

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 2, 2010 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 – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Larry Smith, Amelia Linder, Daniel Driggers, Andy Metts, Dale Welch, David Hoops, Lillian McBride, Srinivas Valavala, Pam Davis, 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 Bill Malinowski

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bill Malinowski

Mr. Manning moved to hold an hour recess to attend the reception honoring Ms. Smith. The motion died for lack of a second.

CITIZENS' INPUT

Mr. Washington moved, seconded by Mr. Manning, to waive the rules to allow the citizens to speak regarding the Stormwater Ordinance. The motion failed.

APPROVAL OF MINUTES

Regular Session: January 19, 2010 – Mr. Malinowski requested that on p. 12 (2nd division vote) the record to reflect that he voted in the affirmative and on p. 13 (2nd division vote) the record to reflect that he voted in opposition of the motion. Mr. Livingston requested that the Clerk's Office review the tape and make changes, if necessary, to the aforementioned votes.

Mr. Jeter moved, seconded by Mr. Manning, to reconsider the portion of the minutes related to the Stormwater Ordinance.

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

The vote was in favor of reconsideration.

Mr. Jeter moved, seconded by Mr. Washington, to amend the sunset provision as follows: persons investing \$100,000 will be granted a 3-year sunset provision and persons investing more than \$100,000 be granted a permanent exemption. A discussion took place.

Mr. Washington made a substitute motion to allow persons investing \$100,000 to be granted a 5-year sunset provision. The motion died for lack of a second.

POINT OF ORDER: Mr. Malinowski stated that Ms. Dickerson had made a motion to defer this item and he seconded it.

Ms. Dickerson made a substitute motion, seconded by Ms. Hutchinson, to adopt the January 19th action of Council regarding the Stormwater Ordinance. A discussion took place.

Mr. Pearce made a friendly amendment to send the recommendation regarding the sunset provision to the Planning Department for evaluation against the various criteria with the intent of narrowing of the focus and to protect the interest of the small and large developer. Ms. Dickerson accepted the amendment.

The vote in favor of the substitute motion was unanimous.

Mr. Jeter moved, seconded by Ms. Dickerson, to adopt the minutes as corrected. The vote in favor was unanimous.

Zoning Public Hearing: January 26, 2010 – Mr. Jeter moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that the Offer to Purchase/Lease County Property needed to be added under the Report of the County Attorney for Executive Session, supplemental information for Item #20 was provided to Council by the Clerk's Office under separate cover, and p. 58 of the agenda needed to be deleted.

Mr. Malinowski stated that Community Relations Council needed to be added under the Report of the Rules & Appointments Committee.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to adopt the agenda as amended. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **David Adams vs. City of Columbia Firefighters Association, et. al.**
- b. **Lower Richland Sewer Update**
- c. **Personnel Matter**
- d. **Contractual Matter: Offer to Purchase/Lease County Property**

REPORT OF THE COUNTY ADMINISTRATOR

TIF Update – Mr. Pope stated that correspondence has been forwarded to the City of Columbia.

Fire Contract – This was an action item on the agenda.

Residential Overgrown Lots Update – Mr. Hammett made a brief update regarding this item and recognized Mr. Carlton Hayden.

Lower Richland Sewer Update – This item was taken up during Executive Session.

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

2010 Retreat Goals – This was an action item on the agenda.

REPORT OF THE CLERK OF COUNCIL

23rd Annual Mid-Year Conference—South Carolina Association of Counties – Ms. Finch stated that the 23rd Annual Mid-Year Conference will be held on February 24th and 25th at Embassy Suites. The Institute of Government classes will be held on Thursday, February 25th.

NaCo 2010 Legislative Conference – Ms. Finch stated that the Legislative Conference will be held March 6-10 at the Marriott Wardman Park Hotel.

REPORT OF THE CHAIRMAN

2010 Council Committee Assignments – Mr. Livingston stated that the committee assignments will be forwarded to the Clerk of Council tomorrow.

Legislative Delegation Committee – Mr. Livingston stated that he would like to set up a committee and will be providing further information in the near future.

OPEN/CLOSE PUBLIC HEARINGS

- **Ordinance Amendments Regarding Commercial Enforcement of Unlicensed Vehicles and Weeds and Rank Vegetation (Overgrown Lots)** – No one signed up to speak.
- **An Ordinance Authorizing a quit-claim deed to Malika R. Snipe and Aramide Mitchell for a portion of Hunter's Road, an unpaved road in the Richland County Road Maintenance System** – No one signed up to speak.
- **An Ordinance Authorizing a quit-claim deed to Mount Pilgrim Baptist Church for a portion of the right-of-way of Pilgrim Road in exchange for a portion of Lot 63 in State Park Acres** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Authorizing a quit claim-deed to Malika R. Snipe and Aramide Mitchell for a portion of Hunter's Road, an unpaved road in the Richland County Road Maintenance System [THIRD READING]**
- **An Ordinance Authorizing a quit-claim deed to Mount Pilgrim Baptist Church for a portion of the right-of-way of Pilgrim Road in exchange for a portion of Lot 63 in State Park Acres [THIRD READING]**

- **10-01MA, Albert E. McGee, Jr., RM-HD to OI (.406 Acres), 13809-03-21, 302 South Beltline Boulevard [SECOND READING]**
- **A Resolution to Recognize, Endorse, and Support the RC Neighborhood Council**
- **Ambulance Fee Billing Service Accounting Change [FIRST READING]**
- **City of Columbia Grant-Gills Creek Watershed**
- **Phone Tree Messaging Software Update [RECOMMENDATION TO TABLE]**

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

THIRD READING

09-19MA, Hock Site, Hock Development Co., GC & RM-HD to GC (1.34 Acres), 19813-06-25, Alpine Rd. & Old Percival – Mr. Washington moved, seconded by Ms. Dickerson, to approve this item. 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. Jackson moved, seconded by Ms. Dickerson, to defer this item and move forward with the pilot program. The vote was in favor.

Smoking Ban Amendments – Mr. Malinowski moved, seconded by Mr. Manning, to approve the ordinance proposed by Mr. Malinowski. A discussion took place.

The vote in favor was unanimous.

SECOND READING

An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$51,236 of Undesignated General Fund Balance to the Treasurer, Voter Registration, and Assessor Budgets for Salary Adjustments – Ms. Dickerson moved to approve this item and to request an Attorney General's opinion. The motion died for lack of a second.

Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item with the stipulation that the salaries will not go into effect until after the budget process and to take up the Treasurer's salary adjustment separately. A discussion took place.

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

The vote was in favor.

Ordinance Amendments Regarding Commercial Enforcement of Unlicensed Vehicles and Weeds and Rank Vegetation (Overgrown Lots) – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

County Offices to be Closed the Day After Christmas – Ms. Smith moved, seconded by Ms. Hutchinson, to defer to the Administrator to take under consideration during the budget process. A discussion took place.

Ms. Hutchinson called for the question, seconded by Mr. Pearce.

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

The vote was in favor of calling for the question.

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

The motion to defer failed.

Mr. Manning moved, seconded by Mr. Washington, to approve this item.

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

The motion for approval failed.

NESL agreement language and NextGen Fund Freeze – Ms. Dickerson stated that the committee recommended denial of this item. The vote was in favor.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Mast General Store Resolution – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

PT-444: Accutech – Mr. Pearce stated that the committee recommended granting the new owner the remaining two years exemption and to further recommend that the Treasurer send a letter to the owner regarding past due taxes. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Planning Commission—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. 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. **Board of Zoning Appeals—2** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Susanne H. Cecere and appointing Mr. T. Ralph Meetze. The vote in favor was unanimous.
- c. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. 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.
- e. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended appointing Dr. Allen Coles. The vote in favor was unanimous.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Council Rules—Presentations** – Mr. Malinowski stated that the committee recommended approving this item. The vote was in favor.
- b. **Planning Commission Ordinance and Norman Jackson's motion to restructure the Planning Commission** – Mr. Malinowski stated that this item was held in committee.

OTHER ITEMS

Implementation of the Renaissance Plan (Decker Blvd.) – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve the item and defer the funding portion. The vote in favor was unanimous.

\$100,000 Hospitality Tax Allocation, Public Information – Mr. Jeter moved, seconded by Ms. Dickerson, to approve the following recommendation and to reallocate the remaining \$10,000 to the Hospitality Tax discretionary account:

Project	Description	Request	Recommendation	Geographic Location	Previous Allocation	Alternate Recommendation
Hamilton-Owens Airport	Marketing Plan	\$12,000	\$8,000	Downtown	None	\$0
Columbia City Ballet	(2) Performances In Northeast	\$20,000	\$15,000	Northeast	\$5,000	\$7,500
Cultural Arts Council	Decker International Celebration	\$32,000	\$19,000	Decker Boulevard	None	\$19,000
Patriots Week Event	Village at Sandhill & Boy Scouts	\$20,000	\$15,000	Northeast	None	\$15,000
Harbison Kids Marathon	Cola Nutz & Friends of Harbison	\$10,000	\$6,000	Harbison Northwest	None	\$6,000
Diamond Day Cultural Event	Arts & Cultural Event	\$15,000	\$4,800	Southeast Lower Richland	\$30,000	\$10,000
Cultural Arts Council	Three Kings Day Parade	\$3,500	\$3,500	Decker	None	\$3,500
Palmetto Half Marathon	Marathon to be held at Village at Sandhill	\$20,000	\$10,000	Northeast	None	\$10,000
Council of Village Elders	Farmers Market at Downtown Hopkins		\$5,000	Southeast Lower Richland	None	\$0
Richland County	Promotional Brochure of Richland Attractions	\$10,000	\$10,000	Entire County	None	\$10,000
Access Fun Leisure	Customized Calendar of event s taking place in Richland County	\$7,500	\$3,700	Entire County	None	\$4,000
Auntie Karen Foundation						\$5,000
Total		\$150,00	\$95,200		\$5,000	\$95,000

Mr. Washington offered an amendment to the motion to include the \$5,000 for the Council of Village Elders. A discussion took place.

Mr. Malinowski offered an amendment to the original motion that it be stipulated that no funds will be distributed until all requirements have been met.

Mr. Jeter accepted the amendments to his original motion. The vote was in favor.

Fire Contract Amendments – Mr. Washington moved, seconded by Mr. Jeter, to extend the fire contract agreement through June 30, 2011. The vote was in favor.

Resolution in support of McEntire Air National Guard F-35A – Ms. Smith moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

Adoption of 2010 Retreat Goals – Mr. Jeter moved, seconded by Ms. Dickerson, to adopt the 2010 Retreat goals with the following amendments: less and shorter meetings [Manning] and to research existing unified fire services which are performing well [Smith]. A discussion took place.

The vote was in favor.

CITIZEN'S INPUT

Ms. Jean Rutkowski and Ms. Alison Felschow spoke regarding First Responders.

Mr. McKnight spoke regarding Sandlapper Elementary School.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson stated that the envelopes that were distributed contain the CD regarding the CMRTA report.

POINT OF PERSONAL PRIVILEGE – Ms. Kennedy apologized to Mr. Branham for the misinformation from the Ombudsman's Office.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:55 p.m. and came out at approximately 10:02 p.m.
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- a. **David Adams vs. City of Columbia Firefighters Association, et. al.** – This item was received as information
- b. **Lower Richland Sewer Update** – Ms. Dickerson moved, seconded by Ms. Smith, to direct the Administrator to proceed as directed in Executive Session. The vote in favor was unanimous.

- c. **Personnel Matter** – This item was received as information
- d. **Contractual Matter: Offer to Purchase/Lease County Property** – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve First Reading of this item, to direct the Administrator to proceed as directed in Executive Session and to schedule a community meeting. The vote in favor was unanimous.

MOTION PERIOD

Motion to, by Ordinance, organizationally place the County Assessor and Assessor's Office under the County Administrator [MANNING] – This item was referred to the D&S Committee.

Council consider a curfew as a means of bringing citizens and government together in an effort to make our neighborhoods and community safer [MANNING] – This item was referred to the D&S Committee.

To amend the Richland County Airport Commission Ordinance (Ord. No. 1788-88, S I, 9-20-88; Ord. No. 2162-91, S I, 12-3-91) Sec. 3-22 to remove (d) to recommend to the County Administrator such agents and employees as the business of the commission requires; and any other aspect of this ordinance which is not in line with Title IV of the South Carolina Constitution Ref: Home Rule which would indicate that the County Administrator does not have the sole authority and responsibility for hiring, evaluating and firing the Airport Manager [MANNING] – Mr. Manning withdrew his motion.

I move and request by unanimous consent to schedule a special Zoning Public Meeting on March 2, 2010 in order to have a public hearing and give first reading to case 10-05MA. These rezonings will be fore two (2) portions of tax map number 22900-02-09, located at the Village at Sandhills—along Fashion and Forum Drives. The rezoning from C-1 to C-3 and C-3 to C-1, will encompass approximately .56 acres. The purpose of the request is to allow a rezoning within the Village which, upon all required readings, will allow for the location of a major retail establishment [LIVINGSTON] – Ms. Smith moved for unanimous consent to schedule a Special Called Zoning Public Hearing Meeting for March 2, 2010. The vote in favor was unanimous.

To place on the ballot for referendum, whether or not Richland County should adopt the supervisor (strong mayor) form of government [SMITH] – This item was referred to the A&F Committee.

Explore utilizing the Shop Road/Pine View Road property (Farmers Market Land) with Public/Private partnership [JACKSON] – This item was referred to the D&S Committee.

To reexamine the Road Maintenance Fee Ordinance, prioritizing its use and setting a goal to eliminate all unpaved roads in Richland County with traditional and alternative paving. This should be a short term goal [JACKSON] – This item was referred to the D&S Committee.

Designated historical buildings should be “exempt” from Richland County Taxes and Permit Costs [WASHINGTON] – This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 10:16 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.