

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION APRIL 5, 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:

Vice-Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Damon Jeter
Member	Paul Livingston
Member	Joseph McEachern
Member	Mike Montgomery
Member	Bernice G. Scott
Member	Doris M. Corley
Member	Kit Smith

MEMBER ABSENT: Anthony G. Mizzell (out of town)

ALSO PRESENT: T. Cary McSwain, Michielle Cannon-Finch, Amelia Linder, Milton Pope, Tony McDonald, Ashley Bloom, Kendall Johnson, Stephany Snowden, Marsheika Martin, Sheriff Lott, Chief Harrell, Roxanne Matthews, Monique Walters, Joe Cronin, Jocelyn Jennings, Chris Eversman

CALL TO ORDER

The meeting was called to order at approximately 6:03 p.m.

POINT OF PERSONAL PRIVILEGE

Mr. Pearce announced that he would be chairing the meeting in Mr. Mizzell's absence. He stated that he was happy to be back and is on his way to full recovery.

INVOCATION

The Invocation was given by the Honorable Joyce M. Dickerson

PLEDGE OF ALLEGIANCE

Mr. Pearce recognized Ms. Carrie Neal, Finance Director, in the audience.

ADOPTION OF AGENDA

Mr. McEachern moved, seconded by Ms. Corley, to adopt the agenda submitted. The vote in favor was unanimous.

PRESENTATIONS

Sheriff Leon Lott – Sheriff of the Year - On behalf of Council, Mr. McEachern, Ms. Scott and Ms. Hutchinson and Ms. Dickerson, presented a resolution to Sheriff Lott recognizing him as the South Carolina Sheriff of the Year for 2004.

Sheriff Lott thanked Council for their continued support and stated that it was an honor to be recognized Council and his peers.

Capital City Shamrocks Baseball Team – On behalf of Council, Ms. Scott presented a resolution recognizing the Central City Shamrocks Traveling Baseball Club.

On behalf of the team, Mr. Willie Minor, Head Coach, thanked Council for the recognition and stated it was an honor. He stated the young men are taught the principles of discipline, leadership, as well as baseball.

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

APPROVAL OF MINUTES

Regular Session – March 15, 2005 – Mr. Livingston moved, seconded by Ms. Dickerson, to adopt the minutes as published. The vote in favor was unanimous.

Zoning Public Hearing: March 22, 2005 – Mr. Livingston moved, seconded by Ms. Dickerson, to adopt the minutes as published. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Larry Smith, County Attorney, stated if Council had any questions regarding the Employee Grievance, they would need to be asked in Executive Session.

REPORT OF COUNTY ADMINISTRATOR

Mr. T. Cary McSwain, County Administrator, welcomed Mr. Pearce back.

Basketball Championships – Mr. McSwain mentioned that the University of North Carolina-Chapel Hill and the University of South Carolina have both won national championships.

Employee Grievance – Mr. McEachern moved, seconded by Ms. Corley, to uphold the Administrator’s recommendation. The vote in favor was unanimous.

REPORT OF THE CLERK OF COUNCIL

Ms. Michielle Cannon-Finch, Clerk of Council, gave the following report:

Request from the Recreation Commission to set up a work session with Council before April 14th regarding capital improvement projects listed in the RCRC Ten-Year Master Plan for 2002-2012 – Ms. Finch stated this is an item that Chairman Mizzell asked to be placed on the agenda. She stated that the Recreation Commission has stated that the week of April 18th through the 22nd would be better for them.

Mr. Pearce stated this will be taken up during the Motion Period.

OPEN/CLOSE PUBLIC HEARING ITEMS

Conservation Easements Policy – Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions created and recognized; subsection (H), Richland County Conservation Commission; so as to establish policies for the endorsement of conservation easements by the Richland County Council

Mr. Pearce opened the floor to the public hearing.

The following person spoke to the item:

Ms. Lillie Bates spoke “against” the item.

The floor to the public hearing was closed.

- **Ordinance authorizing quit claim deed to 321 Fairfield, LLC**
- **Ordinance authorizing quit claim deed to Carolina Wrecking, Inc.**

Mr. Pearce opened the floor to the public hearings:

No one signed up to speak to these items.

The floor to the public hearing was closed.

Ordinance amending the fiscal year 2004-2005 road maintenance and storm water fund annual budget to transfer two full-time engineering technical positions from the road maintenance fund to the storm water fund. The positions are a grade nine (9) non-exempt. This will not require the transfer of any funds

Mr. Pearce opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

APPROVAL OF CONSENT ITEMS

Mr. Montgomery moved, seconded by Ms. Corley, to approve the following items for the Consent Agenda as amended:

- **05-41MA, V.W. Cate c/o Leah Browder, RS-1 to C-1 (1.08 acres), Financial Planning Office, 07303-0202, 121 Arrowwood Drive, south of Bush River Road [Second Reading]**
- **05-46MA, Pioneer Land Co. LP, D-1 to C-3 (1.21), Commercial, 25808-03-03, Hwy. 1, north of Spears Creek Church Road [Second Reading]**
- **05-47MA, Michael Morrisson, RU to C-3 (1.35 acres), Framing & Art Gallery, 15000-02-15, Wilson Boulevard (Hwy 21)**
- **05-49MA, Walgreens/Gene Dinkins, RU to C-3 (3.42 acres), Commercial, 2415-03-01/02, Hwy 76 & Hwy 6, Ballentine**
- **Facilities and Grounds Maintenance: Ordinance to authorize utility easement at Columbia Owens downtown Airport**
- **Hammond School: Approval of Resolution supporting JEDA Bond Issuance**
- **Community Development: Fair Housing Resolution**
- **Legal Department: Budget Request (Ordinance Amendment)**

The vote in favor was unanimous.

THIRD READING ITEMS

Conservation Easements Policy – Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions created and recognized; subsection (H), Richland County Conservation Commission; so as to establish policies for the endorsement of conservation easements by the Richland County Council

Mr. Montgomery moved to give Third Reading approval to the Conservation Easements Policy, reflecting that this does not have anything to do with the Conservation Commission. This policy merely establishes a structure by which Council will grant approval to the request for a conservation easement and sets fees so that the process is revenue neutral. Ms. Corley seconded. The vote in favor was unanimous.

Ordinance authorizing quit claim deed to 321 Fairfield, LLC

Mr. Tony McDonald, Assistant County Administrator, stated there is a change in the value of the property. He stated when this was reported to the committee initially, the value of the property was valued at \$29,999. Mr. McDonald stated that a review of that

and a re-evaluation of the property from the Assessor has reduced the value down to \$10,000. He stated when the Committee recommended this out to Council, it was recommended that the County receives compensation, but based on the new value, it would be at \$10,000 as opposed to the \$29,000.

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

Ordinance authorizing quit claim deed to Carolina Wrecking, Inc.

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

Ordinance amending the fiscal year 2004-2005 road maintenance and storm water fund annual budget to transfer two full-time engineering technical positions from the road maintenance fund to the storm water fund. The positions are a grade nine (9) non-exempt. This will not require the transfer of any funds

Ms. Scott questioned the intent of the amendment.

Mr. McSwain stated this amendment would move positions from one division to another within the Public Works Department. He stated it is a budgetary move and they would provide engineering technical assistance to the storm water management program.

Mr. Chris Eversman, Public Works Director, stated their duties would be very similar to what they do now. He stated this would reflect the current organization of the department. He went on to describe the duties of the engineering technicians. Mr. Eversman stated when the budget amendment is made; they would have all of the funding sources and organizations properly matched up.

The discussion continued.

Mr. Smith reminded Council that at the last Committee meeting, staff brought a proposal to create various divisions within the Department of Public Works. He stated it was decided to hold a Work Session to discuss this issue and he stated Mr. Eversman is talking about placing one or two of those individuals in a division which needs to be created by ordinance which is going to be discussed in the Work Session.

After discussions, Mr. Jeter moved, seconded by Mr. McEachern, to defer this item to a Work Session. The vote was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Department of Public Works: Solid Waste Management Plan

Mr. Jeter stated the Committee recommended that Council adopt the version of the Richland County Solid Waste Management Plan with the understanding that questions Mr. Livingston had needed to be answered.

Mr. Montgomery made a substitute motion in the form of an amendment that Council adopts the recommendation of the staff with the following change: "With regard to Page 42, paragraph E replace that text with the following verbiage "Richland County currently hosts two Subtitle-D MSW Landfills. These two landfills each may increase their currently permitted annual waste acceptance rate up to 30% over the currently permitted annual waste acceptance rate within the bounds of their currently permitted footprint and vertical elevation limits, but may not expand or replace existing permitted capacity. No other replacements, expansions, facilities or new Subtitle-D Municipal Solid Waste Landfills will be necessary." Mr. Livingston seconded the motion. The vote in favor was unanimous.

Restructuring the membership to the Richland County Development Corporation

Mr. Jeter stated the Committee forwarded this item to Council for discussion.

Mr. McSwain gave a brief update on this item. He recommended that the board consists of County Administrator, County Finance Director, County Treasurer, County Auditor, County Council Chair and County Council Vice Chair.

Ms. Smith moved, seconded by Ms. Dickerson, to adopt Option 1 of staff's recommendation which is what the Administrator has recommended. The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Central Midlands Council of Governments: Approval of a Resolution adopting the Natural Hazards Risk Assessment and Hazard Mitigation Plan

Mr. Livingston stated the Committee recommended that the Council approve the resolution. The vote in favor was unanimous.

Department of Public Works: Utilities Ordinance Amendment

Mr. Livingston stated the Committee recommended holding a Work Session for further discussion.

Mr. McEachern stated this is a Committee Work Session, as well as item-F (Department of Planning and Development Services: Planning Ordinance Amendment). Mr. Pearce stated a Work Session can be scheduled during the Motion Period.

Sheriff's Department: Holiday Pay

Mr. Livingston stated the Committee requested a more comprehensive analysis and fiscal impact of holiday pay by the County Administrator at the next Council meeting. He stated no specific recommendation was approved by Committee.

Mr. McSwain: *I asked the Budget Director and Chief Harrell to get together in terms of the misunderstanding or the different numbers that they had of what the Holiday Pay that the Sheriff contends is unfunded. The holiday pay is funded for all of the 11 normative holidays. The deputies who work on their holidays get double pay. That part is typically funded by a vacancy factor; that is where you have vacant positions, in all other departments. The Sheriff's Department is unique in that he has a schedule or a pool of people that have already been approved for employment; and if somebody leaves, they don't have much vacancy. So, it has created an anomaly. The Budget Director and Chief Harrell got together and I would support this budget amendment here that asks for \$172,556 to be added to the 5111 Account, the 5111 which is for salaries, to accommodate that extra holiday pay where deputies do not get a holiday and they are paid for working and they are paid for a holiday.*

Mr. Montgomery had asked that we look at EMS and the Detention Center....In keeping track of what it costs for each department, it really wouldn't be appropriate to move money from one department to another to fund their overage, or in this case, the unique circumstance. This money coming out of Fund Balance, if it isn't expended, it would go back to Fund Balance at the end of the year, if it is not needed. If there is any money left over in the other departments, it would go in the Fund Balance. So it basically works out to be the same.

In terms of keeping an account in the budget and for what we need to do for next year, I would recommend that Council adopt this budget amendment to put this money into the Sheriff's Salary Account to pay for that holiday pay because of his unique circumstance.

A discussion took place.

Mr. Montgomery moved, seconded by Mr. McEachern, to make the transfer of the designated amount from the projected vacancy funds in EMS.

A discussion took place.

Mr. Livingston made a substitute motion, seconded by Ms. Smith, to support the Administrator's recommendation to take it out of Fund Balance.

The vote for the substitute motion was as follows:

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

The motion failed.

The vote for the main motion was as follows:

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

The motion passed.

Report of the Clerk of Council: Personnel Matter

Mr. Livingston stated the Committee recommended that this item remain in Committee.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

An Ordinance consenting to an assignment of the rights and obligations of American Italian Pasta Company under an inducement agreement, a lease agreement, between Richland County and American Italian Pasta Company.

Mr. Livingston stated the Committee recommended approving the transfer of all current agreements to AIP South Carolina Incorporated. He stated they are simply changing names. The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

Notification of Vacancies on Boards, Commissions and Committees

Mr. McEachern made official notification of the following vacancies:

- **Board of Assessment Appeals – 1**
- **Board of Zoning Adjustments and Appeals-1**

He stated the Committee recommended for staff to advertise the vacancies. The vote in favor was unanimous.

Notification of Appointments to Boards, Commissions and Committees

Building Codes Board of Adjustments and Appeals – 1

Mr. McEachern stated no applications were received. The committee recommended staff re-advertising the vacancy. The vote in favor was unanimous.

Historic Columbia Foundation – 1

Mr. McEachern stated there is one vacancy to this board with one application received. He stated the committee recommended Mr. John W. Cullum. The vote in favor was unanimous.

Internal Auditor Committee – 1

Mr. McEachern stated there is one vacancy to this board with one incumbent re-applying. The committee recommended Mr. Melvin T. Miller. The vote in favor was unanimous.

Scheduling the Administration and Finance “Immediately Following the Development & Services”

Mr. McEachern stated the committee recommended that the A&F Committee will be scheduled “immediately following the D&S Committee meeting. The vote in favor was unanimous.

APPLICATION FOR LOCATING A COMMUNITY RESIDENTIAL CARE FACILITY IN AN UNINCORPORATED AREA OF RICHLAND COUNTY

Mr. Jeter moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous. (Ms. Scott abstained.)

CITIZEN’S INPUT

The following persons signed up to speak:

- Mr. W.C. Hawley spoke of concerns regarding the definitions required under the new code of zoning.

Mr. Pearce informed Mr. Hawley to submit a letter of his concerns to the Chairman of the Development and Services Committee as this item will be discuss at the end of the month.

- Mr. Mike Duffy spoke regarding the economic impact of wholesale trade with the new land development code.

Ms. Scott stated that staff needs to respond to citizens in regards to their concerns and complaints of Richland County ordinances.

Mr. McEachern directed staff to forward requests, concerns and questions from citizens regarding policy issues to full Council.

MOTION PERIOD

Work Session regarding the Richland County Recreation Commission

Mr. Montgomery recommended holding the Work Session on April 19th at 5:00 p.m.

Work Session regarding the Ordinance dealing with the Administrative Structure of the County

Mr. McEachern stated this is a Committee Work Session, but other Council members were invited to attend.

Ms. Smith recommended holding the Work Session on April 26th at 4:00 p.m.

For Information: Resolution regarding the Physical Autonomy for the School Districts

Mr. Livingston stated recommendations will be coming forward regarding a resolution after members of Council meeting with the various school districts.

Resolution recognizing Keels Elementary School and Keenan High School

Mr. McEachern stated he and Mr. Jeter are requesting a resolution for being named Palmetto's Finest.

Sponsor Signature Line on Resolutions

Ms. Scott recommended for the Rules and Appointments Committee to look at placing a signature line on resolutions for the Council member who has sponsored it on behalf of Council. She stated it would be more personable.

Letter from the Homebuilders

Mr. McEachern questioned if the Planning Department has received the letter from the Homebuilders. He stated staff needed to respond to the letter and get back with Council.

ADJOURNMENT – Mr. Montgomery moved, seconded by Ms. Dickerson, to adjourn at approximately 7:24 p.m. The vote in favor was unanimous.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Marsheika G. Martin