

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JULY 21, 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.*

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### 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	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin Washington

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Andy Metts, Carl Gosline, Joseph Kocy, Donny Phipps, David Hoops, Pam Davis, Lillian McBride, Frank Frierson, Valeria Jackson, Vivian McCrary, Daniel Driggers, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:02 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

## CITIZENS' INPUT

Dr. Lonnie Randolph spoke regarding the Board of Voter Registration agenda item.

**POINT OF PERSONAL PRIVILEGE** – Mr. Livingston recognized City Councilman Sam Davis, City Councilwoman Tameika Issac Devine and several members of the Recreation Commission.

## APPROVAL OF MINUTES

**Regular Session: July 7, 2009** – Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

## ADOPTION OF AGENDA

Mr. Pope stated that a presentation regarding Richland 101 for Kids needed to be added under the Report of the County Administrator.

Mr. Malinowski stated that the page numbers for Item #22 should be 139-159 not 149-159.

Ms. Dickerson moved, seconded Ms. Hutchinson, to adopt the agenda as amended. 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 Settlement**
- b. **Ashford vs. Richland County**
- c. **Recreation Commission Personnel and Contractual Matter**
- d. **School District II Site Fees**
- e. **BRWWTP Change Order**
- f. **Purchase of Property—Township**

## REPORT OF THE COUNTY ADMINISTRATOR

**BRWWTP Change Order** – This item was taken up during Executive Session.

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

**Purchase of Property—Township** – This item was taken up during Executive Session.

**Richland 101 for Kids Presentation** – Ms. King made a brief presentation regarding the upcoming Richland 101 for Kids on Thursday, July 23<sup>rd</sup>.

#### REPORT OF THE CLERK OF COUNCIL

**SC Pride Movement March—September 12<sup>th</sup> at 11 a.m.** – Ms. Finch stated that the SC Pride Movement has invited Council to march in the SC Pride Movement Parade on September 12<sup>th</sup> at noon.

**Unity Fest 2009** – Ms. Finch stated that Unity Fest will be held on Saturday, August 15<sup>th</sup> from 10 a.m.-3:30 p.m. on Main Street in Downtown Columbia.

**Troy L. Skinner's Death** – Ms. Finch stated that Ms. Bernice Skinner's husband, Troy L. Skinner, passed away and his memorial service will be held Wednesday, July 22<sup>nd</sup> at 1 p.m. at Bostick-Tompkins Funeral Home.

#### REPORT OF THE CHAIRMAN

**Innovista TIF Presentation** – City Councilwoman Tameika Issac Devine, City Councilman Sam Davis, and Mr. Norman Whitaker made a brief presentation regarding this matter.

**City Manager Forum** – Mr. Livingston stated that the consultant assisting the City of Columbia in selecting a City Manager has requested that Richland County host a City Manager Forum. Mr. Pope stated that provisions are being made to have the Chamber available to them on August 3<sup>rd</sup> for this forum.

**Recreation Commission Personnel and Contractual Matter** – This matter was taken up during Executive Session.

#### PUBLIC HEARING ITEM

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

- **A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its not exceeding \$150,000,000 Hospital Refunding and Improvement Revenue Bonds, in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended** – No one signed up to speak.

The public hearing was closed.

#### APPROVAL OF CONSENT ITEMS

- **Case #09-06MA, Ted Hart, RS-LD to NC (.041 Acres), 09504-04-05, Dakota St. [THIRD READING]**

- Case #09-07MA, Duane Warr, RU/RS-MD to NC (0.52 Acres), 19604-04-13 & 49, 1509 & 1531 Percival Rd. [THIRD READING]
- Case #09-08MA, Michael Young, American's Home Place Inc., RU to RS-E (2.81 Acres), 17400-12-02 & 03, Killian Loop [THIRD READING]
- Section 26-175, Access; and creating a new article; so as to address transportation issues within the County [THIRD READING]
- Section 26-152, Special Exceptions; Subsection (D), Standards; Paragraph (22), Radio, Television and Telecommunications and Other Transmitting Towers; Subparagraph C; so as to clarify setback requirements [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes, Section 6-82(A); so as to adopt the 2006 Edition of the International Residential Code [SECOND READING]
- An Ordinance authorizing the issuance and sale of not to exceed \$9,000,000 General Obligation Bonds, Series 2009A, or such other appropriate series designation, of Richland County, South Carolina; Authorizing the bonds to be issued as Build America Bonds, if appropriate; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [SECOND READING]
- An Ordinance Authorizing the execution and delivery of a fee agreement between Richland County and Unum Group, a corporation organized and existing under the laws of the State of Delaware; Colonial Life & Accident Insurance Company, a corporation organized and existing under the laws of the State of South Carolina; and Unum Life Insurance Company of America, a corporation organized and existing under the laws of the State of Maine concerning a new project; authorizing and providing with respect to an existing project for the conversion of an arrangement for fee-in-lieu of tax payments between Richland County and the companies under Title 4, Chapter 12, South Carolina Code of Laws, 1976, as amended, to an arrangement under Title 12, Chapter 44, South Carolina Code of Laws, 1976, as amended; and matters relating thereto [SECOND READING]
- An Ordinance Authorizing the execution and delivery of an agreement to provide for the modifications and termination of certain incentive agreements between Richland County and Project Olive and one or more affiliated entities; and related matters [SECOND READING]
- A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its not exceeding \$150,000,000 Hospital Refunding and Improvement Revenue Bonds, in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended

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

### THIRD READING ITEMS

**Case #09-09MA, Glen Welsford, RS-MD to GC (0.03 Acres), 13809-04-12(p), 4108 Rosewood Dr.** – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

**Section 26-180, Signs; so as to create a new section that would allow off-premise weekend directional signs under certain conditions** – Ms. Dickerson moved, seconded by Mr. Jackson, to approve this item. A discussion took place.

The vote was in favor.

### SECOND READING ITEM

**Council Motion (Manning): An Ordinance to Amend the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; in order to establish regulations and requirements relating to designated smoking areas [SECOND READING]** – Ms. Smith moved, seconded by Ms. Hutchinson, to approve this item with the amendments attached. The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Jeter, to place this item on the July 28<sup>th</sup> Special Called Meeting agenda. The vote was in favor.

**Master-in-Equity Budget Amendment** – Ms. Dickerson moved, seconded by Mr. Pearce, to approve this item. A discussion took place.

The vote was in favor.

### REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

**Request to consider salary adjustments and amendments to existing county policies and procedures for the following elected and appointed positions:**

- a. **Columbia Magistrate** – Ms. Dickerson moved, seconded by Mr. Pearce, to not amend the ordinance as it pertains to the Columbia Magistrate's salary. The vote was in favor.
- b. **Treasurer** – Mr. Jeter moved, seconded by Ms. Kennedy, to accept the motion to authorize the Administrator to procure the service of an HR specialist. A discussion took place.

Ms. Dickerson moved to defer this item until the July 28<sup>th</sup> Special Called Meeting. The motion died for lack of a second.

This item will come back when the information is received by the County Administrator.

- c. **Board of Voter Registration** – Mr. Pearce moved, seconded by Mr. Washington, to defer this item until a meeting between Council and the Delegation. The vote was in favor.

**Purchase offer for property owned by Richland County [RECOMMENDATION TO DENY]** – Ms. Dickerson moved, seconded by Mr. Washington, to defer this item until the first Council meeting in September. The vote in favor was unanimous.

#### **REPORT OF RULES AND APPOINTMENTS COMMITTEE**

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

- a. **Employee Grievance Committee—1** – Mr. Malinowski stated that this item was held in committee.
- b. **Internal Audit Committee—1** – Mr. Malinowski stated that this item was held in committee.

##### **II. NOTIFICATION OF APPOINTMENTS ON BOARDS, COMMISSIONS, AND COMMITTEES**

- a. **Board of Assessment Appeals—1** – Mr. Malinowski stated that this item was held in committee.
- b. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that this item was held in committee.
- c. **Community Relations Council—1** – Mr. Malinowski stated that this item was held in committee.
- d. **East Richland Public Service Commission—1** – Mr. Malinowski stated that the committee recommended appointing Dr. John Hudgens II. The vote in favor was unanimous.
- e. **Internal Audit Committee—1** – Mr. Malinowski stated that this item was held in committee.
- f. **Planning Commission—1** – Mr. Malinowski stated there were thirteen applicants and one vacancy.

Mr. Malinowski and Ms. Smith voted for Mr. Gary Atkinson.

Ms. Shirley R. Belton received no votes.

Mr. Jackson, Ms. Hutchinson, Mr. Jeter, Ms. Dickerson, Mr. Manning, Ms. Kennedy, and Mr. Washington voted for Mr. C. David Tuttle.

Mr. Livingston voted for Mr. Howard J. van Dijk.

Mr. David C. Wylie received no votes.

Mr. Thomas A. Boland, Sr. received no votes.

Mr. Roy Bullinger received no votes.

Dr. Susan Cutter received no votes.

Mr. Richard E. Foster received no votes.

Ms. Lisa Gieskes received no votes.

Mr. Pearce voted for Mr. Clifton Hicks.

Ms. Nancy Kauffman received no votes.

Mr. Meshell N. Matney, Jr. received no votes.

- III. **Employee Grievance Committee Guidelines/Procedures**– Mr. Malinowski stated that this item was held in committee.
- IV. **Richland County/City of Columbia Animal Care Advisory Committee** – Mr. Malinowski stated that this item was held in committee.

#### OTHER ITEMS

**Council Motion (Jackson, Malinowski, & Kennedy): To remove from the D&S Committee and present to full Council the funding of Alternate Paving with \$2 million from the Road Maintenance Fee and \$1 million from the CTC bond to fund paving roads in three years max (starting in 2009)** – Mr. Washington moved, seconded by Ms. Dickerson, to defer this item. The vote in favor was unanimous.

**Broad River Waste Water Treatment Plant Change Order** – This item was taken up during Executive Session.

**SERCO FY10 Budget** – Mr. Washington moved, seconded by Ms. Smith, to approve this item. A discussion took place.

The vote was in favor.

**Report of Stimulus Ad Hoc Committee**

- a. **Homeless Prevention and Rapid Re-Housing Program (HPRP)** – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.
- b. **TIGER Surface Transportation Discretionary Grant** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.
- c. **Broadband Initiatives Program (BIP)** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.
- d. **Broadband Technology Opportunities Program (BTOP)** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

**CITIZENS' INPUT**

Mr. Richard Foster spoke regarding the Recreation Commission.

Mr. John Blackmon, Mr. Jeremy Wilson, Mr. George McCutcheon, Mr. Victor Englert, and Mr. Tom Elliott spoke regarding the Farmers' Market relocating to Atlas Road.

Mr. Dan Unumb spoke regarding the stimulus.

**EXECUTIVE SESSION ITEMS**

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**Council went into Executive Session at approximately 8:22 p.m. and came out at approximately 8:59 p.m.**  
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- a. **Farmers' Market Settlement** – Mr. Pearce moved, seconded by Ms. Dickerson, to direct the County Attorney to enter into an agreement as outlined in Executive Session. The vote in favor was unanimous.
- b. **Ashford vs. Richland County** – No action was taken.
- c. **Recreation Commission Personnel and Contractual Matter** – No action was taken.

- d. **School District II Site Fees** – Ms. Smith moved, seconded by Ms. Hutchinson, to establish a policy of waiving the site development fee prospectively for all school districts.

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

The motion failed.

- e. **BRWWTP Change Order** – Mr. Manning moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.
- f. **Purchase of Property—Township** – No action was taken.

#### MOTION PERIOD

**Ron G Resolution** – Mr. Washington moved, seconded by Mr. Manning, to adopt a resolution for Ron G. The vote in favor was unanimous.

**A Motion for Richland County in partnership with the Greater Columbia Chamber of Commerce and the City of Columbia to host a Small Business Summit ASAP. Topics to include stimulus, doing business with local government and the SBA** – Mr. Jackson referred this item to the Economic Development Committee.

**Explore both proposals and all locations for possible Richland location of Farmers Market and Richland County support. I think Council passed a resolution last year for a joint County City Farmers Market** – Mr. Washington offered a friendly amendment to have staff review the proposals that will be suitable for Council and the vendors involved by the September 1<sup>st</sup> Council meeting.

Mr. Jackson referred this item to the A&F Committee.

**Portion of June 16, 2009 Minutes re: Animal Care Committee Appointees** -- Ms. Hutchinson moved, seconded by Mr. Malinowski, to bring back the deferred portion of the minutes from the June 16<sup>th</sup> Council meeting relating to the Animal Care Committee for consideration at the September 1<sup>st</sup> Council meeting. The vote in favor was unanimous.

**ADJOURNMENT**

The meeting adjourned at approximately 9:42 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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Kit Smith

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley