

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, SEPTEMBER 6, 2011 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
Member	Joyce Dickerson
Member	Gwendolyn Davis Kennedy
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Seth Rose
Member	Kelvin Washington
Absent	Damon Jeter

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Larry Smith, Randy Cherry, Stephany Snowden, Melinda Edwards, Anna Fonseca, Donny Phipps, Dr. James Atkins, Daniel Driggers, David Hoops, John Hixson, Ronaldo Myers, Quinton Epps, Pam Davis, Sara Salley, Dale Welch, Nancy Stone-Collum, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at 6:03 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

APPROVAL OF MINUTES

Zoning Public Hearing: July 26, 2011 – Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Livingston stated that the lease portion of the Report of the Decker Mall Allocation Committee, which was deferred at the July 26th Special Called Meeting, needed to be added to the agenda.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Splash vs. Richland County**
- b. **Manufacturing vs. Richland County**
- c. **McEntire vs. Richland County**
- d. **Potential Claim – Legal Advice**
- e. **Lexington-Richland School District Five – Legal Advice**
- f. **Employee Grievances – 2**
- g. **Personnel Matter**
- h. **Jackson Creek Mitigation**

CITIZENS' INPUT

Ms. Diane Scott spoke in opposition and Ms. Audrey Smith spoken in favor of the "Application for Locating a Community Residential Care Facility in an Unincorporated Area of Richland County: 429 Rockhaven Drive, Columbia, SC 29223".

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Employee Grievances –2** – This item was taken up in Executive Session.
- b. **Caughman Property** – Mr. Pope stated that the matter will be on the September A&F Committee agenda.
- c. **Community Development National Award** – Mr. Pope stated that Richland County Community Development was selected as a recipient of the 2011 John A. Sasso Community Development Week Award. The national award

recognizes communities that exemplify the spirit of the Community Development Block Grant (CDBG) program by showcasing its good works through the activities and events during National Community Development Week. The award was presented during the National Community Development Association's Annual Conference on Friday, June 24, 2011 in Cincinnati, Ohio. Richland County was one of nine recipients in the United States.

- d. **Development Review Process** – Mr. Hammett stated that the Development Review Process Analysis Executive Summary was e-mailed to Council on Friday, September 2nd. Staff is in the process of finalizing the full report. The mission of the Task Force was to completely revamp the development review process. Completion of the study was the first major step in what will likely be an 18-month process. In November a symposium will be held with the development community to introduce the process changes. The symposium will be the forum for conveying information from completion of many of the recommendations outlined in the report. This will be a major accomplishment and serve as the basis for revamping the development review process.
- e. **Personnel Matter** – This item was taken up in Executive Session.
- f. **Appointment Authority for Assessor's Office** – Mr. Pope stated that the County Attorney's Office has drafted legislation that will be forwarded to the Legislative Delegation and have the County's lobbyist work on having the legislation pre-filed in the fall. The Assessor will be notified of this action.
- g. **Jackson Creek Mitigation** – Mr. Atkins made a brief presentation regarding this item.

Mr. Manning moved, seconded by Mr. Washington, to establish an internal Richland County mitigation banking team. A discussion took place.

Mr. Manning withdrew the motion until after Executive Session.

- h. **SCE&G Right-of-Way** – Mr. Atkins made a brief presentation explaining the SCE&G application.

Ms. Hutchinson moved, seconded by Ms. Dickerson, to direct the Administrator to prepare a letter of intervention to be delivered to the Public Service Commission by September 8th. A discussion took place.

Ms. Kennedy moved, seconded by Ms. Dickerson, to call for the question. The vote was in favor.

The vote in favor was unanimous to direct the Administrator to prepare a letter of intervention.

REPORT OF THE CLERK OF COUNCIL

Councilwoman Joyce Dickerson's appointment at the Annual NACo Conference to Chair the Telecommunications and Technology Steering Committee – Ms. Onley

congratulated Ms. Dickerson on her appointment as Chair of the Telecommunications and Technology Steering Committee at the Annual NACo Conference.

REPORT OF THE CHAIRMAN

911 Monument Funding – Mr. Washington moved, seconded by Mr. Manning, to move forward with the donation of \$25,000. A discussion took place.

Mr. Pearce made a substitute motion, seconded by Mr. Washington, to appropriate \$25,000 from the Hospitality Tax Fund. A discussion took place.

Ms. Dickerson moved, seconded by Mr. Washington, to call for the question. The vote was in favor.

The vote in favor was unanimous to appropriate \$25,000 from the Hospitality Tax Fund.

PUBLIC HEARING

- **An Ordinance Amending the FY11-12 General Fund Annual Budget to appropriate \$91,754 of General Fund Undesignated Fund Balance to the Solicitor for Grant Match Funds** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; Subparagraph (G), Reasonable Distance; so as to prohibit smoking within fifteen (15) feet of a door used as an entrance to or exit from an enclosed area where smoking is prohibited** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 6, Buildings and Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-52, Inspection Required; so as to not require inspection of occupied structures unless there are safety concerns** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-52, Inspections Required; so as to not require inspection of occupied structures unless there are safety concerns [THIRD READING]
- An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$91,754 of General Fund Undesignated Fund Balance to the Solicitor for Grant Match Funds [THIRD READING]
- 11-08MA, Larry H. Sharp, RU to RC (3.26 Acres), 8308 Winnsboro Road, 10100-05-01,02 [SECOND READING]
- 11-09MA, Joseph E. Sharp, RU to RC (3.49 Acres), 8105 Winnsboro Road, 09900-03-04, 05 [SECOND READING]
- 11-10MA, Vulcan Lands, Inc., RU to HI (292.43 Acres), Caughman Road, 06500-01-03, 06500-01-11(p) [SECOND READING]
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; so as to add a new section that permits private road subdivisions in the RU (Rural) Zoning Districts [SECOND READING]
- An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$44,250 of General Fund Undesignated Fund Balance to the Sheriff's Department for the Laboratory Technician position previously funded by grant funds [SECOND READING]
- An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$71,250 of General Fund Undesignated Fund Balance to the Sheriff's Department for two Deputy Sheriff's Motorcycle Safety Education and Enforcement positions previously funded by grant funds [SECOND READING]

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

POINT OF PERSONAL PRIVILEGE – Council recognized the South Carolina Combat Veterans Group.

THIRD READING

An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; Subparagraph (G), Reasonable Distance; so as to prohibit smoking within fifteen (15) feet of a door used as an entrance to or exit from an enclosed area where smoking is prohibited

– Mr. Manning moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Clerk of Council Office Analysis – Mr. Manning moved, seconded by Mr. Livingston, to proceed with hiring the Executive Clerk of Council with the job description distributed to Council and the other two staff consists of the Assistant Clerk of Council and the Assistant to Clerk of Council, as outlined in Mr. Tomes materials. A discussion took place.

Ms. Dickerson made a substitute motion, seconded by Mr. Pearce, that the Clerk's Office remain with the two clerks, based on the performance that they need to perform at this particular point and time, and that a third person is not hired at this time.

Ms. Kennedy made a second substitute motion, seconded by Mr. Washington, to hire a third person and have a committee to revamp the entire office. A discussion took place.

Ms. Dickerson withdrew her substitute motion.

Mr. Manning withdrew the main motion.

Mr. Rose made a substitute motion to outline specific duties for the present employees. The motion died for lack of a second.

The vote was in favor of the motion to hire a third person and have a committee to revamp the entire office.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized Mr. Paul Moscati from the Town of Blythewood.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Board of Zoning Appeals—4** – Mr. Malinowski stated that the committee recommended advertising for these positions. The vote in favor was unanimous.

- b. **Hospitality Tax Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—4** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- b. **Appearance Commission—2** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- c. **Board of Assessment Control—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- d. **Building Codes Board of Adjustments and Appeals—3** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- e. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- f. **Central Midlands Council of Governments—2**

Mr. Jackson, Mr. Manning, Mr. Pearce, Mr. Livingston, Ms. Dickerson, Ms. Kennedy, Mr. Rose, and Mr. Washington voted for Clarence W. Hill, PhD.

Mr. Pearce, Ms. Hutchinson, Mr. Livingston, Ms. Dickerson and Mr. Washington voted for Ms. Moryah Jackson.

Mr. Malinowski, Mr. Jackson, Ms. Hutchinson, Ms. Kennedy and Mr. Rose voted for Mr. Michael Allan Letts.

Dr. Clarence W. Hill was appointed and a re-vote was taken on Ms. Moryah Jackson and Mr. Michael Allan Letts.

Mr. Pearce, Mr. Livingston, Ms. Dickerson, Mr. Manning and Mr. Washington voted for Ms. Moryah Jackson.

Mr. Malinowski, Mr. Jackson, Ms. Hutchinson, Ms. Kennedy and Mr. Rose voted for Mr. Michael Allan Letts.

Mr. Pearce moved, seconded by Ms. Dickerson, to defer the remaining appointment until the September 20th meeting. The vote in favor was unanimous.

- g. Community Relations Council—3** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Karen Jenkins and appointing Mr. Roscoe E. Wilson, Jr. The committee further recommended re-advertising for the remaining position. The vote in favor was unanimous.
- h. Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- i. Midlands Workforce Development Board—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Nelson Lindsay. The vote in favor was unanimous.
- j. Music Festival Board—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. Electronic Participation** – Mr. Malinowski stated that the committee recommended that this item be placed in the Council Rules under Section I.5(b)(1). The vote in favor was unanimous.
- b. Employee Grievance Committee Process** – This item remained in committee.

OTHER ITEMS

Decker Center Leases – Mr. Manning moved, seconded by Mr. Washington, to reduce the current tenants' leases by 50% for the remainder of their occupancy. A discussion took place.

Ms. Hutchinson made a friendly amendment that a reduction is given only to the tenants that are current on their rent.

Mr. Pearce made a substitute motion, seconded by Mr. Malinowski, to continue to collect the rent at the tenants' current rate, and if at the end of the lease extension period a surplus has been collected the overage will be rebated to the tenants on a prorated basis.

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

The vote was in favor of the substitute motion.

Application for Locating a Community Residential Care Facility in an Unincorporated Area of Richland County: 429 Rockhaven Drive, Columbia, SC 29223 – Mr. Pearce moved, seconded by Ms. Hutchinson, to call for the question. The vote in favor was unanimous.

Ms. Kennedy moved, seconded by Ms. Hutchinson, to deny the application. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:29 p.m. and came out at approximately 10:16 p.m.
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- a. Splash vs. Richland County** – Ms. Hutchinson moved, seconded by Mr. Manning, to proceed as directed in Executive Session.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to maintain the current locations. The motion failed.

The vote was in favor of proceeding as directed in Executive Session.

- b. Manufacturing vs. Richland County** – Mr. Pearce moved, seconded by Mr. Jackson, to enter into mediation. The vote in favor was unanimous.
- c. McEntire vs. Richland County** – Mr. Pearce moved, seconded by Mr. Jackson, to enter into mediation. The vote in favor was unanimous.
- d. Potential Claim – Legal Advice** – No action was taken.

- e. **Lexington-Richland School District Five – Legal Advice** – Mr. Malinowski moved, seconded by Ms. Dickerson, to place the school district's current construction be placed on the Planning Commission agenda for review and comment. The vote in favor was unanimous.
- f. **Employee Grievances – 2** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to uphold the Administrator's recommendations. The vote was in favor.
- g. **Personnel Matter** – No action was taken.
- h. **Jackson Creek Mitigation** – Mr. Manning moved, seconded by Mr. Malinowski, that a Richland County Mitigation Banking team be established with authority to meet with the landowners to discuss future interest. The vote in favor was unanimous.

MOTION PERIOD

To review Richland County's plan for responding to a natural disaster or emergency such as a flood, earthquake, hurricane, etc. [ROSE] – This item was referred to the D&S Committee.

I move that we get nice shirts like I see other County Council members wear at SCAC [MANNING] – This item was referred to the A&F Committee.

Motion by Manning - I move that Council hires an Independent Internal Auditor. RATIONAL - The instructor for the Level II class on Financial Management for the Institute of Government for County Officials held in conjunction with the South Carolina Association of Counties'44th Annual Conference stated that every County should have an Internal Auditor. Richland County does not have one. Furthermore, notes from a 2005 Richland County Internal Audit Committee lists 15 "potential IA projects." My understanding is that item #3 and item #4 have had audits completed. However, I am greatly concerned about two items in particular that in 2005 (over 6 years ago) were identified as "a high risk area for potential fraud and/or abuse." These items are still some way on down the "list." Item # 7 on the list for consideration for internal auditing is Procurement Audit. The corresponding information for this item reads as follows: – Within any county government, procurement is a high risk area for potential fraud and abuse. Periodic audits of procurement transactions can help reduce the likelihood of fraud. After Richland County implements procurement cards, the potential risk will increase. Item #8 on the list is Timekeeping Audit. The corresponding information for this item reads as follows: – Fraud related to timekeeping is also a potential concern for county government. Controls over timekeeping have improved in Richland County since 2001, however there is still potential for abuse. [MANNING] – This item was referred to the A&F Committee.

Motion for a resolution in honor of Mrs. Donella Brown Wilson and her extraordinary life [ROSE] – Mr. Pearce moved, seconded by Mr. Manning, to adopt a resolution in honor of Mrs. Donella Brown Wilson's extraordinary life. The vote in favor was unanimous.

Motion for a resolution in honor of Bishop C. M. Bailey [ROSE] – Mr. Manning moved, seconded by Mr. Pearce, to unanimously add Mr. Rose's motion to the motion agenda. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded by Mr. Manning, to adopt a resolution in honor of Bishop C. M. Bailey. The vote in favor was unanimous.

Motion for a resolution in support of Trinity Baptist Church, a church with historical significance in our community and one celebrating its 90th birthday in September 2011 [ROSE] – Mr. Manning moved, seconded by Mr. Pearce, to adopt a resolution in support of Trinity Baptist Church's 90th birthday in September 2011. The vote in favor was unanimous.

Motion that Council direct the County Attorney to develop a protocol for outsourcing County legal matters to Richland County law firms. For each area of law the County Attorney is to have a list of competent Richland based law firms in that field and the County legal business is to be given out on a rotational basis working off that particular list designated for each specific area of law. The purpose of this motion is to divvy out the County legal business to competent Richland law firms in the most fair and equitable manner [ROSE & JETER] – This item was referred to the A&F Committee.

When speaking during the citizen's input portion of council meetings persons currently serving on Richland County Commissions of any kind are not allowed to use their title or the commission name unless they have received unanimous consent from the commission to do so [MALINOWSKI] – This item was referred to the Rules & Appointments Committee.

Staff in conjunction with the Conservation Commission will consider an ordinance change to prevent the crossing of any portion of a conservation easement with utilities unless by special exception and with specific requirements in place [MALINOWSKI] – This item was referred to the D&S Committee.

County Council will consider a rule change that states any Special Called Meetings will only have the item(s) the meeting was called for on the agenda. A complete agenda with Administrator, Attorney and Clerk of Council reports will not be required nor will approval of previous meeting minutes or any citizen's input be on the agenda unless it relates to the matter the meeting is called for [MALINOWSKI] – This item was referred to the Rules & Appointments Committee.

Council will have specific language relating to CMRTA board appointees stating that at least one citizen appointee will be from the unincorporated portion of Richland County and at least one county council appointee will have a majority of unincorporated Richland County in their District [MALINOWSKI] – This item will be taken up in the upcoming Intergovernmental Agreement.

To have staff determine the legalities of an ordinance change that would allow for public/private business partnerships to be operated on school property, specifically in the sports medicine field, and create the necessary wording [MALINOWSKI] – This item was referred to the D&S Committee.

Overtime compensation shall not be calculated towards retirement salary [JACKSON] – This item was referred to the A&F Committee.

Reform the Hospitality Tax policies. Example, priorities to County projects, rank projects on tourism impact, etc. [JACKSON] – This item was forwarded to the Hospitality Tax Committee.

ADJOURNMENT

The meeting adjourned at approximately 10:30 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.

Seth Rose

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley