

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION WEDNESDAY, JULY 18, 2012 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	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose
Not Present	Gwendolyn Davis Kennedy

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tracy Hegler, Brad Farrar, Nelson Lindsay, Rodolfo Callwood, Yanisse Adrian-Silva, Lillian McBride, Dwight Hanna, Amelia Linder, Quinton Epps, Buddy Atkins, Ronaldo Myers, Paul Brawley, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:05 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

PRESENTATION OF RESOLUTIONS

Resolution honoring USC Basketball Coach Dawn Staley for her outstanding service and success [DICKERSON] – Ms. Dickerson presented a resolution to USC Basketball Coach Dawn Staley honoring her outstanding service and success.

Resolution honoring the homeowners' presidents of Pine Valley, Emerald Valley, Round Top, Cedar Creek and Bonnie Forrest for their longtime commitment and dedicated service to their communities [DICKERSON] – Ms. Dickerson presented resolutions honoring the homeowners' presidents of Pine Valley, Emerald Valley, Round Top, Cedar Creek and Bonnie Forrest for their longtime commitment and dedicated service.

APPROVAL OF MINUTES

Regular Session: June 19, 2012 – Mr. Malinowski stated that the record did not reflect the vote on p. 9: "Proclamation honoring Mr. James Knotts for receiving the Congressional Gold Medal".

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

Zoning Public Hearing: June 26, 2012 – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Washington moved, seconded by Ms. Dickerson, to reorder the agenda to take up the "Proclamation honoring Tracy Swartout" immediately prior to the Report of the Attorney for Executive Session Items. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dickerson, to adopt the agenda as amended.

Proclamation honoring Tracy Swartout – Mr. Washington presented Ms. Swartout with a proclamation honoring her service to Richland County.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following were potential Executive Session Items:

- a. Phillip Hawkins Estate vs. Richland County Sheriff's Department
- b. Potential Purchase of Property

- c. **Personnel Matters**
- d. **Appearance Commission Item** – This item was referred to the Rules & Appointments Committee.
- e. **DBE Ordinances and Program Development**
- f. **Fannie Mae/Freddie Mac Lawsuit**
- g. **Solid Waste Contract**

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 6:25 p.m. and came out at approximately 16:47 p.m.
=====

- a. **Phillip Hawkins Estate vs. Richland County Sheriff's Department** – Mr. Pearce moved, seconded by Mr. Jackson, to direct Council to proceed as discussed in Executive Session. The vote in favor was unanimous.
- b. **Fannie Mae/Freddie Mac Lawsuit** – Mr. Jeter moved, seconded by Ms. Hutchinson, to direct the staff attorney to coordinate with outside counsel as discussed in Executive Session. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Richland 101 for Kids – Ms. Snowden made a brief presentation regarding Richland 101 for Kids. The event will take place on July 26th, 9:00 a.m.-12:30 p.m. at Dutch Square Mall.

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

Introduction of Stormwater Manager – Mr. McDonald introduced the new Stormwater Manager, Quinton Epps, to Council.

Solid Waste Contract – This item was taken up in Executive Session.

Strategic Plan Update Work Session – Mr. Cherry requested that Council schedule the work session regarding Strategic Plan Update. Mr. Washington directed the Clerk's Office to send out possible dates to the Council members.

REPORT OF THE CLERK OF COUNCIL

Tour of Innovista and Renaissance Redevelopment Proposed Projects – Ms. Onley stated that the City of Columbia has offered to schedule additional tours of the Renaissance and Innovista Redevelopment proposed projects. If any Council members are interested in participating please contact the Clerk's Office.

REPORT OF THE CHAIRMAN

Telecommunications and Technology Steering Committee – This item was deferred to the July 24th Council meeting.

Administrator Transition Committee Update – Mr. Washington stated that the RFPs are being reviewed by a blind committee and recommendations will be forwarded to the Procurement Director. Mr. Washington encouraged the subcommittee Chairs to activate their committees and schedule meetings as soon as possible.

Personnel Matter – This was taken up in Executive Session.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$40,000 of Special Duty Revenue for off duty security work** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2011-2012 Mass Transit Annual Budget to appropriate up to \$50,000 of Mass Transit Undesignated Fund Balance for the educational component of the Transportation Sales Tax** – Mr. Paul Palmer, Mr. Brett Bursey and Ms. Virginia Sanders spoke in favor of this item.

Mr. William DePass spoke in opposition of this item.

- **An Ordinance Authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Richland County, South Carolina and Sysco Columbia, LLC and matters relating thereto** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$40,000 of Special Duty Revenue for off duty security work [THIRD READING]**
- **An Ordinance Authorizing pursuant to Title 4, Chapter 1, Section 170; Title 4, Chapter 1, Section 175; and Title 4, Chapter 29, Section 68 of the Code of Laws of South Carolina 1976, as amended, the execution and delivery of a Special Source**

Revenue Credit Agreement between Richland County, South Carolina and WNS Global Services Inc.; and matters relating thereto [THIRD READING]

- **An Ordinance Authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Richland County, South Carolina and Sysco Columbia, LLC and matters relating thereto [SECOND READING]**
- **Direct Staff to contact Property Owners on Council Initiated Rezoning**
- **John Hardee Express Way Project Funding**
- **Review of the Comprehensive Plan to ensure consistency**
- **Community Residential Care Facility Resolution to Richland County Legislative Delegation and SC General Assembly**
- **Coroner request for approval to renew contract with Professional Pathology Services**
- **Detention Center Medical Services Contract-Correct Care Solutions**
- **Emergency Medicine Fellowship Grant Program Update**
- **National Aviation Week Proclamation**

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

THIRD READING

An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto – Mr. Livingston moved, seconded by Mr. Jeter, to approve the following:

Mode	Amount	Percentage
Roadway	\$656,020,644	63%
Transit	\$300,991,000	29%
Bike/Pedestrian/Greenway	\$80,888,356	8%
Total	\$1,037,900,000	100%

Notes:

- **22 Years**
- **1 Penny**
- **\$1,037,900,000 Available for Projects**
- **\$32,100,000 Administrative Costs**
- **\$1,070,000,000 TOTAL REVENUES**
- **CMRTA = \$13.7M Annually**
- **BPG = Funds ALL High Priority**
- **Up to \$450M bonds approved**

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to reinstate the \$10M in funding for Route 176. A discussion took place.

The substitute motion failed.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until the July 24th Council meeting.

<u>For</u>	<u>Against</u>
Malinowski	Rose
Hutchinson	Jackson
Dickerson	Peace
	Washington
	Livingston
	Manning
	Jeter

The motion to defer failed.

Ms. Hutchinson made a motion to amend the motion, seconded by Mr. Pearce, to fund the buses and paving/resurfacing projects as a first priority if the penny sales tax brings in less than projected and that the sales tax end when the proposed projects in roads, transit and greenways are fully funded if the penny sales tax brings in more than the projects require. A discussion took place.

Ms. Hutchinson withdrew her amendment.

Mr. Malinowski made a substitute motion to split the question on the referendum. The motion died for lack of a second.

Mr. Manning made a substitute motion to fund the buses at 33%. The motion died for lack of a second.

Mr. Livingston moved, seconded by Mr. Pearce, to call for the question. The vote was in favor.

The vote was in favor of Mr. Livingston's motion.

Mr. Livingston moved, seconded by Mr. Jeter, to reconsider this item. The motion failed.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized that former Council members Bernice Scott and Tony Mizzell were in the audience.

SECOND READING

12-14MA, Marion Bouknight, Lee Blythe, RU to RS-MD, Old Tamah Rd. & Shady Grove Rd., 03500-04-08(p)/24 – Mr. Malinowski moved, seconded by Mr. Jackson, to deny this item. The vote was in favor.

12-22MA, Jonathan Giles, Robert Giles, RM-HD to NC (.33 Acres), 1157 & 1159 Olympia Ave., 11203-01-03 & 04 – Mr. Washington moved, seconded by Mr. Malinowski, to approve this item. The vote was in favor.

An Ordinance Amending the Fiscal Year 2011-2012 Mass Transit Annual Budget to appropriate up to \$50,000 of Mass Transit Undesignated Fund Balance for the educational component of the Transportation Sales Tax – Ms. Dickerson moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

Mr. Livingston moved, seconded by Mr. Malinowski, to call for the question. The vote was in favor.

The vote was in favor to appropriate up to \$50,000 of Mass Transit Undesignated Fund Balance for the educational component of the Transportation Sales Tax.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Changes to Employee Handbook – Mr. Malinowski moved, seconded by Mr. Manning, to forward the section entitled "Promotion Probation" to A&F Committee for review and approve the remaining changes. The vote in favor was unanimous.

Coroner Request for approval to renew contract with Knight Systems – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

Solicitor Salary Rollover Request to Provide Employer contributions for Assistant Solicitor Restructuring and Reclassification Plan – Mr. Livingston moved, seconded by Mr. Jackson, to approve this item.

Mr. Malinowski made a substitute motion that the Solicitor's Office would absorb the costs of benefits in their existing budget. The motion died for lack of a second.

The vote was in favor to approve this item.

Comprehensive Sidewalk Improvement Program – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

Funding for State Mandated Services – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

IGA Extension with City of Columbia re: Animal Shelter Operations – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Memorandum of Understanding between Richland County and the Minority Business Development Agency – Mr. Livingston stated that the committee recommended to defer this item until the July 24th Council meeting. The vote in favor was unanimous.

OTHER ITEMS

A Resolution to appoint and commission Adolphus Lee as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Pearce moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

A Resolution Affirming the discontinuation of the Mass Transit Fee through the adoption of the FY2012-2013 Richland County Budget – Mr. Pearce moved, seconded by Mr. Washington, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE

- a. **Work Authorization #3 and #4 (M. B. Kahn)** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to defer this item until the July 24th Council meeting. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 8:46 p.m. and came out at approximately 10:00 p.m.
=====

- a. **Solid Waste Contract** – Ms. Hutchinson moved, seconded by Mr. Jackson, to suspend the solicitation process for solid waste collection services for service area 6 and to authorize the Administrator to enter into the previously negotiated contract with the current vendor.

Mr. Manning made a substitute motion to split the question. The motion died for lack of a second.

Mr. Malinowski made a substitute motion to continue the bid process. The motion died for lack of a second.

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

The vote was in favor to suspend the solicitation process for solid waste collection services for service area 6 and to authorize the Administrator to enter into the previously negotiated contract with the current vendor.

- b. **Employee Grievance** – Mr. Malinowski moved, seconded by Mr. Jackson, to accept the Administrator's recommendation. The vote in favor was unanimous.
- c. **Potential Purchase of Property** – Mr. Pearce moved, seconded by Mr. Jackson, to communicate to the Township Auditorium Board to proceed with non-binding negotiations and report their interest back to Council. The vote in favor was unanimous.
- d. **Personnel Matter** – No action was taken.

- e. **DBE Ordinances and Program Development** – Ms. Dickerson moved, seconded by Mr. Manning, to direct staff to move forward as directed in Executive Session. The vote in favor was unanimous.

MOTION PERIOD

Motion for resolution in honor of Richland County Deputy Ryan Rawl, who lost his life serving our country in Afghanistan [ROSE, WASHINGTON, MANNING, JETER, AND DICKERSON] – Mr. Washington moved to unanimously approve the resolution honoring Richland County Deputy Ryan Rawl. The vote in favor was unanimous.

I move to amend the Richland County Code Section 17-10: “An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential Zones; so as to define vehicles subject thereto” as specified in the attached document [MANNING] – This item was referred to the D&S Committee.

I move that Richland County suspend the Road Maintenance Fee for 19 years if the Penny Sales Tax passes. Reason: The citizens pay \$20 for a Road Maintenance Fee to address what the penny will be doing except the bus. It would be double taxation to the citizens if they pay both [JACKSON] – This item was referred to the A&F Committee.

The city believes it cannot provide the requested franchise fee revenue information by law. S. C. Code Ann. Section 6-1-120 sets forth a general prohibition at subsection (A) that, “Except in accordance with a proper judicial order or as otherwise provided by the Freedom of Information Act, it is unlawful for an officer or employee of a county or municipality, or the agent of such an officer or employee to divulge or make known in any manner the financial information, or other information indicative of units of goods or services sold, provided by a taxpayer included in a report, tax return or application required to filed by the taxpayer with that county or municipality pursuant to a county or municipality ordinance...” However, section 6-1-120 provides: (B) Nothing in this section prohibits the: (3) sharing of data between public officials or employees in the performance of their duties. The purpose of the County’s request for data from the City is for a “sharing of data between public officials or employees in the performance of their duties.” Subsection 6-1-120(B)(3) does not appear to be restricted to “public officials or employees” of the same sovereign. Based on the above, it is requested that an SC Attorney General’s opinion be obtained interpreting 6-1-120 and more specifically 6-1-120(B)(3) [MALINOWSKI] – This item was referred to the A&F Committee.

I move Council consider allowing Master Gardeners to fulfill the roles of Landscaper and Horticulturalist on the Appearance Commission, in the event that no licensed Landscaper or Horticulturalist can be recruited for the Commission. I also encourage all Council members to appoint their candidates to this Commission, and request staff inform Council of the vacancies . [HUTCHINSON] – This item was referred to the Rules & Appointments Committee.

Because of the significant economic, educational and conservation value of Cook's Mountain to Richland County, I move to direct the Interim County Administrator and the Conservation Department staff to negotiate an option to purchase Cook's Mountain contingent upon the receipt of funding assistance from outside sources. I also move to direct staff to examine the funding and financing options available and to provide this information to Council [HUTCHINSON] – This item was referred to the Economic Development Committee.

Resolution honoring Tige Watts, Vice President of Richland County's Neighborhood Association, President of the Columbia Neighborhood Association and newly elected President of the National Association of Neighborhoods for his dedicated and outstanding services over the years to the community [JACKSON] – Mr. Jackson moved, seconded by Mr. Washington, to adopt a resolution honoring Tige Watts. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 10:08 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Damon Jeter

Bill Malinowski

Jim Manning

Paul Livingston

Seth Rose

The minutes were transcribed by Michelle M. Onley