

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
OCTOBER 17, 2000
6:00 P.M.**

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

OTHERS PRESENT: T. Cary McSwain, Milton Pope, Tony McDonald, Larry Smith, Darren Gore, Michielle Cannon-Finch, Amelia Linder, Marsheika Martin, Monique Walters, Simon Jackson, Nenie Pasky, John Hicks, Mullen Taylor, Pam Davis, Ash Miller, Stephany Snowden, Chief Harrell, Dr. Pat Bresnaham

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Jim Tuten

PRESENTATIONS

NACo Awards: Animal Control; Treasurer's Office; Administrator's Office

Mr. McSwain, County Administrator, stated the National Association of Counties presented awards to Simon Jackson of Animal Control, Nenie Pasky of the Treasurer's Office and Mullen Taylor of the Administrator's Office.

Presentation on Teen Pregnancy – Mr. Laddie Howard

Mr. Laddie Howard, representative of the S.C. Campaign to Prevent Teen Pregnancy, presented to Council how teen pregnancy impacts Richland County and the state as a whole. He thanked the County for allocating approximately \$75-80,000.00 for the adolescent pregnancy prevention.

CITIZEN'S INPUT

Ms. Smith stated there was no signed up to speak at this time; however, Mr. Mizzell stated there was a constituent who wanted to speak to an item not on the agenda at this time.

Ms. Scott moved, seconded by Mr. Meetze, to allow the citizen to speak. The vote in favor was unanimous.

Mr. White spoke regarding issues with the Family Court System.

APPROVAL OF MINUTES

October 3, 2000, Regular Session

Mr. Pearce moved, seconded by Mr. Tuten, to approve the minutes as submitted. The vote in favor was unanimous.

October 5, 2000, Special Called Meeting

Mr. Pearce moved, seconded by Ms. Brill, to approve the minutes as submitted. The vote in favor was unanimous.

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ADOPTION OF THE AGENDA

Mr. Livingston requested to add an economic development item after item-3. There were no objections

Mr. Meetze requested to add the County's agreement with the City of Columbia regarding the landfill. He requested clarification. Ms. Smith stated this would be added under the County Administrator's report.

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

APPROVAL OF CONSENT ITEMS

The following items were approved as Consent Items:

Third Reading Consent Items:

- 00-11MA, Horace Stephenson, From RS-3 to C-1, TMS 11905-05-06, 312 Sharpe Road
- 01-02MA, Harold Pickrel, From RG-2 to C-3, TMS 17015-01-02 (P), NE/S Dawson Road
- 01-04MA, Stewart Mungo, From PUD to Amended PUD, TMS 04100-04-01(P) & 02, 732 & 740 Koon Road
- 01-05MA, Athenia Fraizer, From RS-2 to MH-2, TMS 16212-13-01, 02, 03, 05, 07 & 08, Winnfield Road
- Ordinance authorizing the execution and delivery of a Fee Agreement between Richland County and Belk [PUBLIC HEARING] **(No one signed up to speak to the public hearing).**
- Ordinance authorizing the execution and delivery of a Fee Agreement between Richland County and CK Columbia #1[PUBLIC HEARING] **(No one signed up to speak to the public hearing).**
- Ordinance authorizing an agreement for designation of Phase XX of the I-77 Corridor Regional Industrial park by and between Richland County, South Carolina and Fairfield County, South Carolina [PUBLIC HEARING] **(No one signed up to speak to the public hearing).**

Second Reading Consent Items:

- Adoption of new Ordinance: GIS Data Management
- Approval of Quit Claim Deed for Arlene Drive
- Auditor, Treasurer: Budget Amendment for Reimbursement From DOR
- Planning: 1999 National Electrical Code
- Planning: Ordinance amendment for Code Enforcement Officers
- Legal: Optional Holiday Ordinance Repealed
- Riverbanks Zoo: Budget Amendment for Budget Correction
- New Full-Time position for the Treasurer's office

Mr. Livingston moved, seconded by Mr. Tillis, to approve the Consent Agenda. The vote in favor was unanimous. (Ms. Scott was away during the vote).

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

Mr. Larry Smith, County Attorney, stated there were no items on the agenda to discuss in Executive Session.

REPORT OF COUNTY ADMINISTRATOR

Meeting regarding Project Spider

Mr. McSwain announced that he is attending a meeting in Atlanta on October 18th to meet and negotiate with the company.

FEMA Meeting

Mr. McSwain announced that staff will be attending a FEMA meeting regarding the Congaree River Flood Insurance Maps on October 18th in Atlanta.

Regional Transit Agreement

Mr. McSwain gave notice that his staff had distributed an advance copy of the Regional Transit Authority Agreement for review prior to the Committee Meeting.

C&D Landfill

(Mr. Meetze requested for the following to be typed verbatim.)

Mr. McSwain: I have sent out copies of the letter I have sent to the City of Columbia six months ago which gave them a deadline of October 12th to renegotiate the construction of demolition portion of their landfill. The municipal solid waste is separate from that and I gave them six months during which time we did not receive any proposal from the City. We discussed it several times. There was never a proposal exactly given. So the time ran out and I advised Mr. Bierman, the City Manager, that the time was out and as of October 13th we with not have a contract with them. They would have to pay the gate, freight or \$18.50 a ton just as any other person. He said that they had procured an emergency purchase order to send it to another landfill at a much cheaper rate than that which was fine. I also had mentioned to him that a part of the reason for this is our landfill is filling up very, very rapidly. We would like to extend the life and in order to do that the City brings a considerable amount of waste and that would allow us to have more planning time for this Council to decide as we bring the alternatives to you for what we should do as a public policy issue with regard to the construction of the demolition landfill currently owned and operated by the County. So that will be coming to you in the future. That is where we are now and that is where we are with the City. Mr. McDonald checked this morning or this afternoon, this morning, and Sack Edge, the Director, says that he has also, at our request checked, and the City since the 13th has not brought any waste to us.

Mr. Meetze: Madame Chair, what I want to discuss is I think this agreement was made what back in 1970, none of us were here, and correct me if I am wrong, I understand that it was a mutual agreement, a verbal agreement. I am not sure, but anyhow....

Mr. McSwain: We have a written contract.

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Mr. Meetze: Back then, it did not come before the Council. Well that is not important. What I want clarify is anytime that we have something like this, I think it should come before the Council and let the Council approve it because I don't think a department head has the authority. The reason I say this is I understand that anything over \$30,000.00 has to come before the Council and some of these deals that have been cut involve more than \$30,000.00. Now, I think, and be sure to take notes because I want this verbatim. They have agreed to pay \$18.50 per ton I think like everybody else and I think that is good because really they don't help us with animal shelter or the jail or anything like that. So, I think they ought to pay. They still can bring their solid waste to us, but the C&D is a little different; it is filling up. I would also request that you get Sack Edge through you to give us a report every six months on the life of that landfill because I understand right now it is eighteen months. If it is eighteen months, we are in deep trouble. Also, I found out that the deal with Saxon Homes, it was made that they could deliver 5,000 tons in order that we would get a house or some right-a-way or something. Who made that deal? That certainly involves over \$30,000.00 and I don't think a department head should make a decision like that. I think all of that ought to come before Council. Could we handle this without making a motion?

Mr. McSwain: I don't think you need a motion on that. I will definitely give you a report.

Mr. Meetze: Well but see what I don't understand is I am finding out after the fact that this has been done and the Council should have been notified of cutting any deal like that as far as taking 5,000 tons and our landfill has just about filled up to get a house and some land for a road. I don't know whether we made a good deal or not.

Mr. McSwain: Well, I am not totally sure either. We did not make that deal. The City could bring the waste to our landfill under the terms then because it was within that six-month period.

Mr. Meetze: I am talking about Saxon Homes.

Mr. McSwain: That is exactly what I am talking about.

Mr. Meetze: Okay.

Mr. McSwain: And they could have brought that anyway, but apparently the County Transportation Committee was looking for on behalf of the Washington Park Subdivision looking for another exit from that subdivision. We have been talking about that for quite some time, as far back as Mrs. McDuffie, when we went to those committee meetings. I am sure Ms. Scott has been working on that. But apparently the CTC Director or Chairman worked out a deal with the housing authority who owned a(tape ended on Side-A)

Mr. Meetze:.....But if something has come into our landfill and people are cutting deals, then it ought to come before the Council. I am not questioning whether that was a good decision or not. It was probably needed.

Mr. McSwain: I am saying it is a deal that went around us. If we need to make a motion or whatever we need.

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Ms. Smith: Mr. Meetze could I ask would it be appropriate to ask staff to prepare a full report on that and the parameters of it and take it to the next committee meeting for discussion?

Mr. Meetze: Okay that is fine. We are not going to negotiate with anybody to let anybody put anything in our landfill for free. Did I understand that right, with coming before Council?

Mr. McSwain: No, if we did anything other than that it would be contractual and that typically comes to Council.

Mr. Meetze: Alright, okay. In other words, I want to make sure that we don't come out on the short end of the stick this time. In Mr. Cary McSwain's behalf I would like to say that he wrote them a letter giving six months. They never responded to the letter, which that does not surprise me at all. And then Mr. McSwain got in touch with them and that is what brought it to a head. They have demonstrated they don't want to work with us is right. I will be glad to put that on the committee. I just want to make sure and nail it down that we don't have anything happening that we don't have any control over and however it should be put on the committee about this Saxon Home deal and how it was made, I don't know how you are going to word it, but let's get that on the committee. Thank you.

Mr. McSwain: We will be glad to do a report and get that to Council.

Ms. Smith: Ms. Scott did you have something on this issue?

Ms. Scott: Oh yeah. I don't know which one of the staff I called but I remember calling. If you confess, you can confess. The thing is Washington Park has been a problem for the last 12 years with the one way in and one way out, the same way in. The Housing Authority, I think someone in the State or somebody needs to get together and do what we have to do with that. I don't think it should come back to the County as a full thing. It needs to be done. I don't think that the County should have to swap and shop for something that needs to be done from the Highway Department or maybe all of us come together as a group. I asked staff to get a full report on it. I am not going to call you out in the open and asked them to give it to me within two weeks. I haven't heard another word. I think sometimes we let other people negotiate stuff that don't need to negotiate for the County. Mr. Prater works for delegation. We suppose to house him and all of that, but sometime we overlaps and get too many people involved in what the County is supposed to do and we all do the full thing of it. I talked about that about three weeks, I think it was about three weeks now. I had a meeting over there with some of the delegation members. They were concerned about that house being moved too. So I don't think we should have to swap and shop for the house to move so the residents can get in and out, not with our landfill.

Ms. Smith: Thank you Ms. Smith. It seems like when I say we are going to have a short meeting.... Let me just say this. Everybody has their right to speak and you will be recognized, but if we can wait until we have the facts before us, it might be easier to understand. I am even having a hard time following what is going on. Mr. Meetze and then Mr. Morris.

Mr. Meetze: I just want to respond to Bernice and I agree with you 100%. I think we need that road and I think everything is needed. But what I am saying is, if they are going to fill up our landfill then they should come to us and tell us what they have

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done and don't let us find out through the grapevine what is happening. I agree with you 100%.

Ms. Scott: You should not have to negotiate a house.

Mr. Meetze: Absolutely, absolutely and I'll shut up.

Ms. Smith: Mr. Morris.

Mr. Morris: I have three questions. Mr. McSwain, are we not sending a lot of our C&D landfills to elsewhere right now?

Mr. McSwain: If you will recall, we bid that and that is the option of our collectors and if they do that we will have to pay for it instead of taking it to our landfill. Some of it has been transferred, yes.

Mr. Morris: Alright, okay. How much C&D is coming in at \$18.50 a ton right now?

Mr. McSwain: I don't know now with the City out of there. We will look at that and put that in our report.

Mr. Morris: How much paying business do we have out there?

Mr. McSwain: I can't answer that at the moment.

Mr. Morris: I would like that in this report because it just baffles me why somebody would bring it to us at \$18.50 when they can take it elsewhere for \$12.00.

Mr. McSwain: Well they aren't.

Mr. Morris: Well, I want to know how much is coming in at \$18.50 and then I would like to know how much the County is.... at rate are we using our own landfill for our own use at the present time after the City got out. That is it.

Ms. Smith: Without objection, we will ask that the report be prepared and placed on the agenda for discussion at D&S committee meeting.

Ms. Scott: I know they already have the report ready, it is just a matter of bringing it to Council.

Ms. Smith: Thank you Ms. Scott.

SECOND READING ITEMS

Sheriff's Department: Towing/Storing Fees

Mr. Meetze moved, seconded by Mr. Mr. Pearce, to give Second Reading approval to an ordinance amendment to increase charges allowed. The vote in favor was unanimous.

ITEMS DEFERRED FROM COUNCIL MEETING OF OCTOBER 3, 2000

01-07TA, Deletion of Special Exception Commercial Uses in Rural Zones – Third Reading

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Mr. Morris moved, seconded by Mr. Meetze, to give Third Reading to this ordinance amendment to delete authority of Board of Zoning Appeals to allow a special exception for commercial uses of no more than 5,000 square feet in rural zoning districts; and expand provisions for home businesses in rural zones. The vote in favor was unanimous.

Appointment to the Richland Memorial Hospital Board-1

Ms. Smith stated the County Attorney verified the County's ordinance and stated Mr. James H. Suddeth, Jr. is able to continue service on this board.

Mr. Livingston requested for the Rules Committee to look at board membership and make a recommendation to the Alliance Board of Directors.

Mr. Livingston moved, seconded by Mr. Meetze, to elect Mr. James H. Suddeth, Jr., and ask the Rules Committee to examine the agreement with the Alliance to clarify service and make a report back to Council.

Ms. Scott stated she will oppose the motion and challenges the County Attorney's opinion on an applicant continuing service. She stated the vacancy should be re-advertised.

Ms. Scott requested division of the motion.

The vote in favor of electing Mr. James Suddeth, Jr. to the board was as follows:

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

The motion passed. (Ms. Scott stated she opposes only because she thinks it is wrong).

The second part of the motion was to request the Rules and Appointment Committee to examine the situation and make recommendations to the Council for appropriate representation on the Palmetto Health Alliance Board and Mr. Morris offered an amendment that a history of the policy be attached to the report. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Resolution consenting to assignment of rights and obligations of UNUM America and UNUMPROVIDENT under a Lease Agreement and an Inducement Agreement and Millage Rate Agreement with Richland County

Mr. Livingston moved, seconded by Mr. Meetze, to approve a Resolution which consents to the transfer and assignment by UNUM America and/or UNUMProvident

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to UnumProvident and/or an affiliated entity of all rights and obligations under the Lease and the Inducement Agreement relating to personal property, and affirms that the Lease and Inducement Agreement remains in full force and effect contingent upon Legal's review. The vote in favor was unanimous.

CITIZEN'S INPUT

Ms. Smith stated no one signed up to speak at this time.

MOTION PERIOD/ANNOUNCEMENTS

Resolution

Ms. Brill requested a Resolution honoring Admiral James O. Ellis, Jr.

Mr. Pearce requested a Committee to review and recommend changes to the process of adoption Resolutions. (Mr. Pearce, Ms. Brill and Mr. McEachern were appointed.)

Ms. Smith moved to temporarily reactivate the Council Detention Center Committee to review recent issues.

ADJOURNMENT

Mr. Meetze moved, seconded by Mr. Pearce, to adjourn the meeting at approximately 7:14 p.m. The vote in favor was unanimous.

Kit Smith, Chair

L. Gregory Pearce, Jr., Vice-Chair

Susan Brill

Paul Livingston

Joseph McEachern

J.D. "Buddy" Meetze

Anthony G. Mizzell

Stephen F. Morris

Bernice G. Scott

Thelma M. Tillis

James Tuten

The minutes were transcribed by Marsheika G. Martin