

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
JULY 9, 2002
6:00 P.M.**

MEMBERS PRESENT: Joseph McEachern, Chair; Anthony 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: Michielle Cannon-Finch, T. Cary McSwain, Milton Pope, Tony McDonald, Larry Smith, Amelia Linder, Jocelyn Jennings, Ashley Jacobs, Pam Davis, Roxanne Matthews, Mike Byrd, Sheriff Lott, Brad Farrar

CALL TO ORDER: The meeting was called to order at approximately 6:16 p.m.

INVOCATION – The Invocation was given by the Honorable Jim Tuten.

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

Ms. Smith moved, seconded by Ms. Scott, to adopt the agenda as published. The vote in favor was unanimous.

CITIZEN'S INPUT

The following persons spoke at this time:

- The Honorable Chris Campbell spoke in support of the Eastover Road Paving Project.
- Mr. Vernon Kirkpatrick spoke in support of the Eastover Road Paving Project.
- Mr. Anthony Gibson spoke in support of the Eastover Road Paving Project.
- Ms. Evelyn Bush expressed concern regarding the public hearing items.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Larry Smith, County Attorney, stated the grievance item under the Report of the County Administrator would need Executive Session if there were any questions and item-9 (Contractual/Personnel Matter with the Sheriff's Department).

APPROVAL OF MINUTES

Regular Session: **June 18, 2002** - Mr. Livingston moved, seconded by Ms. Tillis, to approve the minutes.

Mr. Mizzell stated he would like the minutes to reflect that he only opposed increasing garbage fees for residential households and not the budget for the landfill. Mr. Livingston/Ms. Tillis accepted the amendment.

The vote in favor was unanimous.

Zoning Public Hearing: **June 25, 2002** – Ms. Brady moved, seconded by Mr. Livingston, to approve the minutes.

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Ms. Brady stated on Page 14 of the minutes under Other Business, the minutes need to reflect that "Ms. Brady" and not "Ms. Brill" requested for pages to be numbered in the Zoning Agenda.

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

REPORT OF COUNTY ADMINISTRATOR

- a. **Special Called Meeting Date in July** - Mr. McSwain requested a Public Hearing on July 23rd at 8:00 p.m. with a Special Called Meeting to immediately start following the Zoning Public Hearing. He stated if the Zoning Public Hearing is not over by 8:00 p.m., the meeting could be recessed to start the Public Hearings and then reconvene.

Mr. Livingston moved, seconded by Ms. Scott, to accept Mr. McSwain's recommendation. The vote in favor was unanimous.

- b. **Grievances** – Mr. McSwain stated information was faxed to Council over the weekend. He stated if there were any questions, it would need to be discussed in Executive Session.

- c. **Voting Machines** – Mr. McSwain gave a status report. He stated the Election Commission voted to award the RFP for used machines. He stated a contract has been offered to United American. Mr. McSwain reported the machines would need to be delivered by July 17th. Mr. McSwain stated the item is still pending.

A discussion took place regarding the July 17th deadline.

OPEN/CLOSE PUBLIC HEARINGS

The floor was opened to the following public hearings:

- **Reconsideration of Road Maintenance for Cloaninger Road and Repeal of Ordinance** – No one spoke at this time.
- **Treasurer's Office: Budget Amendment for Taxes at Tax Sale** – No one spoke at this time.
- **Ordinance: Register of Deeds: Data Access Service Ordinance Repeal** – No one spoke at this time.
- **Ordinance for Recreation Commission Bond Ordinance** – No one spoke at this time.
- **Ordinance: Planning 2000 International Residential Code Adoption** – No one spoke at this time.
- **Ordinance: Legal Solicitation Permits** – No one spoke at this time.
- **Ordinance to create Animal Care Department** – No one spoke at this time.
- **Water Line Easement: Koon Road** – No one spoke at this time.
- **Legal: Ordinance Amendment re: Hazardous Waste Penalty** – No one spoke at this time.
- **Legal: Ordinance Amendment – Animal and Fowl Penalty** – No one spoke at this time.

APPROVAL OF CONSENT ITEMS

It was moved and seconded to approve the following consent items:

- **Reconsideration of Road Maintenance for Cloaninger Road and Repeal of Ordinance** [Third Reading]
- **Ordinance: Register of Deeds: Data Access Service Ordinance Repeal** [Third Reading]
- **Ordinance for Recreation Commission Bond Ordinance** [Third Reading]
- **Ordinance: Planning 2000 International Residential Code Adoption** [Third Reading]
- **Ordinance: Legal Solicitation Permits** [Third Reading]
- **02-37MA, Joe Szoke, From RU to C-3, Expand Boat Repair Yard, 31001-01-01, 4650 Leesburg Road** – [Second Reading]
- **02-51MA, Hardaway Concrete, From RU to PDD, redevelop Plant Site, 04000-03-02 & 04, 301 Wester Lane** – [Second Reading]
- **02-53MA, Greg Douglas, From RU to RS-3, Single Family Detached S/D, 14800-04-19, Free Hope Church Road** – [Second Reading]
- **Ordinance to create Animal Care Department** – The committee recommended Council give First Reading approval to the recommended changes which would remove Solid Waste from the language in Chapter 2, Article V, Division 3 of the Code of Ordinances, and thereby establish a separate Animal Care Department.
- **Town of Eastover: Request for Paving Town Streets** – The committee recommended that Council give approval to seek “C” Construction funding for all (or some) of the projects submitted to be jointly constructed by public works forces and contract forces from the County Transportation Committee (CTC).
- **Legal: Ordinance Amendment regarding Hazardous Waste Penalty** – The committee recommended that Council give First Reading approval to the recommended change for Chapter 13, Sections 13-2(b) and 13-13(a) of the Code of Ordinances, which is to delete references to specific editions of the various building codes, and increase the penalty amount up to \$500.00 for violations under the chapter.
- **Legal: Ordinance Amendment regarding Animal and Fowl Penalty** – The committee recommended that Council give First Reading approval to an ordinance amendment to Chapter 5, Animal and Fowl, to increase the penalty amount from \$200.00 to \$500.00 for violations under this chapter.
- **EMS: Domestic Preparedness Grant** – The committee recommended that Council accept a grant from the S.C. Department of Public Safety for equipment (a trailer and decontamination tent) to be used in the event of a Weapons of Mass Destruction or major contamination incident. The grant award is for \$15,000.00 with a match of \$5,000.00.
- **Public Works: Engineering Services** – The committee recommended that Council authorize the Procurement Department to negotiate with the selected firms and to award contracts on a project-by-project basis provided the fee is within the budgeted amount.
- **Busby Street Redevelopment Project** – The Committee forwarded this item to Council without a recommendation for their information.

The vote was in favor to approve the consent items.

POINT OF PERSONAL PRIVILEGE – Mr. Tuten informed the citizens from the Cedar Creek Community that the Ordinance for Recreation Commission Bond Ordinance did receive Third Reading and Ms. Scott informed citizens that the Eastover Road Paving Project was approved as well.

1. THIRD READING ITEMS

Treasurer's Office: Budget Amendment for Taxes at Tax Sale

Mr. Pearce offered an amendment, seconded by Ms. Scott, to amend the revenue and expenditure lines to include an additional \$63,000.00 to cover the postage for delinquent tax notices in fiscal year 2002 with the funding to come from surplus revenues in the taxes at Tax Sale Fund. The vote in favor was unanimous.

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**

Ms. Amelia Linder, Staff Attorney, stated item 2 a-1 is a zoning amendment. She stated this is required to go to the Zoning Public Hearing prior to receiving Second Reading. Ms. Linder stated the Planning Commission has not reviewed this particular ordinance.

Mr. Mizzell moved to forward the item to the Planning Commission for consideration and approval and then the item will come back for Second Reading. The motion died for a lack of a second.

A discussion took place.

Mr. Milton Pope, Assistant County Administrator, briefed Council on the issue. He stated the nuisance violations will be enforced by the Sheriff, but it will leave all land use enforcement with the Zoning Department. He requested deferring these items on the agenda, hold a work session for further discussion on July 16th and staff will provide newly prepared ordinances at that time. Mr. Pope stated Second Reading could be given on July 16th as well.

The discussion continued.

Ms. Brady moved, seconded by Ms. Tillis, to defer all items to the July 16th meeting. The vote in favor was unanimous.

b. 02-34MA, The Mungo Company, From D-1 to PUD-1, Maximum 100 SF detached residences, 07403-01-11; 07404-04-13; 07408-11-14; 07403-02-01; Nunamaker Drive & Young Drive

Mr. Tuten moved, seconded by Ms. Scott, to defer Second Reading on this item until the developer look into certain issues in terms of the costs and number of homes in the area and how persons will get in and out of the community.

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The vote was as follows:

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

The motion passed.

c. 02-52MA, Steven Deese, C-3 to C-1 to PDD, Build Pontoon Boats for Local Dealers, 14402-03-01 & 14400-01-03, Wilson Blvd. & Pisgah Church Road

Mr. McEachern handed the gavel over to Vice-Chair Tony Mizzell in order to make a substitute motion.

Mr. McEachern made a substitute motion, seconded by Ms. Tillis, to approve rezoning of the property as a planned development district for the principle use of pontoon boat manufacturing and related assessment usage such as raw material and finished product storage, offices and employee parking and truck transport of pontoon boats and trailer manufacturing.

A discussion took place.

The vote in favor was unanimous.

d. 02-054MA, Robert Davis, RG-2 to C-3, Palmetto Surgery Center Expansion, 17012-02-06, SW Corner of Two Notch Road & I-77

Mr. Mizzell moved, seconded by Mr. Meetze, to approve this item for Second Reading. The vote was in favor. Ms. Brill abstained.

3. FIRST READING ITEM

a. Ordinance to delete unlicensed vehicle provisions from Chapter 26 and move to Chapter 17.

Ms. Linder informed Council that this would require Council to waive rules to add and approve. She stated this item is also an amendment to Chapter 26 requiring the Planning Commission's approval. Ms. Linder stated this was before the Planning Commission and the change was recommended. She continued to brief Council on the ordinance.

Ms. Smith moved, seconded by Mr. Livingston, to waive the rules and take up this item. The vote in favor was unanimous.

Ms. Smith moved, seconded by Mr. Pearce, to give this item First Reading with the amendments to be incorporated as recommended by the Planning Commission and the attorney.

A discussion took place.

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Ms. Scott offered an amendment, seconded by Ms. Brady, to re-incorporate the word "exceptions" The vote was in favor.

The vote for the main motion with the amendment was unanimous.

4. REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

a. Purchase: Heavy Duty Articulated Motorgrader

Mr. Pearce showed a picture of an articulated motorgrader.

A discussion took place regarding the bidding process.

Mr. Pearce moved, seconded by Ms. Brady, to approve this time.

Mr. T. Cary McSwain, County Administrator, requested for Council to defer this item for at least one week to review the process and procedure and then bring back to Council on the July 16th.

Mr. Pearce/Ms. Brady withdrew their motions.

Ms. Scott moved, seconded by Mr. Pearce, to defer this item. The vote in favor was unanimous.

b. Water Line Easement: Koon Road

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

5. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

a. Consideration of a Multi-County Industrial Park, incentive for Olympia

Mr. Livingston stated the Committee recommended referring this item to the first meeting in September for a work session. The vote in favor was unanimous.

Mr. McSwain and Mr. Livingston informed Council there was a request for a presentation from businesspersons regarding River Road.

Ms. Scott requested a 10-minute presentation. She requested for staff to look at the presentation before the meeting.

Mr. Livingston moved to allow persons to make a presentation regarding the River Road on July 16th at 4:00 p.m.

Ms. Smith moved to allow persons to make the presentation during a work session at 5:30 p.m.

Mr. McSwain informed Council of a scheduled Work Session on the 16th at 4:00 p.m. to discuss road paving.

A discussion took place regarding the time of the presentation.

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Ms. Smith moved to hold a work session from 3:30 until 4:00 for the purposes of entertaining a presentation.

A discussion took place regarding the date of the presentation.

Ms. Smith withdrew her motion.

Mr. McSwain suggested holding on a work session at 5:30 p.m. on July 16th.

There was unanimous consent to hold the work session at 5:40 p.m. on July 16th to hear the presentation.

b. Consideration of SCT Utilities

Mr. Livingston stated the Committee recommended the County Administrator look at this issue and come back with a recommendation to the Committee on how to handle the FILOT and maintenance agreement. The vote in favor was unanimous.

c. Consideration of Abatement with Westinghouse

Mr. Livingston stated the Committee recommended the County Administrator look at how abating this company for another five years would affect things and refer back to the Committee. The vote in favor was unanimous.

6. CITIZEN'S INPUT – No one spoke at this time.

7. MOTION PERIOD/ANNOUNCEMENTS

**a. Approval of Resolution: Elementary School Principal of the Year
Cynthia Cash-Green**

b. Fire Committee – City-wide Fire and EMS Bond – Mr. Mizzell requested for the Fire Committee to meet with the Volunteer Fire Chiefs to discuss issues and concerns on Monday, July 22nd at 5:30 p.m. in the 4th floor Conference Room.

c. Council/Legislative Delegation Work Session – Mr. Livingston requested for specific items to be discussed at the meeting.

8. EXECUTIVE SESSION

a. Grievance

Ms. Scott stated this item did not have to be discussed in Executive Session.

Mr. Tuten moved, seconded by Ms. Smith, to uphold the Administrator's recommendation. The vote in favor was unanimous.

b. Sheriff's Department – Contractual and Personnel Matter

Ms. Scott moved, and it was seconded, to go into Executive Session to discuss this issue. The vote in favor was unanimous.

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Council went into Executive Session at approximately 7:45 p.m. and came out at approximately 7:56 p.m.
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It was moved and seconded to come out of Executive Session. The vote in favor was unanimous.

Ms. Smith moved, seconded by Ms. Brady, to accept this as information. The vote in favor was unanimous.

9. ADJOURNMENT

It was moved and seconded to adjourn the meeting at approximately 7:58 p.m.

Joseph McEachern, Chair

Anthony G. Mizzell, Vice-Chair

Joan Brady

Susan Brill

Paul Livingston

J.D. "Buddy" Meetze

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

Thelma M. Tillis

James Tuten

The minutes were transcribed by Marsheika G. Martin