

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JANUARY 18, 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:

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

**ALSO PRESENT:** Michielle Cannon-Finch, T. Cary McSwain, Amelia Linder, Larry Smith, Milton Pope, Tony McDonald, Brad Farrar, Roxanne Matthews, Ashley Bloom, Michael Criss, Kendall Johnson, Stephany Snowden, Anna Almeida, Marsheika Martin

### CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

### INVOCATION

The Invocation was given by Bishop David Daniels.

### PLEDGE OF ALLEGIANCE

### ADOPTION OF AGENDA

Mr. Pearce moved, seconded by Ms. Smith, to adopt the agenda as submitted.  
The vote in favor was unanimous.

### CITIZEN'S INPUT

No one signed up to speak at this time.

## APPROVAL OF MINUTES

**Regular Session: January 4, 2005** – Ms. Smith, moved, seconded Ms. Scott, to approve the minutes as submitted. The vote in favor was unanimous.

### REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Larry Smith, County Attorney, stated the following items would need to be discussed in Executive Session if there were questions:

- a. Economic Development Item
- b. Employee Grievance

### REPORT OF THE COUNTY ADMINISTRATOR

**Department of Agriculture** – Mr. T. Cary McSwain, County Administrator, stated a letter was received from Mr. Hugh Weathers regarding a Memorandum of Understanding for the Farmer's Market. He stated that a meeting will be held at 11:00 a.m. on Wednesday, January 19<sup>th</sup>, to discuss the MOU.

A discussion took place.

### REPORT OF THE CLERK OF COUNCIL

#### OPEN/CLOSE PUBLIC HEARINGS

Mr. Mizzell opened the floor for public hearings.

**An Ordinance authorizing the issuance and sale of General Obligation Bonds not to exceed \$3,000,000** - No one signed up to speak at this time.

**An Ordinance authorizing a deed to a certain parcel of land in the Richland Northeast Industrial Park TMS #25800-04-01** – No one signed up to speak at this time.

**Amendment to Village at Sandhills Development Agreement**

**Land Development Code Map Amendment Ordinance**

### APPROVAL OF CONSENT ITEMS

Mr. Pearce moved, seconded by Ms. Scott, to remove item 1.a. (An Ordinance authorizing the issuance and sale of General Obligation Bonds not to exceed \$3,000,000) from the consent agenda. The vote in favor was unanimous.

### THIRD READING ITEMS

**An Ordinance authorizing the issuance and sale of General Obligation Bonds not to exceed \$3,000,000**

Ms. Smith moved, seconded by Mr. Pearce, to approve the ordinance as amended.

A discussion took place.

The vote was in favor.

**An Ordinance authorizing a deed to a certain parcel of land in the Richland Northeast Industrial Park TMS #25800-04-01**

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

**AMENDMENT TO VILLAGE AT SANDHILLS DEVELOPMENT AGREEMENT**

Ms. Scott moved, seconded by Ms. Smith/Mr. Montgomery to approve this item. The vote in favor was unanimous.

Ms. Scott moved, seconded by Ms. Smith, to reconsider this item. The motion failed.

### SECOND READING ITEM

**Land Development Code Map Amendment Ordinance** – Ms. Smith moved, seconded by Mr. Montgomery, to approve this item for Second Reading.

Ms. Amelia Linder, Assistant County Attorney, stated the map amendment would place the new zoning districts in the text that has been adopted on all of the property in the County.

The vote in favor was unanimous.

### REPORT OF RULES AND APPOINTMENTS COMMITTEE

**Appearance Commission Appointment**

- a. **Appointee must be a Horticulturist**
- b. **Clarification on Horticulturist and Master Gardener**
- c. **Determine the need for a Horticulturist**

Mr. McEachern stated the committee deferred this item to the next meeting. The vote in favor was unanimous.

### CITIZEN'S INPUT

No one signed up to speak at this time.

**EXECUTIVE SESSION ITEM**

**Employee Grievance**

Mr. Montgomery moved, seconded by Mr. Livingston, to go into Executive Session to discuss an Employee Grievance. The vote in favor was unanimous.

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**Council went into Executive Session at approximately 6:38 p.m. and came out at approximately 7:12 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 Mr. Livingston, to defer the grievance and bring back to Council as soon as possible. The vote was in favor.

**Letter received from the Interim Commissioner with the Department of Agriculture regarding the Relocation of the State's Farmers Market**

**MOTION PERIOD**

**Draft Ordinance regarding family member's property to be submitted to the Planning Commission**

Mr. Larry Smith, County Attorney, passed out a draft ordinance regarding family member's property. He stated additional language has been added to the ordinance.

Ms. Scott stated the second page of the ordinance states that the "County shall not be responsible for either construction or maintaining of private roads." She stated we already have one-time maintenance on the roads in the County and would like to add the language to the ordinance.

Ms. Scott moved, seconded by Mr. Livingston, to add the additional language to the ordinance.

Ms. Smith clarified that the County's statute requires that any ordinance amending the text of our land development code needs to have the recommendation of the Planning Commission. She stated that this is just a procedural thing which needs to be sent back for the Planning Commission to study it and then forward to Council for action. Ms. Smith stated Council can further amend it or vote it up or down once it comes back from the Planning Commission. She stated that it would take unanimous consent of Council to do this.

The vote in favor of Ms. Scott's motion was unanimous.

### **Resolution for Senior Resources**

Mr. Pearce moved, seconded by Ms. Smith, to approve a resolution certifying that Senior Resources provides transportation for the elderly in Richland County in order for them to apply for a grant and obtain federal funding for a van. The vote in favor was unanimous.

### **Letter to Interim Commission of Agriculture**

Mr. Montgomery moved, seconded by Ms. Scott, "to ask the Administrator to respond to memorandum from the Interim Commissioner of Agriculture dated January 18, 2005 clarifying that Richland County has made no verbal commitments with regards to the terms of a memorandum of understanding, that we appreciate their designation of the site and that we look forward to completing negotiation of a Memorandum of Understanding acceptable to both parties."

Ms. Smith suggested that the letter states that "the Council welcomes the discussion in the MOU and will move forward on then."

Mr. Livingston suggested responding to item-3 of the letter by stating, "we will continue to discuss this issue with the vendors."

The discussions continued.

Mr. Montgomery accepted Mr. Livingston and Ms. Smith's suggestions as a friendly amendment.

Mr. Montgomery restated the motion as amended: that we ask that the Administrator on behalf of Council write a letter to the Interim Commissioner for the Department of Agriculture responding to his memorandum dated January 18, 2005 informing him that we appreciate the Commission's designation of the site in Richland County as the proposed new State Farmer's Market, that we understand that there have been discussions with the Memorandum of Understanding, that we look forward to reaching an acceptable Memorandum of Understanding with him, understanding that until action is taken by the Council and the appropriate bodies, that Council has made no commitment.

On behalf of Council, Mr. Jeter requested for staff to e-mail or mail a copy of the letter for all Council members.

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

**ADJOURNMENT** – Mr. Pearce moved, seconded by Ms. Smith, to adjourn the meeting at approximately 7:26 p.m. The vote in favor was unanimous.

Anthony G. Mizzell, Chair

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L. Gregory Pearce, Jr. Vice-Chair

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The minutes were transcribed by Marsheika G. Martin