

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 3, 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.*

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### MEMBERS PRESENT:

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

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Sara Salley, Randy Cherry, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Daniel Driggers, David Hoops, Joseph Kocy, Amelia Linder, Anna Almeida, Srinivas Valavala, Pam Davis, Rodolfo Callwood, Betty Etheredge, John Hixson, Dale Welch, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:06 p.m.

### INVOCATION

The Invocation was given by the Honorable Jim Manning

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Jim Manning

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson thanked everyone for their support of the Multi-Modal Steering Committee meeting.

Mr. Livingston presented Ms. Dickerson with a small token of appreciation for her hard work on the Multi-Modal Steering Committee meeting.

### **CITIZENS' INPUT**

Mr. Raj Aluri spoke regarding the International Festival.

### **APPROVAL OF MINUTES**

**Regular Session: October 6, 2009** – Mr. Manning moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: October 27, 2009** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

### **ADOPTION OF AGENDA**

Ms. Dickerson moved, seconded by Ms. Hutchinson, to adopt the agenda as presented. The vote in favor was unanimous.

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

The following items were potential Executive Session items:

- a. **Lobbyist Contract Award**
- b. **Employee Grievances—3**
- c. **HBA vs. Richland County**
- d. **Whitaker Container**
- e. **Columbia Renaissance/Innovista Redevelopment Update**

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

**Township Property Purchase** – This item was deferred to the November 17, 2009 Council meeting.

**Screaming Eagle Substation: Cost Overruns** – Mr. Pope gave a synopsis of administration's recommendation and stated this item was an action item on the agenda.

**Development Roundtable** – Mr. Sparty Hammett, Mr. Bob Giles, Ms. Anna Almeida and Mr. Darren Holcombe gave a brief presentation.

**State Museum MOU** – This item was deferred until the November 17, 2009 Council meeting.

#### REPORT OF THE CLERK OF COUNCIL

- **Monday, November 2, 2009, 10:30 a.m.-7:30 p.m. and Tuesday, November 3, 2009, 8 a.m.-Noon—National Multi-Modal Transportation Steering Committee, Columbia Hilton Center (Monday, November 2, 2009, 5:30-7:30 p.m.—reception at Columbia Museum of Art)**
- **Tuesday, November 3, 2009, 5:30-7:30 p.m.—Auntie Karen’s Legends of 2010 Kick Off Party, AT&T Conference Center, 1600 Williams Street, RSVP Required**
- **Wednesday, November 4, 2009, 6-8 p.m., Midlands Technical College 4<sup>th</sup> Annual Oyster Roast & Shrimp Boil, MTC Center of Excellence for Technology Patio—North East Campus, RSVP Required**
- **Thursday, November 5, 2009, Columbia Urban League Equal Opportunity Day Dinner, Seawell’s on Rosewood, Reception—6:00 p.m.; Dinner—7:00 p.m.**
- **Wednesday, November 11, 2009, 4:30-6:30 p.m., Tailgating on the Terrace—Clarion Hotel, RSVP Required**
- **Thursday, November 12, 2009, 5:00 p.m., Home Builders Association Third Annual Housing Stump Meeting, The Medallion Center, 7309 Garner’s Ferry Road, RSVP Required**

Ms. Finch report was presented as printed.

#### REPORT OF THE CHAIRMAN

No report was given.

#### PUBLIC HEARING ITEM

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

- **Regional Sports Complex MCIP** – No one signed up to speak.
- **An Ordinance Amending the FY 2009-2010 Road Maintenance and Mass Transit Fee Fund Annual Budget to appropriate of undesignated Fund Balance for the Revised Transportation Study** – No one signed up to speak.
- **Authorizing the Execution and Delivery of a special source revenue credit agreement by and among Richland County, South Carolina, and South Pills, LLC, and South University of Carolina, Inc., their affiliates and assigns, to provide for a special source revenue credit; to provide for the**

**inclusion of the project in a multi-county business or industrial park; and other matters thereto related** – No one signed up to speak.

The public hearing was closed.

#### APPROVAL OF CONSENT ITEM

- **09-12MA, Robert Giles, Jonathon Giles, RM-HD to NC (0.32 Acres), 11203-01-02, Corner of Olympia Ave. and Bluff Rd. [THIRD READING]**
- **An Ordinance Amending Section 26-181 regarding road signs/traffic control devices; so as to conform to the Federal Highway Administration's *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2 Incorporated* [THIRD READING]**
- **An Ordinance to Define and Permit "Bus Shelters & Benches" in all Zoning Districts, with special requirements [THIRD READING]**
- **An Ordinance Amending Section V, Zoning Districts and District Standards; and Article VI, Supplemental Use Standards; so as to provide for a parks and recreation district [THIRD READING]**
- **Section 26-180, Signs; so as to create a new section that would allow digital display devices under certain conditions [THIRD READING]**
- **Authorizing the Execution and Delivery of a special source revenue credit agreement by and among Richland County, South Carolina, and South Pills, LLC, and South University of Carolina, Inc., their affiliates and assigns, to provide for a special source revenue credit; to provide for the inclusion of the project in a multi-county business or industrial park; and other matters thereto related [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, in general; Section 21-10, Street Name Signs; Subsection (A); so as to conform to the Federal Highway Administration's *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2 Incorporated* [SECOND READING]**
- **An Ordinance Authorizing a quit-claim deed to Smallwood Village Phase III Homeowner's Association, Inc. for a certain parcel of land totaling .76 Acres located along White Branch Circle, Richland County, South Carolina, known as TMS # 22710-08-30 [SECOND READING]**
- **An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$90,157 of General Fund Undesignated Fund Balance to the Court Administration Budget, Magistrates Budget and Central Services Budget [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 25, Vehicles for Hire; Article II, Towing and Wrecker Services; Section 25-20, Wrecker and Storage Charges, so as to increase the fees charged for towing and wrecker services [SECOND READING]**

- An Ordinance Amending the Fiscal Year 200-2010 Title IV-D Sheriff's Fund Budget to appropriate \$10,000 of additional revenue due to revised revenue projections [SECOND READING]
- An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$81,000 of General Fund Undesignated Fund Balance to the Election Commission Budget for the mandated purpose of replacing batteries in electronic voting machines [SECOND READING]
- Deed of Water and Sewer Lines (Bookert Heights, Ridgewood, BRRWWTP) [SECOND READING]
- 09-14MA, Joe Jackson, Prayer & Faith Temple, RS-HD to RU (2.85 Acres), 24903-05-02, 1520 Lower Richland Blvd. [SECOND READING]
- 09-15MA, Larry M. Spivey, Majors Management/Tracy Billings, RU to GC (.341 Acres), 19716-02-20(p), Alpine Rd. & Old Percival Rd. [SECOND READING]
- 09-17MA, FSD, LLC, Fred Babae, HI to GC (2 Acres), 17200-03-23, 206 Business Park Blvd. [SECOND READING]
- Bridge Renaming
- Conservation Donation of 175 acres off Long Creek Parkway
- Conservation Donation off Sloan Road
- School District Tax Info/Carry Over Funds
- Waste Tire Grant

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

### THIRD READING

An Ordinance Amending Section 26-105, FP Floodplain Overlay District; Subsection (B), Applicability/Establishment; so as to require delineation of flood lines on plats and to delete reference to areas along the Congaree River – Ms.

Hutchinson moved, seconded by Ms. Dickerson, to approve this item with staff's amended language. The vote in favor was unanimous.

Regional Sports Complex MCIP – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

### SECOND READING

An Ordinance Authorizing a quit-claim deed to EHP Development, LLC for five parcels of land totaling Five Thousand Three Hundred Sixteen (5,316) square feet located along Hastings Alley and Hamrick Street, Richland County, South Carolina, and being portions of TMS# 11203-03-02, 11203-03-16, 11203-03-17,

11203-03-23, and 11203-03-27 – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item for Second Reading and clarify the recipient of the quit-claim deed prior to Third Reading. A discussion took place.

The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2009-2010 Hospitality Tax Fund Annual Budget Amendment to appropriate \$100,000 of Hospitality Tax Fund Designated Fund Balance for the next steps in the design-development phase of the Regional Sports Complex** – Ms. Dickerson moved, seconded Ms. Kennedy, to approve the amended budget amendment in the amount of \$184,970 and to accept the scope of services. A discussion took place.

The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2009-2010 Road Maintenance Fund Annual Budget to appropriate \$40,000 of Undesignated Fund Balance for the revised transportation study** -- Mr. Washington moved, seconded by Ms. Kennedy, to approve the budget amendment and the scope of services. A discussion took place.

The vote was in favor.

#### **REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

**Lower Richland County Agricultural Center** – Mr. Pearce moved, seconded by Ms. Hutchinson, to deny this item. A discussion took place.

The vote in favor was unanimous.

**Accounting for the Last Two Years of the Richland County Neighborhood Council** – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

#### **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

**Hospitality Taxes and Businesses Straddling Jurisdictional Lines** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote was in favor.

**Hospitality Tax Round Two Funding Recommendations** – Mr. Washington moved, seconded by Mr. Manning, to take 13.7% from each organization to equate to \$10,000 to fund the International Festival. A discussion took place.

Mr. Washington withdrew his motion.

Mr. Washington moved, seconded by Mr. Manning, to take \$10,000 from undesignated Hospitality Tax fund to fund the International Festival. The vote in favor was unanimous.

Mr. Pearce offered the following amendment: prior to the next round of Hospitality Tax funding that the ordinance be reviewed to clear up any ambiguities regarding the allocation of percentages in funding.

Mr. Washington accepted the amendment.

Mr. Jeter moved, seconded by Ms. Dickerson, to fund the Auntie Karen Foundation \$5,000 by deducting \$2,500 from the South Carolina Archives and History Foundation and \$2,500 from SCALE, Inc.

Mr. Washington made a substitute motion to take \$5,000 from the Undesignated Hospitality Tax Fund to fund the Auntie Karen Foundation.

The motion died for lack of a second.

The vote was in favor of the motion to fund the Auntie Karen Foundation \$5,000 by deducting \$2,500 from the South Carolina Archives and History Foundation and \$2,500 from SCALE, Inc.

Mr. Manning moved, seconded by Ms. Dickerson, to approve the Round Two Hospitality Tax Funding as amended. The vote in favor was unanimous.

**Negotiate Purchase of 1400 Atlas Road for Farmers Market** – Mr. Washington moved, seconded by Mr. Jeter, to enter a public/private partnership for the purchase of the Boozer Lumber site for the purpose of a Farmers' Market.

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

The motion failed.

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

The vote was in favor of the committee's recommendation.

## REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

### SC Economic Development Ambassador Award Nominations for Richland County

– Mr. Pearce stated that the committee recommended nominating Dr. Harris Pastides for Ambassador of the Year. The vote in favor was unanimous.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF VACANCIES

- a. **Lexington/Richland Alcohol and Drug Abuse Council—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous
- b. **Midlands Regional Convention Center Authority—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous
- c. **Richland Memorial Hospital Board—3** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.
- d. **Riverbanks Park Commission—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

### II. NOTIFICATION OF APPOINTMENTS

- a. **Board of Zoning Appeals—1** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Sheldon L. Cooke, Sr. The vote in favor was unanimous.
- b. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Vincent K. Bartley. A discussion took place.
- c. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Kimberly A. Kennedy-Gooden. The vote in favor was unanimous.
- d. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Staci Pritchard. The vote in favor was unanimous.



- e. **Midlands Workforce Board—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Randy Cherry. The vote in favor was unanimous.
- f. **Planning Commission—2** – This item was deferred until the November 17, 2009 Council meeting.

### III. RULE CHANGES

- a. **Motion for presentations to be held on the third Tuesdays of the month** – This item was held in committee.

### IV. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Draft of countywide letterhead to be used by all county departments** – The committee recommended abandoning efforts to create a uniform letterhead due to the difficulty in implementation. A discussion took place.

Mr. Washington moved, seconded Ms. Kennedy, to create a letterhead committee. The vote was in favor.

- b. **Any Executive Session item involving an attorney hired outside the normal scope of a regular contract by Richland County will be taken up first so that attorney is not waiting for other matters and receiving unnecessary compensation** – The committee recommended holding two Executive Sessions. The first Executive Session will be for items that require outside counsel's presence to eliminate unnecessary compensation.

Mr. Jeter moved, seconded by Ms. Dickerson, to defer this item until the November 17, 2009 Council meeting. The vote was in favor.

### OTHER ITEMS

**Development Roundtable** – Mr. Manning moved, seconded by Mr. Malinowski, to adopt the 22 development principles resulting from the Development Roundtable process and authorize Phase II of the Roundtable consisting of 12 members (4 Staff, 4 Development, and 4 Environmental) that will draft the 22 principles into an ordinance.

**Lobbyist Contract Award** – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item.

Mr. Washington made a substitute motion, seconded by Mr. Malinowski, to re-advertise the contract.

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

The substitute motion failed.

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

The vote was in favor of the original motion.

**Screaming Eagle Substation—Cost Overruns** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to accept Administration’s recommendation. A discussion took place.

The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2009-2010 Conservation Commission Fund Budget to appropriate \$23,000 of reserved fund balance for the Wetlands Mitigation Assessment** – Mr. Manning moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

#### CITIZENS’ INPUT

No one signed up to speak.

#### EXECUTIVE SESSION ITEMS

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**Council went into Executive Session at approximately 7:47 p.m. and came out at approximately 9:50 p.m.**  
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- a. **Employee Grievances—3** – Ms. Hutchinson moved, seconded by Mr. Pearce, to accept the Administrator’s recommendation. The vote in favor was unanimous.
- b. **HBA vs. Richland County** – Mr. Malinowski moved, seconded Ms. Dickerson, to authorize the County Attorney to proceed with settlement

discussions with the Homebuilder's Association as discussed in Executive Session. The vote in favor was unanimous.

- c. **Whitaker Container** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to authorize the Administrator to execute the documents as it relates to the assignment of the contract to Waste Pro. The vote in favor was unanimous.
- d. **Columbia Renaissance/Innovista Redevelopment Update** – Mr. Manning moved, seconded Ms. Kennedy, to authorize the Chairman to act as discussed in Executive Session. The vote in favor was unanimous.

#### **MOTION PERIOD**

**Resolution for Dr. Jordan D. Smith [LIVINGSTON]** – Mr. Manning moved, seconded by Ms. Dickerson, to adopt a resolution for Dr. Jordan D. Smith. The vote in favor was unanimous.

**December Zoning Public Hearing [SMITH]** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to cancel the December Zoning Public Hearing. The vote was in favor.

**December Committee Meetings Schedule [LIVINGSTON]** – This item was referred to the Rules & Appointments Committee.

**Scheduling of Mitigation Bank, Smoking Ban, Comprehensive Plan and Stormwater Work Sessions [STAFF]** – This item was deferred.

**To create a tax free zone for companies willing to invest more than \$25 million (10 years county tax free and 75% County resident employment) [JACKSON]** – This item was referred to the Economic Development Committee.

**County staff to draft and present to Council a proposal to create a Richland County Neighborhood Council sanctioned and supported by the County [MANNING]** – This item was referred to the D&S Committee.

**Council Retreat** – Mr. Jeter moved, seconded by Ms. Hutchinson, to hold the 2010 Council Retreat at the Parklane Adult Activity Center facility on January 21-22. The vote was in favor.

**Paying Outside Agencies Process [JETER]** – This item was referred to the Rules & Appointments Committee.

**Resolution Acknowledging and Honoring Summary Court Chief Judge William Womble for thirty (30) years of service as a Magistrate in Richland County and for**

**his service as Chief Judge for the past ten (10) years [PEARCE & MANNING]** – A resolution was unanimously adopted for Judge William Womble.

**Resolution Recognizing the Town of Arcadia Lakes on its 50<sup>th</sup> Anniversary and Ribbon Cutting Ceremony for the New Town Hall [MANNING]** – A resolution was unanimously adopted for the 50<sup>th</sup> Anniversary and Ribbon Cutting Ceremony for the New Town Hall for the Town of Arcadia Lakes.

**Background: A current Richland County Ordinance exists regarding the discharge of firearms in certain areas as being unlawful. Section 18-1 (b) states it is unlawful to discharge a firearm *within two hundred yard of the property boundaries of any dwelling or business*. This subsection shall not apply to a peace officer or member of the armed forces of the United States or any authorized gun club, or in the lawful defense of life or property. This subsection also shall not apply to hunting or other lawful use of firearms by persons while upon their own property, nor shall this subsection apply to persons hunting or otherwise lawfully discharging firearms on another person's property with the landowner's express permission.**

**This ordinance does not protect areas that have been built as subdivisions yet still contain a few acres of undeveloped land. For the safety of our citizens in subdivisions I am making the following motion:**

**That Section 18-1 (b) Discharge of firearms in certain areas unlawful is amended to eliminate allowing a discharge of the items mentioned in the current ordinance in areas built as subdivision by anyone except a peace officers, any authorized gun club or in the lawful defense of life or property. [MALINOWSKI]** – This item was referred to the D&S Committee.

#### ADJOURNMENT

The meeting adjourned at approximately 10:10 p.m.

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Paul Livingston, Chair

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Damon Jeter, Vice-Chair

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Gwendolyn Davis Kennedy

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Joyce Dickerson

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Valerie Hutchinson

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Norman Jackson

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Bill Malinowski

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Jim Manning

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L. Gregory Pearce, Jr.

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Kit Smith

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley