

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 1, 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.*

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### MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
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

**OTHERS PRESENT** – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Daniel Driggers, Kevin Etheridge, Malav Trivedi, Suzie Haynes, Paul Alcantar, John Hixson, Dale Welch, Valeria Jackson, Nelson Lindsay, Elizabeth McLean, David Hoops, Sara Salley, Rodolfo Callwood, Geo Price, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at 6:02 p.m.

### INVOCATION

The Invocation was given by the Honorable Kelvin E. Washington, Sr.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Kelvin E. Washington, Sr.

**POINT OF PERSONAL PRIVILEGE** – Mr. Livingston thanked everyone for their condolences and support during his bereavement following the death of his mother.

### APPROVAL OF MINUTES

**Regular Session: October 18, 2011** – Ms. Hutchinson moved, seconded by Ms. Kennedy, to approve the minutes as submitted.

Mr. Malinowski stated that Mr. Adel “Butch” Dailey name was misspelled under the “CMRTA Nominees for Appointment”.

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

**Zoning Public Hearing: October 25, 2011** – Mr. Malinowski moved, seconded by Mr. Jeter, to approve the minutes as submitted. The vote in favor was unanimous.

**Special Called Meeting: October 25, 2011** – Ms. Dickerson moved, seconded by Mr. Washington, to approve the minutes as submitted. The vote in favor was unanimous.

### ADOPTION OF AGENDA

Mr. Pearce requested that presentation of two resolutions, which were inadvertently left off the agenda, be added to the agenda.

Mr. Pope stated that the an Outside Counsel Executive Session needed to be added immediately following the Report of the Attorney for Executive Session Matters.

Mr. Manning stated that under Report of Rules and Appointments the asterisks following the various names needed to be further explained and to address the numbering of pages.

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

### PRESENTATION OF RESOLUTIONS

**Resolutions honoring Deputy Young and Investigator Hartland of the RCSD for their winning performances in the recently held 2011 World Police and Fire Games held in New York City [PEARCE, WASHINGTON, MANNING, DICKERSON & ROSE]**

– Mr. Pearce presented resolutions honoring Deputy Young and Investigator Hartland of the RCSD for their winning performances in the 2011 World Police and Fire Games.

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

- a. **Pending Litigation** – Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until the November 15<sup>th</sup> Council meeting. The vote in favor was unanimous.
- b. **SCE&G Intervention**

**OUTSIDE COUNSEL EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 6:23 p.m. and came out at approximately 7:20 p.m.**  
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- a. **SCE&G Intervention** – No action was taken.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized that Richland One School Board Member Jamie Devine was in the audience.

**CITIZENS' INPUT**

No one signed up to speak.

**REPORT OF THE COUNTY ADMINISTRATOR**

- a. **Business Service Reform Task Force** – Mr. Pope stated that the Business Service Reform Task Force will be meeting November 2<sup>nd</sup>, 4-6 p.m. at the Chamber of Commerce. Council will be updated regarding the discussions.
- b. **SCE&G** – This item was taken up in Executive Session.
- c. **Presentation of Budget Book** – Mr. Pope recognized Daniel Driggers, Kevin Etheridge, and Malav Trivedi from the Finance Department for their hard work on the budget book, which was distributed to Council prior to the beginning of the meeting.
- d. **Employee Recognition** – Mr. McDonald presented Mr. Callwood with an award from the Midlands Business Development Agency.

**REPORT OF THE CLERK OF COUNCIL**

- a. **Richland Memorial Hospital's Annual Luncheon, November 29<sup>th</sup>, 12 noon-1 p.m., Bagnal Board Room** – Ms. Onley stated that Richland Memorial Hospital's Annual Luncheon will be held November 29<sup>th</sup>, 12 noon-1 p.m. in the Bagnal Board Room.

- b. **November and December Meeting Schedule** – Mr. Washington moved, seconded by Ms. Hutchinson, to move this item immediately following the Report of the Rules and Appointments Committee. The vote in favor was unanimous.

#### REPORT OF THE CHAIRMAN

- a. **Letter of support for Richland Community Health Care Association** – Mr. Washington moved, seconded by Mr. Jeter, to submit a letter of support on behalf of County Council. The vote in favor was unanimous.

#### PUBLIC HEARINGS

- **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** – No one signed up to speak.
- **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** – No one signed up to speak.
- **An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Richland County, South Carolina (the "County") and Pure Power Technologies, LLC, acting for itself, one or more affiliates or other project sponsors (the "Company"), in connection with the expansion of certain facilities in the County (the "Expansion Project"); (2) the County to covenant in such agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the Expansion Project; (3) special source credits to reimburse the Company for a portion of certain costs incurred in connection with the Expansion Project; (4) the benefits of a multi-county park to be made available to the Company and the Expansion Project; and (5) other matters relating thereto**

#### APPROVAL OF CONSENT ITEMS

- **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 [THIRD READING]**

- **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 to Project Cyrus; and other related matters [SECOND READING]**
- **An Ordinance Authorizing a deed to Cohn & Cohn Investments, LLC, for approximately 4.94 Acres of land, constituting a portion of Richland County TMS # 25800-04-01 [SECOND READING]**
- **11-14MA, Ron Johnson, Longcreek Plantation, RU to RS-LD (4.91 Acres), Longtown Rd. East & Longtown Rd. West 20500-05-02 [SECOND READING]**
- **11-14MA, Adams Northeast AME Church, Kay Hightower, RU to GC (10.62 Acres), 409 Longtown Rd., 17400-05/12/13/14/26 [SECOND READING]**
- **CDBG Allocation of Funds**
- **AT&T Leased Line Connections—Countywide**
- **Microsoft Licensing—Countywide**
- **FY11-12 HUD Annual Action Plan Approval**
- **Mass Transit Fee: Commercial Vehicles [TO TABLE]**
- **Criminal Domestic Violence Court Grant Match**
- **Hispanic Outreach Grant Match**
- **Historic Preservation Special Project**
- **Hospitality Tax Round Two Funding Recommendations**
- **Hospitality Tax—Round Two Funding Recommendations** – Mr. Washington moved, seconded by Mr. Jeter, to reconsider this item. The vote in favor was unanimous.
- **Retention Schedule for Detention Center Records**

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

### THIRD READING

**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 other related matters** – Mr. Washington moved, seconded by Mr. Jackson, to defer this item until the November 15<sup>th</sup> Council meeting. The vote in favor was unanimous.

**An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Richland County, South Carolina (the “County”) and Pure Power Technologies, LLC, acting for itself, one or more affiliates or other project sponsors (the “Company”), in connection with the expansion of certain facilities in the County (the “Expansion Project”); (2) the County to covenant in such agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the Expansion Project; (3) special source credits to reimburse the Company for a portion of certain costs incurred in connection with the Expansion Project; (4) the benefits of a multi-county park to be made available to the Company and the Expansion Project; and (5) other matters relating thereto** – Mr. Pearce moved, seconded by Mr. Jeter, to approve this item. A discussion took place.

The vote was in favor.

### SECOND READING

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; so as to exempt certain subdivisions from road construction requirements** – Mr. Jackson moved, seconded by Ms. Kennedy, to approve this item. A discussion took place.

Ms. Hutchinson made a substitute motion, seconded by Mr. Rose, to insert the hold harmless clause in the ordinance. A discussion took place.

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

The vote was in favor of the substitute motion.

## REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

**Decker Blvd./Woodfield Park Neighborhood Redevelopment Overlay District and the Corridor Redevelopment Overlay District** – Mr. Washington moved, seconded by Ms. Hutchinson, to approve this item as amended. The vote in favor was unanimous.

**Low Traffic Volume Road Paving Program** – Ms. Hutchison stated that the committee recommended approving the road paving program with the following amendment: to remove the ten roads that do not have homes, churches, or businesses located on them. A discussion took place.

Mr. Washington made a substitute motion to retain the ten roads that do not have homes, churches, or businesses located on them. The motion died for lack of a second.

The vote was in favor of the committee's recommendation.

**Ordinance to Prohibit 'bath salts' and synthetic marijuana** – Mr. Rose moved, seconded by Ms. Dickerson, to table this item. The vote in favor was unanimous.

**Expiring Solid Waste curbside collection contracts for areas 2 & 6** – Mr. Malinowski made a motion to direct administration to rebid Areas 2 and 6. The motion died for lack of a second.

Mr. Jackson moved, seconded by Ms. Dickerson, to direct administration to begin negotiations with the current contractors for Areas 2 and 6. The vote in favor was unanimous.

## REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

**Hospitality Tax—Tax County Promotions Grant Program Changes** – Mr. Washington moved, seconded by Ms. Hutchinson, to defer this item until the November 15<sup>th</sup> Council meeting. The vote was in favor.

**Internal Auditor Engagement** – Mr. Washington moved, seconded by Mr. Manning, to appoint Mr. Manning to the Audit Committee until a citizen is appointed to the committee; areas of concentration to include performance and accountability; a RFP sub-committee made up of the Chair of Rules and Appointments Committee, Chair of Economic Development Committee and Vice Chair of Council will write, post and review all audit services RFP responses making sure recommendations go to full Council; the selected Auditor will report directly to the full Council; and the Audit Committee will perform audits on the following departments: Administration, Planning Department, Department of Public Works, Finance Department, Building Inspection and Procurement Department. A discussion took place.

Mr. Pearce moved, seconded by Mr. Malinowski, to appoint the Chairs of the Economic Development Committee and Rules and Appointments Committee to the Internal Audit

Committee and the Internal Audit Committee meet as soon as possible to pursue development of an RFP for an Internal Auditor that reports to full Council. The vote in favor was unanimous.

## REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**Authorizing the Execution and Delivery of an Amendment to the Fee Agreement between Richland County, South Carolina, and a Company formerly referred to as Project Y to provide for a new effective date and millage rate; and other related matters [FIRST READING BY TITLE ONLY]** – Mr. Washington stated that the committee recommended approval of this item. The vote in favor was unanimous.

**Governmental Affairs Representative Services Contract Renewal** – Mr. Washington stated that the committee recommended deferral of this item. The vote in favor was unanimous.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF VACANCIES

- a. **Airport Commission—3** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.
- b. **Lexington/Richland Alcohol and Drug Abuse Council—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.
- c. **Richland Memorial Hospital Board—4** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

### II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Appearance Commission—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- c. **Board of Assessment Control—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.

- d. **Board of Zoning Adjustments and Appeals—4** – Mr. Malinowski stated that the committee recommended re-appointing Joshua A. McDuffe, Torrey Rush, and William Smith and appointing Mike Spearman. 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 vacancies. The vote in favor was unanimous.
- f. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- g. **Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- h. **Music Festival Board—2** – Mr. Malinowski stated that the committee recommended re-appointing Jan Baker and re-advertising the remaining vacancy. The vote in favor was unanimous.

### III. DISCUSSION FROM RULES AND APPOINTMENTS

- a. **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 the committee recommended the following language be added to Council Rule #10: "The Chair will request that in the event a citizen who has signed up to speak intends to speak, or does speak, on behalf of any group, association, community or anyone besides or in addition to himself or herself, that the speaker advise Council during his or her public hearing input of that fact, and name or identify anyone else for whom the citizen is speaking or represents." The vote was in favor.

### OTHER ITEMS

**November and December Meeting Schedule** – Ms. Dickerson moved, seconded by Ms. Hutchinson to hold the December meeting on December 6, 13 and 20.

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

The vote was in favor.

**A Resolution to Appoint and Commission George Ricardo Carroll 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 to Appoint and Commission Travis Shane Conrad 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.

#### **REPORT OF THE FIRE AD HOC COMMITTEE**

Mr. Pearce stated that the Fire Ad Hoc Committee meet and have completed a draft of a revised fire contract, which includes all the items addressed in the fire audit. The committee will meet again on November 9<sup>th</sup> to review the final draft of the fire contract and forward it to full Council at the November 15<sup>th</sup> Council meeting.

Without objection the Council directed the Fire Ad Hoc Committee and the County Administrator to respond to the City of Columbia recent letter.

#### **REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE**

- a. Work Authorization #3** – Ms. Kennedy stated that the committee recommended approval of this item. A discussion took place.

The vote in favor was unanimous.

- b. Work Authorization #4** – Ms. Kennedy stated that the committee recommended approval of this item. A discussion took place.

The vote in favor was unanimous.

## CITIZEN'S INPUT

No one spoke.

## MOTION PERIOD

**Resolutions honoring the Spann Watson Chapter, Tuskegee Airmen, Inc.: Major General Irene Trowell-Harris, US Air Force Retired; Brigadier General Darlene M. Goff, SC Army National Guard; Lieutenant Colonel Rosie Fitchett, US Army Retired; Command Sergeant Major Teresa L. King, US Army [LIVINGSTON]** – Mr. Livingston moved, seconded by Mr. Malinowski, to adopt resolutions honoring the Spann Watson Chapter, Tuskegee Airmen, Inc.: Major General Irene Trowell-Harris, US Air Force Retired; Brigadier General Darlene M. Goff, SC Army National Guard; Lieutenant Colonel Rosie Fitchett, US Army Retired; Command Sergeant Major Teresa L. King, US Army. The vote in favor was unanimous.

**That a policy be created regarding how to deal with approved grants prior to budget time and again at budget time when grants have been reduced or eliminated. When the grant ends Richland County will not provide additional funds in that agency's budget and they will have to absorb it if they want to keep it [MALINOWSKI]** – This item was referred to the A&F Committee.

**Motion that Council rules be amended such that when 5 or fewer people are signed up to speak to 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. Rationale: This motion is submitted in the interest of making Council meetings more citizen friendly to those who wish to speak. This motion is designed to allow a small number of citizens wishing to speak to a non-agenda item to do so without the hardship of having to wait for the entire Council meeting to finish before having an opportunity to speak on an issue. This motion will still give affect to the current rule but allow a small number of citizens (5 or fewer) wishing to speak to a non-agenda item the courtesy of speaking without having to wait potentially hours for the current non-agenda citizen input portion of our Council meetings. [HUTCHINSON, JACKSON, AND ROSE]** – This item was referred to the Rules & Appointments Committee.

## ADJOURNMENT

The meeting adjourned at approximately 9:50 p.m.

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Paul Livingston, Chair

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Damon Jeter, 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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Bill Malinowski

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Jim Manning

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L. Gregory Pearce, Jr.

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Seth Rose

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley