

MINUTES OF



RICHLAND COUNTY COUNCIL'S REGULAR SESSION TUESDAY, DECEMBER 14, 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
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	Doris M. Corley

ALSO PRESENT: Michielle Cannon-Finch, T. Cary McSwain, Amelia Linder, Carrie Neal, Milton Pope, Tony McDonald, Roxanne Matthews, Monique Walters, Ashley Bloom, Michael Criss, Kendall Johnson, Stephany Snowden, Michael Byrd, Brenda Carter, Betty Etheridge, Anna Almeida, Skip Limbaker, 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

PRESENTATION – Greening of the Arts Festival – Ms. Shirley Fields-Martin presented Council with the upcoming events via video presentation.

ADOPTION OF AGENDA

The agenda as adopted as submitted.

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

APPROVAL OF MINUTES

Regular Session: December 7, 2004 – Mr. Tuten moved, seconded by Ms. Corley, 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 may need to be discussed in Executive Session:

- **A Legal Briefing: Voting Machines**
- **Village @ Sandhills** (if Council had any questions)
- **Fire Contract** (if Council had any questions)

Mr. McEachern moved, seconded by Mr. Mizzell, to place the Executive Session items after Citizen's Input. The vote in favor was unanimous.

REPORT OF THE COUNTY ADMINISTRATOR

Village at Sandhills - Mr. T. Cary McSwain, County Administrator, gave a brief update on the Village at Sandhills. He stated the original negotiation of the developmental agreement was there would be some flexibility within the Village of Sandhills with limited amounts of C-3 and C-1. Mr. McSwain stated the developer wants to switch the C-3 and C-1 zoning around, but notes that the amount of acreage will remain the same.

Mr. McSwain stated legal questions have come up regarding whether or not this can be done and regarding the language of the developmental agreement. He stated this issue will be back before Council at the next meeting.

A discussion took place.

Ms. Smith directed the Administrator to bring an amendment to the development agreement that honors the intent which is to protect the neighborhoods and very carefully defines the switch between C-1 and C-3. She stated if Council was comfortable with that, give First Reading approval by title only in order to help move it along.

The discussion continued.

Ms. Smith moved, seconded by Mr. Livingston, to give First Reading approval by Title Only to an amendment to the development agreement with Sandhills to allow for the exchange of C-1 and C-3 property so long as it stays within the set thresholds and does not negatively impact the adjacent neighborhoods. The vote in favor was unanimous.

Electronic Permitting Process (Planning and Development Services) and Flood Insurance Premium Report (Planning and Development Services) – Mr. McSwain stated reports were sent to Council regarding these issues by Mr. Milton Pope.

Fire Contract – Mr. McSwain stated he spoke with the City Manager and they are in agreement on all of the concepts of the fire contract. He stated everything was the same with the exception of problems that may arise and how they would be reported. Mr. McSwain stated the City Manager and he had agreed that problems would be reported from the Fire Marshall up through the process to the Fire Chief; and if it was not resolved within 15 days, it would come to the City Manager and the County Administrator or designees.

Mr. McSwain stated other discussions were regarding the use of a private vehicle by a volunteer going to a fire scene. He stated the City was informed of the County's procedures.

A discussion took place regarding the firefighter volunteers.

Mr. Mizzell moved, seconded by Mr. Pearce, to adopt the contract with the language explained by the Administrator, forward to the City Council for approval; and in the process, meet with the volunteers to go over the contract and if there are any other changes, then take it back to the City. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE

- Mr. Tuten recognized his family in the audience. He noted on his last night on Council, this is his wife's first time attending the Council meeting.
- Mr. McEachern recognized two newly elected Council members in the audience: Mr. Mike Montgomery and Ms. Valerie Hutchinson.

REPORT OF THE CLERK OF COUNCIL

Irene Neuffer - Ms. Michelle Cannon-Finch informed Council members that a former Councilperson, Ms. Irene Neuffer, passed away. She stated the funeral will be held on Wednesday, December 15th at 2:00 p.m. at St. John's Episcopal Church on Wheat Street. Ms. Finch stated sympathy cards are available to be signed.

Farewell Reception – Ms. Cannon-Finch reported that the reception was successful. She stated a thank-you letter was sent to McNair Law Firm, the sponsor of the reception. She reminded persons to sign the memory book if they had not had the opportunity to do so.

USTA Adult & Senior Southern Sectional Championship – Ms. Finch stated that a plaque was received for sponsoring the world's largest tennis tournament.

New Council Members' Orientation - Ms. Cannon-Finch reported that the orientation for new members will be held on Tuesday, December 21st at 10:00 a.m.

APPROVAL OF CONSENT ITEMS - Mr. Tuten moved, seconded by Mr. Mizzell, to adopt the following items for the consent agenda:

- **05-16MA, Carol Player, RS-1 to C-1, Office, 16415-07-01, 1504 Leesburg Road at Patterson Road** [Third Reading]
- **05-17MA, First Citizens Bank, C-3 to RU, to remain vacant, 02414-01-01 (portion), Intersection of Hwy 75 and Marina Road** [Third Reading]
- **05-18MA, First Citizens Bank, RU to C-3, Bank, 02414-01-02 (portion), Intersection of Hwy 76 and Marina Road** [Third Reading]
- **Ordinance amending terms of LRADAC Board Members** [Third Reading]

The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

Solid Waste Management Plan Update - Ms. Brill stated that the committee gave unanimous consent to defer this item to the Council's retreat in January. The vote in favor was unanimous.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

Exemption for County Millage for 2004 on Blind John, LLC - Mr. Livingston stated the committee met and took action on this item, but since then, there has been a request by the Alliance to delay the item. He stated the committee recommends deferring the item until the next meeting. The vote in favor was unanimous.

SECOND READING ITEM

An Ordinance amending the Richland County Code of Ordinances to Create the Richland County Hospitality Tax Advisory Committee

Mr. Pearce moved, seconded by Mr. McEachern, to approve this item.

A discussion took place.

Ms. Smith moved, seconded by Mr. Pearce, to amend the language stating that "at least two members must be representatives of the restaurant industry. All members must be interested citizens residing in the unincorporated County." The vote in favor was unanimous.

Ms. Smith moved, seconded by Mr. Livingston, to strike the word "full" from Section I. j.2., changing it to: "they shall be appointed by majority vote of the Council." The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Smith, to approve the ordinance as amended. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

Notification of appointments to Boards, Commissions and Committees

Hospitality Tax Committee-5 - Mr. McEachern stated the vacancies need to be re-advertised.

Employee Grievance Committee-1 – Mr. McEachern stated there is one vacancy with two applicants. He stated the committee recommended re-appointing Ms. Sharon Sims. The vote in favor was unanimous.

Resolution for the Donation of a Perpetual Conservation Easement on Property owned by M. Stewart Mungo and Deloris S. Mungo

Ms. Scott stated all Council members should have a letter written by Mr. Jim Wilson from Soil and Water Conservation.

Mr. Smith gave a brief update and opinion on the resolutions. He recommended that Council may want to develop criteria in order to evaluate different types of requests that come before Council.

Ms. Smith recommended that the language of the resolution be amended to reflect that the Council is relying upon the Conservation District.

Ms. Smith moved to amend both of the resolutions to state “that Richland County Council relying solely upon the findings of the Richland Conservation District does hereby recognize the donation of a perpetual conservation easement as described herein.”

Ms. Smith recommended that the policy be if the Richland Conservation District wants to take that responsibility for finding and defining a public interest, then Council may follow suit, but otherwise the County does not have the resources to send staff out to inspect and make that determination.

Ms. Smith’s motion died for a lack of a second.

Mr. Mizzell moved, seconded by Ms. Corley, to approve the resolutions as written.

Mr. Livingston offered an amendment to Mr. Mizzell’s motion to develop a policy. Mr. Mizzell accepted the amendment.

Ms. Smith stated for the record that she intends to write a letter regarding the adoption of the resolutions.

The vote in favor of Mr. Mizzell’s motion as amended was in favor.

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

EXECUTIVE SESSION

It was moved and seconded to go into Executive Session to receive a legal opinion on Voting Machines. The vote in favor was unanimous.

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Council went into Executive Session at approximately 6:54 p.m. and came out at approximately 7:10 p.m.
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It was moved and seconded to come out of Executive Session. The vote in favor was unanimous.

Voting Machines - Ms. Scott stated Council received a legal opinion and this was accepted as information.

MOTION PERIOD

BRAC Commission – Mr. Pearce moved, seconded by Ms. Tillis, to appoint Mr. Tuten as the liaison to Richland County Council regarding the BRAT Commission. The vote in favor was unanimous.

2005 Chairman – Mr. Mizzell officially announced his intent for seeking to become the 2005 Chairperson for Richland County Council.

Commending Mr. Tuten, Ms. Brill, Ms. Tillis – Council recognized and thanked the Council persons who are “retiring” from Council.

ADJOURNMENT – The meeting adjourned at approximately 8:33 p.m. The vote in favor was unanimous.

Bernice G. Scott, 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