

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
SEPTEMBER 7, 2004
6:00 P.M.**

MEMBERS PRESENT

Bernice G. Scott, Chair; Joan B. Brady, Vice-Chair; Susan Brill; Paul Livingston; Doris M. Corley; Joseph McEachern; L. Gregory Pearce, Jr.; Kit Smith; James Tuten, Thelma Tillis

ABSENT

Mr. Mizzell was absent due to the flu.

OTHERS PRESENT:

T. Cary McSwain, Michielle Cannon-Finch, Brad Farrar, Amelia Linder, Milton Pope, Tony McDonald, Monique Walters, Ashley Bloom, Pam Davis, Roxanne Matthews, Carrie Neal, Michael Criss, Chief Harrell, Sheriff Lott, Marsheika Martin, Stephany Snowden

CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

INVOCATION

The Invocation was given by the Honorable James Tuten.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

- **Resolution honoring Eric Finch, Richland 101 for Kids** – A resolution was presented in appreciation for Mr. Finch assisting with Richland 101 for Kids.
- **Resolution recognizing Katherine D. Van Schaik** – A resolution was presented for her academic success.
- **S.C. Department of Agriculture – Carolina Q-cup** – Mr. Bob Fuller stated a barbeque will be held at the State Fair Grounds on October 22nd and 23rd

CITIZEN'S INPUT - Ms. Evelyn Bush spoke of various concerns.

APPROVAL OF MINUTES

Special Called Meeting – July 14, 2004 – Ms. Brady moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

Special Called Meeting – July 21, 2004 – Mr. Pearce moved, seconded by Ms. Brady, to approve the minutes as submitted. The vote in favor was unanimous.

Special Called Meeting – July 27, 2004 – Ms. Corley moved, seconded by Ms. Brady, to approve the minutes as submitted. The vote in favor was unanimous.

Zoning Public Hearing – July 27, 2004 – Ms. Corley moved, seconded by Mr. Tuten, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Livingston stated the dollar amount on item 1-a needs to be changed to \$300,000,000.00.

It was moved and seconded to adopt the agenda as amended. The vote in favor was unanimous.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Brad Farrar, Deputy County Attorney, stated the following items need to be discussed in Executive Session:

- **Contractual and Personnel Matters, Sheriff Leon Lott**
- **Whittaker Container vs. Richland County, Legal/Contractual Matter**
- **Columbia Venture LLC vs. Richland County – Pending Litigation**

REPORT OF COUNTY ADMINISTRATOR

Mr. T. Cary McSwain, County Administrator, welcomed Council members back.

Mr. Milton Pope, Assistant County Administrator, gave an update on the weather.

REPORT OF THE CLERK OF COUNCIL – No report was given at this time.

OPEN/CLOSE PUBLIC HEARING ITEMS

Ms. Scott opened the floor to the following public hearing items:

- **Ordinance authorizing Revenue Bonds (not exceeding \$300,000,000) to acquire a certain project (Project Cookie)**
- **Ordinance authorizing the execution and delivery of a fee agreement regarding Project Prosperity**
- **Ordinance authorizing a Deed to the City of Columbia for waterlines on Blue Cross and Blue Shield's property**
- **An Amendment to the Budget Ordinance to create a new position in the Treasurer's Office**
- **Ordinance authorizing Lease-Swap Agreement for C.R. Neal School**
- **Bond Ordinance for land purchase for the Township Auditorium**

No one signed up to speak to any of the public hearing items.

Ms. Scott closed the floor to the public hearing.

Bond Ordinance for land purchase for the Township Auditorium

A discussion took place.

Mr. Livingston moved, seconded by Mr. McEachern, to discuss this item in Executive Session.

The discussion continued.

Mr. Pearce moved, seconded by Ms. Brady, to reopen the agenda and add this item for discussion in Executive Session. The vote in favor was unanimous.

APPROVAL OF CONSENT ITEMS

Ms. Brady moved, seconded by Ms. Corley, to approve the following Second Reading consent items:

- **Ordinance authorizing the execution and delivery of a fee agreement regarding Project Prosperity**
- **Ordinance authorizing a Deed to the City of Columbia for waterlines on Blue Cross and Blue Shield's property**
- **An Amendment to the Budget Ordinance to create a new position in the Treasurer's Office**
- **Ordinance authorizing Lease-Swap Agreement for C.R. Neal School**
- **04-59MA, H. Heath Hill, RU to M-2, Construction Site, 38800-01-06/07, NW of intersection of McCords Ferry Road, Hwy 601 & Reynolds Road**
- **04-60MA, Cynthia B. Stukes, D-1 to C-3, Accounting Office, boutique, restaurant, 21800-01-10, 8420 Garners Ferry Road**

The vote in favor was unanimous.

SECOND READING ITEMS

Ordinance authorizing Revenue Bonds (not exceeding \$300,000,000) to acquire a certain project (Project Cookie) and authorizing a Lease Agreement

A discussion took place.

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

04-63MA, First Canterbury, LLC, RU to PUD-1R, Single Family Residential Neighborhood, 03400-04-07, NW on Highway 176 bounded by I-26

Ms. Brady moved, seconded by Ms. Corley, to approve this item for Second Reading. The vote in favor was unanimous.

04-65MA, Fairfield Electric, RU to PDD, Office Buildings, Warehouse & Outdoor Storage, 12600-03-01/02

Mr. Livingston moved, seconded by Mr. Pearce, to defer this item to the September 21st meeting.

The vote was as follows:

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

The motion to defer passed.

Land Development Code

Ms. Smith moved, seconded by Mr. Livingston, to defer this item to a Special Called Meeting on Wednesday, September 22nd at 3:30 p.m. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

Notification of Vacancies on Boards, Commissions and Committees

Mr. McEachern stated the **Airport Commission** has two vacancies and staff was directed to advertise.

Notification of Appointments

Airport Commission – Mr. McEachern stated there are two vacancies on this board with two applications submitted. The committee recommended appointing Mr. Jimmy Moore and Mr. Bert Pooser. The vote in favor was unanimous.

Community Relations Council-1 – Mr. McEachern stated there is one vacancy to this board with one application submitted. The committee recommended appointing Ms. Diane Shaw. The vote in favor was unanimous.

Employee Grievance Committee-2 – Mr. McEachern stated there are two vacancies to this committee with one application submitted. The committee recommended appointing Mr. William Henry Johnson. The vote in favor was unanimous.

Internal Audit Committee-1 – Mr. McEachern stated there is one vacancy to this committee with one application submitted. The committee recommended appointing Mr. John W. Cullum. The vote in favor was unanimous.

Planning Commission-1 – Mr. McEachern stated there is one vacancy to this commission with five applications submitted.

The vote was as follows:

<u>Russell</u>	<u>Manning</u>	<u>Lawracy</u>	<u>Greene, Jr.</u>	<u>Dubard</u>
Smith	Pearce	Livingston		Tuten
	Corley	Brady		
	Scott			
	Brill			
	McEachern			

Mr. B. Deas Manning was appointed.

Mr. McEachern stated that the following items will be deferred to the next Rules and Appointments Committee meeting:

Appearance Commission

1. **Clarification on term limits**

Flag Procedures

1. **Directions for when to lower the flag**

CITIZEN’S INPUT – No one signed up to speak at this time.

EXECUTIVE SESSION

Ms. Brady moved, seconded by Mr. Livingston, to go into Executive Session to discuss the following:

- **Contractual and Personnel Matters, Sheriff Leon Lott**
- **Whittaker Container vs. Richland County, Legal/Contractual Matter**
- **Columbia Venture LLC vs. Richland County – Pending Litigation**
- **Bond Ordinance for land purchase for the Township Auditorium**

The vote in favor was unanimous.

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Council went into Executive Session at approximately 7:05 p.m. and came out at approximately 9:12 p.m.
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It was moved and seconded to come out of Executive Session. The vote in favor was unanimous.

Contractual and Personnel Matters, Sheriff Leon Lott

Mr. McEachern moved, seconded by Mr. Pearce/Ms. Tillis, regarding the Victim's Assistance that recommendations come back from the Sheriff and Administration at the next Council Meeting. The vote in favor was unanimous.

Mr. McEachern moved, seconded by Ms. Corley, regarding the fuel and lab issues that recommendations from the Sheriff be received as discussed in Executive Session. The vote in favor was unanimous.

Mr. McEachern stated other items were received for information.

Mr. McSwain stated budget amendments will be brought forward for Council to adopt.

Whittaker Container vs. Richland County, Legal/Contractual Matter

Ms. Brady moved, seconded by Mr. McEachern, that the legal matter has been settled and it was decided to renegotiate Sections 2 and 6. The vote in favor was unanimous.

Columbia Venture LLC vs. Richland County – Pending Litigation

Mr. Pearce moved, seconded by Mr. McEachern, that advice was taken from counsel and the lawsuit is still being studied and a recommendation will be received as to how the County should proceed at the next Council meeting. The vote in favor was unanimous.

Bond Ordinance for land purchase for Township Auditorium

Ms. Scott stated this item was received for information.

MOTION PERIOD

- a. **Administrator's Requests: Sheriff Grant Requests**
Emergency Services – Citizens Corps Grant
Emergency Services – DHEC Grant-in-Aid

Mr. McEachern moved, seconded by Ms. Corley, to approve these items. The vote in favor was unanimous.

- b. **Invitation to Speak: Appearance Commission – Brady**

Ms. Brady requested for Council to allow a member from the Appearance Commission to speak for five minutes to Council regarding the Land Use Plan.

Ms. Scott stated the Commission could speak during the Special Called Meeting on September 22nd for five minutes.

The vote in favor was unanimous.

- c. Hospitality Tax Funding Request**
- 1. Swamp Fest 2004**
 - 2. 2005 Taco Bell Track and Field Classic**

A discussion took place.

Ms. Smith moved, seconded by Ms. Scott, to refer this item to the A&F Committee. The vote in favor was unanimous.

Ms. Scott requested information regarding everything that has been appropriated to the Hospitality Tax.

ADJOURNMENT – The meeting adjourned at approximately 9:12 p.m.

Bernice G. Scott, Chair

Joan B. Brady, Vice-Chair

Susan Brill

Doris M. Corley

Paul Livingston

Joseph McEachern

Anthony G. Mizzell

L. Gregory Pearce, Jr.

Kit Smith

Thelma M. Tillis

James Tuten

The minutes were transcribed by Marsheika G. Martin