

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, SEPTEMBER 9, 2008 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	Joseph McEachern
Member	Valerie Hutchinson
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Jennifer Dowden, Tamara King, Larry Smith, Joseph Kocy, Michael Byrd, Daniel Driggers, Valeria Jackson, David Adams, Paul Brawley, Teresa Smith, Jocelyn Jennings, Pam Davis, Monique Walters, Michelle Onley

### CALL TO ORDER

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

### INVOCATION

The Invocation was given by the Honorable Damon Jeter

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Damon Jeter

Mr. McEachern stated that there were several deaths in the County during the August recess and expressed his condolences to those families.

### **CITIZENS' INPUT**

No one signed up to speak.

### **APPROVAL OF MINUTES**

**Special Called: July 22, 2008** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: July 22, 2008** – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

### **ADOPTION OF AGENDA**

Ms. Finch stated that the public hearing items should be listed as 8.a. and 8.b. instead of 7.a. and 7.b.

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

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

The following items were potential Executive Session items:

- a. **Farmers' Market Update**
- b. **Palmetto Utilities Update**
- c. **Lower Richland Feasibility Study**
- d. **Hopkins Property Appraisal**
- e. **Lower Richland Sewer Update**
- f. **Broad River Sewer Update**
- g. **City of Cayce Intergovernmental Agreement**

### **REPORT OF THE COUNTY ADMINISTRATOR**

**Project Pet MOU Update** – Mr. Pope stated that staff is working with Lexington County to finalize a MOU and operational agreement with Project Pet.

**Recreation Commission Ad Hoc Committee Meeting** – Mr. Pope stated that the Ad Hoc committee met several times during the August recess.

**Valeria Jackson Introduction** – Mr. Pope introduced Ms. Valeria Jackson, Community Development Director, to Council.

**POINT OF PERSONAL PRIVILEGE** – Ms. Scott recognized that there were several citizens from the Lower Richland Community in the audience.

**Employee Grievances—2** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to accept the Administrator's recommendation. The vote in favor was unanimous.

**State Budget Cuts** – Mr. Pope stated that the County received an approximately \$600,000 cut.

**David Warren Retirement** – Mr. Pope stated that David Warren will be retiring from the Richland County Library.

#### REPORT OF THE CLERK OF COUNCIL

**Chamber of Commerce Annual Gala, September 18<sup>th</sup>** – Ms. Finch reminded Council of the Chamber of Commerce's Annual Gala. This event will be held on September 18<sup>th</sup> at the Convention Center.

**2<sup>nd</sup> Annual Green Is Good for Business** – Ms. Finch stated that she received an e-mail from Councilman Pearce regarding the 2<sup>nd</sup> Annual Green Is Good for Business program hosted by former Columbia City Councilwoman Anne Sinclair. This event will be held at the Convention Center on October 7<sup>th</sup>.

**Beautification Day** – Ms. Finch stated that George Wilson, Special Service Director, has extended an invitation to Council to participate in the Annual Beautification Day Conference, September 20<sup>th</sup>, 10:00 a.m.-2:00 p.m. at the Midlands Technical College Northeast Campus.

**Global Vision Awards Gala, October 23<sup>rd</sup>** – Ms. Finch stated the Columbia World Affairs Council has extended to Council an invitation to the Global Vision Awards Gala honoring Mayor Bob Coble and former USC President Andrew Sorenson. This event will be held October 23<sup>rd</sup> at the Columbia Marriott. The reception begins at 6:30 p.m. and the dinner will be held at 8:00 p.m.

**Farewell Event for Outgoing Council Members** – Ms. Finch stated that she has begun working on a farewell event for all outgoing Council members.

#### REPORT OF THE CHAIRMAN

**Schedule Meeting with City of Columbia** – Mr. McEachern stated that this item would be taken up during the motion period.

## PUBLIC HEARING ITEMS

Mr. McEachern opened the floor to the following public hearing:

- **An Ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to address rates set for landfills** – No one signed up to speak.
- **Bailey Bill Ordinance Amendments** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to address business revenues generated by interstate commerce** – No one signed up to speak.
- **Ordinance to amend Siemens Diesel Systems Technology FILOT** – No one signed up to speak.
- **Ordinance to amend Siemens VDO Automotive Corporation FILOT** – No one signed up to speak.

The public hearings were closed.

## APPROVAL OF CONSENT ITEMS

Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the following consent items:

- **08-09MA, Oliver Mack, RU to RC (2 Acres), Construction Garage & Office, 21300-01-02(p), 6108 Bluff Rd. [Second Reading]**
- **08-21MA, Richard Gates, RM-HD/GC to OI (5.11 Acres), Private School & Church, 16910-02-06 & 07, Off Decker Blvd. near Woodfield Pk. [Second Reading]**
- **08-22MA, Village at Sandhills, C-3 to C-1 & C-1 to C-3 (.25 Acres), Zoning Line Adjustment, 22900-02-09(p), Village at Sandhills Phase 3 [Second Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; Paragraph (74), Warehouses (Self-Storage), so as to delete the requirement of a fence or wall around the perimeter of the development [Second Reading]**

The vote in favor was unanimous.

### THIRD READING ITEMS

**An Ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to address rates set for landfills** – Mr. Montgomery moved, seconded by Ms. Scott, to defer this item and refer it to the A&F Committee to review the possibility of adjusting the entire business license fee. The vote in favor was unanimous.

**Bailey Bill Ordinance Amendments** – Ms. Scott moved, seconded by Ms. Smith, to amend the special assessment period from 10 years to 12 years. A discussion took place.

<u>In Favor</u>	<u>Oppose</u>
Livingston	Pearce
Smith	Malinowski
Scott	Jackson
Montgomery	Jeter
	Hutchinson
	McEachern
	Dickerson

The motion to amend the special assessment period failed.

Mr. Pearce moved, seconded by Mr. Jeter, to accept the substantive changes proposed by staff. A discussion took place.

Mr. Malinowski stated that under (d), 2<sup>nd</sup> line it should read "...County Administrator or his designee."

Ms. Smith requested before the minutes were approved that a legal review be conducted.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Smith
Malinowski	Scott
Jackson	
Jeter	
Hutchinson	
McEachern	
Livingston	
Dickerson	
Montgomery	

The motion to accept the substantive changes passed.

**An Ordinance authorizing the Recreation Commission of Richland County on behalf of the Recreation District of Richland County to issue General Obligation Bonds in the principal amount of not exceeding \$45,000,000; and other matters relating thereto**

– Ms. Scott moved, seconded by Ms. Dickerson, to amend the Recreation Commission Bond Ordinance as follows: to authorize the issuance of bonds in the amount of not to exceed \$50,000,000, a requirement that the Commission agrees that it will not issue Bonds in an amount that will require more than three mills of taxes for debt service, that if the Commission eliminates a Project, the amount of Bonds to be issued will be reduced by the cost of such Project and to add the new project list as Exhibit A.

Mr. Montgomery moved, seconded by Mr. Malinowski, to defer this item and schedule a work session within the next two weeks.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Jeter
Livingston	Hutchinson
Smith	McEachern
Montgomery	Dickerson
	Scott

The motion for deferral failed.

<u>In Favor</u>	<u>Oppose</u>
Jackson	Pearce
Jeter	Malinowski
Hutchinson	Livingston
McEachern	Smith
Dickerson	Montgomery
Scott	

The motion to amend the 3<sup>rd</sup> Reading Ordinance passed.

<u>In Favor</u>	<u>Oppose</u>
Jackson	Pearce
Jeter	Malinowski
Hutchinson	Livingston
McEachern	Smith
Dickerson	Montgomery
Scott	

The main motion passed.

Ms. Scott moved, seconded Ms. Dickerson, to reconsider this item.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Hutchinson
Jeter	McEachern
Livingston	Dickerson
Smith	Scott
Montgomery	

The motion to reconsider this item passed.

Mr. Livingston moved, seconded by Ms. Smith, to defer this item to the A&F Committee.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Jeter
Livingston	Hutchinson
Smith	McEachern
Montgomery	Dickerson
	Scott

The motion to defer this item failed.

Ms. Scott moved, seconded by Ms. Dickerson, to approve this item as amended.

<u>In Favor</u>	<u>Oppose</u>
Jackson	Pearce
Jeter	Malinowski
Hutchinson	Livingston
McEachern	Smith
Dickerson	Montgomery
Scott	

The main motion passed.

**POINT OF ORDER** – Mr. Pearce inquired if it was appropriate to make a motion for reconsideration immediately after passing an item.

#### **SECOND READING ITEM**

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to address business revenues generated by interstate commerce** – Mr. Montgomery moved, seconded by Mr. Pearce, to approve this item and refer it to the A&F Committee to be considered before Third Reading. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; Subsection (D), Signs Exempt from Permit Requirements; Paragraph (4), Political Signs** – Mr. Jeter moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous.

**An Ordinance amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; “Business Professional and Personal Services” and “Institutional, Educational and Civic Uses” of Table 26-V-2; and “Recreational Uses” of Table 26-V-2; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements, and Section 26-152, Special Exceptions; so as to permit certain child day cares (six or less) with special requirements and to remove the special exception requirements for tattoo facilities in the GC General Commercial Districts and to permit certain clubs and lodges as a special exception in the rural zoning districts** – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item and bring back additional information at Third Reading. A discussion took place.

The vote in favor was unanimous.

#### REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

**Request to approve a contract for the purpose of undertaking petroleum and hazardous substance Brownfield assessments at sites identified throughout the county (Vendor recommendation will be presented to council for approval)** – Mr. Montgomery moved, seconded by Ms. Scott, to defer this item. The vote in favor was unanimous.

**Request to approve a contract with Motorola for the purchase of a new 911 system (Vendor recommendation will be presented to council for approval)** – Mr. Pearce moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

#### REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE (Deferred from Council Meeting held July 15, 2008)

**Request to approve an extension of the American Engineering Construction Management Contract, the Power Engineering Resident Contract Representative Contract, and the Power Engineering Consultant Services Contract for the purpose of completing the Broad River Waste Water Treatment Plant construction project** – Mr. Montgomery moved, seconded by Ms. Scott, to defer action on this item until after Executive Session. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded by Mr. Jackson, to defer this item. The vote in favor was unanimous.



## REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

**Request to approve a Memorandum of Understanding with Southeast Rural Community Outreach Ministries in regards to a \$250,000 allocation from the Local Hospitality Tax Revenue Fund during Fiscal Year 2008-09** – Mr. Montgomery moved, seconded by Ms. Scott, to amend the MOU as follows: to substitute the Richland County Hospitality Tax Committee where Richland County Council approves the budget and reviews the budget, to strike paragraph 12 and that the funds be carried forward if approved by the Hospitality Tax Committee. A discussion took place.

The vote on Mr. Montgomery's amendments was unanimous.

Mr. Livingston moved, seconded by Ms. Scott, to approve the MOU with the following amendments: Item 11 should be changed to read "...be submitted to Richland County Council...", Item 14 should be changed to read "...use the funds on the following or any other additional things the Board agrees to..." and the SC Gospel Fest and Golf for Goodness Sake be added. A discussion took place.

The vote on Mr. Livingston's amendments was unanimous.

Mr. Livingston moved, seconded by Ms. Scott, to approve the MOU as amended. The vote in favor was unanimous.

Ms. Scott moved, seconded by Mr. Montgomery, to reconsider this item.

The vote to reconsider was denied unanimously.

**Sheriff—Request to approve a grant for a full-time Cold Case Investigator, equipment, and supplies (1 new position, no match required)** – The committee recommended approval of this item. The vote in favor was unanimous.

**Sheriff—Request to approve a Community Oriented Policing Universal Hiring Program grant (10 new positions and \$588,530 match required)** – The committee recommended approval of this item. The vote in favor was unanimous.

**Sheriff—Request to approve a grant for a Marijuana Analysis Technician (1 new position, not match required)** – The committee recommended approval of this item. The vote in favor was unanimous.

**Sheriff—Request to approve a grant for motorcycle safety and enforcement (2 new positions and \$43,595 match required)** – The committee recommended approval of this item. The vote in favor was unanimous.

**Sheriff—Request to approve a Sex Offender Registry Enhancement and Enforcement grant (1 new position and \$33,510 match required)** – The committee recommended approval of this item. The vote in favor was unanimous.

**Sheriff—Request to approve a School Resource Officer grant (Continuation of 1 position, no match required)** – The committee recommended approval of this item. The vote in favor was unanimous.

*[Mr. Pope stated that the Sheriff's Request would require a budget amendment of \$665,635]*

#### **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

**Project CAGE: Governor's Set-Aside Fund Grant Administration** – The committee recommended approval of this item. The vote in favor was unanimous.

**Economic Development Strategic Plan Contract Award** – The committee recommended awarding the contract to Genesis Consulting Group. The vote in favor was unanimous.

#### **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

##### **I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES**

- a. **Airport Commission—2** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.
- b. **Community Relations Council—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- c. **Planning Commission—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- d. **Township Auditorium Board—2** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

##### **II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

- a. **Accommodations Tax Committee—1** – Mr. Montgomery stated that the committee recommended that staff re-advertise for this vacancy. The vote in favor was unanimous.

- b. **Airport Commission—2** – Mr. Montgomery stated there were two applicants and two vacancies. The committee recommended appointing Mr. Robert C. Pulliam. The vote in favor was unanimous.
  - c. **Board of Assessment Control—1** – Mr. Montgomery stated there was one applicant and one vacancy. The committee recommended appointing Mr. Joseph E. Sharpe. The vote in favor was unanimous.
  - d. **Central Midlands Council of Governments—1** – Mr. Montgomery stated there were two applicants and one vacancy. The committee recommended appointing Mr. Michael Letts. The vote in favor was unanimous.
  - e. **Community Relations Council—3** – Mr. Montgomery stated there were five applicants and three vacancies. The committee recommended appointing Ms. Celestine Parker, Ms. Rebecca Williams and Ms. Karen Jenkins and carrying the other two applicants forward. The vote in favor was unanimous.
  - f. **Internal Audit Committee—1** – Mr. Montgomery stated there was one applicant and one vacancy. The committee recommended appointing Mr. Alfred Comfort, III. The vote in favor was unanimous.
  - g. **Lexington/Richland Alcohol Drug Abuse Council—1** – Mr. Montgomery stated there were three applicants and one vacancy. The committee recommended appointing Mr. Paul Bouknight. The vote in favor was unanimous.
- III. **MOTION PERIOD AND REVIEW OF POLICY FOR MOTIONS HELD IN COMMITTEE FOR MORE THAN SIX MONTHS; AMENDMENT TO THE RULE** – Mr. Montgomery stated that this item was held in committee
- IV. **JAIL ADVISORY COMMITTEE** – Mr. Montgomery stated that the committee recommended not creating a Jail Advisory Committee. The vote in favor was unanimous.
- V. **ELECTRONIC PARTICIPATION FOR COUNCIL MEMBERS** – Mr. Montgomery stated that this item was held in committee

**Lower Richland Feasibility Study Contract Award** – Mr. Montgomery moved, seconded by Mr. Jeter, to defer this item until after Executive Session. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded Mr. Montgomery, to accept the Administrator's recommendation to award the contract to Genesis Consulting Group. The vote in favor was unanimous.

**CITIZENS' INPUT**

No one signed up to speak.

**EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 9:23 p.m. and came out at approximately 10:36 p.m.**  
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- a. **Farmers' Market Update** – No action taken.
- b. **Palmetto Utilities Update** – No action taken.
- c. **Hopkins Property Appraisal** – Mr. McEachern stated that the Administrator proceed as directed in Executive Session.
- d. **Lower Richland Sewer Update** – The Administrator will be meeting with the developers.
- e. **Broad River Sewer Update** – No action taken.
- f. **City of Cayce Intergovernmental Agreement** – To proceed as directed in Executive Session.

**MOTION PERIOD**

**Ordinance to authorize a Development Agreement with Summit Contractors Group, Inc. (First Reading by Title Only)** – Ms. Hutchinson moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

**Pioneer Bowl (\$10,000)** – Mr. McEachern referred this item to the October A&F Committee meeting.

**Black Expo (\$25,000)** – Mr. McEachern referred this item to the October A&F Committee meeting.

**A Resolution Recognizing and Designating Decker Boulevard as Richland County's Official International Corridor** – Ms. Scott moved, seconded by Mr. McEachern, to approve this item. The vote in favor was unanimous.

**Budget Amendment/Millage Agencies** – Ms. Scott moved, seconded by Ms. Hutchinson, to approve this item by title only. The vote in favor was unanimous.

**Green is Good for Business** – Mr. Pearce stated that he would use \$500.00 from his discretionary account for this event and Mr. Pope will be bringing back a funding recommendation.

**ADJOURNMENT**

The meeting adjourned at approximately 11:00 p.m.

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Joseph McEachern, Chair

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Valerie Hutchinson, Vice-Chair

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Joyce Dickerson

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Norman Jackson

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Mike Montgomery

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L. Gregory Pearce, Jr.

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley