

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 5, 2009 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
Vice Chair	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	Kit Smith
Member	Kelvin Washington

Absent L. Gregory Pearce, Jr.

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Matthews, Joe Cronin, Jennifer Dowden, Larry Smith, Joseph Kocy, Amelia Linder, Julie Wilkie, Daniel Driggers, Kevin Etheridge, Tiaa Rutherford, Michael Byrd, Valeria Jackson, Jocelyn Jennings, Sinivas Valavala, Bill Peters, Bree Tribble, David Hoops, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

INVOCATION

The Invocation was given by the Honorable Kit Smith

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Kit Smith

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson congratulated Ms. Miriam Atria on receiving the Palmetto Patriot Award.

PRESENTATIONS

Proclamation Honoring “National Public Works Week” – Mr. Sparty Hammett and Mr. David Hoops presented the resolution recognizing Public Works Week.

Introduction of New Employee – Mr. Pope introduced the new Budget Manager, Kevin Etheridge.

EMS Recognition – Mr. Pope presented Mr. Byrd, on behalf of the EMS Department, with the 2008 S. C. Large EMS System of the Year Award.

CITIZENS’ INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: April 21, 2009 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as amended. The vote in favor was unanimous.

Zoning Public Hearing: April 28, 2009 – Mr. Jeter moved, seconded by Ms. Dickerson, to approve the minutes as corrected. The vote was in favor.

ADOPTION OF AGENDA

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Farmers’ Market Update**
- b. **Fire Contract**
- c. **Personnel Matter**
- d. **Purchase of Property for Public Safety Facility**
- e. **McEntire vs. Richland County**
- f. **FN Manufacturing vs. Richland County**

REPORT OF THE COUNTY ADMINISTRATOR

Community Development Update – Ms. Valeria Jackson gave a brief update regarding the activities in the Community Development Department.

Farmers' Market Update – This item was taken up during Executive Session.

Fire Contract Update – Mr. Pope stated the draft fire extension agreement has been forwarded to the City of Columbia for review.

FY10 Budget Update: Upcoming Budget Work Sessions – Mr. Pope stated that the purpose of the May 7th work session is to present the Administrator's recommended budget, present the budget books, give an overview of the budget, and review the budget schedule. All the motions that have been received from Council will be included in the budget book. If there are additional motions they will be added as they are introduced.

REPORT OF THE CLERK OF COUNCIL

City Year: Ripples of Hope 2009 – Ms. Finch stated City Year has invited Council to participate in their benefit Gala honoring Congressman James Clyburn on May 27th.

Midlands Workforce Development Board – Ms. Finch stated Council is invited to the Midlands Workforce Development Board Employer Recognition Luncheon on Wednesday, May 27th at noon at Embassy Suites Hotel and Conference Center.

REPORT OF THE CHAIRMAN

Personnel Matter – This matter was taken up during Executive Session.

PUBLIC HEARING ITEMS

Mr. Livingston opened the floor to the following public hearings:

- **An Ordinance consenting to an assignment to TRC Propco, Inc. of all rights and obligations of HOLO (SC) QRS 16-91, Inc. relative to all interests in real property and improvements, and all personal property, under a lease agreement, an inducement and millage rate agreement and a fee agreement with Richland County and approving related amendments and restatements of the terms and conditions of the existing lease agreement and fee agreement between HOLO (SC) QRS 16-91, Inc. and Richland County to reflect the assignment of such terms and conditions and approving the terms and conditions of a consent and subordination agreement to be entered into among TRC Propco, Inc., and its lender and Richland County and matters thereto related** – No one signed up to speak.

The public hearings were closed.

APPROVAL OF CONSENT ITEMS

- **An Ordinance consenting to an assignment to TRC Propco, Inc. of all rights and obligations of HOLO (SC) QRS 16-91, Inc. relative to all interests in real property and improvements, and all personal property, under a lease agreement, an inducement and millage rate agreement and a fee agreement with Richland County and approving related amendments and restatements of the terms and conditions of the existing lease agreement and fee agreement between HOLO (SC) QRS 16-91, Inc. and Richland County to reflect the assignment of such terms and conditions and approving the terms and conditions of a consent and subordination agreement to be entered into among TRC Propco, Inc., and its lender and Richland County and matters thereto related [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 Trane U. S. Inc. (formerly named American Standard Inc.) and matters relating thereto [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; so as to make corrections to several paragraph numbers referenced therein [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-103, AP Airport Height Restrictive Overlay District; so as to correctly identify Jim Hamilton-L. B. Owens Airport [SECOND READING]**
- **Request to approve a friendly condemnation for the purpose of obtaining a sewer easement at 1416 Heyward Brockington Road (TMS# 9504-04-03)**
- **Request to authorize the negotiation of a contract for C&D Transportation Services to the most qualified service provider**
- **Request to authorize the negotiation of a contract with Loveless and Loveless C&D Landfill for C&D Disposal services**
- **Intergovernmental Agreement between Richland County and the Town of Blythewood relating to the acceptance and maintenance of public roads and associated drainage systems**
- **Request to approve a contract in the amount of \$1,466,434.19 to ABL Food Service for food service management at the Alvin S. Glenn Detention Center**
- **Request to approve a contract in the amount of \$3,571,090.93 to Correct Care Solutions for prison health services at the Alvin S. Glenn Detention Center**
- **Request to approve a contract in the amount of \$259,201.00 to Honeywell, Inc. for full maintenance coverage on the fire and security system at the Alvin S. Glenn Detention Center**

- Request to approve a contract with PayTel Communication for inmate telephone services at the Alvin S. Glenn Detention Center
- Request to approve a contract in the amount of \$143,748.00 to W. B. Guimarin & Company for heating and air conditioning system maintenance at the Alvin S. Glenn Detention Center
- Request to approve funding for undesignated Hospitality Tax funds for repairs to the Hampton-Preston Mansion [FIRST READING]
- Request to approve a contract with Palmetto Posting, Inc. for the purpose of posting properties with delinquent ad valorem property taxes
- Request to authorize the County Administrator to proceed with negotiations for the purchase of a 17,000 square foot public safety facility on 2.89 Acres on Pineview Drive
- Request to approve a budget revision to the VAWA Criminal Domestic Violence Grant

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

THIRD READING ITEMS

An Ordinance to adopt the “2009 Richland County Comprehensive Plan” – Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until after the work session immediately following the budget work session on May 12th. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16, Yard Trash and other Household Articles – Mr. Manning moved, seconded by Ms. Dickerson, to defer this item so that it will be on a parallel track with the stormwater ordinance.

Ms. Hutchinson made a friendly amendment to have a public education forum available to residents. Mr. Manning and Ms. Dickerson accepted the friendly amendment.

Mr. Washington moved, seconded by Mr. Malinowski, to allow the public to have input at the round table.

Ms. Smith made a substitute motion, seconded by Ms. Hutchinson, to refer this item to the Development Round Table and request that the Richland County Council of Neighborhoods hold a minimum of three public forums to gather public input on this issue between the time that the Development Round Table makes its recommendation and it is forwarded to the Planning Commission for consideration. A discussion took place.

Ms. Dickerson made a friendly amendment to hold four public hearings. Ms. Smith and Ms. Hutchinson accepted the friendly amendment.

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

The vote in favor of the substitute motion was unanimous.

Mr. Washington withdrew his motion.

An Ordinance repealing sections of the Richland County Code of Ordinances, specifically the provisions of Article VIII, entitled "Personnel Regulations," of Chapter 2, entitled "Administration" – Ms. Dickerson moved, seconded by Ms. Smith, to approve this item. A discussion took place.

Mr. Washington made a substitute motion, seconded by Ms. Kennedy, to defer this item until the May 19th Council meeting. The vote was in favor.

SECOND READING ITEM

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; so as to delete Section 26-184, Parks and Open Space, and to provide for the use of the Green Code's flexibility in the various zoning districts – Mr. Manning moved, seconded Ms. Dickerson, to defer this item.

Mr. Manning withdrew his motion.

Mr. Jeter moved, seconded by Ms. Smith, to approve this item. The vote in favor was unanimous.

FIRST READING ITEM

Fiscal Year 2009-2010 Budget Ordinance (By Title Only) – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

Fiscal Year 2009-2010 Millage Ordinance (By Title Only) – Ms. Hutchinson moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

Request to approve amendments to the Richland County Neighborhood Improvement Community Matching Grants Program – Mr. Pope stated that the application deadline needed to be amended to May 22nd and to close on June 8th.

Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve this item as amended. The vote in favor was unanimous.

Lower Richland property purchase and potential usage – Mr. Jackson stated that the committee recommended approval of Options #1 and #2.

<u>In Favor</u>	<u>Oppose</u>
Jackson	Malinowski
Manning	Hutchinson
Kennedy	Jeter
Washington	Livingston
	Dickerson
	Smith

The motion failed.

Mr. Washington moved, seconded by Ms. Kennedy, to direct staff to provide information on the potential financial value of the wetland mitigation bank credits associated with the following: Carolina Bay, Cabin Branch and adjacent sites with significant amount of buffer for the purpose of developing a mitigation bank and environmental sensitive light recreational activity areas and facilities. A discussion took place.

Ms. Smith made a substitute motion to forward this property to any mitigation study that the County undertakes.

The substitute motion died for lack of a second.

The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Request to approve a construction contract with the lowest responsive bidder for renovation of the Township Auditorium – Mr. Pope stated for the record that the lowest responsive bidder was Contract Construction Inc.

Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

Request to approve a funding request in the amount of \$500,000 from the South Carolina Hospitality Association for marketing and tourism promotions in unincorporated Richland County – Ms. Dickerson moved, seconded by Mr. Washington, to approve this item. A discussion took place.

The vote was in favor.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Building Codes Board of Adjustments & Appeals** – Mr. Malinowski stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Accommodations Tax Advisory Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.

- b. **Building Codes Board of Adjustments & Appeals—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.

- c. **Employee Grievance Committee—3** – Mr. Malinowski stated that the committee recommended appointing Mr. William T. Young and to re-advertise for the remaining vacancies. The vote in favor was unanimous.

- d. **Historic Columbia Foundation—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.

- e. **Hospitality Tax Committee—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Scott McCarthy. The vote in favor was unanimous.

- f. **Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.

- III. **Council Individual Discretionary Accounts** – The committee recommended holding this item in committee. The vote in favor was unanimous.

- IV. **Electronic Participation** – The committee recommended approving this item. The vote in favor was unanimous.

- V. **Revised Application** – The committee recommended holding this item in committee. The vote in favor was unanimous.

- VI. **Richland County Public Library Board request for Council to suspend rules regarding the regular rotation and appointment of their board members** – Mr. Malinowski stated that the committee recommended that no action be taken at this time to advertise expiring board members positions. A discussion took place.

The vote was in favor.

- VII. **Richland County/City of Columbia Animal Care Advisory Committee Appointments—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

- VIII. **Employee Grievance Procedure Guidelines** – Mr. Malinowski stated that the County Attorney will forward to Council via e-mail a draft of the form regarding confidentiality that employees appointed to the Employee Grievance Committee will be asked to sign. Any comments or input from Council regarding this form should be forwarded to Mr. Smith by May 12th.

OTHER ITEMS

Report of the Stimulus Ad Hoc Committee: Request to authorize the Procurement Director to negotiate and award a contract with the lowest responsible and responsive bidder in an amount not to exceed the funds available under the grant award for Taxiway and Apron Rehabilitation at Hamilton-Owens Airport – Ms. Dickerson moved, seconded by Mr. Manning, to approve this item with the following amendment: “to authorize the Procurement Director with the consent of the County Administrator...”. The vote in favor was unanimous.

CITIZENS’ INPUT

No one signed up to speak.

EXECUTIVE SESSION ITEMS

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Council went into Executive Session at approximately 7:00 p.m. and came out at approximately 7:47 p.m.
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- a. **Farmers’ Market Update** – Mr. Jeter moved, seconded by Mr. Manning, to direct staff and the County Attorney to pursue settlement of the Farmers’

Market litigation in accordance to the parameters presented in Executive Session. The vote in favor was unanimous.

- b. **Personnel Matter** – This item was withdrawn.
- c. **McEntire vs. Richland County** – No action was taken.
- d. **FN Manufacturing vs. Richland County** – No action was taken.

MOTION PERIOD

Rule regarding proposals or studies not commissioned by Council – Mr. Livingston referred this item to the Rules & Appointments Committee.

Resolution Recognizing Tuskegee Airmen – Mr. Livingston moved, seconded by Mr. Manning, to adopt a resolution for four members of the Tuskegee Airmen. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:44 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.

Kit Smith

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley