

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JANUARY 10, 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.*

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### MEMBERS PRESENT:

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

**OTHERS PRESENT** – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Sara Salley, Stephany Snowden, Larry Smith, Amelia Linder, Dale Welch, David Hoops, John Hixon, Hayden Davis, Sandra Haynes, Nelson Lindsey, Andy Metts, Buddy Atkins, Melinda Edwards, Nancy Stone-Collum, Daniel Driggers, Michael Byrd, Rodolfo Callwood, 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 Valerie Hutchinson

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Indian Waters Council, Catawba District, Pack 73

### ELECTION OF CHAIR

Mr. Jeter moved, seconded by Ms. Hutchinson, to nominate Mr. Washington for the position of Council Chair.

Mr. Malinowski moved, seconded by Ms. Dickerson, to nominate Mr. Jackson for the position of Council Chair. Mr. Jackson declined the nomination due to work conflict.

Mr. Jackson moved, seconded by Ms. Kennedy, to nominate Ms. Dickerson for the position of Council Chair.

Mr. Pearce moved, seconded by Ms. Hutchinson, to close the floor for nominations. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Jackson, to re-open the nominations.

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

The motion to re-open nominations failed.

Mr. Malinowski, Mr. Jackson, Ms. Dickerson, and Ms. Kennedy voted in favor of Ms. Dickerson.

Mr. Pearce, Ms. Hutchinson, Mr. Jeter, Mr. Livingston, Mr. Manning, Mr. Rose and Mr. Washing voted in favor of Mr. Washington.

Mr. Washington was elected as Council Chair.

Mr. Washington thanked Mr. Livingston for his service as Chair for the last three years.

### ELECTION OF VICE CHAIR

Mr. Livingston moved, seconded by Ms. Hutchinson, to nominate Mr. Pearce for the position of Vice Chair.

Mr. Jackson moved, seconded by Mr. Malinowski, to nominate Ms. Kennedy for the position of Vice Chair.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to close the floor for nominations. The vote in favor was unanimous.

Mr. Malinowski, Mr. Jackson, Mr. Dickerson, and Ms. Kennedy voted in favor of Ms. Kennedy.

Mr. Pearce, Ms. Hutchinson, Mr. Jeter, Mr. Washington, Mr. Manning, Mr. Rose and Mr. Livingston voted in favor of Mr. Pearce.

Mr. Pearce was elected as Vice Chair.

#### **SELECTION OF SEATS**

Mr. Washington stated the next order of business was the selection of seats.

(The selection of seats was taken up by seniority and continued in alphabetical order.)

The seats were selected from left to right as follows:

1. Rose
2. Malinowski
3. Jackson
4. Hutchinson
5. Pearce
6. Washington
7. Livingston
8. Dickerson
9. Kennedy
10. Manning
11. Jeter

#### **APPROVAL OF MINUTES**

**Regular Session: December 13, 2011** – Mr. Livingston moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: December 20, 2011** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

Mr. Jackson moved, seconded by Mr. Malinowski, to add the Caughman Property contract to the agenda. A discussion took place.

Mr. Jackson withdrew the motion.

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

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

- a. **Finch vs. Richland County**
- b. **Proposed Amendment to Settlement Agreement with Northeast Landfill**
- c. **Detention Center: Correct Care**

#### **EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 6:28 p.m. and came out at approximately 6:53 p.m.**  
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- a. **Finch vs. Richland County** – Mr. Manning moved, seconded by Ms. Hutchinson, to accept the County Attorney’s recommendation regarding mediation.

Mr. Jackson moved, seconded by Ms. Kennedy, to make an offer to pay five year’s salary. The motion failed.

The vote was in favor of the motion to accept the County Attorney’s recommendation regarding mediation.

#### **CITIZENS’ INPUT**

No one signed up to speak.

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

**Quarterly Smoking Ban Report** – Mr. Pope stated that one complaint was reported for the previous quarter.

**SCE&G Settlement Update** – Mr. Pope stated that this item is almost complete. Council will continue to be updated.

**NACo Prescription Card** – Mr. Pope stated that Richland County citizens have saved over \$600,000 since the program's inception.

**Council Retreat Update** – Mr. Pope reminded Council that the Council Retreat will be held January 26<sup>th</sup> and 27<sup>th</sup> at the Clemson Sandhill Research and Education Center.

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

No report was given.

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

No report was given.

#### **OPEN/CLOSE PUBLIC HEARINGS**

- **An Ordinance Amending the Fiscal Year 2011-2012 Hospitality Tax Budget to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Miss S.C. Pageant – No one signed up to speak.**

#### **APPROVAL OF CONSENT ITEMS**

- **11-20MA, Columbia Agape Presbyterian Church, Claire Baxter, RU to OI (.41 Acres), 251 Rabon Rd., 17115-01-07 [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards and Article VI, Supplemental Use Standards; so as to properly reference Section 26-186 rather than "Section 26-184" wherever applicable and/or deleting reference to Section 26-184 (as Section 26-184 is currently "Reserved") [SECOND READING]**
- **Achieve SC Solid Waste Diversion Rate of 35% within five years and develop a long range goal for zero waste**
- **Calculation of Salary for Retirement Purposes [TO TABLE]**
- **Valhalla Micro Surfacing Project**

- **Ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the “Building Code Board of Adjustments.” [FIRST READING]**
- **Quit Claim of Unnamed Road**
- **Richland County Shady Wood Lane Improvements Contract**
- **Pursuant to a request from Gary Watts, the Richland County Coroner, I move that the County Administrator and/or his designee along with the County Attorney meet with the Coroner and Probate Judge Amy McCullough to determine whether a county ordinance could be developed that would assist in the recovery of costs associated with the disposition of unclaimed decedents. This would only apply to those individuals whose estates are determined to have financial resources available. Explanation: According to the Coroner, the number of families declining custody of their deceased relates is rising annually with the County having to bear the costs of preparation and burial of these individuals. In many cases, the Coroner and Probate Judge have determined that the decedent’s estates have sufficient assets to cover these costs; however, they currently have no means to recover the costs associated with these expenses [TO TABLE]**
- **Status Offender Intervention Project/One Full-Time position/10% match**
- **Approval to Participate in Emergency Medicine Fellowship Program**

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

### THIRD READING

**An Ordinance Amending the Fiscal Year 2011-2012 Hospitality Tax Budget to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Miss S.C.**

**Pageant** – Mr. Jackson moved, seconded by Mr. Pearce, to approve this item. The vote was in favor.

Mr. Livingston moved, seconded by Mr. Pearce, to reconsider this item. The vote in favor was unanimous.

Mr. Livingston moved, seconded Ms. Hutchinson, to amend the ordinance to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Township Auditorium. A discussion took place.

The vote was in favor.

## REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

**Transfer of CMRTA to City of Columbia** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to defer this item to the Council Retreat for discussion. The vote was in favor.

**City of Forest Acres Animal Care Intergovernmental Agreement** – Mr. Malinowski moved, seconded by Mr. Jackson, to change the ROA wording from “goal” to “deadline” and approve the item.

Mr. Livingston made a substitute motion, seconded by Mr. Manning, to not change the wording of the ROA.

Mr. Malinowski and Mr. Livingston withdrew their previous motions.

Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item until the January 17<sup>th</sup> Council meeting. The vote was in favor.

**Medical and Health Care Offices in the RU rural zoning district** – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item until staff provides clarification of “special exception”. The vote was in favor.

**Animal Care Ordinance Revisions** – Mr. Rose made a motion, seconded by Mr. Jeter, to remove Section 5-5 from the ordinance. A discussion took place.

Mr. Malinowski made a substitute motion to defer this item to the Council Retreat. The motion died for lack of a second.

Ms. Hutchinson offered a friendly amendment to remove from the following language from Section 5-1, Paragraph 7: “A cat is not considered at large unless it is running off of the premises of the owner or keeper and not under the physical control of the owner or keeper.”

Mr. Rose called for the question, seconded by Ms. Hutchinson. The vote was in favor.

The vote was in favor of amending the ordinance to remove Section 5-5 and the following language in Section 5-1, Paragraph 7: “A cat is not considered at large unless it is running off of the premises of the owner or keeper and not under the physical control of the owner or keeper.”

## REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

**Motion requesting that County Attorney establish a list of qualified bond attorneys** – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

**Broad River Administration Building—Loan Payment** – Mr. Malinowski moved, seconded by Mr. Jackson, to deny this item. A discussion took place.

Mr. Livingston made a substitute motion, seconded by Mr. Jeter, to approve the committee's recommendation. A discussion took place.

Mr. Malinowski withdrew his motion to deny this item.

Mr. Malinowski made a substitute motion, seconded by Ms. Kennedy, to defer this item to the Council Retreat.

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

The vote was in favor.

**Landfill Office Building Replacement** – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

#### REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**Approval of Mars Petcare Utility Tax Credit Grant** – Mr. Washington stated that the committee recommended approval of this item. A discussion took place.

The vote in favor was unanimous.

#### REPORT OF RULES AND APPOINTMENTS COMMITTEE

##### I. NOTIFICATION OF VACANCIES

- a. **Richland Memorial Hospital Board—2** – Mr. Malinowski stated that the committee recommended advertising for this item. The vote in favor was unanimous.

##### II. NOTIFICATION OF APPOINTMENTS

- a. **Lexington/Richland Alcohol and Drug Abuse Council—1** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Marilyn M. Mattheus. The vote in favor was unanimous.
- b. **Township Auditorium Board—1** – Mr. Malinowski stated that the committee recommended re-advertising for the vacancy. The vote in favor was unanimous.



### III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Motion that Council rules be amended such that when 5 or fewer people are signed up to speak on a non-agenda item they be allowed to speak after those speaking to an agenda item have finished (towards the beginning of the meeting). If 6 or more people are signed up to speak on a non-agenda item then Council's current rule will take affect [HUTCHINSON, JACKSON AND ROSE]** – This item was held in committee.
- b. **Request for an opinion from the Ethics Commission** – This item was held in committee.

### OTHER ITEMS

**CMRTA Route Cuts** – No action was taken.

**POINT OF PERSONAL PRIVILEGE** – Mr. Washington recognized that the new CMRTA Director, Dr. Bob Schneider, was in the audience.

**Council Meeting Schedule** – Mr. Manning moved, seconded by Mr. Pearce, to approve the proposed meeting schedule. A discussion took place.

The vote in favor was unanimous.

**Hospitality Tax County Promotions Grant Program Changes** – Mr. Pearce moved, seconded by Mr. Livingston, to delete Item 3.b. A discussion took place.

Mr. Washington made a substitute motion, seconded by Mr. Manning, to table this item. A discussion took place.

Mr. Washington made a seconded substitute motion, seconded by Mr. Rose, to defer this item to the February 7, 2012 Council meeting.

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

The motion to defer failed.

The motion to table failed.

The vote was in favor to delete 3.b.

**Proposed Amendment to Settlement Agreement with Northeast Landfill** – Mr. Malinowski moved, seconded by Mr. Jackson, to approve the proposed settlement agreement as the letter set forth in the agenda packet. A discussion took place.

Mr. Pearce made a substitute motion, seconded by Ms. Hutchinson, to defer this item until the January 17, 2012 Council meeting.

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

The motion failed.

Mr. Rose made a substitute motion, seconded by Ms. Hutchinson, to request an independent third-party study, which would then report back to Council their findings in a timely manner, the study would be funded by the landfill, and Richland County and the landfill would approve the third-party entity who would conduct the study. A discussion took place.

Ms. Kennedy called for the question, seconded by Mr. Manning. The vote was in favor.

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

The substitute motion failed.

The vote was in favor to approve the proposed settlement agreement as the letter set forth in the agenda packet.

Ms. Dickerson moved, seconded by Mr. Jackson, to reconsider this item. The motion failed.

### CITIZEN'S INPUT

Mr. Bob Holmes spoke regarding Sexually Oriented Businesses.

### EXECUTIVE SESSION

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**Council went into Executive Session at approximately 8:54 p.m. and came out at approximately 9:09 p.m.**  
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- a. **Detention Center: Correct Care** – No action was taken.

Mr. Rose moved, seconded by Ms. Hutchinson, to reconsider the Animal Care Ordinance Revisions. The vote was in favor.

Mr. Rose moved, seconded by Mr. Livingston, to remove the proposed revisions to Section 5-1, Paragraph 7, and the proposed revisions to Section 5-5(a). A discussion took place.

The vote was in favor to remove the proposed revisions to Section 5-1, Paragraph 7, and the proposed revisions to 5-5(a).

### MOTION PERIOD

**Motion to have property maps, assessors records, deeds all put on the County's website. Additionally, this motion requests that all there be hyper-linked so you can jump from one to the other for easy records searching. Rationale: When a company is doing their own research where to locate it benefits our County to make this process as easy as possible so that we do not lose business to neighboring Counties. Our neighbors have streamlined the process of searching these records on their website by hyper-linking them and have an advantage in recruiting business as a result. This motion requests that the above-described process be done in Richland County in a timely fashion. [ROSE]**

– This item was referred to the Economic Development Committee.

**Motion for a resolution from the County recognizing EdVenture for being named one of five museums nationally to receive the National Medal for Museum Service for 2011. This award recognizes all types of museums for their exceptional service to their local communities and their leadership to the field of museums nationally. This is the highest award that a museum can earn. Our service and leadership in health education and obesity prevention were a major reason we have been recognized [ROSE, WASHINGTON, DICKERSON, JETER, PEARCE AND MANNING]** – The resolution was unanimously adopted.

**Evaluate the needs and cost of improvement to County roads and infrastructure [JACKSON]** – This item was referred to the D&S Committee.

**County employees receive updates and information from the State Employees Association [JACKSON]** – This item was referred to the A&F Committee.

**Request the County Administrator and the County Attorney to answer the question of whether or not Richland County can lawfully sell a portion of property located at the Hamilton/Owens General Aviation Airport for the purpose of re-development and provide any related consequences [PEARCE]** – This item was referred to the A&F Committee.

**At the next A&F committee meeting, Richland County will identify funding and discuss at what level to fund the CMRTA operations to prevent any service reductions of our bus system [WASHINGTON]** – This item was referred to the A&F Committee.

#### ADJOURNMENT

The meeting adjourned at approximately 9:20 p.m.

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Kelvin E. Washington, Sr., Chair

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L. Gregory Pearce, Jr., 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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Damon Jeter

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Bill Malinowski

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Jim Manning

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Paul Livingston

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Seth Rose

The minutes were transcribed by Michelle M. Onley