

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
APRIL 17, 2001
6:00 P.M.**

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

OTHERS PRESENT: T. Cary McSwain, Tony McDonald, Milton Pope, Larry Smith, Michielle Cannon-Finch, Amelia Linder, Monique Walters, Stephany Snowden, Jocelyn Jennings, Mullen Taylor, Ash Miller, Marsheika Martin, Randy Jorgenson

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.

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

Mr. Larry Smith, County Attorney, stated there are possible items under the Report of Economic Development that might need to be discussed in Executive Session.

ADOPTION OF AGENDA

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

PRESENTATION OF RESOLUTIONS:

A. Walter B. Todd, Midlands Technical College Commission

Mr. Pearce presented this resolution to Mr. Todd for his services at the Midlands Technical College.

B. Keenan High School Basketball Team

Mr. McEachern and Ms. Tillis presented Resolutions to each member of the team for winning the 3A Basketball championship.

POINT OF PERSONAL PRIVILEGE

Mr. McEachern recognized his wife, Penny McEachern, at the meeting.

CITIZEN'S INPUT

(Council consented to Mr. Henry Burke speaking to an item not on the agenda at this time.)

- Mr. Henry Burke spoke of a personal problem in Woodfield Park regarding garbage cans.
- Mr. Bill McClanahan spoke in reference to public hearings being held at Third Reading.

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APPROVAL OF MINUTES

Zoning Public Hearing: March 27, 2001

Regular Session: April 3, 2001

The minutes were approved as submitted.

REPORT OF COUNTY ADMINISTRATOR

FEMA Training

Mr. T. Cary McSwain, County Administrator, commended council members and staff in attendance at the Disaster Preparedness Training held in Virginia last week.

Reception for Boards and Committees

Mr. McSwain reminded Council that a reception would be held on Wednesday, April 18th at 5:15 p.m. honoring those who serve on Richland County boards and commissions.

Budget Calendar

Mr. McSwain asked Council to consider recommended revisions to the budget calendar. Ms. Smith suggested that this issue be discussed during the weekly management meeting.

Sewer Spill Update

Mr. McSwain informed Council that the sewer spill reported to Council last week has been contained and cleaned.

OPEN/CLOSE PUBLIC HEARING ITEMS

Ms. Smith opened the floor to a public hearing.

Storm Water Management Ordinance

The following persons signed up to speak "in favor" of this item:

- Ms. Cynthia Flynn
- Mr. Yancy McLeod
- Ms. Carol Kososki

No one signed up to speak "against" this item.

Conservation Commission Ordinance

The following persons signed up to speak "against" this item:

- Ms. Evelyn Bush
- Minister Abraham Bebinger
- Ms. Lillie Bates

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- Ms. Helen Taylor
- Ms. Anne Terreni
- Ms. Laverne Neal
- Mr. Marcus Neal
- Mr. Lawrence Moore
- Ms. Jessica Nates
- Ms. Kay McClanahan
- Mr. Bill McClanahan
- Ms. Ann Kiaby
- Ms. Shawanda J. Neal

No one signed up to speak “in favor” of this item.

Littering Penalty Ordinance

Ms. Smith stated no one signed up to speak to this item.

Ms. Smith closed the public hearings.

APPROVAL OF CONSENT ITEMS

Ms. Brill moved, seconded by Mr. Mizzell, to approve the following consent items:

1-d. Littering Penalty Ordinance – Third reading given to this ordinance amendment that corrects an inconsistency between the littering fine found in the Storm Water Management Ordinance and the Garbage, Trash and Refuse Ordinance.

1-e. 01-15MA, Thomas McGee, From RU to C-2, 20200-03-34, 4114 Hard Scrabble Road - Third reading given to this rezoning request.

1-f. 01-44MA, Roy W. Derrick, From D-1 to C-3, 06110-03-07, 3517 Broad River Road – Third reading given to this rezoning request.

1-g. 01-45MA, Stan Mack, From D-1 to C-3, 11704-03-08, Buckner Road – Third reading given to this rezoning request.

1-h. 01-46MA, Chip Carter, Very Small Properties, From RG-2 to C-3, 25600-03-05, Percival Road – Third reading given to this rezoning request.

1-i. Sexually Oriented Businesses – Third reading given to this zoning ordinance amendment that deletes the section “injunction” from the Sexually Oriented Businesses Article due to fines being stated in another ordinance.

1-j. Landscape Ordinance – Third reading approval given to this ordinance amendment that increases the maximum fine amount for violations.

2-a. Easement for SCE&G Pressure Release Station – Second reading approval of an ordinance authorizing the County to grant this easement for the installation of a gas regulation station on the Public Works Compound in Ballentine.

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2-b. Quit Claim Deed for Woodcreek Development and the Ridge – Second reading approval given to an ordinance authorizing execution of quit-claim deeds for a road right-of-way located on the east side of Spears Creek Road in return for payment of \$3,145.00.

2-c. Appearance Commission: Voting Members – Second reading approval of this ordinance amendment that provides two additional voting members to the Appearance Commission.

2-d. Detention Center: Pilot Project for House Arrest – Second reading approval given to an ordinance authorizing the Detention Center to offer electronic monitoring, or house arrest, for inmates, with participating defendants bearing all associated costs.

2-e. Airport Commission: Lease Agreement for Curtiss Wright Hanger – Second reading approval given to an ordinance authorizing a lease agreement with the Curtiss-Wright Hanger Association, a division of the Celebrate Freedom Foundation, for \$1.00 a year for 20 years in order to raise private funds for renovation of the Hangar

1. THIRD READING ITEMS

a. Business Directory Signs (Deferred from 4/3/01 mtg)

Mr. Pearce offered an amendment to the ordinance. (See attachment to the minutes). He stated the amendment allows the developer to assign up to 20% of the available sign space to a tenant. He stated it does not increase the size of the sign, it is not an advertising sign nor is it a billboard. Mr. Pearce stated it is simply a business directory sign.

Mr. Pearce moved, seconded by Ms. Brady, to amend the Business Directory Sign Ordinance. The vote in favor was unanimous.

The vote in favor of the business directory sign ordinance was unanimous.

b. Storm Water Management Ordinance

Ms. Brill moved, seconded by Ms. Brady, to adopt the storm water management ordinance.

Mr. Meetze offered a friendly amendment, seconded by Ms. Scott, to delete the word “impede” from the ordinance or defined by an engineering calculation.

Ms. Brill did not accept the amendment.

Mr. Meetze withdrew his amendment.

Mr. Meetze made a substitute motion, seconded by Ms. Scott, to define the word “impede” with an engineering calculation.

A discussion took place.

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The vote in favor of the substitute motion was as follows:

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

The motion failed.

The vote in favor of the main motion was as follows:

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

The motion passed.

c. Conservation Commission Ordinance

Ms. Scott moved, seconded by Ms. Tillis, to defer this item for more clarification and hold a work session.

The vote was as follows:

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

The motion passed.

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3. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

a. Consideration of incentives for an unannounced company expansion

Mr. Livingston stated the committee deferred this item for additional information.

b. Consideration of incentives for an unannounced company

Mr. Livingston stated the committee recommended denial of incentives of the unannounced company. The vote in favor was unanimous.

c. Approval of deeds to water line relocation SCE&G right-of-way for Blue Cross/Blue Shield

Mr. Livingston stated the Committee recommended first reading approval of an ordinance authorizing a deed to the City of Columbia for water line relocation and first reading approval given to an ordinance authorizing a right-of-way to SCE&G for gas lines. The vote in favor was unanimous.

d. Identification of preliminary issues pertaining to Columbia Venture's economic proposal

This item was received for information only.

e. Approval of ordinance confirming Council's policy on Multi-County Business Park fee distribution

Mr. Livingston stated the Committee recommended first reading approval of an ordinance confirming the County's distribution of fees derived from a Multi-County Business Park in the following manner:

1. To first reimburse itself for any County funds expended to provide an incentive to an economic development project locating in the Park;
2. To share such portion of the Park revenues with Fairfield County as required by the agreement establishing a particular phase of the Park;
3. To distribute the remaining Park revenues among the tax entities within the County that would otherwise be entitled to a share of the Park revenues if such revenues were regular ad valorem taxes instead of a fee;
4. And to make such distribution in the same proportion as ad valorem taxes would be distributed.

The vote in favor was unanimous. (Ms. Scott was away during the vote).

f. Right-of-Entry Agreement for Lots in Industrial Park

Mr. Livingston stated the Committee recommended approval of an execution of an agreement between the County and Crown Castle South, a telecommunications company, that allows Crown Castle South entry onto lots 19 and 33 of the Richland Northeast Industrial Park for the purpose of assessing the feasibility of leasing or purchasing these lots to locate a communications tower on the property. The vote in favor was unanimous.

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4. REPORT OF RULES AND APPOINTMENTS COMMITTEE

Notification of Vacancies to Boards, Commissions, and Committees

a. Appointments to the Building Board of Adjustment and Appeal-3

Mr. Livingston stated there are three appointments to be made to this board. He stated persons appointed to this board must represent the contracting, engineering and plumbing industry. This was received as information.

b. Central Midlands Regional Transit Authority-3

Mr. Livingston stated there are three appointments to be made to this board. He stated the Committee recommended re-advertising for this board. The vote in favor was unanimous.

Ms. Brill moved, seconded by Ms. Brady, to appoint four (4) citizens to the board and four (4) Council members instead of three citizens and five council members. The vote in favor was unanimous.

Mr. Livingston, Ms. Brady, Mr. McEachern, Mr. Meetze had agreed to serve on this board.

c. Amendment to County Council Rules

Ms. Smith recommended amending the following language in the Council's rules:

- "Input must pertain to items on the agenda for which there is no public input hearing", be changed to: **"for which no public hearing is required or has been scheduled."**

A discussion took place regarding this issue.

- 2.2, Preservation of Order: Ms. Smith stated there is no mention in Council's rules of the citizen's conduct which would give the Chair the authority to rule them out of order. She recommended the following: **The members of Council and the public who participate in the meetings agree to adhere to the following code of conduct:** (The Code of Conduct is printed on all Citizen Sign-Up Sheets and placed before each Council member's seat.
- 4.1.c, Rules and Appointments: She recommended striking the language that states "often on short notice."
- Ms. Smith stated Council needed to decide how many members are wanted on the Economic Development Committee. She recommended having three (3) members on the Rules and Appointments Committee and the Economic Development Committee having three (3) members, except for this year as there are presently four (4) Council members on that board. The Economic Development Committee will have three (3) members effective January 1, 2002.

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- She recommended that Council require two-thirds majority vote in order to suspend the rules with notice or in order to amend the rules with notice; e.g. eight of the eleven Council members.

Ms. Brill moved, seconded by Ms. Brady, to adopt amendments. The vote in favor was unanimous.

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

Mr. Pearce requested a clean copy of the rules as adopted to every member of Council.

Mr. Livingston and Ms. Smith commended the legal staff and the Clerk's office for their assistance in this matter.

5. APPROVAL OF RESOLUTIONS

- Richard Vershawn Seymour** – Ms. Scott stated Mr. Richard Seymour will be signing with the Georgia Bulldogs on Saturday, April 21st at 3:00 p.m. in Gadsden. She will present the Resolution to him at that time on behalf of Council.
- Appointment and Commissioning of Code Enforcement Officer Harry L. Reed**

It was moved and seconded to approve the above Resolutions. The vote in favor was unanimous.

6. CITIZEN'S INPUT

No one signed up to speak at this time.

7. MOTION PERIOD/ANNOUNCEMENTS

- Ms. Tillis moved to forward to Council without Committee consideration the adoption of a Resolution commending Ms. Marie Frierson for recognition as Foster Parent of the Year.
- Ms. Scott stated that it has been requested that there be a Special Called Meeting on April 26th at 6:00 p.m. regarding a proposal from Columbia Venture. Ms. Smith suggested that the presentation take place on May 1st at 5:30 p.m. before full Council.
- Ms. Smith announced that a task force would lead the negotiation process with Columbia Venture. The task force included Ms. Smith, Mr. Pearce, Ms. Scott, Mr. McEachern and Mr. Livingston.
- Mr. Tuten requested for the Sheriff's Department to make a presentation before Council regarding gang activity.
- Ms. Brill announced that Mr. Tuten's birthday is April 19th and wished him a happy birthday. It was also noted that Mr. McEachern's birthday is in April as well.
- Mr. McEachern moved to approve the adoption of a Proclamation recognizing April 18th as Volunteer Appreciation Day.

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- Mr. Meetze moved forward to Council without Committee consideration the adoption of a Resolution commending County staff who participated in the Disaster Preparedness training held last week.
- Mr. Livingston moved to forward to Council without Committee consideration the adoption of a Resolution commending Ms. Tracy Cooper for her award as Teacher of the Year.
- Ms. Tillis congratulated Jocelyn Jennings on her recent marriage.

8. ADJOURNMENT

The meeting adjourned at approximately 7:45 p.m.

 Kit Smith, Chair

 L. Gregory Pearce, Jr., Vice-Chair

 Joan Brady

 Susan Brill

 Paul Livingston

 Joseph McEachern

 J.D. "Buddy" Meetze

 Anthony G. Mizzell

 Bernice G. Scott

 Thelma M. Tillis

 James Tuten

The minutes were taken by Marsheika G. Martin