

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
SEPTEMBER 4, 2001
6:00 P.M.**

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

OTHERS PRESENT: T. Cary McSwain, Monique Walters, Amelia Linder, Milton Pope, Tony McDonald, Ash Miller, Pam Davis, Sherry Wright-Moore, John Hicks, Larry Smith, Rebecca Cox, Stephany Snowden, Michielle Cannon-Finch; Marsheika G. Martin

CALL TO ORDER

The meeting was called to order at approximately 6:05 p.m.

INVOCATION

The Invocation was given by the Honorable James Tuten.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

Mr. Larry Smith, County Attorney, stated the Personnel Matter: Final Grievance Report need to be discussed in Executive Session. Council unanimously agreed to move this item to the end of the agenda.

Mr. Smith stated there is a need for Council to come up with a process and move forward on the reapportionment process in order to forward to the Justice Department. He stated this information needed to be submitted to the Justice Department no later than November 1, 2001.

Ms. Smith stated this could be placed on the agenda at the Special Called Meeting on Tuesday, September 11th at 5:00 p.m.

ADOPTION OF AGENDA

Ms. Scott requested for the presentation regarding the J. Mitchell Graham Award to be postponed to a later date. There was no objection for the presentation to be presented at the work session on Thursday, September 6th.

Mr. Livingston requested to discuss the issue of the Teacher of Year Program for District One during the Motion Period. There was no objection to placing this item on the agenda.

The agenda was adopted as amended.

APPROVAL OF MINUTES

Special Called Meeting: July 30, 2001

The minutes were approved as submitted.

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CITIZEN'S INPUT

No one signed up to speak at this time.

REPORT OF COUNTY ADMINISTRATOR

- **Fall Council Retreat – tentatively scheduled for Tuesday, October 9, 2001 from 1:30 until 8:30 p.m.** – Mr. McSwain informed Council of the tentative time and date for the fall Council retreat and indicated the date would be confirmed with Council members.
- **Work Session regarding One-Cent Sales Tax Ordinance** – Mr. McSwain reminded Council of the Work session scheduled for Thursday, September 6, 2001 at 5:00 p.m.

PROCLAMATION

Richland County Payroll Professionals Week, September 3-7, 2001 – Darren Gore, Finance Director, presented a proclamation to the Payroll Department.

REPORT - Comprehensive Plan

Mr. Milton Pope, Assistant County Administrator, and Mr. John Hicks, Zoning Administrator, briefed Council and the public on the status of the implementation of the Imagine Richland 2020 Comprehensive Plan.

OPEN/CLOSE PUBLIC HEARINGS

a. Benedict College Bonds

The floor was opened for a public hearing. No one signed up to speak. The public hearing was closed.

b. Ordinance: Closing of Bynam Road to Through Truck Traffic

The floor was opened for a public hearing. No one signed up to speak. The public hearing was closed.

c. Business License Ordinance Amendment for SYSCO

The floor was opened for a public hearing. No one signed up to speak. The public hearing was closed.

d. Ordinance Amendment: Parking Enforcement

The floor was opened for a public hearing. No one signed up to speak. The public hearing was closed.

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e. Ordinance Amendment: Removal of certain Contractor Exemptions

The floor was opened for a public hearing. Ms. Smith stated there were several persons signed up to speak at this time.

The following persons signed up to speak "against" this item:

Mr. Eddie Weaver, Mr. Earl McLeod, Mr. Dan Shumaker, Mr. Robert Lafitte, Mr. Cecil Brazell, Mr. Edmund Monteith, Ms. Rebecca Best , Mr. Perry Crosthwaite, Mr. Terry W. Brown, Mr. Stan Beckley, Mr. Ernie McGeller, Mr. Peter D. Williams, Mr. David Hilburn, Mr. George Delk, Mr. Richard Sereller

The public hearing was closed.

f. Amendment: Extension of Interim Zoning and Land Development

The floor was opened to a public hearing. Ms. Smith stated there were several persons signed up to speak to this issue.

The following persons signed up to speak "in favor" of this item:

- Ms. Kathy Newman and Mr. Ed Garrison

Mr. Michael A. Watts was undecided.

The following persons signed up to speak "against" this item"

- Ms. Evelyn Bush, Ms. Betty J. DeHart, Ms. Polly Broome, Mr. Stuart Broome, Ms. Emma Morgan, Ms. Teresa E. Green, Mr. Edward Felder, Mr. Hugh E. Jones, Ms. Margaret M. Hampton, Ms. Chequita Jones, Ms. Irene Jones, Mr. William DePass, Ms. Sallie J. Wider, Mr. C.C. Langston, Ms. Sue Walker, Mr. Dan Rast, Mr. Christopher McCartha, Ms. Mildred M. Rabon, Ms. Lillie Bates, Ms. Vivian Harris, Mr. H.B. McLean, Jr., Mr. Ron Crom, Rev. Gregory Cunningham, Ms. Mary P. Brown, Mr. George Brown, Ms. Rushaleen Harden, Mr. Harold T. Cannon, Mr. E. Ray Moore, Jr., Ms. Kay McClanahan, Mr. Ben Coker, Jr., Mr. Joey Douan, Mr. Nelson Dowdy, Mr. Bill McClanahan, Mr. Mario M. Glisson, Ms. Wilean Middleton, Ms. Jessica Nates, Ms. Donna J. Mahoney, Mr. Fred Davis, Ms. Renea Tidwell, Mr. Ronald Tidwell, Ms. Kathy Morgan, Ms. Mary R. Blank, Mr. Roosevelt Robinson, Jr., Mr. Roosevelt Robinson, Sr., Ms. Alice Livingston, Samson Brown, David Lark, Authur Grant, James Kennedy, Lawrence D. Moore, James M. Freeman, Carl L. Driggers, Janice Oates, Cartha J. Harris, James M. Freeman, Elrich Vance

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g. Local Option Ordinance: Roll-back Percentage

The public hearing was opened. Ms. Smith stated several persons signed up to speak.

The following person signed up to speak "in favor" of this item: Mr. Rhett Anders

The following persons signed up to speak "against" this item: Ms. Jackie Morgan, Mr. William DePass, Ms. Sallie J. Wider, Ms. Susan Walker, Mr. Dan Rast, Ms. Elizabeth Jenkins, Ms. Flossie G. Johnson

The public hearing was closed.

h. Finance: Budget Amendment to increase mini bottle revenue

The public hearing was opened. Ms. Smith stated no one signed up to speak at this time. The public hearing was closed.

APPROVAL OF CONSENT ITEMS

Mr. Meetze requested to remove the Compassionate Land Use from the agenda.

Mr. Pearce requested to remove the budget amendment to increase mini bottle revenue from the agenda.

Mr. Pearce moved, seconded by Mr. Livingston, to approve the Consent Agenda as amended. The vote in favor was unanimous.

The following items were approved:

- **Administration, Enforcement and Penalties – Text Amendment [Third Reading]** – Approval given to an ordinance amendment regarding the payment of fees and charges.
- **01-34MA, Clay Hooker, From RU to C-3, 03300-03-18, 1001 Dutch Fork Road [Third Reading]** – Approval given to this zoning request.
- **02-01MA, Dawn Mangum, From RU to C-1, 03300-07-06, Farming Creek Road [Third Reading]** – Approval given to this zoning request.
- **02-08MA, Joseph & Jennifer Sharpe, From RU to C-3, 14900-02-03, 10405 Wilson Blvd [Third Reading]** – Approval given to this zoning request.
- **02-09MA, Betty Glen, From RS-1 to RU, 0770-03-19 & 20, Heyward Brockington Road [Third Reading]** – Approval given to this zoning request.
- **Ordinance: Closing of Bynam Road to through Truck Traffic [Third Reading]** - Approval given to the closing of Bynum Road to through truck traffic.
- **Business License Ordinance Amendment for SYSCO [Third Reading]** – Approval given to an ordinance creating a new business category and fee schedule.

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- **Ordinance Amendment: Parking Tickets [Third Reading]** – Approval given to an ordinance establishing regulations for traffic violations and parking on County property.
- **Travis J. Young, Code Enforcement Officer** – Approval given to a Resolution commissioning Mr. Travis J. Young as a Code Enforcement Officer.

1. THIRD READING ITEMS

a. Ordinance Amendment: Extension of Interim Zoning and Land Development

Mr. Meetze moved, seconded by Ms. Scott, to deny this ordinance amendment.

Mr. Pearce made a substitute motion, seconded by Ms. Brill, to defer action on this item to a Special Called Meeting on Thursday, September 6th.

Ms. Scott asked Mr. Pearce and Ms. Brill to withdraw their motion in order to hold discussions. Mr. Pearce and Ms. Brill withdrew their motion temporarily.

A discussion took place.

Mr. Pearce renewed his motion.

The vote for the substitute motion was as follows:

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

The motion failed.

The vote for the main motion was as follows:

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

The motion passed.

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b. Compassionate Land Use

Mr. Meetze asked for a brief explanation of this item.

Mr. John Hicks, Zoning Administrator, briefed Council on this item.

Mr. Meetze moved, seconded by Ms. Scott, to give third reading approval to an ordinance allowing temporary compassionate dwelling units as a special exception. The vote in favor was unanimous.

c. Finance: Budget Amendment to Increase Mini Bottle Revenue

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

2. SECOND READING ITEMS

a. Benedict College Bonds

Mr. Larry Smith, County Attorney, requested for Council to defer this item.

It was moved and seconded to defer this item. The vote in favor was unanimous.

b. Ordinance Amendment: Contractor Exemption

Mr. Pearce moved, seconded by Ms. Brill, not to adopt the amendment to this ordinance.

Ms. Smith stated by practice Council is required to bring the budget into balance. She stated this would throw the budget out of balance by \$300,000.00.

A discussion took place.

Mr. Mizzell made a substitute motion, seconded by Ms. Brady, to defer this item to a work session on Thursday, September 6 with the presence of staff, homebuilders and information from the City.

Ms. Smith requested staff to find other sources of revenue to make up the difference.

The vote for the substitute motion was as follows:

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

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The motion failed.

Ms. Scott requested an amendment directing staff to make a recommendation as to how to find the \$300,000.00 and bring information back to a work session on Thursday, September 6, 2001. Mr. Pearce and Ms. Brill accepted the amendment.

A discussion took place.

Ms. Brady wanted clarification on who has to have a business license and if the County has contractors and/or subcontractors operating in Richland County without business licenses.

A discussion took place.

The main motion passed with the amendment.

3. REPORT OF RULES AND APPOINTMENTS COMMITTEE

Notification of Vacancies to Boards, Commissions, and Committees

Mr. Livingston notified Council of the following vacancies and requested for staff to advertise:

- Building Board of Adjustment and Appeal – six vacancies
- Employee Grievance Committee – two vacancies
- Performing Arts Center Board – three vacancies

4. Proclamation

**a. Richland County Payroll Professionals Week,
September 3-7, 2001**

Mr. Pearce moved, seconded by Mr. Mizzell, to adopt the Proclamation. The vote in favor was unanimous.

5. MOTION PERIOD/ANNOUNCEMENTS

Sponsorship of play honoring Modjeska Simkins – Ms. Smith requested for Council to approve giving an expenditure of not more than \$500.00 to sponsor the play honoring Modjeska Simkins by purchasing an ad in the play's program.

Mr. Meetze moved, seconded by Ms. Tillis, to approve this item. The vote in favor was unanimous.

Sponsorship of Teacher of the Year Program – Mr. Livingston stated he was asked by Richland School District One for Council to become a cosponsor of the Teacher of the Year Program. Council was requested to give an expenditure of \$1,500.00.

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Mr. Livingston moved, seconded by Ms. Scott, to participate in this program and give an expenditure of \$1,500.00 from Council accounts. The vote in favor was unanimous.

Carillon Christmas Parade - Ms. Brill requested Council to reconsider funding the Carillon Christmas Parade in the amount of \$1,000.00.

Ms. Smith stated this item would be referred to the Administration and Finance Committee.

Deputy of the Year – Mr. Pearce requested Council to consider a resolution honoring Timothy Ford for the Deputy of the Year.

Ms. Smith stated this would be placed on the September 18th agenda.

Ms. Smith stated without reference this item would be placed on the agenda for September 18th.

Frenchman of the Year – Ms. Smith requested Council to consider a resolution honoring Chef François Fiséra who was named Frenchman of the Year.

High Speed Rail Press Conference – Ms. Smith informed Council she planned to attend a press conference in Washington, D.C. regarding high-speed rail.

State Farmers Market Meeting - Ms. Smith informed Council of a State Farmers Market Committee meeting that she will be attending on behalf of Richland County Council. She stated she would take the Resolution adopted by Council to express the County's interest in holding the Farmers Market in Richland County.

Luncheon with Palmetto Richland Board members – Mr. Pearce informed Council of a requested luncheon with the Palmetto Richland Board of Trustees for some time in October.

Ms. Smith directed staff to place this issue in the 'Friday Report' and asked the Clerk of Council Office to coordinate the luncheon.

Keenan High School SAT scores - Mr. McEachern requested Council to consider a resolution honoring Keenan High School for improving their SAT scores.

Ms. Smith stated this would be placed on the next agenda without reference.

CITIZEN'S INPUT

No one signed up to speak at this time.

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EXECUTIVE SESSION

Personnel Matter: Final Grievance Report

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 9:45 p.m.
and came out at approximately 10:15 p.m.**
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Ms. Scott moved, seconded by Ms. Tillis, to accept the Grievance Committee's recommendation.

The vote was as follows:

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

The motion failed.

Mr. Livingston moved, seconded by Mr. McEachern, to advise the Administrator to take into consideration what was discussed in Executive Session; and if there is an alternative based on those discussions to consider that and move forward, if not, to move forward with his recommendation.

Ms. Scott wanted the record to reflect that she adamantly oppose the recommendation and the vote just taken and if the investigation turns up that someone else has done the same thing that the whole staff be fired for not bringing Council the proper recommendation forward.

The motion passed.

8. ADJOURNMENT

The meeting adjourned at approximately 10:20 p.m.

Kit Smith, Chair

L. Gregory Pearce, Jr., Vice-Chair

Joan Brady

Susan Brill

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Paul Livingston

Joseph McEachern

J.D. "Buddy" Meetze

Anthony G. Mizzell

Bernice G. Scott

Thelma M. Tillis

James Tuten

The minutes were transcribed by Marsheika G. Martin