

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 6, 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	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin Washington

OTHERS PRESENT – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Sara Salley, Randy Cherry, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Daniel Driggers, David Hoops, Joseph Kocy, Rodolfo Callwood, Geo Price, Brenda Carter, Betty Etheredge, Josh Houston, Donny Phipps, John Hixson, Bill Peters, Becky Knotts, Kevin Etheridge, Andy Metts, Paul Brawley, James Hayes, Dale Welch, Kyle Holsclaw, Trenia Bowers, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:08 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 – Ms. Dickerson recognized that the Richland District II School Board members in the audience.

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: September 15, 2009 – Mr. Manning moved, seconded by Ms. Dickerson, to approve the minutes as amended. The vote in favor was unanimous.

Zoning Public Hearing: September 22, 2009 – Mr. Pearce moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that Item #14 was not properly before Council and therefore, needed to be deleted and that the ordinance for Item #39 was amended. The amended ordinance was e-mailed to Council prior to the meeting.

The amended agenda was adopted unanimously.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Lower Richland Sewer Extension Update**
- b. **Columbia Venture vs. Richland County**
- c. **Whitaker Container**
- d. **Personnel Matter**

REPORT OF THE COUNTY ADMINISTRATOR

New Employees Introduction – Mr. Pope introduced Ms. Sara Salley, Grants Manger, and Mr. Randy Cherry, Research Manager to Council.

Benedict College Update – Mr. Pope stated that Benedict has complied with all of the County requirements.

Township Property Purchase – Mr. Pope stated that Administration is in continuing discussion with the property owner. A full report regarding the possible purchase, as discussed in Executive Session, will be given at the October 20th Council meeting.

Whitaker Container Update – This item was taken up during Executive Session.

Columbia Renaissance Redevelopment Update – Mr. Pope stated that information from the City of Columbia was forwarded out to Council last week. Further direction for staff will be requested at the October 20th Council meeting.

Presentation of FY10 Budget Books – Mr. Pope recognized the Budget Department staff for their hard work on the budget book and the budget books were provided to Council.

Convention Authority Request – Mr. Ric Luber made a brief presentation.

Bond Rating Information – Mr. Pope stated that the County's bond rating has been upgraded to AA+.

Township Naming Rights/Renovations – This item was an action item.

Carolina Clear Resolution – Mr. Pope stated that in an endeavor to protect the area watersheds and water quality, Vice Chair Damon Jeter, Councilman Pearce and Councilman Manning, along with the mayors of Forest Acres and Arcadia Lakes, joined with Clemson University's Carolina Clear to sign a joint proclamation at Forest Acres City Hall.

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

REPORT OF THE CLERK OF COUNCIL

SCANA Corporation Salute to Elected Officials Oyster Roast & Barbeque – Ms. Finch reminded Council of the SCANA Corporation's Salute to Elected Officials on October 7th at 6:30-9:00 p.m.

Council Retreat – Ms. Finch stated that a location has not been selected; therefore, she contacted Parklane Adult Activity Center. They are holding the dates of January 14-15 and January 21-22. Mr. Livingston requested that Council members to contact Ms. Finch by Friday, October 9th with their preference.

Councilwomen Dickerson and Kennedy's Appointments to NFWL Positions – Ms. Finch stated that Ms. Dickerson and Ms. Kennedy have been tapped for leadership positions with the National Foundation for Women Legislators. Ms. Dickerson will be the Director of Region 3 and Ms. Kennedy will be the State Director of South Carolina.

Urban League Equal Opportunity Day Dinner – Ms. Finch stated that the Urban League Equal Opportunity Day Dinner will be held November 5th at Seawells.

REPORT OF THE CHAIRMAN

CMRTA Board—Council Appointments – Mr. Livingston appointed Ms. Dickerson, Ms. Hutchinson and Ms. Smith to represent Richland County on the CMRTA Board.

PUBLIC HEARING ITEM

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

- **A Budget Amendment to adjust the budgets for Richland County School District 1 and Richland County School District 2 to the amount which will be yielded by an assessment of the millage cap pursuant to Act 388 – No one signed up to speak.**

The public hearing was closed.

Mr. Washington moved, seconded by Ms. Kennedy, to allow Mr. Elliott to speak regarding the Farmers' Market. The motion failed.

APPROVAL OF CONSENT ITEM

- **Project South [SECOND READING]**
- **Regional Sports Complex MCIP [SECOND READING]**
- **09-12MA, Robert Giles, Jonathon Giles, RM-HD to NC (0.32 Acres), 11203-01-02, Corner of Olympia Ave. and Bluff Rd. [SECOND READING]**
- **An Ordinance Amending Section 26-181 regarding road signs/traffic control devices; so as to conform to the Federal Highway Administration's *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2 Incorporated* [SECOND READING]**
- **An Ordinance to Define and Permit "Bus Shelters & Benches" in all Zoning Districts, with special requirements [SECOND READING]**
- **An Ordinance Amending Section V, Zoning Districts and District Standards; and Article VI, Supplemental Use Standards; so as to provide for a parks and recreation district [SECOND READING]**
- **SC Building Code Modification**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, in general; Section 21-10, Street Name Signs; Subsection (A); so as to conform to the Federal Highway Administration's *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2 Incorporated* [FIRST READING]**
- **An Ordinance Authorizing a quit-claim deed to Edward H. Pitts, Jr. and EHP Development, LLC for five parcels of land totaling Five Thousand Three Hundred Sixteen (5,316) square feet located along Hastings Alley and Hamrick Street, Richland County, South Carolina, and being portions of TMS# 11203-03-02, 11203-03-16, 11203-03-17, 11203-03-23, and 11203-03-27 [FIRST READING]**

- **Neighborhood Matching Grant Awards**
- **Roll Cart Contract Award**
- **Increase in Sidewalk Reimbursement**

Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the consent item. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized that Representative Jimmy Bales was in the audience.

THIRD READING

A Budget Amendment to adjust the budgets for Richland County School District 1 and Richland County School District 2 to the amount which will be yielded by an assessment of the millage cap pursuant to Act 388 – Mr. Manning moved, seconded by Ms. Dickerson, to set the millage for Richland School District II operations be set at 250.3 mills and to amend the budget to reflect that the funding for Richland School District II be \$120,011,732.86 with the following proviso attached: that the 250.3 mill assessment yield collections less than that amount, Richland School District II's budget shall automatically be cut to the amount of the tax collections received and should the 250.3 mill assessment yield collections greater than that amount, Richland School District II's budget shall automatically be increased to the amount of the tax collections received. Carryover funds from FY08-09 are included in this budget number. A discussion took place.

Mr. Brawley stated that he calculated the millage for School District II at 244.7 mills and the millage will yield \$116,998,456. The dollar amount for School District I will be \$181,038,955. A discussion took place. The motion was in favor.

Mr. Jackson moved, seconded by Ms. Kennedy, to reconsider the motion. The motion passed.

Ms. Smith moved, seconded by Mr. Manning, to set the millage for Richland School District II operations be set at 250.3 mills and to amend the budget to reflect that the funding for Richland School District II be \$120,011,732.86 with the following proviso attached: that the 250.3 mill assessment yield collections less than that amount, Richland School District II's budget shall automatically be cut to the amount of the tax collections received and should the 250.3 mill assessment yield collections greater than that amount, Richland School District II's budget shall automatically be increased to the amount of the tax collections received. Carryover funds from FY08-09 are included in this budget number. It is further moved, that an Attorney General's opinion be obtained on the governing body being the one to set the millage rate and to adjust the cap based on the calculations used to adjust the budget.

Ms. Smith moved, seconded by Ms. Hutchinson, to allow a representative from School District II to speak. The motion failed.

Ms. Smith moved, seconded by Mr. Manning, to recess for five minutes. The vote was in favor.

[Council recessed at 7:25 p.m. and reconvened at 7:31 p.m.]

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

The vote was in favor.

An Ordinance Amending Section 26-180, Signs, so as to allow legal nonconforming off premises signs in Commercial, Manufacturing, and Industrial Zoning Districts to be replaced by surface area digital signs – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item with the amendments proposed by the billboard panel. A discussion took place.

Mr. Livingston proposed the following amendments: (1) the 300 feet rule apply to hospitals and nursing homes; and (2) to limit the number of digital billboards to no more than 1/3 of what's in the County now, regardless of the current rules.

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

The vote was in favor.

Mr. Jackson moved, seconded by Ms. Dickerson, to reconsider.

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

The motion for reconsideration failed.

FY2009-2010 Millage Ordinance – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item as amended. The vote was in favor.

Ms. Dickerson moved, seconded by Ms. Kennedy, to reconsider. The motion for reconsideration failed.

SECOND READING

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

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

The motion failed.

Ms. Smith moved, seconded by Ms. Hutchinson, to reconsider. The motion to reconsider failed.

Section 26-180, Signs; so as to create a new section that would allow digital display devices under certain conditions – Mr. Jeter moved, seconded Mr. Manning, to approve this item. A discussion took place.

The vote in favor was unanimous.

FIRST READING

An Ordinance Authorizing a quit-claim deed to Smallwood Village Phase III Homeowner's Association, Inc. for a certain parcel of land totaling .76 Acres located along White Branch Circle, Richland County, South Carolina, known as TMS# 22710-08-30 – Mr. Jeter moved, seconded by Mr. Washington, to approve this item pending verification of the TMS#. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$90,157 of General Fund Undesignated Fund Balance to the Court Administration Budget, Magistrate Budget and Central Services Budget – Mr. Jeter moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2009-2010 Hospitality Tax Fund Annual Budget Amendment to appropriate \$100,000 of Hospitality Tax Fund Designated Fund Balance for the next steps in the design-development phase of the Regional Sports Complex – Mr. Malinowski moved, seconded Ms. Dickerson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 25, Vehicles for Hire; Article II, Towing and Wrecker Services; Section 25-20, Wrecker and Storage Charges, so as to increase the fees charged for towing and wrecker services – Ms. Smith moved, seconded by Ms. Dickerson, to approve this item. The approve this item. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2009-2010 Title IV-D Sheriff's Fund Budget to appropriate \$10,000 of additional revenue due to revised revenue projections – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$81,000 of General Fund Undesignated Fund Balance to the Elections Commission Budget for the mandated purpose of replacing batteries in electronic voting machines – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

Conservation Easement: Neal – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve this item as amended. The vote in favor was unanimous.

Wetlands Mitigation Banking – Mr. Washington moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

Deed of Water and Sewer Lines (Bookert Heights, Ridgewood, BRRWWTP) – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Blythewood Intergovernmental Agreements – Ms. Smith moved, seconded by Ms. Kennedy, to approve this item as amended. The vote in favor was unanimous.

Purchase of Menzi Muck Walking Excavator – Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote in favor was unanimous.

Lobby Display for Hamilton-Owens Airport – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

Multi Modal Conference Support – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item. A discussion took place.

The vote in favor was unanimous.

Phone Tree Messaging Software Purchase – Kyle Holsclaw gave a brief overview of the system.

Mr. Pearce moved, seconded by Mr. Malinowski, to send this item back to committee. A discussion took place.

Ms. Smith made a substitute motion, seconded by Mr. Washington, to test the software in Mr. Washington's district and report back to us. A discussion took place.

Mr. Jeter made a second substitute motion, seconded by Ms. Dickerson, to send this item back to committee and initiate a pilot program and bring back recommendations. A discussion took place.

The vote in favor was unanimous.

To Negotiate the purchase of 1400 Atlas (Boozier Lumber Site) property for the purpose of maintaining a local Farmers' Market – Mr. Washington moved, seconded by Ms. Dickerson, to defer this item until he gets more specificity. The vote was in favor.

Mr. Pope stated that his office had received an additional proposal for a local Farmers' Market site.

Mr. Washington moved, seconded by Mr. Pearce, to reconsider the motion. The vote was in favor of reconsideration.

Mr. Washington moved, seconded by Ms. Dickson, to refer this item back to the A&F Committee in order to look at the options for the Atlas Road property to find out which one would be the most advantageous to the County or any other innovative solution. The vote was in favor.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Board of Zoning Appeals—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous
- b. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous
- c. **Planning Commission—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous

II. NOTIFICATION OF APPOINTMENTS

- a. **Building Codes Board—3** – Mr. Malinowski stated that the committee recommended reappointing Ms. Isabel Berry, Mr. Michael Lowman and Mr. Greg Mackie. The vote in favor was unanimous.
- b. **Central Midlands RTA—2** – Mr. Malinowski stated that the committee recommended appointing Mr. William J. Leidinger and Mr. Robert G. Liming. A discussion took place.

Ms. Smith moved, seconded by Mr. Malinowski, to defer this item. The motion failed.

Mr. Jeter made a motion to re-advertise.

The motion died for lack of a second.

Ms. Smith moved, seconded by Mr. Pearce, to defer this item until after Executive Session. The vote in favor was unanimous.

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

Mr. Manning moved, seconded by Ms. Kennedy, to go into Executive Session. The motion failed.

Mr. Malinowski moved, seconded by Ms. Hutchinson, to appoint Mr. William Leidinger and Mr. Robert G. Liming. The vote in favor was unanimous.

- c. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended appointing Ms. Sonia Fells and the other position be re-advertised. The vote in favor was unanimous.
- d. **Internal Audit Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.

III. RULE CHANGES

- a. **Motion for presentations to be held on the third Tuesdays of the month** – This item was held in committee.

IV. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Draft of countywide letterhead to be used by all county departments** – This item was held in committee.
- b. **Any Executive Session item involving an attorney hired outside the normal scope of a regular contract by Richland County will be taken up first so that attorney is not waiting for other matters and receiving unnecessary compensation** – This item was held in committee.

OTHER ITEMS

Billboard Panel Recommendations – Mr. Pope stated that on October 5th the Billboard Panel met at the Capital Senior Center from approximately 5-8 p.m. This group included representative from the outdoor advertising industry, Greater Columbia Chamber of Commerce, Richland County Council of Neighborhoods, and the Conservation and Appearance Commissions. The meeting was mediated by two professionally trained

mediators, Anne Bowers and Xane Skinner of the Community Mediation Center. The mediators essentially explained the process and served as neutral coordinators for the meeting.

Ms. Xane Skinner gave a brief overview of the panels recommendations:

The conservation/neighborhood/appearance recommendations:

- a. restrictive distance from residential uses
- b. define zoning districts where they would be allowed excluding neighborhood commercial and rural commercial; and
- c. define zoning districts where they would be allowed excluding neighborhood commercial and rural commercial, and restrict from residential and restrict from official county revitalization districts

Industry recommendations:

- a. digital billboards shall not be within 300 feet of any historic district as defined by the national historic registry
- b. sign must be erected within one year of issuance of permit
- c. section 2(a) to be revised to read, a permit to replace legal nonconforming off-premise sign display surface area with equal or less digital surface area
- d. section 2(e) language should be should be added to reflect that new metal sign support must be no higher than existing sign.

Lobbyist Contract Award – Mr. Jackson moved, seconded by Mr. Malinowski, to defer this item. The vote was in favor.

Report of the Airport Commission

- a. **MOU with USC** – Mr. Jeter moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

Township Naming Rights – Mr. Jeter moved, seconded by Mr. Pearce, to accept the recommendation of the Administration. The vote in favor was unanimous.

Township Renovations – Mr. Jackson moved, seconded by Ms. Dickerson, to add the projects back in. The vote in favor was unanimous.

Report of the Joint County/City Transportation Ad Hoc Committee

- a. **National Multi Modal Conference Support** -- Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve \$5,000 from Hospitality Tax Fund. The vote in favor was unanimous.

- b. **Budget Amendment: Revision of Transportation Study** – Ms. Dickerson moved, seconded Ms. Kennedy, to give First Reading by title only. A discussion took place.

The vote was in favor.

- c. **Transportation Sales Tax Recommendations**

- 1. **Project(s)**
- 2. **Amount**
- 3. **Timeline**

The committee recommended approving the three areas of: transit, greenway/bike/pedestrian and roadway; the ½ penny or penny options up to, and including, the maximum 25 years for the Transportation Sales Tax. The vote was in favor.

CITIZENS' INPUT

No one signed up to speak.

EXECUTIVE SESSION ITEMS

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Council went into Executive Session at approximately 10:09 p.m. and came out at approximately 11:54.m.
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- a. **Lower Richland Sewer Extension Update** – No action was taken.
- b. **Columbia Venture vs. Richland County** – No action was taken.
- c. **Whitaker Container** – No action was taken.
- d. **Personnel Matter** – No action was taken.

MOTION PERIOD

Sewer Extension Work Session – This item was deferred to the October 20th Council meeting.

Smoking Ban Work Session – This item was deferred to the October 20th Council meeting.

Economic Development Strategic Plan Work Session – This item was deferred to the October 20th Council meeting.

Comprehensive Plan Work Session – This item was deferred to the October 20th Council meeting.

Council directs staff to investigate and report the findings on what it would take for qualified fire engine drivers to be able to drive an EMS ambulance in an emergency situation. (NOTE: This motion is not in any way addressing providing EMS services in the back of the vehicle, it is narrowly focused on driving the vehicle.) [WASHINGTON, MANNING & MALINOWSKI] – This item was referred to the D&S Committee.

Move to direct the Administrator to bring back recommendations for additional cost overruns for Region 7 Sheriff's substation on Screaming Eagle Road [HUTCHINSON] – This item is to be placed under the County Administrator's Report on the October 20th Council agenda.

To Rename the Cedar Creek Bridge to include honoring of Deputy John Mark Dial [DICKERSON] – This item was referred to D&S Committee.

To authorize Richland County Staff: (1) to begin immediately negotiations and draft purchase/sale agreement with landowners with regard to the County's purchase of wetlands and adjacent uplands in Lower Richland County in and around Carolina Bay ("Hopkins Mistletoe Bay") and nearby Cabin Branch on condition that the acquired property be maintained in its open natural state, in perpetuity, for use as wetlands mitigation bank and light recreation park for environmental, educational and recreational purposes; and (2) to consummate purchase of said property no later than December 15, 2009 [WASHINGTON]

– This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 12:03 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