what has been accomplished and what they are in the process of accomplishing in 2005. A two-page summary of accomplishments from last year and the current year were given to Council.

Richland Memorial Hospital – Mr. Pearce stated the presentation will be held at the next Council meeting.

CITIZEN'S INPUT – The following persons signed up to speak:

- Evelyn Bush – conservation easement.
- Paul Beatty – Mr. Mizzell informed Mr. Beatty that he could not speak at this time as the item (05-36MA) had already had a public hearing. He stated that Mr. Beatty could feel free to contact Council members or send a letter.

APPROVAL OF MINUTES

Mr. Montgomery moved to approve the minutes as published. The motion died for a lack of a second.

Regular Session: February 15, 2005

Ms. Corley moved, seconded by Mr. Jeter, to reconsider the Regular Session Minutes on February 15th regarding the rezoning request (05-28MA) on Pages 10 and 11 of the agenda. The vote in favor was unanimous.

Ms. Corley moved, seconded by Ms. Scott, to approve item 05-28MA for Third Reading. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Ms. Scott, to approve the Regular Session minutes of February 15th as changed.

Ms. Smith clarified that this would be noted in the minutes that it was reconsidered at a future time.

The vote in favor was unanimous.

Special Called Meeting: February 22, 2005

Mr. Montgomery moved, seconded by Mr. McEachern, to approve the Special Called Meeting minutes of February 22nd as submitted. The vote in favor was unanimous.

REPORT OF COUNTY ADMINISTRATOR

Employee Grievance – Mr. T. Cary McSwain, County Administrator, stated it would need to be discussed in Executive Session if additional information is needed.

Action Item: 208 Plan Kershaw County – Mr. McSwain stated Council would receive a legal briefing in Executive Session.

Recreation Consultant – Mr. McSwain stated that the consultant for the Recreation Commission has requested for the Chair to appoint a Steering Committee. He stated it would consist of four recreation members, Dr. Solomon, the director and two Council members, two staff persons from administration and one engineer.

Mr. Mizzell stated it would be appropriate to discuss this at the Recreation Commission Work Session on March 2nd.

Director of the South Carolina Lottery – Mr. McSwain stated Mr. Passailaigue, Director of the Lottery, has requested to give a presentation to Council at the next meeting.

Mr. Mizzell directed for the presentation to be set up.

Regarding the **employee grievance**, Mr. McEachern moved to accept the administrator's recommendation. Ms. Smith seconded the motion.

Mr. Mizzell stated that he did not have the information in front of him and he would like to discuss it in executive session.

Mr. McEachern withdrew his motion.

REPORT OF THE CLERK OF COUNCIL

Electronic Agendas – Ms. Michelle Cannon-Finch, Clerk of Council, requested feedback from Council members who were able to receive their agendas electronically.

Invitation from the Greater Columbia Chamber of Commerce – Ms. Finch reported that Council is invited to a breakfast on Thursday, April 21st at 7:30 a.m. at the Columbia Metropolitan Convention Center. She stated the breakfast will be honoring Dr. Andrew Sorenson, President of the University of South Carolina, as the 2005 Ambassador of the Year.

Lunch Meeting with the Recreation Commission – Council was reminded of the lunch meeting on tomorrow, March 2nd at 1:00 p.m. on the 4th floor in the back conference room.

Township Board of Trustees - The council liaisons to the Township Board was reminded of the meeting on Thursday, March 3rd at 4:00 p.m.

Palmetto Capital City Classics Board – Council was invited to attend a press conference on March 15th at Williams-Brice Stadium at 11:00. This is to officially announce the two teams that will be playing.

Point of Personal Privilege – Mr. Jeter requested for all of the reported information to be on Council's calendar and sent via e-mail.

OPEN/CLOSE PUBLIC HEARING ITEMS

Mr. Mizzell opened the floor to the following public hearings:

Board of Voter Registration Budget Request - No one signed up to speak.

Budget Amendment for the Neighborhood Improvement Fund - No one signed up to speak.

The floor was closed to the public hearings.

APPROVAL OF CONSENT ITEMS

Mr. Pearce moved, seconded by Ms. Corley, to approve the following items for the Consent Agenda as amended:

- **Board of Voter Registration Budget Request** [Third Reading]
- **Budget Amendment for the Neighborhood Improvement Fund** [Third Reading]
- **05-36MA, Kerry Lee, RU to PUD-1R, Single Family Residential, 14800-05-22, US Highway 21** [Second Reading]
- **05-37MA, Windsor/Aughtry Co. c/o Paul Aughtry, M-2 to M-1, Highway commercial services and light industrial, 17300-02-02 & 17400-09-13(p), I-77 & Killian Road** [Second Reading]
- **05-38MA, Richland County School District Two, c/o Jacqueline Myers, C-3 to C-1, Elementary School, 19811-01-02, Polo Road east of Alpine Road** [Second Reading]
- **05-32MA, Barnstormers c/o E. Clifton Kinder, RS-2/D-1 to PUD-1R, Single Family Residential, 21800-01-04 & 21900-09-17, Trotter Road & Lower Richland Blvd** [Second Reading]
- **05-30MA, The James Company (E.C. Kinder, Jr.), M-1 to RS-3, Single Family Residences, 17300-02-10, Northwest corner of intersection of Hardscrabble and Farrow Road** [Second Reading]
- **Quit Claim, 321 Fairfield, LLC**

Mr. Jeter stated there is an additional quit claim that needs to be on the consent agenda, Carolina Wrecking.

Ms. Smith moved, seconded by Ms. Scott, to amend the agenda and add a quit claim for Carolina Wrecking by unanimous consent. The vote in favor was unanimous.

The consent agenda items continued as follows:

- **Department of Public Works: Fiscal Year 2005 Budget Amendment Request**
- **Emergency Services Department: Vehicle Purchase**
- **Department of Public Works: Purchase of Two Tractor/Mowers**
- **2004 Assessment Roll for the Village at Sandhill Improvement District**
- **Pawnshop application for West Bridge Pawn, Inc.**
- **Cooperative Health Care Center, Inc.**

The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Conservation Easements Policy

Ms. Smith stated the committee amended the ordinance and she wanted to be sure the amendments were drafted.

Ms. Smith also questioned whether or not Council should institute a fee without going through an ordinance process. She thought maybe it needed to be worked into an ordinance.

Ms. Amelia Linder stated it was Council's decision. They could either do it by a written policy or draft an ordinance for consideration. After discussion, Mr. Farrar recommended putting all fees in an ordinance.

Ms. Smith moved, seconded by Mr. Montgomery, to approve by Title Only for First Reading a conservation easement policy for endorsement or acceptance of an easement and ask staff to present a draft ordinance for Second Reading.

Mr. Montgomery stated the Committee wanted to do the following:

1. To set an orderly process so that when a proposal came to Council with regard to acceptance or approval of a conservation easement, that there was a certain amount of due diligence done prior to that, that designated the conservation commission body to make that recommendation to Council
2. To make sure there was a revenue neutral situation from the standpoint of the County; that the taxpayers were not subsidizing the funding of conservation easements. He stated a means to calculate the appropriate user fee needs to be included in the ordinance.

The vote in favor was unanimous.

CLARIFICATION: Regarding the two **quit claims** approved under the consent items, Mr. Jeter stated these were ordinances and were approved for First Reading.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Consideration of abatement for Blind John (Select Comfort)

Mr. Livingston stated the Committee recommended deferring this item to the March 15th meeting. The vote in favor was unanimous.

Neighborhood Improvement Program Cost Estimates for Master Plans (Retreat Item)

Ms. Ashley Bloom, Assistant County Administrator, stated cost estimates for each plan and a map for each of the proposed neighborhoods were sent out in Council's packets over the weekend. She requested sending this item to Committee for approval for selection of the 1st three or four neighborhoods.

Ms. Smith moved, seconded by Mr. McEachern, to approve the list with some understanding that there may be some changes in the neighborhood boundaries. The vote in favor was unanimous.

Mr. McEachern commended Ms. Susan Britt for the great job that she has done on this. He also commended staff.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

Notification of Vacancies on Boards, Commissions and Committees

Mr. McEachern notified Council of the following vacancies:

Building Board of Adjustment and Appeal- one vacancy

Internal Audit Committee – one vacancy

Historic Columbia Foundation – one vacancy (Mr. McEachern noted that staff did not received an application for this vacancy when previously advertised.)

He stated the Committee recommended the advertisement of the vacancies. The vote in favor was unanimous.

Notification of Appointments to Boards, Commissions and Committees

Employee Grievance Committee -1: Mr. McEachern stated there was one vacancy on this board with one application received. The committee recommended appointing Mr. Richard C. Devors to the board. The vote in favor was unanimous.

Hospitality Tax Committee-1: Mr. McEachern stated there is one vacancy to the committee with two applications received. He stated the committee determined that one of the applicants did not meet the criteria. The Committee recommended appointing Mr. Terry Boatwright. The vote in favor was unanimous.

Appropriate Staff in Executive Session: Mr. McEachern stated this was taken up at the last Council meeting.

Scheduling the Admin and Finance “Immediately Following” the Development and Services – Mr. McEachern stated this was not part of the agenda.

Employee Grievance – Mr. McEachern stated the Human Resources Director came in and updated the Committee on ordinances and the state’s statutes. The Committee did come up with the following recommendations:

1. The director conveyed to the committee relevant information to the action that is being taken.
2. The grievant may present certain documentation to the Grievance Committee that may be relevant.

Mr. McEachern stated the committee has recommended that this be included in information that Council receives regarding employee grievances.

Mr. McEachern stated the committee did not take a position on the issue regarding “individual names” of each grievant. He stated this will be up to Council to decide.

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

Individual names of grievant

Ms. Scott moved, seconded by Mr. Montgomery, to carry everything through from the person, to the grievance, to the Administrator, to Council until the final decision is made.

Mr. Livingston made a substitute motion, seconded by Mr. McEachern, that names are given to those Council members who request the name.

Ms. Scott stated that she always want to know the name.

The vote was in favor.

Mr. McEachern stated that the Committee may make other recommendations to the process and will continue with the issue of scheduling the committee meetings.

POINT OF CLARIFICATION – Ms. Hutchinson questioned Mr. McEachern about the Appearance Commission’s issues regarding master gardener and horticulturist.

Mr. McEachern stated it is in discussion and that staff is trying to contact professional organizations. He stated Ms. Monique Walters is staffing the committee and if any one had any names of a horticulturist to please inform her.

CITIZEN’S INPUT

No one signed up to speak at this time.

EXECUTIVE SESSION ITEMS

- **Employee Grievance**
- **Plan 208, Kershaw County**
- **Personnel Matter**

Mr. Montgomery moved, seconded by Ms. Scott, to recess public session and convene in executive session. The vote in favor was unanimous.

(Mr. Pearce left the meeting at approximately 6:54 p.m.)

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Council went into Executive Session at approximately 6:54 p.m. and came out at approximately 7:40 p.m.
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It was moved and seconded to come out of Executive Session. The vote in favor was unanimous.

Employee Grievance

Mr. Montgomery moved, seconded by Ms. Scott, to affirm the action of the County Administrator. The vote in favor was unanimous.

208 Program

Ms. Hutchinson moved, seconded by Ms. Scott, to direct legal to draft a letter in support of the current 208 Plan and send it to the Central Midland Council of Governments. The vote in favor was unanimous.

Mr. Mizzell stated for clarification that this is a letter from the Chair and Council will approve that before it goes out. He stated it needed to be done tomorrow.

Personnel Matter

Mr. Montgomery moved, seconded by Mr. Livingston, to refer the issues discussed to the Administration and Finance Committee for consideration of amendments to the ordinance. The vote in favor was unanimous.

MOTION PERIOD

Central City Shamrocks Resolution – Ms. Scott moved, seconded by Mr. McEachern, to approve the resolution for a group of young kids who plays baseball, encouraging them to continue to do great things. The vote in favor was unanimous.

Resolution for Senator Darrell Jackson – Ms. Scott moved, seconded by Mr. Livingston, to approve a resolution honoring Senator Jackson. The vote in favor was unanimous.

She stated the resolution will be presented on March 12th.

Community Meeting – Ms. Dickerson notified Council about a community meeting which will be taking place on March 7th at 6:00 p.m. at the Auditorium of Columbia High School.

Resolution to take to Brazil – Ms. Smith stated that she is traveling to Curitiba, Brazil which is supposed to be one of the best planned cities in the world. She stated she will be welcomed as a local government official and would like to present them with a resolution.

Ms. Smith moved, seconded by Ms. Scott, that by unanimous consent a resolution of greetings be presented to Curitiba, Brazil. The vote in favor was unanimous.

Sheriff's Department: Holiday Pay – Mr. McEachern moved, seconded by Ms. Scott, to refer the issue of holiday pay for the Sheriff's Department to the Administration and Finance Committee.

Mr. McSwain stated that staff is currently working on the analysis of that because the numbers do not look right; and afterwards, he was planning to meet with the Sheriff and go through that with him.

The vote in favor was unanimous.

ADJOURNMENT – It was moved and seconded to adjourn at approximately 7:47 p.m. The vote in favor was unanimous.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Marsheika G. Martin