

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JULY 7, 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 – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Joe Cronin, Stephany Snowden, Tamara King, Larry Smith, Dale Welch, Andy Metts, George Rice, John Hixson, Jim Wilson, Carl Gosline, Donny Phipps, Michael Byrd, Geo Price, Brandon Hooker, David Hoops, Bill Peters, Amelia Linder, David Adams, Carolyn Phillips, Pam Davis, Rodolfo Callwood, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

INVOCATION

The Invocation was given by the Honorable Valerie Hutchinson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Valerie Hutchinson

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: June 16, 2009 – Ms. Dickerson moved, seconded by Mr. Washington, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: June 23, 2009 – Mr. Pearce moved, seconded by Ms. Kennedy, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Livingston stated that a Master-in-Equity budget amendment needed to be added under the Report of the Attorney for Executive Session Items and as an action item.

Mr. Pearce stated that the title of Project Charleston needed to be changed to Project Olive.

Mr. Pope stated that an Employee Grievance and a presentation by the Midlands Authority for Conventions needed to be added under the Report of the County Administrator.

Mr. Jackson moved, seconded Ms. Kennedy, to adopt the agenda as amended. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **BRWWTP Change Order**
- b. **Farmers' Market Update**
- c. **Fire Contract**
- d. **Purchase of Property/Township**
- e. **Project Olive**
- f. **School District II—Legal Briefing**
- g. **Employee Grievance**
- h. **Master-in-Equity Budget Amendment**

REPORT OF THE COUNTY ADMINISTRATOR

Midlands Authority for Conventions – Ms. Kelly Barber and staff gave a brief update regarding their summer marketing campaign.

Employee Recognition: George Rice – Mr. Pope recognized Mr. Rice for his participation in the National EMS Memorial Bike Ride.

BRWWTP Change Order – This item was taken up during Executive Session.

Farmers' Market Update – This item was taken up during Executive Session.

Fire Contract Update – Mr. Pope stated that the City of Columbia has signed off on the extension agreement and that staff will be conducting the assessments and providing that information to Council when completed.

Purchase of Property/Township – Mr. Pope stated that he is proceeding as directed.

New Hires – Mr. McDonald introduced the new Airport Manager, Mr. Joshua Houston, and Mr. Hammett introduced the new Public Works Director, Mr. David Hoops.

Wrap Up Meetings in July – This was taken up during the motion period.

NaCO Achievement Awards – Ms. Snowden stated that Richland County received five NaCO Achievement Awards for the following: the transportation study, the Ridgewood Summer Beautification Program, Conservation Commission for preservation of natural resources and historic legacy, EMS for the Animal Contamination Team, and the Sheriff's Department for their new personnel management.

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

REPORT OF THE CLERK OF COUNCIL

Association of Counties Conference – Ms. Finch reminded Council members that the Association of Counties conference would be held July 28th-August 2nd in Hilton Head.

REPORT OF THE CHAIRMAN

Special Called Meetings – This item was taken up during the motion period.

APPROVAL OF CONSENT ITEMS

- **Case #09-06MA, Ted Hart, RS-LD to NC (.041 Acres), 09504-04-05, Dakota St. [SECOND READING]**
- **Case #09-07MA, Duane Warr, RU/RS-MD to NC (0.52 Acres), 19604-04-13 & 49, 1509 & 1531 Percival Rd. [SECOND READING]**

- Case #09-08MA, Michael Young, American's Home Place Inc., RU to RS-E (2.81 Acres), 17400-12-02 & 03, Killian Loop [SECOND READING]
- Case #09-09MA, Glen Welsford, RS-MD to GC (0.03 Acres), 13809-04-12(p), 4108 Rosewood Dr. [SECOND READING]
- Section 26-152, Special Exceptions; Subsection (D), Standards; Paragraph (22), Radio, Television and Telecommunications and Other Transmitting Towers; Subparagraph C; so as to clarify setback requirements [SECOND READING]
- Request to accept a conservation easement donation from Mr. George Delk, representing BDH Properties, LLC, for 20 acres in the Lower Richland Community
- Request to accept a conservation easement donation from Mr. James Mullis for 73 acres in the Twenty-Five Mile Creek Watershed in Northeast Richland County
- Request to adopt a conservation watershed proposal from the Pebble Creek Community for volunteer land easements in the Pebble Creek Watershed Conservation Area in Northwest Richland County
- Request to accept 3 acres of conservation property in the Broad River Watershed as a fee simple title donation from Mr. Scott Baker
- Request to authorize the Procurement Department to award and enter into a contract with ASI for the transportation of C&D waste materials and other items collected at the Lower Richland Drop-off Site to an approved C&D facility
- An Ordinance amending the Richland County Code of Ordinances; Chapter 6, Buildings and Building Regulations; Article III, Building Codes, Section 6-82(A); so as to adopt the 2006 Edition of the International Residential Code [FIRST READING]
- Request to authorize staff to negotiate a contract with the M. B. Kahn Team for the final design, development, financing, construction, and potential management/operations of the proposed Richland County Recreation/Entertainment Complex
- Council Motion (Jackson): A resolution to support the naming of a bridge that crosses Cabin Creek along Clarkson Road as the Candacy-Darcel Sanders Crossing Bridge
- Request to award a contract to the Dennis Corporation for construction management services related to the renovation and construction at the Township Auditorium
- A Resolution to reaffirm the Richland County Emergency Planning Zone (EPZ) for two new power plants to be built at the V. S. Summer Nuclear Station in Fairfield County
- An Ordinance authorizing the issuance and sale of not to exceed \$9,000,000 General Obligation Bonds, Series 2009A, or such other appropriate series designation, of Richland County, South Carolina; Authorizing the bonds to be issued as Build America Bonds, if appropriate; fixing the form and details of the bonds; delegating to the County

Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [FIRST READING]

- **A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its not exceeding \$150,000,000 Hospital Refunding and Improvement Revenue Bonds, in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended**

Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the consent items. The vote in favor was unanimous.

SECOND READING ITEM

Section 26-175, Access; and creating a new article; so as to address transportation issues within the County – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item as amended. The vote in favor was unanimous.

Section 26-180, Signs; so as to create a new section that would allow off-premise weekend directional signs under certain conditions – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

Ms. Hutchinson moved, seconded by Mr. Malinowski, to amend the enforcement policy to the following: (a) First Offense: signs will only be available for pick one day a month and that staff will not notify the sign owner that the sign has been removed; (b) Second Offense: the sign owner will lose their decal for 6 months.

<u>For</u>	<u>Against</u>
Malinowski	Pearce
Hutchinson	Jackson
Smith	Jeter
	Livingston
	Dickerson
	Manning
	Kennedy
	Washington

The motion to amend the ordinance failed.

Mr. Manning moved, seconded by Mr. Jackson, to remove Section 3(q), #1(a) of the ordinance to remove the requirement for the decal and fee. A discussion took place.

<u>For</u>	<u>Against</u>
Jackson	Pearce
Manning	Malinowski
Kennedy	Hutchinson
Washington	Jeter
	Livingston
	Dickerson
	Smith

The motion to remove Sec. 3(q), #1(a) failed.

Mr. Manning called for the question. The vote in favor was unanimous.

The vote on the main motion was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Request to authorize the County Administrator to negotiate and enter into a lease agreement with Hansel Carter for the use of property located at 10531 Garners Ferry Road for the Lower Richland drop off facility – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item with the following amendment: that the lease agreement be for 5 years instead of 10 years. The vote in favor was unanimous.

Council Motion: (Jackson): An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Section 26-54, Subdivision Review and Approval; so as to require that the delineation of any and/or all flood lines on plats that are submitted pursuant to this section; and to amend Section 26-105, FP Floodplain Overlay District; Subsection (B), Applicability/Establishment; so as to delete specific reference to areas along the Congaree River – Mr. Washington moved, seconded by Mr. Malinowski, to approve this item. A discussion took place.

The vote in favor was unanimous.

Council Motion (Manning): An Ordinance to amend the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; in order to establish regulations and requirements relating to designated smoking areas – Ms. Smith moved, seconded by Mr. Manning, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Request to approve the renewal of a contract with Iron Mountain, Inc., for records storage and management services – Mr. Malinowski moved, seconded by Mr. Jeter, to approve this item. A discussion took place.

The vote in favor was unanimous.

Request to approve a contract with FleetCor Technologies to provide and maintain the County's Fleet Fuel Card program for the purchase of gasoline, diesel and other designated fuels – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

Purchase offer for property owned by Richland County [RECOMMENDATION TO DENY] – Ms. Dickerson moved, seconded Mr. Jeter, to defer this item until the July 21st meeting. The vote in favor was unanimous.

Request to consider salary adjustments and amendments to existing county policies and procedures for the following elected and appointed positions:

- a. **Columbia Magistrate** – Ms. Dickerson moved, seconded by Mr. Washington, to approve the salary adjustment. A discussion took place.

Mr. Jeter made a substitute motion, seconded by Ms. Dickerson, to defer this item until the July 21st meeting. The vote was in favor of deferral.

- b. **Treasurer** – Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until further information is received from staff. A discussion took place.

<u>For</u>	<u>Against</u>
Malinowski	Pearce
Hutchinson	Jackson
Livingston	Jeter
Dickerson	Manning
Smith	Washington

The motion for deferral failed on a tie vote. {Ms. Kennedy was away during this vote.}

A discussion took place.

Ms. Smith moved, seconded by Mr. Pearce, to authorize the Administrator to procure the services of an HR specialist to look at the functions of the Treasurer's Office as it relates to the Tax Collector function and compare it to other peer organizations in the State.

A discussion took place.

Mr. Jeter moved, seconded by Ms. Dickerson, to amend the motion to include the following: “that if we find that there needs to be an adjustment that HR specialist suggest a base salary.”

The vote in favor was unanimous.

- c. Board of Voter Registration** – Ms. Dickerson moved, seconded by Mr. Washington, to authorize a classification and compensation evaluation of the Board of Voter Registration positions, and to consider amending the existing policy to authorize a 2.5% increase with each reappointment.

Mr. Livingston suggested that the motion be amended as follows: “...to consider amending the existing policy to authorize an increase with each reappointment similar to elected officials.”

Ms. Dickerson amended her motion to include Mr. Livingston’s suggested language.

A discussion took place.

Mr. Washington called for the question.

<u>For</u>	<u>Against</u>
Jackson	Pearce
Jeter	Malinowski
Dickerson	Hutchinson
Kennedy	Livingston
Washington	Manning
	Smith

The call for the question failed.

The vote on the amended motion was in favor.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

An Ordinance authorizing the execution and delivery of a fee agreement between Richland County and Unum Group, a corporation organized and existing under the laws of the State of Delaware; Colonial Life & Accident Insurance Company, a corporation organized and existing under the laws of the State of South Carolina; and Unum Life Insurance Company of America, a corporation organized and existing under the laws of the State of Maine concerning a new project; authorizing and providing with respect to an existing project for the conversion of an arrangement for fee-in-lieu of tax payments between Richland County and the

companies under Title 4, Chapter 12, South Carolina Code of Laws, 1976, as amended, to an arrangement under Title 12, Chapter 44, South Carolina Code of Laws, 1976, as amended; and matters relating thereto – Mr. Pearce stated that the committee recommended approval. The vote in favor was unanimous.

An Ordinance authorizing the execution and delivery of an agreement to provide for the modification and termination of certain incentive arrangements between Richland County and Project Olive and one or more affiliated entities; and related matters – This item was taken up during Executive Session.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

- I. **NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES**
 - a. **Richland County/City of Columbia Animal Care Advisory Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

- II. **NOTIFICATION OF APPOINTMENTS ON BOARDS, COMMISSIONS, AND COMMITTEES**
 - a. **Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.

 - b. **Planning Commission—1** – This item was held in committee.

- III. **Employee Grievance Committee Guidelines/Procedures** – Mr. Malinowski stated that the Chairperson of the Grievance Committee will be invited to provide additional information at the next Rules & Appointment meeting. This item was held in committee.

OTHER ITEMS

Council Motion (Jackson, Malinowski, & Kennedy): To remove from the D&S Committee and present to full Council the funding of Alternate Paving with \$2 million from the Road Maintenance Fee and \$1 million from the CTC bond to fund paving roads in three years max (starting in 2009) – Ms. Kennedy moved, seconded by Mr. Washington, to approve this item. A discussion took place.

Mr. Washington withdrew his 2nd.

Mr. Washington moved, seconded by Ms. Kennedy, to defer this item until the July 21st Council meeting. The vote in favor was unanimous.

Broad River Waste Water Treatment Plant Change Order – This item was taken up during Executive Session.

Report of Stimulus Ad Hoc Committee – No report was given.

CITIZENS' INPUT

No one signed up to speak.

EXECUTIVE SESSION ITEMS

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Council went into Executive Session at approximately 8:22 p.m. and came out at approximately 8:59 p.m.
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- a. **BRWWTP Change Order** – No action was taken.
- b. **Farmers' Market Update** – No action was taken.
- c. **Project Olive** – Mr. Pearce moved, seconded by Mr. Malinowski, to authorize the County Administrator to continue negotiations as discussed and to execute a contract term sheet reflecting the discussions after review and approval by legal counsel. The vote in favor was unanimous.
- d. **School District II—Legal Briefing** – No action was taken.
- e. **Master-in-Equity Budget Amendment** – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item by title only. The vote was in favor.
- f. **Employee Grievance** – Mr. Jeter moved, seconded by Mr. Manning, to approve the recommendation of Administration. The vote in favor was unanimous.

MOTION PERIOD

July Special Called/Committee Meetings – Mr. Manning moved, seconded Ms. Kennedy, to hold the Committee meetings in alphabetical order. The motion failed.

Council scheduled the D&S Committee meeting for 9 a.m., the A&F Committee meeting for 9:30 a.m. and the Wrap-Up Special Called meeting for 10 a.m. on July 28th.

This motion pertains to a recent (June 16, 2009) action of Richland County addressed to Colonial Life Insurance Company terminating payroll deductions for voluntary supplementary insurance policies written by Colonial currently held by County employees, many of which have been in effect for several years. This motion directs the County Administrator to take whatever action is necessary to

reverse the action proposed by the County regarding the termination of these payroll deductions for those County employees wishing to have their policies with Colonial Life Insurance remain in force and continue to collect these payments on behalf of Colonial Life [PEARCE & JETER] – Mr. Pearce referred this item the A&F Committee.

Resolution honoring Jim Hamilton for his 47 years of service to Richland County on the occasion of his retirement [PEARCE & SMITH] – Mr. Manning moved, seconded by Mr. Pearce, to adopt a resolution honoring Jim Hamilton for his years of service to Richland County. The vote in favor was unanimous.

Motion to direct staff to establish specific plans of action and associated target dates for the Project / Tasks listed in the Implementation Strategies Section of The Renaissance Plan for Decker Boulevard / Woodfield Park Area for which the County is referenced in the column entitled: Implemented By on pages 52, 53 & 54 of the Neighborhood / Community Master Plan and report back to Council within 2 months of this date. [Manning] – This item was referred to the D&S Committee.

Motion to direct staff to investigate the Richland County Neighborhood Council to determine its formal connection to the County, its Bylaws for clarity, its membership determination, and any other issues as deemed necessary by the Administration and report back to Council within 3 months of this date. [Manning] – This item was referred to the D&S Committee.

To direct staff to present models of Planning Commission composition that ensures a balanced representation of business, environmental, and citizen interests [HUTCHINSON] – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:17 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.

The minutes were transcribed by Michelle M. Onley