

MINUTES OF



RICHLAND COUNTY COUNCIL'S REGULAR SESSION MEETING THURSDAY, OCTOBER 28, 2004 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	Bernice G. Scott
Vice-Chair	Joan B. Brady
Member	Susan Brill
Member	Paul Livingston
Member	Joseph McEachern
Member	Anthony G. Mizzell
Member	L. Gregory Pearce, Jr.
Member	Thelma M. Tillis
Member	James Tuten

MEMBER ABSENT: Doris M. Corley (bereavement) and Kit Smith (husband had minor surgery).

ALSO PRESENT: Michielle Cannon-Finch, T. Cary McSwain, Larry Smith, Amelia Linder, Carrie Neal, Milton Pope, Tony McDonald, Roxanne Matthews, Michael Byrd, Melondy Gold, Chief Harrell, Monique Walters, Marsheika Martin

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable James Tuten

PLEDGE OF ALLEGIANCE

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Larry Smith, County Attorney, stated a contractual matter need to be discussed in Executive Session.

ADOPTION OF AGENDA

Ms. Brill stated Palmetto Utilities need to be added to the agenda for discussion in Executive Session. She stated Kershaw County is asking to be dismissed from Central Midlands.

Mr. McSwain stated the wording for item 3-a (Approval of Bond Ordinance for the financing and purchase of Public Safety and Magistrate's property) will be replaced with the exact legal wording which was received after the agenda was distributed.

Ms. Michelle Cannon-Finch stated item 2-f (05-13MA, Robert Garrick, RU to C-3) need to be added to the list of Consent Items.

Mr. McEachern moved, and it was seconded, to adopt the agenda as amended. The vote in favor was unanimous.

CITIZEN'S INPUT - No one signed up to speak at this time.

APPROVAL OF MINUTES

Regular Session: October 19, 2004 – Ms. Brady moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

Zoning Public Hearing: October 26, 2004 – Ms. Brady moved, seconded by Mr. Pearce, to approve the minutes as submitted.

Ms. Tillis made a correction to 05-12(a) MA, Steve Rayl on page 11 of the minutes. She stated the Planning Commission recommended "denial" not approval as stated in the minutes.

Mr. McEachern moved, seconded by Ms. Brady, to approve the minutes with the adjusted changes. The vote in favor was unanimous.

REPORT OF THE COUNTY ADMINISTRATOR

United Way Celebrations - Mr. McSwain reported to Council that one of the ways employees have been raising money for the United Way was through a talent show. He stated this was the 3rd annual show initiated through the Public Information Office.

Voter's Registration – Mr. Milton Pope, Assistant County Administrator, gave an update on the overflow of calls regarding absentee voting, registration and early voting. He stated temporary employees have been hired to assist with mail-outs and answering phones.

Township – Mr. McSwain gave a status report. He stated the Council Capital Projects Group met and information was received that the board has been working with the

architect and they now have a new estimate of the building, site development and land. He stated the price is at or below Council's recommendation of \$24,000,000; and if the City continues with the signed agreement to have three board members, the price would be half of the capital cost totaling \$12,000,000 for the City and \$12,000,000 for the County.

REPORT OF THE CLERK OF COUNCIL

A report was not given at this time.

OPEN/CLOSE PUBLIC HEARING ITEMS

Ms. Scott opened the floor to the following public hearings:

- **Animal Care: Ordinance to amend Chapter 5, Animal and Fowl** – No one signed up to speak.
- **Ordinance to authorize easement to SCE&G at 5 Medical Park Drive – Palmetto Richland Memorial Hospital** - No one signed up to speak.
- **Sheriff's Department Budget Amendment: Petrol, Oil and Lubricant** - No one signed up to speak.
- **Sheriff's Department Budget Amendment: Victim's Assistance Program** - No one signed up to speak.
- **Sheriff's Department Budget Amendment: Administrative Services** – No one signed up to speak.
- **Sheriff's Department Budget Amendment: DNA and Firearms Lab** - No one signed up to speak.
- **Amendment to the Local Option Sales Tax Ordinance** - No one signed up to speak.
- **Quit Claim Deed Peyton Road and Pepper Street** – No one signed up to speak.
- **Planning and Development: Adoption of the 2003 Editions of the International Building Code, International Fire Code, International Mechanical Code, International Plumbing Code and International Energy Conservation Code** – Mr. Earl McLeod spoke against this item.

The floor to the public hearings was closed.

APPROVAL OF CONSENT ITEMS

Ms. Brady moved, and it was seconded, to approve the following items for the consent agenda:

- **Sheriff's Department Budget Amendment: Petrol, Oil, Lubricant** [Third Reading]
- **Sheriff's Department Budget Amendment: Administrative Services** [Third Reading]

- **Sheriff's Department Budget Amendment: DNA and Firearms Lab** [Third Reading]
- **Amendment to the Local Option Sales Tax Ordinance** [Third Reading]
- **Sheriff's Department Budget Amendment: Victim's Assistance Program** [Third Reading]
- **Ordinance authorizing the sale of property at Richland Northeast Industrial Park** [Second Reading]
- **05-08MA, Eagles Rest, RU & RS-1 to PUD-1R (88 acres), Mixed Density Residential, 01513-01-01/02** [Second Reading]
- **05-11MA, Danielle E. Ream, RU to C-3, Doctor's Office, 15000-02-24, Wilson Blvd (Hwy 21) ½ mile north I-77** [Second Reading]
- **05-12(a) MA, Steve Rayl, RU to C-1, Offices, 25915-02-03, Lockman Road** [Second Reading]
- **05-13MA, Robert Garrick, RU to C-3, Retail, gas station, and related uses, 32400-06-01/56/58, 7815 Bluff Road** [Second Reading]
- **05-14MA, Jeff Greene, C-3/M-2 to C-3 (1.8 acres), Multi-family high rise residential, 11204-03-01/03, Corner of Bluff and Berea Road** [Second Reading]
- **05-15MA, Courtyards at Salem Place, RU to PUD-1R (16.2 acres), Single family zero lot line, residential s/d, 02314-01-04/24/25 (p), South side of Salem Church Road** [Second Reading]
- **Ordinance amending terms of the Appearance Commission to run concurrent with Council members** [Second Reading]

The vote in favor was unanimous.

THIRD READING ITEMS

Animal Care: Ordinance to amend Chapter 5, Animal and Fowl – Mr. Pearce moved, seconded by Mr. Mizzell, to approve this item for Third Reading. The vote in favor was unanimous.

Ordinance to authorize an easement to SCE&G at 5 Medical Park Drive – Palmetto Richland Memorial Hospital - Mr. Pearce moved, seconded by Ms. Tillis, to approve this item for Third Reading. The vote in favor was unanimous.

Quit Claim Deed Peyton Road and Pepper Street - Ms. Brady moved, seconded by Mr. Livingston, to approve this item for Third Reading. The vote in favor was unanimous.

SECOND READING ITEMS

Planning and Development: Adoption of the 2003 Editions of the International Building Code, International Fire Code, International Mechanical Code, International Plumbing Code, and International Energy Conservation Code

Mr. Milton Pope, Assistant County Administrator, gave an update and briefing on this item.

A discussion took place.

Ms. Brady moved, seconded by Mr. Pearce, to accept the code without the appendices for Second Reading; and then before Third Reading, get clarification on the appendices, specifically C and D.

The discussions continued.

Mr. Livingston made a substitute motion, seconded by Mr. Mizzell, to incorporate the codes that are listed on Page 43 for Second Reading.

The vote for the substitute motion was as follows:

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

The motion failed.

The vote for the main motion was as follows:

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

The main motion passed.

FIRST READING ITEM

Approval of Bond Ordinance for the financing and purchase of Public Safety and Magistrate's property [BY TITLE ONLY]

Mr. McSwain read the following amended title for the record:

Authorizing the issuance and sale of general obligation bonds of Richland County, South Carolina, with an appropriate series designation; authorizing the issuance and sale of a general obligation bond anticipation note of Richland County, South Carolina, the proceeds of which will be used for the purchase of public safety and Magistrate's property; fixing the form and details of the bonds and the note; authorizing the County Administrator or his lawfully authorized designee to determine certain matters relating to the bonds and the note; providing for the payments of the bonds and the note and the disposition of the proceeds thereof; and other matters relating thereto.

(The motions were inaudible.) The vote in favor to approve was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

2004-2005 Internal Audit Project – Mr. Livingston stated the committee recommended that Council approve the Internal Audit Committee's project recommendation: Follow-up to County-wide Management Study; Procurement Audit; Audit for Internal Control for Cash Handling County-wide. The vote in favor was unanimous.

Request of Funding: American Red Cross Central South Carolina Chapter – Mr. Livingston stated the Committee recommended that this item be forwarded without a recommendation.

Mr. Mizzell moved, seconded by Ms. Scott, to fund this item from the General Fund Balance or reserve funds that were there.

Mr. Livingston made a substitute motion, seconded by Mr. Pearce/Ms. Tillis, to prepare a statement about how to proceed with emergency situations like this and bring back recommendations to Council on November 9th.

A discussion took place.

The vote for the substitute motion was as follows:

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

The substitute motion passed.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Emergency Services Department Additions: Leesburg Road Fire Station and Gadsden Fire Station – The Committee recommended that Council approve the award of contract to MAR Construction Company in the amount of \$227,210.00 for the construction of the two new additions for the Leesburg Road Fire Station and Gadsden Fire Station. The vote in favor was unanimous.

Emergency Services Department – The Committee recommended that Council approve the award of contract to MAR Construction Company in the amount of \$284,111.00 for the construction of the additions and renovations to the Ballentine EMS/Fire Station. The vote in favor was unanimous.

construction of the additions and renovations to the Ballentine EMS/Fire Station. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

1. **Notification of Vacancies on Boards, Commissions and Committee**

Appearance Commission – Mr. McEachern stated the Committee recommended re-advertising this position because Ms. Tracy Auman has resigned.

A discussion took place.

The vote in favor was unanimous.

2. **Policy for lowering the flag in Richland County** – Mr. McEachern stated the Committee recommended the following protocol for lowering the flag:

- **Law Enforcement Officers in the line of duty**
- **Firefighters in the line of duty**
- **Death of a local, state or national elected official that reside in Richland County**
- **State Governor as directed by the President**

The vote in favor was unanimous.

3. **Council Protocol** - Mr. McEachern stated the Committee recommended that each Council person should receive prior knowledge of plans of invitation and notification of events. Events such as groundbreaking or grand opening ceremonies require the blessing or vote of Council. All literature should be addressed by Council. The vote in favor was unanimous.

4. **Lexington Richland Alcohol and Drug Abuse Council** – Mr. McEachern stated that Committee Members of this board are requesting calendar terms from

January to December. He stated one member will be coming off and the second member is eligible for re-appointment.

Mr. McEachern stated the Committee recommended changing the ordinance to reflect that members' terms will begin in January of a calendar year and end December 31st and requested for the County Attorney's office to bring back the legal language for the ordinance. The vote in favor was unanimous.

5. Hospitality Tax Committee Appointment – The Committee had no recommendations at this time.

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

EXECUTIVE SESSION

Mr. Pearce moved, and it was seconded, to go into Executive Session to receive legal advice on a contractual matter. The vote in favor was unanimous.

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Council went into Executive Session at approximately 7:11 p.m. and came out at approximately 7:22 p.m.
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Mr. Pearce moved, seconded by Mr. Livingston, to come out of Executive Session. The vote in favor was unanimous.

Legal briefing on a Contractual Matter

Ms. Brill stated the briefing was for information only.

MOTION PERIOD – No motions were made at this time.

ADJOURNMENT – It was moved and seconded to adjourn at approximately 7:35 p.m. The vote in favor was unanimous.

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