

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, SEPTEMBER 6, 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 Mizzell
Vice-Chair	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Paul Livingston
Member	Joseph McEachern
Member	Mike Montgomery
Member	Valerie Hutchinson
Member	Kit Smith
Member	Joyce Dickerson
Member	Damon Jeter
Member	Doris Corley

**OTHERS PRESENT:** T. Cary McSwain, Larry Smith, Amelia Linder, Anna Almeida, Michelle Cannon-Finch, Michael Criss, Ashley Jacobs, Roxanne Matthews, Joe Cronin, Monique Walters, Tony McDonald, Milton Pope, Marsheika Martin, Ronaldo Myers, Rodolfo Callwood, Kendall Johnson; Stephany Snowden

### CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

### INVOCATION

The Invocation was given by the Honorable Mike Montgomery

### PLEDGE OF ALLEGIANCE

**ADOPTION OF AGENDA** - Mr. Pearce moved, seconded by Mr. Livingston, to receive an update on relief efforts for Hurricane Victims, how Richland County will be assisting hurricane

victims and a report of the problem with over-crowdedness at the Detention Center. The vote in favor was unanimous.

Ms. Smith stated that item 5-b (Citizen's Request: Assessment Ration Refund: Mr. Henry Hennagan) should be a consent item.

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

### **CITIZEN'S INPUT**

Ms. Evelyn Bush spoke of concerns regarding item 5-c (Contract for Conservation Easement).

### **APPROVAL OF MINUTES**

#### **Special Called Meeting: July 26, 2005**

Ms. Corley moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

#### **Zoning Public Hearing: July 26, 2005**

Ms. Corley moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

### **PRESENTATION OF RESOLUTIONS**

#### **Mr. James Mullis/Ms. Lorraine Conrad (retiring Conservation District Commissioners)**

On behalf of Council, Mr. Mizzell and Ms. Scott presented resolutions to Mr. Mullis and Ms. Conrad upon their retirement and years of service as Conservation Commissioners.

**Point of Personal Privilege** - Dr. Steve Hefner of School District Two and Sheriff Leon Lott were recognized in the audience.

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

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

- a. **Personnel Matter – Sheriff Leon Lott**
- b. **Personnel Matter – County Administrator/Clerk of Council Evaluations**
- c. **Solid Waste Management Plan-Presentation- Legal Advice**
- d. **Recreation Commission Lawsuit – Pending Lawsuit**
- e. **Historic Preservation Homes – Legal Advice**
- f. **PHS Contract (Contractual Matter) – Legal Advice**

Mr. Montgomery moved to modify the agenda and take up the Executive Session items after item-9 (Citizen's Input). Mr. Jeter seconded. The vote in favor was unanimous.

Mr. Smith requested for discussions on item 1-e (Recreation Commission Bond Ordinance) to be moved after the Executive Session items.

Mr. Smith's request was accepted.

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

Mr. McSwain welcomed Council back and brought their attention to the new décor in Chambers. He stated Ms. Stephany Snowden and staff designed it and will be working to decorate the lobby and add more technology for the benefit of the public.

Mr. McSwain gave a brief update on the following items:

**USC Technology Park Garage Agreement** – There is a timeline of how the first phase of the \$141,000,000 is to be built out (the County has committed \$7,750,000 to assist the City in building the two parking garages). The County's part of the funding is in the hands of bond counsel and they are to develop the written financial strategy and documents and get approved by the City's bond counsel. He stated this information will come before the A&F committee either this month or next month.

**Farmer's Market** - Ms. Ashley Jacobs gave a brief overview of the status of the Farmer's Market and things that have happened in the last month and a half. She reported that the MOU has been signed by the Chair. The 196-acre tract of the new market has been purchased for \$4,550,000 and the property has been turned over to the State. The architect/engineer (Wilbur Smith) has been selected for the project.

Ms. Jacobs informed Council of a meeting regarding the extension of Shop Road with County officials and the Department of Transportation.

Ms. Jacobs reported that the five wholesale vendors who have committed to the wholesale portion of the property are as follows: V.B. Hook and Company, Senn Brothers, R.C. McEntire and Company, Joel Cirmella Tomato Packers and Sievert & Sons Produce. She stated the financing plan is underway for the vendors.

**Public Presentation Southern Environmental Law Center** – Mr. McSwain reported that recommendations were given to the County in relation to saving fuel. A copy of the presentation was placed before Council's seat regarding "Park and Ride".

**From Richland With Love** – Mr. McSwain reported a group of employees serve on a committee named, "From Richland with Love". He stated the group met and decided to hold "A Day of Giving" for employees to contribute to Hurricane Victims. Donations will go to the American Red Cross. A county will be selected and adopted by Richland County in order to find out what their most desperate needs are and what long-term items are needed.

**Meeting Regarding Hurricane Victims** – Mr. McSwain stated Congressman Clyburn called a meeting to discuss providing a coordinated effort by this community for persons devastated by the Hurricane. He reported that this community could assist approximately 5,000 people with homes and jobs. Resources available will be given to HUD.

Mr. Milton Pope, Assistant County Administrator, briefed Council on the process and plans towards assisting the victims of Hurricane Katrina with relocation. He stated different agencies and entities are working together to prepare for receiving the people and providing equipment and supplies.

**Fuel Prices** – Mr. McSwain reported on how gasoline would be allocated if there was a shortage in the amount of fuel. He stated that he spoke with the City Manager and they have agreed to coordinate services; such as, public safety and garbage collection.

#### REPORT OF CLERK OF COUNCIL

**“A Day of Giving”** – Ms. Michielle Cannon-Finch, Clerk of Council, offered Council the opportunity to contribute to “A Day of Giving” which will take place on Friday, September 9<sup>th</sup>.

**Greater Columbia Chamber of Commerce Annual Gala** - The Chamber of Commerce will be holding their 103<sup>rd</sup> Annual Gala and Auction at the Columbia Metropolitan Convention Center on Thursday, September 22<sup>nd</sup>. Donations will be accepted.

#### PUBLIC HEARING ITEMS

Mr. Mizzell opened the floor to the following public hearing items:

- **An Ordinance to require all Richland County Departments and offices, both elected and appointed, to record their financial transactions in a Single-Unified General Ledger** - No one signed up to speak
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VI, Elected and Special Officers, Section 2-262. Salaries of certain elected officials; so as to provide for the salaries of such officials and for subsequent pay increases** – No one signed up to speak
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments, by adding a new division entitled 2A, Special Services so that a new department will be created and by Amending Division 1. General, and Division 2. Public Works and Utilities, so that Utilities will be a separate department** – No one signed up to speak
- **An Ordinance Amending the Fiscal Year 2005-2006 General Fund Annual budget to authorize the addition of one full-time position and add twenty-five thousand six hundred seventy six (\$25,676.00) from General Operating fund balance to increase funding to the Special Services Department** – No one signed up to speak
- **Ordinance authorizing a First Amendment of the Lease Agreement between Richland County and Blue Cross and Blue Shield of South Carolina** – No one signed up to speak

The floor to the public hearings was closed.

### APPROVAL OF CONSENT ITEMS

Mr. Pearce moved, seconded by Ms. Dickerson, to approve the following consent items:

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VI, Elected and Special Officers, Section 2-262. Salaries of certain elected officials; so as to provide for the salaries of such officials and for subsequent pay increases [Third Reading]**
- **An Ordinance Amending the Fiscal Year 2005-2006 General Annual budget to authorize the addition of one full-time position and add twenty-five thousand six hundred seventy six (\$25,676.00) from General Operating fund balance to increase funding to the Special Services Department [Third Reading]**
- **05-39MA, Robert Fuller, RU to PDD, Commercial Business Park, TMS #2022-03-49 & 50, Clemson Road near U.S. Post Office [Third Reading]**
- **Ordinance authorizing a First Amendment of the Lease Agreement between Richland County and Blue Cross and Blue Shield of South Carolina [Second Reading]**
- **05-56MA, Chinese Culture Center c/o Lea Walker, M-1 to GC, Chinese Culture Center, TMS #16104-02-09, Branning Road/Pineview Road [Second Reading]**
- **05-78MA, Phillips Savage, RU to GC, Commercial Use, TMS# 02412-01-09, Dutch Fork Road [Second Reading]**
- **05-79MA, George H. Bunch, RU to GC, Commercial Development, TMS# 21800-01-06(portion), Lower Richland Boulevard & Garners Ferry Road [Second Reading]**
- **Ordinance Amending Ordinance 074-04HR regarding Digital Data Submission [Second Reading]**
- **Ordinance to Authorize an Easement to SCE&G on County-owned property at Palmetto Richland Hospital [First Reading]**
- **Ordinance to Authorize a Water Line Deed to the City of Columbia Owens Downtown Airport [First Reading]**
- **Citizen's Request: Assessment Ratio Refund (Mr. Henry Hennagan)**

The vote in favor was unanimous.

### THIRD READING ITEMS

#### **An Ordinance to require all Richland County Departments and offices, both elected and appointed, to record their financial transactions in a Single-Unified General Ledger**

Ms. Smith moved, seconded by Mr. Pearce, to approve this item for Third Reading. The vote in favor was unanimous.

Mr. McEachern requested to see a document of the single ledger that the County and Treasurer are to abide by.

Ms. Smith amended her motion to give Third Reading approval and also for Council to be given the opportunity to review the format of the ledger prior to implementation. Mr. Pearce accepted the amendment. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments, by adding a new division entitled 2A, Special Services so that a new department will be created and by Amending Division 1, General, and Division 2. Public Works and Utilities, so that Utilities will be a separate department**

A discussion took place regarding the duties of the Special Services, Public Works and Sheriff's Departments.

Mr. Livingston stated there needs to be some codified agreement of the departments working together.

Mr. Livingston moved, seconded by Ms. Scott, to give this item Third Reading approval.

A discussion took place.

Mr. McEachern offered an amendment, seconded by Ms. Scott, to approve the ordinance and bring back some of the agreements Mr. Livingston brought up and request that the position of the Utilities Director has a job description included within the ordinance. The vote in favor of the amendment was unanimous.

The vote in favor of the main motion as amended was unanimous.

**Recreation Commission Bond Ordinance**

Mr. Livingston moved to table this item. Mr. Montgomery seconded.

After discussions, Ms. Smith moved, seconded by Ms. Scott, to move this item to the end of the agenda for further discussion. The vote in favor was unanimous.

**SECOND READING ITEMS**

**Land Development Code Text Amendment Private Road Subdivisions**

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

**Ordinance authorizing the sale of Industrial Park Property in Richland Northeast Industrial Park to William Hancock**

Ms. Smith stated a memorandum has been placed in front of Council's seats.

Ms. Smith moved, seconded by Mr. Livingston, to amend the ordinance to comply with the legal memorandum reflecting the change as the grantee of a transaction. The vote in favor was unanimous.

**FIRST READING ITEMS**

**05-76MA, Steadfast Unmovable Ministries, Inc. c/o Nancy Johnson, RS-MD to OI (11 acres) Commercial Development (20200-01-31) Clemson Road West of Hardscrabble Road**

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

**REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

**Public Works: Ordinance Amending Infrastructure Warranty Requirements for New Development**

Mr. Jeter stated the Committee voted to amend the ordinance to set a two-year warranty period and a 40% bond requirement.

Ms. Dickerson offered an amendment, seconded by Ms. Scott, to set a one-year warranty with a 40% bond requirement.

A discussion took place.

Ms. Smith made a substitute motion, seconded by Mr. Montgomery, to approve at four years at 30% or two years at 20%. If they take the two-year option, then they must pay to have the County inspect the roads during construction.

The discussion continued. Ms. Dickerson withdrew her motion.

The vote in favor of the substitute motion:

<u>In favor</u>	<u>Oppose</u>
Montgomery	McEachern
Smith	Corley
Pearce	Livingston
Mizzell	Dickerson
Hutchinson	Scott
	Jeter

The motion failed.

Mr. Livingston requested information on the cost for inspection by Second Reading.

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

## **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

### **Ordinance to Establish Bond Review Committee**

Ms. Smith stated the Committee forwarded this item to Council to approve the concept; and if the Council approves it in concept, it will return to the A&F Committee for further work. The vote in favor was unanimous.

### **Contract for Conservation Easement**

Ms. Smith stated the Committee authorized the continuation of negotiation of contracts. She stated this is the purchase of conservation easement on the Broad River. Ms. Smith went on and briefed Council on the property and the Conservation Commission's determination of the value and the significant public interest in the project.

Ms. Smith moved, seconded by Mr. Pearce, to approve. The vote in favor was unanimous.

## **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

### **Consideration of incentives for Buck Enterprises**

Mr. Livingston reported that Buck Enterprises has requested a special revenue credit and will be moving to a new facility and investing \$1.1 million. He stated they are asking for assistance with the sewer line at the North Point Industrial Park. Mr. Livingston stated the average cost of the sewer line was \$65,000 and the committee's recommendation was to fund approximately half of that and consider the other amount based on the company meeting the threshold of 10 new jobs. He stated this is a First Reading item by title only and the documentations will be coming by Second Reading. The vote in favor was unanimous.

### **Consideration of Ordinance authorizing Multi-County Park Agreement for Metso Minerals**

- Mr. Livingston stated the committee recommended approval. The vote in favor was unanimous.

## **A RESOLUTION TO APPOINT AND COMMISSION MARCUS B. SIZEMORE AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY**

Mr. McEachern moved, seconded by Mr. Montgomery, to approve the Resolution. The vote in favor was unanimous.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. Notification of Vacancies on Boards, Commissions and Committees

Mr. McEachern reported on the following vacancies:

**Accommodations Tax Advisory Committee-2**  
**Board of Assessment Control-1**  
**Board of Zoning Adjustment and Appeals-1**

The vote in favor was unanimous.

### II. Notification of Appointments to Boards, Commissions and Committees

#### Appearance Commission-1

Mr. McEachern stated there is one vacancy on this board with one application received. The Committee recommended appointing Mr. Ryan Nevius. The vote in favor was unanimous.

#### Community Relations Council-3

Mr. McEachern stated there are three vacancies on this board and the Committee recommended re-appointing Mr. George Jackson and Mr. Donald R. Martin and re-advertising for the remaining vacancy. The vote in favor was unanimous.

#### Midlands Workforce Development Board-7

Mr. McEachern requested to keep this item in Committee until clarification is made by staff about the number of vacancies (7 or 12 positions).

## CITIZEN'S INPUT

The following persons spoke of concerns regarding the paving of Sara Matthews Road:

- Pastor Reginald Flynn
- Mr. Eugene Davull
- Ms. Lula Mae Veal
- Ms. Barbara Wise

The following persons spoke regarding concerns at the Detention Center:

- Mr. Kenneth Brown
- Ms. Idell Flemming
- Mr. Jay White
- Mr. James Churchill

**EXECUTIVE SESSION**

Mr. Pearce moved, seconded by Ms. Dickerson, to go into Executive Session to discuss the following items:

- Personnel Matter – Sheriff Leon Lott**
- Personnel Matter – County Administrator/Clerk of Council Evaluations**
- Solid Waste Management Plan-Presentation- Legal Advice**
- Recreation Commission Lawsuit – Pending Lawsuit**
- Historic Preservation Homes – Legal Advice**
- PHS Contract (Contractual Matter) – Legal Advice**

The vote in favor was unanimous.

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**Council went into Executive Session at approximately 7:49 p.m. and came out at approximately 9:51 p.m.**  
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Mr. Montgomery moved, seconded by Ms. Hutchinson, to come out of executive session. The vote in favor was unanimous.

**Personnel Matter (Sheriff)** - Mr. Livingston moved, seconded by Ms. Hutchinson, to refer this issue (special revenue) to the A&F Committee. The vote in favor was unanimous.

**Personnel Matter (County Admin and Clerk of Council)** - This item was received for information. Mr. Pearce was asked to pull up information from the past and begin starting the process for the evaluations.

**Solid Waste Management Plan-Presentation** – This item was received for information.

**Recreation Commission Lawsuit** – Legal advice was received.

**Historic Preservation Houses** – Ms. Smith moved, seconded by Ms. Scott, to direct the Legal staff to develop legal strategies for consideration and do everything within the County’s power to protect those historic properties. The vote in favor was unanimous.

**PHS Contract** – Ms. Hutchinson moved, seconded by Mr. McEachern, to direct the Procurement Director with the assistance of the County Attorney’s office to prepare a letter notifying prison health services that pursuant to Section 8.2 of the current agreement Richland County is hereby canceling the agreement to provide health services at the Alvin S. Glenn Detention Center and also to authorize the County Administrator to provide emergency procurement of health services if necessary. The vote in favor was unanimous.

**THIRD READING ITEM - Recreation Commission Bond Ordinance** – Ms. Dickerson moved, seconded by Mr. Livingston, to table the bond ordinance. The vote in favor was unanimous.

### MOTION PERIOD

- a. **Resolution recognizing Darci Strickland for receiving Anchor of the Year Award –** Mr. McEachern moved, seconded by Mr. Livingston, to approve the resolution. The vote in favor was unanimous.
- b. **Jail Oversight –** Mr. McEachern requested for staff to look at different types of oversight commission and structures of jails across the County and requested for the item to go to the D&S Committee for discussion when the information is gathered together. The vote in favor was unanimous.
- c. **Solid Waste –** Mr. McEachern moved, seconded by Ms. Scott, to refer this item to the D&S Committee and discuss having a commercial component to the solid waste. The vote in favor was unanimous.
- d. **Prescription Discount Card-SCAC -** Mr. McEachern moved, seconded by Mr. Livingston, to forward this item to the D&S Committee meeting and requested for the Human Resources Director to bring information to committee meeting. The vote in favor was unanimous.
- e. **Advisory Committee for Farmer's Market [Scott] -** Ms. Scott moved, seconded by Ms. Smith, to recommend persons for the advisory committee and refer to the D&S Committee for clarification of the number of persons from Richland County that can serve on this committee. The vote in favor was unanimous.
- f. **Resolutions for two (2) retiring Central Midlands Board Members – (Marshall Hoefler and Bruce Carter)**

Mr. Mizzell stated he would like for the Clerk's office to work with the board to gather information in order for Council to present the resolutions.

Mr. Livingston moved, seconded by Mr. Jeter, to direct the Clerk's Office to get the information. The vote in favor was unanimous.

- g. **Gasoline relating to garbage collection –** Mr. Livingston moved, seconded by Ms. Scott, to refer this item to the A&F Committee for discussion. The vote in favor was unanimous.

Ms. Smith expressed concerns of whether or not staff would have time to properly staff that particular issue.

Mr. Livingston stated he would rather not see it if it is not properly staffed by the next A&F Meeting.

- h. **Broad River Waste Water Treatment Plant –** Mr. McEachern requested an update on this item at the next D&S Committee meeting.

Mr. Mizzell stated he wanted to schedule a Work Session to discuss sewer and water related issues.

After discussion, Council scheduled a **Work Session for Tuesday, September 20<sup>th</sup> at 4:00 p.m.**

- i. **Joint City/County Meeting** – Mr. Mizzell announced that the breakfast meeting is scheduled to take place on Monday, September 12<sup>th</sup> at 8:00.
- j. **SCAC Third Vice-President** - Mr. Pearce announced that he was nominated as 3<sup>rd</sup> Vice-President.
- k. **SCAC Legislative process** – Mr. Pearce stated that the 2006 Legislative Agendas should be mailed out soon.
- l. **Detention Center Over-crowdedness** – Council requested an update on the Detention Center.

Mr. Pope and Mr. Ronaldo Myers, Director of the Detention Center, gave a brief update on the situation at the jail. Mr. Myers stated there needs to be some type of way to get the jail population down.

### ADJOURNMENT

The meeting adjourned at approximately 10:18 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 Marsheika G. Martin