

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 4, 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:

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	Paul Livingston
	Damon Jeter

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Melinda Edwards, Daniel Driggers, John Hixson, Dale Welch, Valeria Jackson, Nelson Lindsay, Andy Metts, Pam Davis, Larry Smith, Janet Claggett, Buddy Atkins, Bill Peters, David Hoops, Chris Eversmann, Sara Salley, Ray Peterson, Daniel Driggers, Nancy Stone Collum, Tiaa Rutherford, James Hayes, Paul Brawley, David Adams, Rodolfo Callwood, Wayne Richardson, Kecia Lara, Geo Price, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at 6:01 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 recognizing Gadsden Elementary School for achieving the designation of the “National Blue Ribbon School” [WASHINGTON] – Mr. Washington presented a resolution to Gadsden Elementary School for achieving the designation of a “National Blue Ribbon School”.

National Community Planning Month Proclamation – Ms. Tiaa Rutherford presented a proclamation in honor of National Community Planning Month and invited Council to attend the Planning Conference on October 22nd.

APPROVAL OF MINUTES

Regular Session: September 20, 2011 – Ms. Hutchinson moved, seconded by Ms. Kennedy, to approve the minutes as submitted. The vote in favor was unanimous.

Zoning Public Hearing: September 27, 2011 – Mr. Washington moved, seconded by Ms. Hutchinson, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Rose moved, seconded by Mr. Washington, to request unanimous consent to add the bath salts ordinance to agenda for consideration. A discussion took place.

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

The motion failed.

Mr. Pope stated that an Outside Counsel Executive Session needed to be added at the beginning of the meeting and that the Employee Grievance needed to reflect that they are items for action.

Mr. Malinowski stated that the TMS# on Item #15 needed to be corrected and the CMRTA Appointments needed to be added under Items for Discussion from Rules and Appointments Committee.

Mr. Washington moved, seconded by Mr. Malinowski, to adopt the agenda as amended. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Potential Claim Update**
- b. **Department of Justice Update** – Mr. Smith stated that the Redistricting Plan has been submitted to the Department of Justice and they have 60 days (November 28) to respond.
- c. **SOB Update**
- d. **Project Atlas**
- e. **Project Cyrus**
- f. **Employee Grievances—4**

OUTSIDE LEGAL COUNSEL EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:22 p.m. and came out at approximately 6:36 p.m.
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- a. **Project Atlas**
- b. **Project Cyrus**

CITIZENS' INPUT

Virginia Sanders and Edith Cunningham spoke in favor of Caughman Creek Property Purchase Agreement.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Smoking Ban Report—3rd Quarter 2011** – Mr. Pope stated that no complaints were received for this quarter.
- b. **Adult Services Report** – Mr. Pope per Council's directive the report from the COG and Recreation Commission regarding adult service was included in the agenda packet as information.
- c. **Eastover Water-Sewer Negotiations** –Mr. Pope stated that staff will meet with Town officials next week and will report back to Council.

- d. **Business Friendly Service Task Force Update** – Mr. Pope stated that the task force has met twice and will be holding a public forum on October 17.
- e. **Update from Legislative Delegation Meeting** – Mr. Pope stated that the Legislative Delegation met last week. Several Council members were present for the meeting. Legislation regarding the Assessor item was discussed and is slated to be pre-filed in the fall. Council will be updated as this item goes through the legislative process.
- f. **Employee Grievances—4** – This item was taken up during Executive Session.

REPORT OF THE CLERK OF COUNCIL

- a. **Recent Invitations Reminder** – Ms. Onley stated invitations for the Urban League Dinner on November 2nd and the MTC Oyster Roast on November 3rd had been forwarded to Council. She asked that Council members respond by October 7th, in order for her to RSVP their attendance at these events.

REPORT OF THE CHAIRMAN

- a. **NACo News—Joyce Dickerson Recognition** – Mr. Pearce recognized Ms. Dickerson for being included in the NACo News.

PUBLIC HEARINGS

- **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** – No one signed up to speak.
- **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** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **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 [THIRD 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 [THIRD READING]

- **An Ordinance Amending Section 12 of the Fiscal Year 2011-2012 Annual Budget Ordinance [SECOND READING]**
- **11-11MA, Dan Douglas, RU to GC (2.50 Acres), Hwy. 76, 01506-01-08 [SECOND READING]**
- **11-12MA, Edward Holcombe, PDD to GC (2.26 Acres), 1016 Rauch Metz Rd., 02505-02-09/14 [SECOND READING]**
- **11-13MA, Fred Gantt, III, RM-MD to LI (4.40 Acres), Simmons St., 11115-01-01/02/03/04/05/06/07 [SECOND READING]**
- **11-16MA, Margaret Smith, RM-HD to NC (0.414 Acres), 6624 Shakespeare Rd., 14215-09-08 [SECOND READING]**
- **11-17MA, Josh Williamson, Margaret Grimsley, RM-MD to GC (1.0 Acres), 1840 Bluff Rd., 11115-05-05(p) [SECOND READING]**
- **Valhalla Micro Surfacing Project**
- **North Paving Project-Wade Kelly Road Right-of-Way**
- **Condemnation of Private Property for Use as a Drainage Easement [This item was reconsidered at the October 18, 2011 Council meeting]**
- **Petition to close Road/Portion of Beckham Swamp Road—Consent Order**
- **Annual Renewal of the Fleet Maintenance and Repair Contract**
- **C&D Disposal Services Contract**
- **HUD Grant for Neighborhood Improvement**
- **Emergency Services Radio Purchase**
- **Transfer of Position from Dentsville Magistrate to Administrative Magistrate**

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

THIRD READING

An Ordinance Authorizing the levying of Ad Valorem Property Taxes, which, together with the prior year's carryover and other state levies and any additional amount appropriated by the Richland County Council prior to July 1, 2011, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2011 through June 30, 2012 – Mr. Manning moved, seconded by Ms. Kennedy, to approve this item as amended. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Hutchinson, to reconsider this item. The motion failed.

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 – Mr. Washington moved, seconded by Mr. Manning, to amend Sec.26-225(c)(2) to read: "The roadway shall have a minimum of right-of-way width of fifty (50) feet..." and Sec. 26-225(d)(2) to remove the hold harmless agreement. A discussion took place.

Mr. Washington moved to call for the question. The motion died for lack of a second.

Mr. Rose made a substitute motion, seconded by Mr. Manning, to defer this item until the October 18th Council meeting. The vote was in favor.

SECOND READING

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-173, Off-Street Parking Standards; Subsection (D), Design of Parking Areas; Paragraph (4), Accessible Spaces; so as to comply with ADA Access Requirements – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item as amended. The vote in favor was unanimous.

An Ordinance Authorizing Certain Economic Incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee arrangement between Richland County, South Carolina, and Project Atlas, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended; and other related matters – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina, and Fairfield County, South Carolina, to expand the boundaries of the park to include certain real property located in Richland County, and related matters – Mr.

Washington moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Franklin Park and Albene Park Water Systems – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the committee's recommendation with the following amendment: that prior to the execution of the final transfer staff will report back to Council for approval. A discussion took place.

The vote was in favor.

Low Traffic Volume Road Paving Program – Mr. Washington moved, seconded by Mr. Jackson, to approve this item. A discussion took place.

Mr. Rose made a substitute motion, seconded by Ms. Kennedy, to defer this item until the November 1st Council meeting.

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

The vote was in favor.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Automatic Vehicle Locations Systems-Sheriff's Department – Mr. Malinowski moved, seconded by Mr. Rose, to approve this item. The vote in favor was unanimous.

Construction Services/Airport Tree Obstruction Removal-Cherokee Inc. Contract – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

Professional Services/Airport Tree Obstruction Removal-LPA Group – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

Emergency Supplies and Equipment Purchase Orders – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item.

Lobbyists' Interaction with Council on Certain Matters – Mr. Manning moved, seconded by Mr. Jackson, to approve the committee's recommendation. The vote in favor was unanimous.

Increase Detention Center Officer Starting Salaries – Mr. Malinowski moved, seconded by Mr. Jackson, to approve the committee’s recommendation. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2011-2012 Neighborhood Improvement and Community Development Fund Annual Budgets to appropriate \$48,641 of Neighborhood Improvement Undesignated Fund Balance for transfer to the Community Development Fund for the CDBG and HOME administrative shortfall – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item. The vote was in favor.

Caughman Creek Property Purchase Agreement – Mr. Jackson moved, seconded by Ms. Dickerson, to authorize the Administrator to execute the contract. A discussion took place.

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

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

The vote was in favor.

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

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Project Cyrus—Inducement Resolution – Mr. Washington stated that the committee recommended approval of this item. The vote in favor was unanimous.

Project Cyrs—Ordinance authorizing a Fee in Lieu of Tax Agreement between Richland County and Project Cyrus [FIRST READING BY TITLE ONLY] – Mr. Washington stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—2** – 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. **Board of Zoning Adjustments and Appeals—4** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous
- e. **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
- f. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous
- g. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended appointing Sarah B. Watson. The vote in favor was unanimous
- h. **Hospitality Tax Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to appoint Ms. Dorothy A. Sumter. The vote was in favor.
- i. **Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous
- j. **Music Festival Board—2** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous

II. DISCUSSION FROM RULES AND APPOINTMENTS

- a. **County Council will consider a rule change that states any Special Called Meeting will only have the item(s) the meeting was called for on the agenda. A complete agenda with Administrator, Attorney and Clerk of Council report will not be required nor will approval of previous meeting minutes or any citizens' input be on the agenda unless it relates to the matter the meeting is called for** – Mr. Malinowski stated that the committee recommended approving the amended language.

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

The vote was in favor.

- b. **When speaking during the citizens' 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** – Mr. Malinowski stated that this item was held in committee.
- c. **CMRTA Board Appointments** – Mr. Malinowski stated that the committee recommended that the three appointees from Richland County be as follows: (1) one Council member from a district that is primarily unincorporated and (2) two citizens from the unincorporated area. The vote in favor was unanimous.

Mr. Malinowski stated that the committee recommended that the nominees for the CMRTA Board be submitted by Council members to the Administrator prior to the October 18th Council meeting. A discussion took place.

The vote in favor was unanimous.

OTHER ITEMS

Report of the Decker Center Space Allocation Committee – Mr. Manning stated that the committee recommended approval of the request to authorize the Boudreaux Group and Richland County Government (Procurement, Support Services, Administration and departments that have a stake in the design and remodeling) to negotiate the redesign,

renovation and retrofitting of Decker Center to make is as energy efficient as possible, and to conform to preexisting space to accommodate associated workflows within a predetermined structural footprint, and return to Council for approval of award of a contract. In addition, Mr. Manning stated that the committee recommended to grant staff the authority to negotiate further with the next highest qualified, if negotiations with the Boudreaux Group is unsuccessful, until a successful negotiation is reached.

CITIZEN'S INPUT

Mr. David Edmond spoke regarding Richland County

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:25 p.m. and came out at approximately 8:35 p.m.
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- a. **Potential Claim Update** – No action was taken.
- b. **SOB Update** – No action was taken.
- c. **Employee Grievances—4** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to uphold the Administrator's recommendations. The vote in favor was unanimous.

MOTION PERIOD

Resolutions honoring Judge William Womble, Judge Clevette Hudnell, and Judge Samuel Peay on their retirement and service to Richland County [LIVINGSTON] – Mr. Malinowski moved to unanimously adopt resolutions honoring Judges Womble, Hudnell, and Peay on their retirement and service to Richland County. The vote in favor was unanimous.

Reexamine the Business License Fee, especially the Interstate Tax, to promote business recruitment to be competitive in the region [JACKSON] – This item was referred to the Business Friendly Task Force.

Review the process of the DRT and the effect of it going through the Planning Commission as it did in the past for more transparency and giving the public and Council members more awareness of what is really happening in their district [JACKSON] – This item was referred to the D&S Committee.

That only vehicle registered as commercial vehicles will pay the commercial fee as it relates to the CMRTA fee [MALINOWSKI] – This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:38 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