

**RICHLAND COUNTY COUNCIL  
REGULAR SESSION  
JULY 16, 2002  
6:00 P.M.**

**MEMBERS PRESENT:** Joseph McEachern, Chair; Anthony M. 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 Tuten

**OTHERS PRESENT:** T. Cary McSwain, Larry Smith, Amelia Linder, Milton Pope, Ashley Jacobs, Monique Walters, Roxanne Matthews, Pam Davis, Chris Eversmann, Carrie Neal, Michael Criss, Marsheika Martin

**CALL TO ORDER** – The meeting was called to order at approximately 6:15 p.m.

**INVOCATION** – The Invocation was given by the Honorable Joan Brady.

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA** – The agenda was adopted as submitted.

**PRESENTATION OF RESOLUTION – Mr. Leroy Bolton** – On behalf of Council, Ms. Smith and Ms. Scott presented a resolution honoring Mr. Bolton for years of services to the community as a volunteer.

**CITIZEN'S INPUT**

Mr. McEachern stated citizens signed up to speak to items that had a public hearing. He stated it would take a majority vote of Council to waive the rule and allow the citizens to speak.

Mr. Meetze moved, seconded by Mr. Tuten, to allow citizens to speak.

The vote was as follows:

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

The motion failed.

No one spoke at this time.

**REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS**

Mr. Larry Smith, County Attorney, stated there were no items on the agenda that need to be discussed in Executive Session.

Mr. Smith gave a status report on the McClanahan and Kaiser cases. He reported that there was a favorable outcome in the McClanahan vs. Richland County case. He also stated the Court of Appeals ruled favorably in the Richland County vs. Kaiser Oil.

**APPROVAL OF MINUTES – Regular Session, July 9, 2002**

Mr. Mizzell moved, seconded by Ms. Brady, to approve the minutes.

Ms. Scott requested for the minutes regarding Third Reading of the Recreation Bond Ordinance to be deferred.

Mr. Mizzell/Brady withdrew their motions.

Ms. Scott moved, seconded by Ms. Tillis, to approve the minutes with the exclusion or the portion of minutes regarding the Recreation Bond Ordinance and defer the minutes of that portion to the Special Called Meeting on July 23<sup>rd</sup>. The vote in favor was unanimous.

**REPORT OF COUNTY ADMINISTRATOR**

**a. First Meeting Date in September**

Mr. McSwain stated the first meeting in September is scheduled for the 3<sup>rd</sup>, which is the day after Labor Day.

Ms. Scott moved, seconded by Ms. Brady, to hold the first meeting on September 10<sup>th</sup>. The vote in favor was unanimous.

**OPEN/CLOSE PUBLIC HEARINGS**

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

- **Ordinance to create Animal Care Department** – No one signed up to speak.
- **Ordinance regarding Water Line Easement: Koon Road** No one signed up to speak.
- **Legal: Ordinance Amendment regarding Hazardous Waste Penalty** - No one signed up to speak.
- **Legal: Ordinance Amendment: Animal and Fowl Penalty** - No one signed up to speak.

The floor was closed to the public hearings.

## **APPROVAL OF CONSENT ITEMS**

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

- **02-37MA, Joe Szoke, From RU to C-3, Expand Boat Repair Yard, 31001-01-01, 4650 Leesburg Road – [Third Reading]**
- **02-51MA, Hardaway Concrete, From RU to PDD, Redevelop Plant Site, 04000-03-02 & 04, 301 Wester Lane – [Third Reading]**
- **02-52MA, Steven Deese, C-3 & C-1 to PDD (as amended), Build Pontoon Boats for local dealers, 14402-03-01 & 14400-01-03, Wilson Blvd. & Pisgah Church Road – [Third Reading]**
- **02-53MA, Greg Douglas, From RU to RS-3, Single Family detached S/D, 14800-04-19, Free Hope Church Road [Third Reading]**
- **02-54MA, Robert Davis, RG-2 to C-3, Palmetto Surgery Center Expansion, 17012-02-05, 06, 07, SW Corner Two Notch Road & I-77 [Third Reading]**
- **Ordinance to create Animal Care Department – [Third Reading]**
- **Ordinance regarding Water Line Easement, Koon Road [Third Reading]**
- **Legal: Ordinance Amendment regarding Hazardous Waste Penalty [Third Reading]**
- **Legal: Ordinance Amendment: Animal Fowl Penalty [Third Reading]**

The vote in favor was unanimous to approve the consent items.

## **2. SECOND READING ITEMS**

### **a. Ordinances involving the transfer of Code Enforcement Officers**

- 1. Amending Chapter 26 to transfer enforcement authority to Sheriff**
- 2. Amending Chapter 27 to transfer enforcement authority to Sheriff**
- 3. Amending Chapter 2 to delete reference to zoning's enforcement authority**
- 4. Budget amendment to transfer Code Enforcement Officers to Sheriff**
- 5. Ordinance to delete weeds and debris from Chapter 14 and move to Chapters 12 and 18**

Mr. McEachern stated Council members should have received some information from Ms. Amelia Linder, staff attorney, in reference to the above items.

Ms. Smith made a substitute motion to the main motion, seconded by Mr. Tuten, to amend the First Reading ordinance with the new version transmitted from the Legal Department. The vote in favor was unanimous.

(The amendment approved items 2a 3-5 and denied items 2a 1-2.)

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- b. 02-34MA  
The Mungo Company  
From D-1 to PUD-1  
Maximum 79 SF detached residences  
07403-01-11; 07404-04-13; 07408-11-14; 07403-02-01  
Nunamaker Drive & Young Drive**

Ms. Smith moved to defer this item because of the memo circulated and Mr. Livingston's last request for information. The motion died for a lack of a second.

Mr. Tuten made a substitute motion, seconded by Mr. Meetze, to give this item Second Reading and defer Third Reading until information on the proposed PUD is received and further discussion in both the Legal and Planning Departments.

A discussion took place.

After discussion, Mr. Tuten withdrew his motion.

Ms. Smith renewed her motion, seconded by Mr. McEachern, to defer this item to the September 10<sup>th</sup> meeting.

The vote was as follows:

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

The motion failed.

Mr. Meetze moved, seconded by Ms. Scott, to approve this item for Second Reading.

A discussion took place.

Mr. Meetze called for the question, seconded by Mr. Livingston. The vote in favor was unanimous.

The vote for the motion was as follows:

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

The motion passed.

**3. REPORT OF DEVELOPMENT AND SERVICES COMMITTEE DEFERRED ITEM**

**a. Purchase: Heavy Duty Articulated Motorgrader**

Mr. McSwain briefed Council on the bidding process. He recommended approval of the motorgrader.

Mr. Pearce moved, seconded by Ms. Scott, to approve this item.

A discussion took place.

The vote in favor was unanimous.

**4. REPORT OF RULES AND APPOINTMENTS COMMITTEE**

**Notification of Vacancies to Boards, Commissions and Committees**

Mr. Livingston notified Council of the following vacancies:

- a. Board of Zoning of Adjustments – 3**
- b. Board of Assessment Control – 1**
- c. Building Board of Adjustment and Appeals – 3**
- d. Employee Grievance Committee – 3**

This was accepted as information. Mr. Livingston reported that the deadline to receive applications is August 7<sup>th</sup> at 12:00 p.m.

**Notification of Appointments to Boards, Commissions and Committees**

**e. Accommodations Tax Advisory Committee-3**

Mr. Livingston stated there are three vacancies on this board with three applications received.

Ms. Smith moved, seconded by Ms. Brady, to appoint the following applicants:

- Ms. Kay Coleman
- Mr. Jimmy Moore
- Mr. Tony Tam

The vote in favor was unanimous.

**f. Building Board of Adjustment and Appeals-3**

Mr. Livingston stated there are three appointments to be made to this board with no applications submitted at this time. He stated this would be re-advertised.

**g. Board of Assessment Control – 2**

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Mr. Livingston stated there are three appointments to be made to this board with one application submitted.

Mr. Livingston moved, seconded by Ms. Brady, to appoint Mr. Thomas P. Davis, Jr., to this board and re-advertise for the remaining vacancy. The vote in favor was unanimous.

**h. Central Midlands Council on Governments-2**

Mr. Livingston stated there are two vacancies on this board with two applications received. He stated there are two incumbents who would like to re-apply to this board, but they did not submit an application to be re-appointed. He recommended staff to notify an incumbent either by certified letter or a follow-up phone call when their terms are about to expire. Mr. Livingston stated the committee recommended for staff to re-advertise for this board and change rules to figure out a way to contact incumbents about re-appointments.

A discussion took place.

Mr. Mizzell moved, seconded by Ms. Brady, to accept the committee's recommendation. The vote was in favor. Mr. McEachern opposed.

**i. Community Relations Council-4**

Mr. Livingston stated there are four appointments to be made to this board with six applications submitted.

The vote was as follows:

<u>Ratliff</u>	<u>Powell</u>	<u>Martin</u>	<u>Jackson</u>	<u>Haire</u>	<u>Davenport</u>
Meetze	Pearce	Pearce	Pearce	Scott	Pearce
Brill	Livingston	Livingston	Livingston		Livingston
	Brady	Brady	Brady		Brady
	Meetze	Meetze	Meetze		McEachern
	Mizzell	Mizzell	Mizzell		Smith
	McEachern	McEachern	McEachern		Brill
	Smith	Smith	Smith		Tuten
	Brill	Tuten	Brill		Tillis
	Tuten	Scott	Tuten		
	Scott	Tillis	Scott		
	Tuten		Tuten		

Mr. Walter Powell, Mr. Donald R. Martin, Mr. George Jackson and Mr. Milton D. Davenport were appointed to this board.

**j. Employee Grievance Committee-3**

Mr. Livingston stated there are three vacancies to this board with no applications received.

- k. **Township Board** – Mr. Livingston stated there are five vacancies on this seven-member board. The City will have three of the appointments and the County will have two. He requested for staff to go ahead and advertise for the two vacancies.

Mr. McEachern directed staff to make sure the City knows to appoint three persons to this board.

This was received as information.

5. **Citizen's Input** – no one spoke at this time.

6. **Motion Period/Announcements**

- **Sale Tax on Ballots** – Mr. Pearce directed staff to distribute a cheat sheet for Council members only. Staff was directed to obtain information from the school district.
- **Mr. Robert Fuller** – Mr. Meetze directed Mr. McSwain to keep Council informed of Mr. Fuller's condition.
- **Status on the Farmer's Market** – Mr. Meetze directed staff to keep Council informed of the status of the Farmer's Market.
- **The Growth on Garners Ferry Road** – Mr. Mizzell directed the Administrator to instruct staff to meet with different entities regarding the construction of a road off of Garners Ferry Road.
- **Garners Ferry Road/Devine Street Corridor** – Mr. Mizzell requested for the former Committee on this issue to start meeting again to discuss this issue, along with the Planning Department.
- **Consultant for the Farmer's Market Issue** – Mr. Livingston questioned the status of hiring a consultant. Ms. Ashley Jacobs, Assistant to the County Administrator, updated Council on this issue. She stated a contract from a consultant has been received but there is a question of the wording. Ms. Jacobs will meet with the Legal Department to discuss the language.
- **Agenda for Council/Legislative Meeting** – Ms. Brady requested an agenda for the meeting, which is to take place on July 17<sup>th</sup> at 1:00 p.m.
- **Greetings from the NACO Convention** – Ms. Brady reported on her trip to New Orleans, Louisiana.
- **Thank you Ms. Brady** - Ms. Brill thanked Ms. Brady for the goodies she brought back from New Orleans.
- **Fire Committee Meeting** – Mr. Mizzell reminded Council of the Fire Committee Meeting on July 22<sup>nd</sup> at 5:30 p.m.
- **Resolution** – Mr. McEachern requested a Resolution for Mr. Robert Ferrell.

7. **ADJOURNMENT** – The meeting adjourned at approximately 7:30 p.m.

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Joseph McEachern, Chair

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Anthony Mizzell, Vice-Chair

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Joan B. Brady

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Susan Brill

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Paul Livingston

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J.D. "Buddy" Meetze

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L. Gregory Pearce, Jr.

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Bernice G. Scott

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Kit Smith

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Thelma M. Tillis

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James Tuten

The minutes were transcribed by Marsheika G. Martin