

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, APRIL 5, 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:

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| 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 |
| Absent | Paul Livingston |

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Melinda Edwards, Larry Smith, Dale Welch, John Hixon, Daniel Driggers, Dan Johnson, Buddy Atkins, Nancy Stone Collum, Anna Fonseca, Amelia Linder, Don Chamblee, Quinton Epps, Andy Metts, Valeria Jackson, Sara Salley, David Hoops, Jocelyn Jennings, Ebony Woods, Vivian McCray, Rodolfo Callwood, Alfreda Tindal, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:01 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

APPROVAL OF MINUTES

Regular Session: March 15, 2011 – Ms. Hutchinson requested that the tape of the March 15th meeting be reviewed regarding the vote on the Mitigation Bank Proposal Update.

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

Zoning Public Hearing: March 22, 2011 – Mr. Malinowski moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated the Community Rating System Flood Insurance information be added as a part of Item (d) under the Report of the County Administrator.

Mr. Malinowski stated Item #12 should be listed as “Consent to Deny”.

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. **CMRTA Contractual Negotiations**
- b. **Finch vs. Richland County, et. al.**
- c. **McEntire vs. Richland County**

EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:08 p.m. and came out at approximately 6:27 p.m.
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- a. **Finch vs. Richland County, et. al.** – No action was taken.

CITIZENS’ INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Fair Housing Update – Ms. Valeria Jackson gave a brief update on the Analysis of Impediments Study. Ms. Jackson stated that focus groups are being held and Council was invited to participate in the online survey. The Community Development luncheon will be held on April 28th.

Decker Mall Update – Mr. Pope stated that per Council's direction due diligence is being completed on this item.

Smoking Ban Update – Mr. Pope stated that the Business Service Center completed 14 inspections for this quarter and no smoking complaints were received from citizens. There were seven citations issued during the inspections. The next quarterly report will be presented at the first Council meeting in July.

FEMA Flood Maps Update and Community Rating System Flood Insurance Recognition – Mr. Pope presented the National Flood Insurance Rating System plaque. The County was recognized for saving residents money on their flood insurance premiums. Mr. Quinton Epps updated Council on the revised September 2010 flood maps and informed Council that a mailing will be sent to affected residents.

REPORT OF THE CLERK OF COUNCIL

Palmetto Capital City Classic Roast and Toast Honoring Tony Grant, Thursday, April 21st, Columbia Metropolitan Convention Center, 6:00 p.m.—Reception; 7:00 p.m.—Roast and Toast – Ms. Onley stated that Council had received a sponsorship invitation for the PCCC Roast and Toast Honoring Tony Grant on April 21st at the Convention Center. Council members were requested to inform the Clerk's Office if they wished to attend this event.

47th Annual Greater Columbia Community Relations Council Luncheon, Wednesday, June 15th, Columbia Metropolitan Convention Center, 12:30-2:00 p.m., Keynote Speaker—City of Columbia Mayor Stephen K. Benjamin – Ms. Onley stated that Council had received a sponsorship invitation for the Community Relations Council Luncheon on June 15th at the Convention Center. Ms. Onley will purchase a table for Council and Council members are to inform the Clerk's Office if they wish to attend this event.

REPORT OF THE CHAIRMAN

Mr. Jeter stated that Mr. Livingston was in Washington, D.C. and unable to attend the meeting.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$155,900 of General Fund Undesignated Fund Balance to the Coroner for additional funding for current budget** – No signed up to speak.
- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$164,754 of General Fund Undesignated Fund Balance to the Solicitor for additional funding for emergency budget request** – No one signed up to speak.

APPROVAL OF CONSENT ITEM

- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$155,900 of General Fund Undesignated Fund Balance to the Coroner for additional funding for current budget [THIRD READING]**
- **11-03MA, Ram'on Wideman, RM-MD to OI (1.38 Acres), 5326 Ridgeway St., 09310-05-17/18/19/22 [SECOND READING]**
- **A Resolution in support of Dirt Road Paving Design [TO TABLE]**
- **Fire Station Paving: Drives and Parking**
- **Shady Wood Lane Improvements Contract [DENIAL]**
- **Fund Balance Designation**
- **Neighborhood Stabilization Program Round Three Funds Application**
- **Fair Housing Proclamation**
- **Community Development Week Proclamation**
- **Budget Amendment for Risk Management**

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

THIRD READING

An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$164,754 of General Fund Undesignated Fund Balance to the Solicitor for additional funding for emergency budget request – Mr. Jackson moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Hopkins Community Water System Elevated Tank Color and Logo – Ms. Hutchinson stated that the committee recommended approval of this item. A discussion took place.

The vote in favor was unanimous.

An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS #25600-03-16, also known as 199 Newland Road – Mr. Washington moved, seconded by Ms. Dickerson, to give First Reading approval to this item. A discussion took place.

Ms. Dickerson made a substitute motion, seconded by Mr. Malinowski, to defer this item. The vote was in favor.

Research and give alternative transportation options for released inmates – Ms. Hutchinson stated that the committee recommended re-establishing the Jail Advisory Ad Hoc Committee. A discussion took place.

Mr. Washington moved, seconded by Mr. Pearce, to amend the committee's recommendation to allow staff to meet with the City of Columbia to begin formulating options to be presented to the re-established Jail Advisory Ad Hoc Committee. A discussion took place.

The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

FY11 General Fund Unemployment Bill – Ms. Hutchinson moved, seconded by Ms. Dickerson, to give First Reading approval to this item. The vote in favor was unanimous.

Video Streaming and Rebroadcast of Council Meetings – Mr. Jackson moved, seconded by Mr. Rose, to adopt the concept of video streaming and rebroadcast of the A&F, D&S and Council meetings.

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

The vote was in favor of the concept of video streaming and rebroadcast of A&F, D&S and Council meetings.

Mr. Pearce moved, seconded by Ms. Hutchinson, to request staff to bring back an itemized cost analysis during the budget process. A discussion took place.

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

The vote was in favor of directing staff to bring back an itemized cost analysis during the budget process.

Caughman Creek Property – Mr. Jackson moved, seconded by Mr. Washington, to direct the Administrator to use \$900,000 from the Hospitality Tax Fund Balance, \$100,000 from the Conservation Commission and \$100,000 from the Recreation Commission to negotiate and purchase the Caughman Creek property for conservation, recreational, and tourism related activities and operations will be overseen by the Recreation Commission. A discussion took place.

Mr. Pearce moved, seconded by Mr. Rose, to defer this item until the April 19th meeting. The vote was in favor.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

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

II. NOTIFICATION OF APPOINTMENTS

- a. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Seneca Brewton Henry. The vote in favor was unanimous.
- b. **Employee Grievance Committee—1** – Mr. Malinowski stated this item was held in committee.
- c. **Planning Commission—1** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Elizabeth Mattos-Ward.

Mr. Manning moved, seconded by Ms. Dickerson, to vote on each applicant. The vote was in favor.

Mr. Pearce, Mr. Jackson, Mr. Jeter, Ms. Dickerson, Mr. Manning, Mr. Rose voted for Mr. Patrick Palmer. Mr. Palmer was appointed.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **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 held in committee to obtain clarity and additional information from the maker of the motion.

- b. **That all Ordinance changes and text amendments be reflected on the County website no later than 30 days after approval by Council. Presently some ordinance changes that law enforcement may have a need for do not reflect current wording [MALINOWSKI] – This item was held in committee to obtain additional information from staff.**
- c. **All motions shall be made from Council members only and any request or modification or amendments from staff should be sponsored by a Council member. All changes or addition to any document shall be highlighted or shown in a different color [JACKSON] – This item was held in committee to obtain additional information from the maker of the motion.**
- d. **Manage the number of motions made by Council members during the Motion Period [LIVINGSTON] – This item was held in committee in order for the maker of the motion to be present to discuss the motion.**
- e. **All checkmarks placed for recommendation or denial of a particular item on the Council agenda will require a comment to show why such decision was made (No more blanks) [MALINOWSKI] – This item was held in committee.**
- f. **That all meetings Council members are advised of will automatically be placed on those Council members' calendars**

who request this service, whether or not they “accept” the invite [MALINOWSKI] – This item was held in committee.

- g. **In light of some recent FOIA requests staff should create a policy addressing requests stating they are in the interest of the public and, therefore, the requester should not be charged. Just because a media person or attorney makes a request does not automatically make it in the interest of the public. It should be incumbent on the requester to show that. [MALINOWSKI]** – This item was held in committee.
- h. **Personnel Matter: Evaluation Forms** – This item was held in committee.

OTHER ITEMS

REPORT OF THE CONSOLIDATION-PRIVATIZATION AD HOC COMMITTEE:

- a. **Update: Chairman Norman Jackson** – Mr. Jackson stated at the January 27th meeting, staff presented research regarding consolidation and privatization efforts across the nation. Staff further presented the current joint operations with the City, including Animal Care, Fire Service, and E-911. Staff stated that privatization/outsourcing currently exists in various degrees in the areas of Solid Waste Collections and Fleet Management/Maintenance. Staff requested the ability to draft recommendations for potential areas of consolidation/privatization/outsourcing, as well as the opportunity to meet with the City Manager to discuss these items.

At the March 23rd meeting, the Committee considered options, including the merger of the County and City Planning Commissions, and ultimately, the Planning and Development Services functions, as well as the possible co-location of Planning/Zoning/Inspections activities; as well as consolidation of the following activities/departments: GIS, Ombudsman, Fire, Animal Care, Economic Development, Business Licenses, and Utilities (Sewer/Water). It was determined that the Fire Service should be considered separately from this Committee’s purview. After the Chair meets with the Mayor regarding these items, the Ad Hoc Committee will reconvene, and forward its recommendations to Council.

REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE:

- a. **M. B. Kahn Construction Company—Work Authorization #2** – Ms. Kennedy moved, seconded by Ms. Hutchinson, to approve M. B. Kahn’s Work Authorization #2. A discussion took place.

The vote in favor was unanimous.

- b. **Funding Recommendations** – Ms. Kennedy moved, seconded by Ms. Hutchinson, to reallocate up to \$5 million of the 2010 Capital Improvement Bond Issue for the purpose of continuing the development of a regional recreation complex in Northeast Richland County. The total amount of the Bond to be reallocated may be offset, on a dollar for dollar basis, by Hospitality Tax Funds and/or funding from the County’s General Fund, with the total combination of any of these three funding sources to equal \$5 million. This \$5 million will be combined with the \$5 million from Hospitality Tax Funds already earmarked by the Council, for a total of \$10 million.” A discussion took place.

Mr. Jackson made a substitute motion, seconded by Mr. Malinowski, to defer this item.

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

The substitute motion failed.

The vote was in favor of the main motion.

Ms. Hutchinson moved, seconded by Ms. Kennedy, to reconsider this item.

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

The motion to reconsider this item failed.

CITIZEN’S INPUT

No one signed up to speak.

MOTION PERIOD

I move that County Council amend the Employee Handbook to include sexual orientation and gender identity as a protected class from discrimination in the hiring process for equal employment opportunities [ROSE] – This item was referred to the A&F Committee.

Motion that County Council adopt the attached public accommodations ordinance. This ordinance prohibits entities from discriminating against a citizen because of race, color, religion, sex, age, national origin, familial status, handicap/disability, or sexual orientation. This ordinance is an exact replica of what the City of Columbia passed in 2008 and in the interest of prohibiting discrimination in any form and regional consistency I motion that County Council adopt it as submitted [ROSE] – This item was referred to the A&F Committee.

Ban smoking within a specified distance from a main entrance of a business or public building [MANNING] – This item was referred to the D&S Committee.

To review the Pros and Cons of counting prison and/or jail population in the redistricting calculations [WASHINGTON] – This item was referred to the Redistricting Ad Hoc Committee.

Resolution supporting Harvest Hope Food Bank's Hold Out for Hunger Day [PEARCE] – Mr. Pearce moved, seconded by Mr. Malinowski, to adopt a resolution honoring Harvest Hope Food Bank's Hold Out for Hunger Day. The vote in favor was unanimous.

I move that Council direct staff address the proliferation of illegal signs in the County by involving Special Services Department, or any other County departments, to conduct a weekly Tuesday sign sweep along the most littered corridors of the County. All signs, except government and utility signs, in the right-of-way would be considered "litter" and disposed of by the County. In addition, I move that staff work with the Zoning Department to develop a simpler and more effective illegal sign ordinance and bring that back to Council [HUTCHINSON] – This item was referred to the D&S Committee.

Richland County adopt the State's travel policy per diem [JACKSON] – This item was referred to the A&F Committee.

Review the operations and efficiency of the Mail/Printing Department on equipment and organization to see how much the County will save. Reason: We have to see at every level how we can save taxpayers money and these two operations can make a big impact on savings if updated and structured properly [JACKSON] – This item was referred to the A&F Committee.

The location and relocation of any entity in a commercial or industrial district shall be subjected to the required setbacks for that district only not the setback of the entity. Review the effect of separation of same or similar businesses and how it effects economic development. Reason: If a 400 ft. setback was enforced in the Vista or Five Points in the city they would not enjoy their current success [JACKSON] – This item was referred to the D&S Committee.

There shall be clear detailed definition of all businesses in the code and not subjected to any one persons discretion. Reason: Even though all denials are appealable to BOZA, it wastes much time and money for potential businesses. Having a specific definition will reduce that step. [JACKSON] – This item was referred to the D&S Committee.

Richland County will not accept late grant applications and grant committees will not review or recommend late organization's project for funding if the required paperwork is not submitted by the deadline that is stated clearly in the grant guidelines and on the application check list. This motion applies to Hospitality Tax Grant applications, Accommodations Tax Grant applications, and Discretionary Grant applications [KENNEDY AND JETER] – This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:26 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