

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 15, 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.

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, Stephany Snowden, Melinda Edwards, Larry Smith, Anna Almeida, Dale Welch, Geo Price, Carl Gosline, John Hixon, David Chambers, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:03 p.m.

INVOCATION

The Invocation was given by the Honorable Joyce Dickerson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

APPROVAL OF MINUTES

Regular Session: February 1, 2011 – Mr. Malinowski requested that the Citizen’s Input synopsis be amended to read: “...alleged false arrest...”

Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as amended. The vote in favor was unanimous.

Mr. Rose moved, seconded by Mr. Malinowski, to reconsideration the approval of the minutes. The vote was in favor.

Mr. Malinowski moved, seconded by Mr. Washington, to approve the minutes as amended. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope requested that a receipt of legal advice regarding the Election Commission be added under the Report of the Attorney for Executive Session.

Mr. Smith requested that a Contractual Matter: Redistricting Ad Hoc Proposals be added under the Report of the Attorney for Executive Session.

The agenda was unanimously adopted as amended.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Pending Litigation: Dickerson vs. Richland County**
- b. **Economic Development Briefing**
- c. **Property Acquisition**
- d. **CMRTA IGA**
- e. **Personnel Matter**
- f. **Legal Briefing: Election Commission**
- g. **Contractual Matter: Redistricting Ad Hoc Proposals**

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Legislative Delegation Report – Mr. Pope thanked Council for their participation in the event and stated that staff had followed-up with Legislative Delegation staff.

REPORT OF THE CLERK OF COUNCIL

Odyssey Golf Foundation's 2011 Nine Hole Youth & Adult Tournament, Saturday, March 12th, Crickentree, 1084 Langford Rd., Blythewood – Ms. Finch stated that the Odyssey Golf Foundation will be hosting their Nine Hole Youth & Adult Tournament March 12th, if any Council members are interested in registering.

Zumba Fitness – Ms. Finch stated that Palmetto Health will be hosting a Zumbathon on February 19th at the Strom Thurmond Wellness & Fitness Center.

REPORT OF THE CHAIRMAN

Update regarding Lexington County Transportation Request – This item was received as information.

Personnel Matter – Mr. Bill Tomes presented the evaluation instrument for the County Administrator and Clerk of Council. A discussion took place.

Mr. Manning moved, seconded by Mr. Malinowski, to proceed with the evaluation instrument as presented. A discussion took place.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to schedule a work session on the document. A discussion took place.

Mr. Washington moved, seconded by Mr. Jackson, to amend the substitute motion to send the document to the Rules & Appointments Committee meeting. A discussion took place.

Mr. Jeter made a second substitute motion, seconded by Ms. Hutchinson, to allow Council members to read and dissect the information, offer any suggestions they may have and bring it back for action at the March 1st Council meeting. A discussion took place.

For

Pearce
Malinowski
Hutchinson
Jeter
Dickerson
Manning

The vote was in favor of the second substitute motion.

POINT OF ORDER – Mr. Pearce stated that the votes in opposition of the second substitute motion should be recorded for the record.

Mr. Jackson moved, seconded by Mr. Malinowski, to reconsider the vote on the second substitute motion. The vote was in favor of reconsideration.

Mr. Washington moved, seconded by Mr. Jackson, to send it to the March 1st Rules & Appointments Committee and the Committee shall report out to full Council at the March 1st Council meeting.

For

Pearce
Malinowski
Jackson
Hutchinson
Dickerson
Kennedy
Rose
Washington

Against

Jeter
Livingston
Manning

The vote was in favor.

PRESENTATION

George Thibeault, Jr., President, Constantia Hueck Foils, LLC—Richland County 2010 Ambassador of the Year – Mr. Washington presented Mr. Thibeault with a resolution from County Council.

APPROVAL OF CONSENT ITEMS

- **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 [THIRD READING]**

- **10-33MA, Odom Enterprise, Steven Odom, RU to LI (2.33 Acres), 5771 Lower Richland Blvd. 21613-01-02 [THIRD 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 [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 (l), 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 [THIRD READING]**
- **An Ordinance Authorizing a deed to Vulcan Construction Materials, LP, for approximately 10 acres of land constituting a portion of Richland County TMS # 06500-01-11 [SECOND READING]**

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

SECOND READING

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 – Mr. Washington moved, seconded by Ms. Hutchinson, to approve this item. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to require the Administrator to advise Council when the bonds go for sale and at what particular percentage. A discussion took place.

Mr. Malinowski withdrew the substitute motion.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to direct the Administrator, in conjunction with the Finance Director, to make the decision regarding bond redemption and that Council will be advised immediately of the transaction once completed. A discussion took place.

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 – Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to direct the Administrator, in conjunction with the Finance Director, to make the decision regarding bond redemption and that Council will be advised immediately of the transaction once completed. The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to reorganize the sections and to provide for continuing service of members until a successor is appointed – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions Created and Recognized; so as to create a Richland County Complete Streets Commission, and setting forth the conditions under which said commission shall function and the responsibilities of same – Mr. Malinowski moved, seconded by Ms. Hutchinson, approve this item as amended. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.
- b. **Hospitality Tax Committee—4** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. 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. **Accommodations Tax Committee (Hospitality)—2** – Mr. Malinowski stated that the committee recommended appointing Mr.

Drew Tompkins Hampton and re-advertising for the remaining vacancy. The vote in favor was unanimous.

- b. **Appearance Commission, Landscaper/Landscape Architect—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- c. **Building Codes Board of Adjustments & Appeals (Licensed Contractor)—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- d. **Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Kendall Corley.

Mr. Washington moved, seconded by Mr. Jackson, to appoint Mr. Clemon Stocker.

Mr. Malinowski, Mr. Pearce, Ms. Hutchinson, Mr. Jeter, Mr. Livingston, Ms. Dickerson, Mr. Manning, Ms. Kennedy and Mr. Rose voted for Mr. Corley.

Mr. Jackson and Mr. Washington voted for Mr. Stocker.

Mr. Kendall Corley was appointed.

- e. **Central Midlands Regional Transit Authority—1** – Mr. Malinowski stated that the committee recommended appointing Mr. John V. Furgess, Sr.

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

- f. **Internal Audit Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.

- g. **Planning Commission—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Howard Van Dine, III.

Mr. Washington requested that a vote be taken individually on the three applicants.

No one voted for Mr. Christopher Anderson.

Mr. Jackson, Mr. Jeter, Mr. Livingston, Ms. Dickerson, Ms. Kennedy and Mr. Washington voted for Mr. Wallace Brown, Sr.

Mr. Pearce, Mr. Malinowski, Ms. Hutchinson, Mr. Manning and Mr. Rose voted for Mr. Howard Van Dine.

Mr. Wallace Brown, Sr. was appointed.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **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 the committee recommended approval of the following language: "Motions made prior to the second Council meeting, the motion will appear on the appropriate committee's agenda for the following meeting." A discussion took place.

The vote in favor was unanimous.
- b. **All Elected County Officials shall be treated equally, no exceptions [JACKSON]** – Mr. Malinowski stated that this item was held in committee.
- c. **When a motion comes before Committee the maker of the motion must attend the Committee meeting [LIVINGSTON]** – Mr. Malinowski stated that the committee recommended approval of the following language: "When a motion comes before a committee the maker of the motion should consider attending or providing necessary information to the committee to be sure the intent of the motion is clear." The vote in favor was unanimous.
- 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 tabled in committee.
- e. **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 [PEARCE] – Mr. Malinowski stated that the committee recommended approval of the following language: “Directors of agencies will advise County Council skills needed for their Committee/Board/Commission. Each agency’s Committee/Board/Commission may forward to County Council applicants they feel are qualified to serve. Those applicants will be added to all applicants received by Richland County, Council will select and appoint the most qualified candidate.

Mr. Malinowski moved, seconded by Mr. Rose, to approve the following language: “Directors of agencies may advise County Council skills needed for their Committee/Board/Commission. The vote was in favor.

CITIZEN’S INPUT

Mr. Leroy Cannon spoke regarding the Clerk of Council.

Ms. Denise Mickel spoke regarding an appeal with the Assessor’s Office.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:14 p.m. and came out at approximately 9:51 p.m.
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- a. **Pending Litigation: Dickerson vs. Richland County** – Mr. Manning moved, seconded by Ms. Kennedy, to direct staff to proceed as directed in Executive Session. The vote in favor was unanimous.
- b. **Economic Development Briefing** – No action was taken.
- c. **Property Acquisition** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to direct staff to proceed as directed in Executive Session. The vote in favor was unanimous.

Mr. Jeter moved, seconded by Mr. Manning, to authorize the Administrator to secure the appraised property discussed in Executive Session. The vote in favor was unanimous.
- d. **CMRTA IGA** – No action was taken.
- e. **Personnel Matter** – This item was taken up during the Report of the Chairman.

- f. **Legal Briefing: Election Commission** – Mr. Jeter moved, seconded by Mr. Washington, to direct the Administrator and Chair to forward a formal letter to the Legislative Delegation with the findings of the report and request that the Legislative Delegation acquire responses to the questions from their respective bodies. The vote in favor was unanimous.
- g. **Contractual Matter: Redistricting Ad Hoc Proposals** – Mr. Manning moved, seconded by Ms. Kennedy, to authorize the Attorney to retain the firm as discussed in Executive Session. The vote in favor was unanimous.

MOTION PERIOD

Richland County Interstate Off-Ramp Lighting: Motion that staff conduct analysis and study the feasibility of the installation of interstate lighting at pre-selected interstate off-ramps located in Richland County. The lighting will be used to direct nighttime traffic off of these exits in order to increase business spending at establishments such as hotels, restaurants and convenience stores. Such analysis to encompass working with the Department of Transportation and to acquire studies as to whether such a project would be successful in capturing hospitality dollars from travelers passing through Richland County [ROSE] – This item was referred to the D&S Committee.

Motion that staff research and give alternative options for the transportation of inmates being released from the Alvin S. Glenn Detention Center. Currently, inmates without transportation are being transported and dropped off at the CMRTA bus station on Laurel Street (one block from City Hall and Main Street) [ROSE] – This item was referred to the D&S Committee.

If Council intends to attempt another try at a Referendum for a penny sales tax increase, all council members shall hold public meetings to get public input before making a final decision whether to move forward or not. Public input shall determine how proceeds from the tax will be spent and the term of the tax. This process should be given enough time to make sure it does not appear rushed or at the last minute. Reason: If approved, the citizens will be paying for this and we are only the representatives of the people's will and so we shall do everything that's in the best interest of the people we serve. Transparency: This process whether it is approved and passes or not will give comfort to our constituents that we are not hiding anything by revealing up front everything that would be done with that tax. [JACKSON] – This item was referred to the Rules & Appointments Committee.

Motion to review Council's rules and regulations regarding the authority of the Chair, seniority, and possible term limitation in positions and rotations [DICKERSON, JACKSON, MALINOWSKI AND KENNEDY] – This item was referred to the Rules & Appointments Committee.

Motion to review Richland County Department of Social Services and healthcare to align with the national and state healthcare regarding efficiencies [DICKERSON]

– Ms. Dickerson withdrew her motion.

A Resolution Honoring Mr. Thomas Myers, a member of the “Wrecking Crew” (Information will be forthcoming to the Clerk’s Office) [WASHINGTON]

– Mr. Washington withdrew his motion.

ADJOURNMENT

The meeting adjourned at approximately 10:06 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.

Seth Rose

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley