

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MARCH 17, 2009 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.*

---

### MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin Washington

**OTHERS PRESENT** – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Joseph Kocy, Anna Almeida, Amelia Linder, Srinivas Valavala, David Hoops, Lashedra Toole, Stacy Pritchard, Connellus Morgan, Dan Dole, Trenia Bowers, Dan Kim, David Adams, Kyle Holsclaw, Ronaldo Myers, Latausha Hooper, Paul Alcatar, Lt. Robbie Watson, Pam Davis, Daniel Driggers, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:02 p.m.

### INVOCATION

The Invocation was given by the Honorable Norman Jackson

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce announced the birth of his granddaughter.

## PRESENTATION OF RESOLUTION

**Spring Valley Baptist Church Resolution** – Ms. Hutchinson presented a resolution to Ronaldo Myers, Lt. Robbie Watson and Rick McCollum from Spring Valley Baptist Church for their service to the ASGDC inmates' families.

## PRESENTATIONS

**Miriam Atria, President/CEO, Capital City Lake Murray Country** – Ms. Miriam Atria gave a brief presentation regarding the services that Capital City Lake Murray Country provides.

**Palmetto Health Annual Report** – Mr. Chuck Beaman and Dr. James Reynolds gave a brief update on Palmetto Health's status.

## CITIZENS' INPUT

No one signed up to speak.

**POINT OF PERSONAL PRIVILEGE** – Ms. Smith recognized former Councilmember Bernice Scott.

## APPROVAL OF MINUTES

**Regular Session: March 3, 2009** – Mr. Manning moved, seconded by Ms. Dickerson, to approve the minutes as corrected.

## ADOPTION OF AGENDA

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

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **CMRTA Intergovernmental Agreement**
- b. **Employee Grievance**
- c. **Lower Richland Property Purchase**

## REPORT OF THE COUNTY ADMINISTRATOR

**Rowing Club MOU** – This item was on the agenda for action.

**CMRTA Intergovernmental Agreement** – This item was to be taken up during Executive Session.

**Comprehensive Plan Meeting Update** – Mr. Sparty Hammett stated that the Planning Commission will be presented a draft of the Comprehensive Plan at their April 6<sup>th</sup> meeting, 1<sup>st</sup> Reading by title only will be April 21<sup>st</sup>, 2<sup>nd</sup> Reading and a public hearing will be held on April 28<sup>th</sup>, the proposed draft will then go back to the Planning Commission on May 5<sup>th</sup> to approve any changes made at the public hearing and 3<sup>rd</sup> Reading will tentatively take place on May 6<sup>th</sup>.

**American Dream Conference Reminder: Saturday, March 21<sup>st</sup>, 9 a.m.-2 p.m.** – Mr. Pope reminded Council of the American Dream Conference on March 21<sup>st</sup> at 9 a.m-2 p.m. at Richland Northeast High School.

**State Budget Cuts Update** – Mr. Pope stated that the projected reduction to the local government fund revenues for Richland County would be \$3,328,584.

**CASA Quarterbacks Event: Mac's on Main, April 2nd, 5-7 p.m.; CEO of National CASA will be present** – Mr. Pope stated that the CEO of National CASA will be present at the CASA Quarterback Event to recruit males for this program. The event will be at Mac's on Main on April 2<sup>nd</sup> from 5-7 p.m.

**DHEC Recycling Awards held on March 3<sup>rd</sup>** – Ms. Snowden recognized the Solid Waste Department on receiving an award from DHEC for their solid waste and recycling outreach efforts.

**Employee Grievance** – This item was taken up during Executive Session.

**Animal Shelter Opening** – Mr. Pope stated that the animal shelter grand opening will be April 3<sup>rd</sup> at 11:30 a.m.

**Yard Debris Ordinance** – Mr. McDonald gave an update and sought guidance regarding this ordinance. Council requested that the white papers be made available to them, the neighborhood associations and posted on the County website.

**Waste Management of South Carolina** – Mr. McDonald stated that Waste Management has applied to DHEC for a lateral expansion. A public input session has been scheduled for April 15<sup>th</sup> at 5:30 p.m. in Council Chambers.

**Stormwater Update** – Mr. Pope outlined the amendments to the Stormwater Ordinance. The 2<sup>nd</sup> Reading version will go to the Planning Commission on April 6<sup>th</sup> for review and recommendation back to Council. Staff has is recommending to extend extend the review period from June 1, 2009 until October 2009 and to maintain the existing

Development Round Table and create a parallel process to accept comments and concerns. The amended draft of the ordinance will be placed on the County website this week. All the comments will be collected and forwarded to the Development Round Table by May 19, 2009.

#### **REPORT OF THE CLERK OF COUNCIL**

**Columbia Area Mental Health Orientation for New Council Members** – Ms. Finch stated that Dr. Sheila Arnold, Director of Public Affairs and Community Liaison Division, has invited Council members to an orientation at the Columbia Area Mental Health on either April 9<sup>th</sup> or April 23<sup>rd</sup>.

**Richland Memorial Hospital Board Orientation for New Council Members, March 18<sup>th</sup>, 11 a.m.-1 p.m., Palmetto Richland Hospital—Bagnal Room** – Ms. Finch reminded Council of the Richland Memorial Hospital Board Orientation on March 18<sup>th</sup> at the Palmetto Richland Hospital in the Bagnal Room, Suite 200 from 11 a.m.-1 p.m.

#### **REPORT OF THE CHAIRMAN**

**Washington, D. C. Update** – Mr. Livingston stated that several of the Council members were able to meet with Congressman Clyburn, Congressman Wilson, Senator DeMint and Senator Graham regarding the use of the stimulus money and concerns of the County.

Ms. Dickerson also stated that she meet with several representatives and would be forwarding her report to Council as well.

#### **PUBLIC HEARING ITEMS**

Mr. Livingston opened the floor to the following public hearings:

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to temporarily reduce the Hospitality Tax to one percent (1%) in the unincorporated areas of the County** – No one signed up to speak.
- **An Ordinance Amending the FY 2008-2009 Road Maintenance and Mass Transit Budget Ordinance, so as to reinstate the Mass Transit portion of the Road Maintenance fee and appropriate such increase in funds for Mass Transit**

Mr. Bob Liming, Mr. Doug Bridges, Ms. Olivette Akers, Mr. Ike McLeese, Mr. Bill Leidinger, Ms. Vanessa Brown, Mr. Mac Bennet, Mr. Mike Steward, Mr. Charles Austin, Jr., and Mr. Robin White spoke in favor of this item.

Mr. David Oberly, II spoke against this item.

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; Section 5 and Section 7 to authorize motor vehicle trade-ins as an allowable deduction; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process and to allow the waiver of penalties in certain limited circumstances – No one signed up to speak.**

The public hearings were closed.

### APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-171, General; so as to protect buffers, common areas, open space, recreation areas, and planted and/or vegetative areas on all approved plans [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2008-2009 Conservation Commission budget to appropriate ninety-two thousand five hundred fifty eight dollars (\$92,558) to provide funding for operational expenses [SECOND READING]**
- **An Ordinance Amending the Fiscal Year 2008-09 Hopkins Utility System budget to appropriate thirteen thousand dollars (\$13,000) for operational costs through the end of the fiscal year [SECOND READING]**
- **An Ordinance Amending the Fiscal Year 2008-2009 General Fund Budget to appropriate one hundred fifteen thousand dollars (\$115,000) to the facilities & grounds Owens Field Budget to fund the initial cost associated with FAA Grant Award [SECOND READING]**

Mr. Pearce moved, seconded by Ms. Dickerson, to approve the consent items. 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 I, in general; Section 5 and Section 7 to authorize motor vehicle trade-ins as an allowable deduction; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process and to allow the waiver of penalties in certain limited circumstances – Mr.**

Jeter moved, seconded by Ms. Hutchinson, to approve this item.

A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Ms. Smith, to defer this item until a legal opinion on the County's liability for the separate and distinct transactions is received. The vote was in favor.

**An Ordinance Amending the Fiscal Year 2008-2009 Road Maintenance and Mass Transit Budget Ordinance, so as to reinstate the Mass Transit portion of the Road Maintenance fee and appropriate such increase in funds for Mass Transit (This item was reconsidered during the April 7, 2009 Council meeting)** – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item contingent upon the City of Columbia approving the amended proposed Intergovernmental Agreement. A discussion took place.

The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Hospitality Tax; so as to temporarily reduce the Hospitality Tax to one percent (1%) in the unincorporated areas of the County (This item was reconsidered during the April 7, 2009 Council meeting)** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote was in favor.

Ms. Smith moved, seconded by Mr. Pearce, move to reconsider this item. The motion to reconsider failed.

## SECOND READING ITEMS

**An Ordinance Amending the Fiscal Year 2008-09 Industrial Park budget to appropriate seventy-five thousand dollars (\$75,000) for expenses related to economic stimulus projects** – Mr. Pearce moved, seconded by Mr. Washington, to amend the amount from \$50,000 to \$75,000 and approve this item as amended. The vote in favor was unanimous.

**An Ordinance repealing sections of the Richland County Code of Ordinances, specifically the provisions of Article VIII, entitled “Personnel Regulations,” of Chapter 2, entitled “Administration”** – Mr. Jeter moved, seconded by Ms. Hutchinson, to defer this item. The vote in favor was unanimous.

## REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

**Request to purchase property in Lower Richland with \$2.8 million dollars (\$2,800,000) from the Hospitality Tax fund balance for tourism-related activities** – Mr. Jackson moved, seconded Mr. Washington, to purchase the property in Lower Richland for \$2.8 million from the Hospitality Tax fund defined as: “all parcel or tract of land containing 128.77 acres, more or less, located east of Lower Richland Boulevard, southeast of the intersection of Hwy. 378, Sumter Hwy., and west of the other lands of Richland County, more particularly shown on and described on certain bonded survey prepared by Lower Richland Investors, LLC, Civil Engineering of Columbia, dated December 12, 2007, and recorded in the ROD for Richland County, December 19, 2007, in Plat Book 1385, Page 3138.” A discussion took place.

**POINT OF ORDER** – Ms. Smith stated that there was nothing included in the Council agenda identifying the land and inquired if this was taken up during the D&S Committee meeting.

Mr. Livingston ruled that Mr. Jackson’s motion would be amending the D&S Committee’s recommendation.

Mr. Washington made a substitute motion, seconded by Ms. Dickerson, to refer this item back to committee and clarify which property is to be purchased, the amount that is to be paid for the property and exactly what is going to be done with the land. A discussion took place.

Ms. Hutchinson made a second substitute motion, seconded by Ms. Smith, to consider Alternative #2, to “direct staff to pursue the purchase of property in Lower Richland for tourism-related activities after undertaking a comprehensive assessment to determine the need for the property, and its stated use(s).” A discussion took place.

Ms. Smith requested the following amendment to Ms. Hutchinson’s motion: to give first priority to the property identified in Mr. Jackson’s motion.

Ms. Hutchinson accepted the amendment.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Livingston
Hutchinson	Dickerson
Jeter	Manning
Smith	Kennedy
	Washington

The second substitute motion failed.

Mr. Washington restated his motion as follows: to send this item back to committee, take the two existing studies and come up with a usage for the identified property.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Hutchinson
Jeter	Manning
Livingston	
Dickerson	
Kennedy	
Washington	
Smith	

The substitute motion passed.

## REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

**Economic Development Strategic Plan Work Session** – Mr. Pearce stated that an Economic Development Strategic Plan Work Session will be scheduled in the next several weeks to review the report presented by Genesis Consulting.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- b. **Historic Columbia Foundation—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- c. **Hospitality Tax Committee—3** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Stephen P. Leidinger and Mr. Herbert W. Sims and to re-advertise for the remaining vacancy.

### II. Review Composition of County Committees, Boards and Commissions

– The committee recommended holding this item in committee. The vote in favor was unanimous.

### III. Council Individual Discretionary Accounts

– The committee recommended holding this item in committee. The vote in favor was unanimous.

### IV. Revised Application Form

– The committee recommended holding this item in committee. The vote in favor was unanimous.

## OTHER ITEMS

**Rowing Club MOU** – Ms. Smith moved, seconded by Ms. Hutchinson, to defer until the April 7<sup>th</sup> meeting. The vote in favor was unanimous.

## CITIZENS' INPUT

The citizens who signed up were not present.



**EXECUTIVE SESSION ITEMS**

=====  
**Council went into Executive Session at approximately 8:55 p.m. and came out at approximately 9:16 p.m.**  
=====

- a. **Employee Grievance** – Mr. Malinowski moved, seconded by Ms. Kennedy, to uphold the Administrator’s recommendation. The vote in favor was unanimous.

**MOTION PERIOD**

**Establishment of Legislative Ad Hoc Committee** – Mr. Jeter moved, seconded by Ms. Dickerson, to have the Chair appoint a Stimulus Ad Hoc Committee. The vote in favor was unanimous.

**Resolution honoring First NE Baptist Church on their contributions to the community and to celebrate their 20<sup>th</sup> Anniversary** – Ms. Hutchinson moved, seconded by Mr. Jeter, to adopt a resolution for First Northeast Baptist Church. The vote in favor was unanimous.

**Establishment of NE Regional Recreation Complex Steering Committee** – Ms. Hutchinson referred this item to the D&S Committee. The vote in favor was unanimous.

**Resolution honoring Columbia High School for being awarded the Palmetto Gold and Silver Award** – Ms. Dickerson moved, seconded by Mr. Malinowski, to adopt a resolution for Columbia High School. The vote in favor was unanimous.

**Resolution honoring the Lower Richland Girls Basketball Team for their 4<sup>th</sup> All-State Championship** – Mr. Jackson moved, seconded by , to adopt a resolution for the Lower Richland Girls Basketball Team. The vote in favor was unanimous.

**Request to return the fountain in front of the Township Auditorium to the Earlewood Neighborhood** – Ms. Smith moved, seconded by Mr. Malinowski, to return the fountain in front of the Township Auditorium be returned to the Earlewood Neighborhood. The vote in favor was unanimous.

**Extension of Stormwater Review** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to adopt staff’s recommendation for an extension of review time for the stormwater ordinance. The vote in favor was unanimous.

**Infrastructure expenses incurred during development in incorporated areas of Richland County** – Mr. Malinowski referred to the D&S Committee a motion that any expenses incurred by the County for infrastructure due to development in incorporated areas will be billed to and paid for by the incorporated area creating the expense.

**Resolution honoring the Spring Valley Girls Basketball Team for their State AAAA Championship** – Mr. Hutchinson moved, seconded by Mr. Malinowski, to adopt a resolution for the Spring Valley Girls Basketball Team. The vote in favor was unanimous.

**Columbia Area Mental Health Orientation** – Mr. Pearce stated that he would contact Dr. Sheila Arnold and let her know that Mr. Washington and Mr. Manning would be joining him at the next board meeting.

**ADJOURNMENT**

The meeting adjourned at approximately 9:28 p.m.

\_\_\_\_\_  
Paul Livingston, Chair

\_\_\_\_\_  
Damon Jeter, Vice-Chair

\_\_\_\_\_  
Gwendolyn Davis Kennedy

\_\_\_\_\_  
Joyce Dickerson

\_\_\_\_\_  
Valerie Hutchinson

\_\_\_\_\_  
Norman Jackson

\_\_\_\_\_  
Bill Malinowski

\_\_\_\_\_  
Jim Manning

\_\_\_\_\_  
L. Gregory Pearce, Jr.

\_\_\_\_\_  
Kit Smith

\_\_\_\_\_  
Kelvin E. Washington, Sr.