

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 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	Joyce Dickerson
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** – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Sara Salley, Stephany Snowden, Tamara King, Melinda Edwards, Larry Smith, Daniel Driggers, Donald Chamblee, Anna Almeida, Anna Lange, Dale Welch, Amelia Linder, Chris Eversmann, Michael Byrd, Dwight Hanna, Rodolfo Callwood, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

### INVOCATION

The Invocation was given by the Honorable Damon Jeter

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Damon Jeter

**POINT OF PERSONAL PRIVILEGE** – Mr. Livingston recognized Richland District Two School Board member James Manning was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce recognized that Ms. Meredith DeAgonstino a doctoral student that is shadowing him.

## APPROVAL OF MINUTES

**Regular Session: January 18, 2011** – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: January 25, 2011** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

## ADOPTION OF AGENDA

Mr. Smith requested that a Contractual Matter: Purchase of Property be added under the Report of the Attorney for Executive Session.

Mr. Pearce moved, seconded by Mr. Jackson, to adopt the agenda as amended. The vote in favor was unanimous.

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Contractual Matter: Purchase of Property**
- b. **Employee Grievance**
- c. **Contractual Matter (under the Report of the Chairman)**

## CITIZENS' INPUT

No one signed up to speak.

## REPORT OF THE COUNTY ADMINISTRATOR

**Employee Grievance** – Mr. Washington moved, seconded by Ms. Hutchinson, to uphold the County Administrator's recommendation. The vote in favor was unanimous.

**Overview of January 24<sup>th</sup> Transit Organizational Meeting** – Mr. Pope acknowledged the Council Members who attended and stated the City would be in touch regarding the formation of the work groups.

**Reminder of February 2<sup>nd</sup> Legislative Delegation Reception at Convention Center** – Mr. Pope reminded Council of the Legislative Delegation reception scheduled for February 2<sup>nd</sup>, 5:30-7:30 p.m. at the Convention Center.

**Community Development Recognition** – Mr. Pope recognized the Community Development Department on receiving a letter of recognition from the US Department of Housing and Urban Development. The letter will be forwarded out to Council.

**IFAS Council Update** – Mr. Pope stated that he would work with the Clerk's Office to schedule Council members training.

**United Way Update** – Mr. Pope stated that Richland County had met its goal for local government contributions and had increased contributions by 10%. Ms. Snowden and the Alvin S. Glenn Detention Center were recognized for their hard work and participation.

**Appearance Counts Presentation** – Ms. Snowden presented certificates to the Appearance Counts award winners.

**Economic Development Director** – Mr. Pope stated that the Economic Development Director position had been advertised.

#### **REPORT OF THE CLERK OF COUNCIL**

**Upcoming RMH Board Activities** – Ms. Finch stated that several activities in the planning process and will keep Council informed.

#### **REPORT OF THE CHAIRMAN**

**Contractual Matter** – Mr. Livingston stated that this item will appear on the February 15<sup>th</sup> agenda for action.

**Lexington County Transportation Request** – Recommendations and an update regarding this item will be provided by Mr. Jackson and two other members of Council at the February 15<sup>th</sup> Council meeting.

#### **OPEN/CLOSE PUBLIC HEARINGS**

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43, Permits, Required/Exemption; so as to add a new paragraph to require an evacuation plan for certain entities within the "Emergency Planning Zone (EPZ)" of the V. C. Summer Nuclear Plant, which is located in Fairfield County** – No one signed up to speak.

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5, Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; so as to empower the Board to hear appeals under the International Fire Code – No one signed up to speak.**
- **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-in-lieu of tax agreement, between Richland County, South Carolina, and Mars Petcare US, Inc., as sponsor, to provide for a fee-in-lieu of ad valorem taxes incentive; and other related matters – No one signed up to speak.**

#### APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43, Permits, Required/Exemption; so as to add a new paragraph to require an evacuation plan for certain entities within the “Emergency Planning Zone (EPZ)” of the V. C. Summer Nuclear Plant, which is located in Fairfield County [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5, Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; so as to empower the Board to hear appeals under the International Fire Code [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; Subsection(g), On-Premises Signs Permitted in Rural and Residential Districts; so as to establish the maximum height and square footage of signs for institutional uses in the RU Rural District [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-in-lieu of tax agreement, between Richland County, South Carolina, and Mars Petcare US, Inc., as sponsor, to provide for a fee-in-lieu of ad valorem taxes incentive; and other related matters [SECOND READING]**
- **10-33MA, Odom Enterprise, Steven Odom, RU to LI (2.33 Acres), 5771 Lower Richland Blvd. 21613-01-02 [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (A), General; so as to require notification to the Building Inspections Department and to the Emergency Services Department whenever plans are submitted that affect**

- the “Emergency Planning Zone (EPZ)” of the V. C. Summer Nuclear Plant, which is located in Fairfield County [SECOND READING]
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; Subsection (I), On-Premises Signs Permitted in the General Commercial District; Paragraph (4), Height; so as to the maximum height for on-premises signs in the GC (General Commercial) District [SECOND READING]
  - Construction Services/Detention Center Chiller Project
  - Judicial Center and Administration Building Lighting Upgrades
  - Kershaw County IGA Screaming Eagle Landfill
  - Recreation for Adults/Seniors

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

#### FIRST READING

Sale of Property to Vulcan – Mr. Washington, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

#### REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Richland County North Paving Contract RC-008-CN-1011 – Ms. Kennedy moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

Richland County Membership in the U. S. Green Building Council – Mr. Washington moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote was in favor.

The Town of Irmo Animal Care Intergovernmental Agreement – Ms. Hutchinson stated that the committee recommended approval of this item. The vote in favor was unanimous.

To amend the existing Intergovernmental Agreement with the Town of Arcadia Lakes for Road Maintenance, Drainage Maintenance, Plan Review, Inspection, and NPDES Stormwater Permit Compliance, dated July 14, 2003 – Ms. Hutchinson stated that the committee recommended approval of this item. The vote in favor was unanimous.

#### REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

A Resolution in support of the Central Midlands Council of Governments’ pursuit of grant funding from the Department of Defense – Mr. Malinowski moved, seconded

by Mr. Pearce, to amend the resolution by deleting the word any in the last two paragraphs. The vote in favor was unanimous.

**Decker International Corridor Lighting** – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item. A discussion took place.

The vote was in favor.

**Jim Hamilton-L. B. Owens Airport Master Plan Update Executive Summary** – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote in favor was unanimous.

**Consultant Services for Employee, Retiree, and Medicare Group Benefits & Insurance RFP** – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

**An Ordinance Authorizing the issuance and sale of General Obligation Refunding Bonds, in one or more series, with appropriate series designations, in an aggregate amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the other bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [FIRST READING]** – Mr. Washington moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

**An Ordinance Authorizing the issuance and sale of Sewer System General Obligation Refunding Bonds, with an appropriate series designation, in an amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; 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; other matters relating thereto [FIRST READING]** – Mr. Washington moved, seconded by Mr. Manning, to approve this item. The vote was in favor.

## REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

### **Pass Through Grants:**

- a. Project P—SC Energy Office Clean Green Investment Incentives
- b. Project P—SC Department of Commerce Closing Grant Fund
- c. Project Cyrus—SC Department of Commerce Closing Grant Fund

Mr. Malinowski moved, seconded by Ms. Dickerson, to defer action on this item until after Executive Session. The vote was in favor.

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

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF VACANCIES

- a. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

### II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Amendment to the Ordinance regarding Richland County Boards, Commissions and Committees** – Mr. Malinowski stated that the committee recommended approval of this item. The vote in favor was unanimous.
- b. **Motion to amend Council's Rules to read: Whenever a meeting is held on the second Tuesday of the month, appropriate written/backup materials for all items of business that are to be included in the Administrative and Finance or Development and Services Committee agendas must be delivered electronically to the Administrator's Office no later than the adjournment of the meeting approximately two weeks prior to the committee meeting scheduled meeting date {JACKSON}** – Mr. Malinowski stated that this item was held in committee.
- c. **Legislative Delegation Report Regarding Voter's Registration** – Mr. Malinowski stated that this item was held in committee.
- d. **Due to South Carolina's poor national reputation regarding females elected and appointed positions, I move Council create an ad-hoc committee to study and report any gender disparities in regard to appointment and other leadership positions within the Council's purview of powers {MANNING}** – Mr. Malinowski stated that this item was held in committee.
- e. **Ordinance to Establish the Richland County Complete Streets Commission** – Mr. Malinowski stated that the committee recommended approval of this item. The vote in favor was unanimous.

- f. **In the absence of an established Richland County Council policy/rule regarding agency Directors making endorsements of candidates for position on their respective Boards and/or Commissions appointed by Richland County Council, I move that the Rules & Appointments Committee evaluate this situation and make a recommendation to the full Council to establish a policy on this matter** – Mr. Malinowski moved, seconded by Ms. Dickerson, to defer this item. The vote was in favor.

#### **OTHER ITEMS**

##### **2011 Council Retreat Items:**

- a. **2011 Annual Goals**
- b. **Strategic Plan 2011 Annual Action Plan**
- c. **2011 Legislative Items**
- d. **2011 Items for Further Analysis**

Mr. Washington moved, seconded by Mr. Manning, to approve this item. The vote in favor was unanimous.

##### **Fire Service Audit Options**

- a. **Complete the audit**
- b. **Obtain enough information to redraft the Fire Service Agreement**

Mr. Washington moved, seconded by Ms. Hutchinson, to approve Option "A". A discussion took place.

Mr. Pearce moved, seconded by Mr. Malinowski, to call for the question.

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

The vote was in favor of calling for the question.

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

The vote was in favor of the motion for approval.

**2012 Budget Calendar** – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

#### **CITIZEN'S INPUT**

Mr. Ronald Colley spoke regarding his alleged false arrest by Richland County Sheriff's Department.

#### **EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 7:29 p.m. and came out at approximately 7:42 p.m.**  
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- a. **Purchase of Property** – Mr. Pearce moved, seconded by Mr. Malinowski, to accept the Administrator's recommendation regarding the payment of the employee's in the DNA lab. The vote in favor was unanimous.

#### **MOTION PERIOD**

**Based on a fabulous idea by Councilman Norman Jackson, I move that County Council institute a State of the County Address like the State of the Union, State and City [MANNING]** – This item was referred to the D&S Committee.

**Motion that County staff be directed to research the viability and costs associated with streaming council meetings live via the county website, furthermore, I also move that staff research and evaluate the resources needed to video tape council meetings for re-broadcast on the County's cable channel [ROSE]** – This item was referred to the A&F Committee.

**Based on the economy and decreased revenues, which would appear to reduce workload on staff, I move that a moratorium be placed on any hiring for positions**

**that become vacant due to retirements or resignations [MALINOWSKI]** – This item was referred to the A&F Committee.

**Have the Administrator encumber as much of the general budget reserve fund as possible in the event the State creates an ordinance stating counties with reserve funds must use these funds for running the County [MALINOWSKI]** – This item was referred to the A&F Committee.

**Resolution Honoring Odell Harris [WASHINGTON]** – Mr. Washington moved, seconded by Ms. Dickerson, to adopt a resolution honoring Odell Harris. The vote in favor was unanimous.

**Allocate \$1.7 Million of Road User Fee Fund Balance plus \$1.3 Million of the Continental Settlement funds to equal \$3 Million for purposes of participating with Richland CTC to perform a Low Volume Alternative Paving Pilot/Demonstration Project. [WASHINGTON]** – This item was referred to the A&F Committee.

**A Resolution in support of dirt road paving design [WASHINGTON]** – This item was referred to the D&S Committee.

**Responsible bids within 10% of the lowest responsible bid from local business in Richland County shall be given favorably consideration to match and awarded. (This keeps jobs and helps businesses in Richland County) [JACKSON]** – This item was referred to the Economic Development Committee.

**If funds from the Road Maintenance Fee cannot be used for the bus then for a permanent fix, reduce the Transportation Tax by 70% from \$10 to \$3 and to \$10 for commercial vehicles. [JACKSON & HUTCHINSON]** – This item was referred to the A&F Committee.

**All elected County officials shall be treated equally, no exceptions. [JACKSON]** – This item was referred to the Rules & Appointments Committee.

## ADJOURNMENT

The meeting adjourned at approximately 7:50 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