

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JANUARY 19, 2010 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, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Jennifer Dowden, Larry Smith, Amelia Linder, David Adams, Daniel Driggers, David Hoops, Kevin Etheridge, Lillian McBride, Jim Wilson, Kyle Holsclaw, Srinivas Valavala, Anna Almeida, Pam Davis, Sandra Hayes, Brian Cook, John Carpenter, Carolyn Phillips, Dwight Hanna, Monique Walters, 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 Gwendolyn Davis Kennedy

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Gwendolyn Davis Kennedy

PRESENTATIONS

Animal Care Subcommittee Proclamation – Mr. Pope presented proclamations to the members of the Animal Care Subcommittee.

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: January 5, 2010 – Mr. Manning moved, seconded by Ms. Dickerson, 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

- a. TIF Update
- b. HBA Update: Pending Litigation
- c. Personnel Matter
- d. Lease Agreement: Legal Matter
- e. Fire Contract Update

OUTSIDE COUNSEL/CONSULTANT EXECUTIVE SESSION ITEM

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Council went into Executive Session at approximately 6:14 p.m. and came out at approximately 7:02 p.m.
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- a. **TIF Update** – Mr. Jeter moved, seconded by Ms. Dickerson, to direct staff to draft a letter to the City of Columbia as discussed in Executive Session.

REPORT OF THE COUNTY ADMINISTRATOR

Audit Presentation – Mr. Tom McNeish of Elliott Davis gave a brief presentation of the completed audit to Council.

Recognition of Finance Staff – Mr. Pope recognized the Finance Department staff for their hard work.

TIF Update – This item was taken up during Executive Session.

2010 Council Retreat – Mr. Pope stated that the agenda for the Council Retreat had been e-mailed out to Council.

Personnel Matter – This item was taken up during Executive Session.

CMRTA Progress Report – Mrs. Ancheta presented the progress report, which stated that the CMRTA had spoken with the union, and it appears that they may be willing to freeze wage rates in the event that a long term, dedicated local funding source is not secured in November 2010. The CMRTA has written a formal request to the Lexington County Council Chair regarding county local operating subsidy funding, and has informed Lexington County Council that bus and DART services reductions and/or eliminations will take place no later than September 30, 2010 if funding is not provided by Lexington County.

Bridge Renaming and SCDOT Reimbursement Request – Mr. Pope stated that the bridge renaming had been approved and a request for reimbursement of \$500 for the fabrication and placement of dedication sign has been received from the SCDOT. The \$500.00 reimbursement will be provided by the Public Works fund.

Lease Agreement: Legal Matter – This item was taken up during Executive Session.

Fire Contract – This item was taken up during Executive Session.

Sparty Hammett Condolences – Mr. Pope stated that Mr. Hammett's father had passed away and offered his condolences to the family.

REPORT OF THE CLERK OF COUNCIL

23rd Annual Mid-Year Conference—South Carolina Association of Counties – Ms. Finch stated that the 23rd Annual Mid-Year Conference will be held on February 24th and 25th at Embassy Suites. The Institute of Government classes will be held on Thursday, February 25th.

2010 State of the City Address – Ms. Finch stated that Council received an invitation to from Mayor Coble to attend the 2010 State of the City Address on Thursday, January

28th at the Columbia Metropolitan Convention Center, 6 p.m. with the State of the City Reception immediately following.

2010 Council Retreat – Ms. Finch stated that breakfast will be served from 7:30-8:30 a.m. and the Retreat will start at 8:30 a.m. on January 21st and 22nd.

F.U.N.D.S., Inc. Roast & Toast – Ms. Finch stated that Council received an invitation from F.U.N.D.S., Inc. to a Roast & Toast in honor of Jean Sanders-Hopkins on Thursday, February 4th at Special Occasions.

Lifchance International Ballet Gala of the Stars – Ms. Finch stated that Council received an invitation to the Lifchance International Ballet Gala of the Stars on Saturday, January 23rd at the Koger Center, 7:30 p.m. with a silent auction at 6:30 p.m.

REPORT OF THE CHAIRMAN

Committee Sign-Up Sheets – Mr. Livingston reminded Council members to return their committee sign-up sheets.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending Ordinance 029-07HR; so as to temporarily decrease the tap fees to be paid by users of the Broad River Regional Sewer System to Three Thousand (\$3,000.00) Dollars and to implement a gradual increase of such fees to Four Thousand (\$4,000.00) Dollars** – No one signed up to speak.
- **Annual Financial Supplement to Chair** – No one signed up to speak.
- **Smoking Ban Amendments** – No one signed up to speak.
- **Stormwater Ordinance** – Mr. John Grego, Ms. Tracy Swartout, Mr. William Dubard, Ms. Opal Brown, Mr. Bill Theus, Ms. Carol Kososki, Mr. Bob Guile, Ms. Jessica Artz, Ms. Ryan Nevius, Ms. Mary Nevins, Mr. Bill Flowers, Mr. Bill Dixon, Ms. Pamela Greenlaw

Mr. Jeter moved, seconded by Mr. Manning, moved to allow Mr. Evans Bunch to speak regarding the bagging of leaves ordinance. The vote in favor was unanimous.

APPROVAL OF CONSENT ITEMS

- **Annual Financial Supplement to Chair [THIRD READING]**
- **Ordinance to incorporate the Trenholm Acres/Newcastle Neighborhood Master Plan into “2009 Richland County Comprehensive Plan” [THIRD READING]**
- **Ordinance to incorporate the Crane Creek Neighborhood Master Plan into the “2009 Richland County Comprehensive Plan” [THIRD READING]**

- **Ordinance to allow an exemption for luminaries on outdoor athletic/sports fields from the requirement of being “full-cutoff certified” [THIRD READING]**
- **An Ordinance Authorizing a quit claim-deed to Malika R. Snipe and Aramide Mitchell for a portion of Hunter’s Road, an unpaved road in the Richland County Road Maintenance System [SECOND READING]**
- **An Ordinance Authorizing a quit-claim deed to Mount Pilgrim Baptist Church for a portion of the right-of-way of Pilgrim Road in exchange for a portion of Lot 63 in State Park Acres [SECOND READING]**

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

THIRD READING

An Ordinance Amending Ordinance No. 029-07HR; so as to temporarily decrease the tap fees to be paid by users of the Broad River Regional Sewer System to Three Thousand (\$3,000.00) Dollars and to implement a gradual increase of such fees to Four Thousand (\$4,000.00) Dollars – Mr. Jeter moved, seconded by Mr. Pearce, to defer this item. The vote in favor was unanimous.

Smoking Ban Amendments – Mr. Malinowski moved, seconded by Mr. Manning, to defer this item until the February 2nd Council meeting. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16, Yard Trash and Other Household Articles – Ms. Smith moved, seconded by Ms. Dickerson, to approve this item with the amendment that only properties that are less than one acre be affected. A discussion took place.

Mr. Washington moved, seconded by Ms. Dickerson, to amend the ordinance to also include landscapers who blow leaves into the street.

Mr. Jackson made a substitute motion, seconded by Mr. Malinowski, to strike Sec. 2(b) and add the requirement that leaves to be placed 10 feet from the curb or ditch. A discussion took place.

Mr. Manning made a second substitute motion, seconded by Mr. Malinowski, to defer this item until the February 2nd Council meeting. The vote was in favor.

Mr. Pearce moved, seconded by Mr. Washington, to hold a work session prior to this item being placed back on the agenda for Third Reading and request that staff provide alternatives. A discussion took place.

The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to improve Richland County's water quality, protect the environment, and comply with the County's National Pollution Discharge Elimination System (NPDES) permit requirements – Ms. Smith moved, seconded by

Mr. Pearce, to adopt the Planning Commission's version with the exceptions of the entitled property, perennial streams, jurisdictional intermittent stream buffers and include the Zoning Administrator's recommendations. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Ms. Hutchinson, to adopt the roundtable's recommendations and to send the entitled property issue back to the roundtable for further discussion.

Ms. Hutchinson made a second substitute motion, seconded by Mr. Malinowski, to accept the roundtable's recommendation.

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

The second substitute motion failed.

The substitute motion failed.

The vote was in favor of the main motion.

Ms. Smith moved, seconded by Mr. Jeter, to adopt staff's recommended version of the definition of entitled property.

Ms. Smith made a substitute motion, seconded by Ms. Hutchinson, to adopt the language recommended by the roundtable. A discussion took place.

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

Mr. Livingston moved, seconded by Mr. Manning, to amend the original motion to include the sunset provision in the roundtable's recommendation.

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

The vote was in favor of the amendment.

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

The vote was in favor of the main motion.

Ms. Smith moved, seconded by Mr. Malinowski, to adopt the language recommended by the roundtable regarding jurisdictional intermittent streams.

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

The vote was in favor.

Ms. Smith moved, seconded by Mr. Malinowski, to adopt the language recommended by the roundtable regarding perennial streams.

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

The vote was in favor.

SECOND READING

Ordinance Amendments Regarding Commercial Enforcement of Unlicensed Vehicles and Weeds and Rank Vegetation (Overgrown Lots) – Mr. Malinowski moved, seconded by Ms. Hutchinson, to defer this item until the February 2nd Council meeting. The vote in favor was unanimous.

09-19MA, Hock Site, Hock Development Co., GC & RM-HD to GC (1.34 Acres), 19813-06-25, Alpine Rd. & Old Percival – Mr. Washington moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

A Resolution Recognizing Industry Appreciation Week – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Planning Commission Ordinance and Norman Jackson's motion to restructure the Planning Commission** – Mr. Malinowski stated that this item was held in committee.

OTHER ITEMS

\$100,000 Hospitality Tax Allocation, Public Information – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Mr. Pearce, to deny this item. A discussion took place.

Mr. Jeter made a second substitute motion, seconded by Mr. Jackson, to defer this item until the February 2nd Council meeting. The vote was in favor.

Farmers' Market: Pineview Property Follow-up – Mr. Jackson moved, seconded by Mr. Malinowski, to rescind the following November 3, 2009 action of Council: "Council voted to suspend consideration of using public funds to invest in Richland County farmers' market, and to work with current local market in promotional activities." A discussion took place.

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

The vote was in favor to rescind.

Mr. Jackson moved, seconded by Mr. Malinowski, to refer this item back to committee. The vote in favor was unanimous.

Hospitality Tax Funding Request: Southern Intercollegiate Athletic Association (Benedict College) – Mr. Pearce moved, seconded by Mr. Malinowski, to approve \$5,000 for this item. 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:

Treasurer – Mr. Jeter moved, seconded by Ms. Dickerson, to defer this item and take it up during the budget process. The motion failed.

Mr. Pearce moved, seconded by Mr. Malinowski, to adopt the recommendation of the study and to implement the increase with the new fiscal year. A discussion took place.

Mr. Manning moved, seconded by Mr. Washington, to reconcile the annual salary the study recommended the most expediently way. The vote in favor was unanimous.

Treasurer/Voter Registration/Election Commission Salary Study – Mr. Manning moved, seconded by Ms. Dickerson, to increase the Voter Registration salaries as indicated in the final version of the study, to increase the Director of Elections salary by \$3,000 and to implement the increases in the most expedient way.

Mr. Livingston made a substitute motion, seconded by Mr. Washington, to move forward with the recommendations of the study for each of the positions.

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

The vote was in favor of the substitute motion.

Ms. Smith moved, seconded by Mr. Washington, to give First Reading by title only to a budget amendment for the salary increases of the Treasurer and Board of Voter Registration. The vote was in favor.

CITIZEN'S INPUT

Ms. Tracy McKnight spoke regarding buffer requirement enforcement.

Ms. Allison Felchow spoke regarding her vehicle property taxes.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 11:18 p.m. and came out at approximately 11:48 p.m.
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- a. **HBA Update** – This item was received as information
- b. **Personnel Matter** – This item was received as information
- c. **Lease Agreement: Legal Matter** – This item was received as information
- d. **Fire Contract Update** – This item was received as information

MOTION PERIOD

A resolution to support a stronger form of city government structure, a full-time mayor [JACKSON] – Mr. Jackson withdrew this motion.

Resolution to recognize Tanya Rodriguez Hodges from Latino Communication for coordinating the 1st Annual Three Kings Day Parade and Celebration [MANNING]
– Mr. Manning moved, seconded Mr. Jeter, to adopt a resolution recognizing Ms. Tanya Rodriguez Hodges for coordinating the 1st Annual Three Kings Day Parade and Celebration. The vote in favor was unanimous.

Remove all parking meters from the County Administration building and if the County has jurisdiction remove those on the street around the building [JACKSON] – This item was referred to the D&S Committee.

Richland County extends to Fred Kotoske economic development incentives immediately; like the SC Statehouse did expediently in one day, to include, but not limited to, an ordinance exception for a flag lot, so that he can build a new restaurant (Taco Bell) on Decker Blvd. seeing as no one else has expressed such interest in new building for a very long time [MANNING] – This item was referred to the Economic Development Committee.

ADJOURNMENT

The meeting adjourned at approximately 11:50 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.