

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 3, 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 – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Melinda Edwards, Larry Smith, John Hixon, Pam Davis, David Hoops, Sara Salley, Anna Fonseca, Chris Chris Eversmann, Amelia Linder, Daniel Driggers, Lillian McBride, Alfreda Tindal, 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 Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

APPROVAL OF MINUTES

Regular Session: April 19, 2011 – Mr. Malinowski stated that p. 2 of the minutes should reflect that Ms. Murphy is on the Lexington/Richland District Five School Board.

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

Zoning Public Hearing: April 26, 2011 – Mr. Pearce moved, seconded by Mr. Jeter, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that Item #23 and 24 were motions to table and the amount for #34 should be \$2,000,000.

Mr. Livingston stated that a proclamation for National Travel & Tourism Week needed to be added to the motions list.

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

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized Judge Simon was in the audience.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

Richland County Sheriff's Department Mutual Aid Agreement – Mr. Manning moved, seconded by Mr. Pearce, approve this item. The vote in favor was unanimous.

CITIZENS' INPUT

Ms. Virginia Sanders spoke regarding the Heir Property Ordinance.

REPORT OF THE COUNTY ADMINISTRATOR

National Public Works Week Proclamation – Mr. Hoops presented the National Public Works Week Proclamation and outlined the upcoming events celebrating Public Works Week. May 18th will be the Public Works luncheon and Council members are encouraged to attend.

Decker Mall Update – Mr. Pope stated that due diligence on the property is proceeding. A site visit was held this week.

Caughman Creek Property – Mr. Pope stated staff is awaiting a written response from the Recreation Commission.

Economic Development Director Update – Mr. Pope stated that the interview process is ongoing.

Richland 101 – Mr. Pope stated that Richland 101 has approximately 30 citizens participating in the program.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

County Administrator's Evaluation – Mr. Livingston stated that the Mr. Tomes will be forwarding the evaluation forms to Council members.

Mr. Washington moved, seconded by Mr. Manning, to challenge the Chair ruling to place this item under Executive Session. The motion failed.

Black Expo – Mr. Livingston stated that the Clerk's Office has received the Black Expo event tickets. Council members were requested to contact the Clerk's Office if they desired tickets to any of the events.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Budget to appropriate \$70,000 of General Fund Undesignated Fund Balance to the County Attorney for Redistricting Ad Hoc Committee** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$500,000 of General Fund Undesignated Fund Balance to Risk Management for the County's liability claims** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$227,000 of General Fund Undesignated Fund Balance to Non-Departmental for the County's Unemployment Bill** – No one signed up to speak.

- **An Ordinance Amending the Fiscal Year 2010-2011 Hospitality Tax Annual Budget to appropriate \$245,000 of Hospitality Tax** – No one signed up to speak.

APPROVAL OF CONSENT ITEM

- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$500,000 of General Fund Undesignated Fund Balance to Risk Management for the County's liability claims [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$227,000 of General Fund Undesignated Fund Balance to Non-Departmental for the County's Unemployment Bill [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Budget to appropriate \$70,000 of General Fund Undesignated Fund Balance to the County Attorney for Redistricting Ad Hoc Committee [THIRD READING]**
- **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 [SECOND READING]**
- **11-04MA, Elias Dib, OI to NC (1.29 Acres), Hardscrabble Rd. & Summery Valley Dr., TMS # 17216-10-22(p) [SECOND READING]**
- **Amending the Richland County Code of Ordinances to address environmental issues**
- **Mass Transit Funding [TO TABLE]**
- **Adopt the State's travel policy and per diem [TO TABLE]**
- **CDBG and HOME Funding Process**
- **Central Services Mail and Print Operations Information**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-96 and Section 6-97 of Article IV, Electrical Code; and Section 6-192 of Article XI, Energy Conservation Code, so as to codify the 2008 Edition of the National Electrical Code and the 2006 Edition of the International Energy Conservation Code, and to correctly reflect the 2006 International Residential Code in other sections of Chapter 6 [FIRST READING]**
- **Motion to Adhere to Grant Deadlines as stated in Grant Program Guidelines**
- **Vote Federal Accessibility Grant to Election Commission**

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

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized the Colombian Legislators and Professor Norma Jackson were in the audience. Professor Jackson also introduced the Colombian Legislators to Council.

THIRD READING

An Ordinance Amending the Fiscal Year 2010-2011 Hospitality Tax Annual Budget to appropriate \$245,000 of Hospitality Tax Reserved Fund Balance for the Regional Sports Complex Study – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

SECOND READING

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-185, Temporary and Accessory Uses; Subsection (B), Accessory Uses and Structures (Customary); Paragraph (1), General Standards and Limitations; Subparagraph (D); so as to provide size restrictions for accessory structures in the RU (Rural) District – Mr. Washington moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

FIRST READING

An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2011 and ending June 30, 2012 – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

An Ordinance authorizing the levying of Ad Valorem Property Taxes, which, together with the prior year's carryover and other State levies and any additional amount appropriated by the Richland County Council prior to July 1, 2011, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2011 through June 30, 2012 – Ms. Hutchinson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

An Ordinance Authorizing the issuance and sale of not to exceed \$2,000,000 General Obligation Bonds, with an appropriate series designation, 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; and other matters relating thereto – Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; so as to permit private road subdivisions – Mr. Jackson moved, seconded by Mr. Washington, to forward this ordinance to the Planning Commission. A discussion took place.

Mr. Rose made a substitute motion, seconded by Ms. Hutchinson, to forward to the Planning Commission and to retain the hold harmless clause in the ordinance.

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

The vote was in favor of the substitute motion.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized Mr. Manning’s son was in the audience.

Amend Chapter 26 to define all businesses referenced therein – Ms. Dickerson moved, seconded by Mr. Jeter, to accept staff’s recommendation. The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Uses Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; so as to delete certain setback requirements for bars and other drinking places [FIRST READING] – Mr. Jackson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Contract Approval with Palmetto Posting, Inc. – Mr. Pearce moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

Execution of an agreement naming Richland County as the Administering County for the 5th Circuit Public Defender – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item including the recommendation from the Legal Department regarding the requirement of the administration of the fund. The vote in favor was unanimous.

Policy to Address Budgets of Newly Elected Officials – Mr. Jeter moved, seconded by Ms. Hutchinson, to table this item. The vote in favor was unanimous.

Policy to Address Mid-Year Agency Budget Amendments – Mr. Jeter moved, seconded by Ms. Hutchinson, to table this item. The vote in favor was unanimous.

Request to transfer the VAWA Criminal Domestic Violence grant from Court Administration to Solicitor's Office – Mr. Jackson moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

Revision to Richland County Employee Handbook to Expand Groups Protected from Discrimination – Mr. Rose moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

An Ordinance Authorizing a lease to South Carolina Historic Aviation Foundation for temporary use of the Curtiss-Wright Hangar at the Jim Hamilton-LB Owens Airport [FIRST READING] – Ms. Dickerson moved, seconded by Mr. Rose, to approve this item. The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; by the addition of Article VI, Equal Enjoyment and Privileges to Public Accommodations; so as to prohibit discrimination in the equal enjoyment and privileges to public accommodations [FIRST READING] – Ms. Kennedy moved, seconded by Mr. Jeter, to approve the amended ordinance as distributed. The vote in favor was unanimous.

Use the Debt Collection Program to Recover Outstanding Debt – Mr. Malinowski moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

Organizationally place the County Assessor's Office under the County Administrator – Mr. Pearce stated that the committee recommended requesting the Legislative Delegation introduce legislation that would repeal the special legislation and place the County Assessor under the County Administrator. The vote in favor was unanimous.

Timeline for County Administrator's Evaluation – Mr. Pearce stated that an e-mailed had gone to Council regarding this item. Mr. Tomes will forward the evaluation forms to Council members. Council members are to complete the forms and return them to Mr. Tomes by May 31st. Mr. Tomes will bring back a report at the June 7th meeting. Mini-conferences will be held in June and October. A full evaluation will be conducted in December.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. Appearance Commission, Horticulturalist—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.

- b. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.
- c. **Hospitality Tax Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

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

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **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]** – Mr. Malinowski stated that the committee recommended directing staff to forward all changes to the Web Publisher as soon as possible. The vote in favor was unanimous.
- b. **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 withdrawn.
- c. **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] – Mr. Malinowski stated that the committee recommended tabling this item. The vote in favor was unanimous.

- d. **Manage the number of motions made by Council members during the Motion Period [LIVINGSTON]** – Mr. Malinowski stated that the committee recommended tabling this item in committee.
- 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]** – Mr. Malinowski stated that committee recommended adding a third box entitled “Discretion of Council” on the ROA Template. An explanation will have to be added if this box is checked. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

MOTION PERIOD

Resolution honoring Blythewood Middle School for being redesignated as a School to Watch by the National Forum to Accelerate Middle Grades Reform for the second time [DICKERSON] – Mr. Malinowski moved, seconded by Mr. Manning, to approve a resolution honoring Blythewood Middle School. The vote in favor was unanimous.

Richland County develop a Commission for the Aging: Address the aging population needs and improving quality of life. Working with the office on aging at Lieutenant Governor's Office and serve as recommending body to County Council [JACKSON] – This item was referred to the D&S Committee.

Richland County Council has dismissed the Clerk of Council effective March 31, 2011 and so is currently without a Clerk. I motion to start the process for the search for a Clerk of Council immediately [JACKSON] – This item was referred to the A&F Committee.

Proclamation Designating May 7-15, 2011 as National Travel & Tourism Week – Ms. Dickerson moved, seconded by Ms. Kennedy, to adopt the proclamation designating May 7-14, 2011 as National Travel & Tourism Week. The vote in favor was unanimous.

Move that RICHLAND COUNTY HUMAN RESOURCES GUIDELINES TITLE: Voluntary Resignation Number: 5.16 EFFECTIVE DATE: 8/1/2009; Section entitled

Exit Interview be revised to include wording which stipulates all employees who resign be provided with an Exit Interview Form and that a one-on-one discussion upon termination (voluntary or involuntary) be conducted by his/her Supervisor or Department Head, or HRD. Additionally, that wording be added to specify that once performed, management will evaluate the contents of the exit interview form to determine if any management action need to take place or investigate issues provided in the documentation. Finally, that if an employee refuses to participate, that information is documented to explain the absence of a completed form
[MANNING] – This item was referred to the A&F Committee.

I move that Council direct staff to investigate the cost savings of the option of installing stop signs instead of speed humps as a traffic calming technique, in certain situations, and to lower the current warrants for county stop signs in those cases. Reason: Speeding traffic cutting through neighborhoods is endangering residents. Within neighborhoods, stop signs are a less expensive remedy than installing asphalt speed humps everywhere, and should be considered as a first choice. Traffic volume warrants for stop signs should be adjusted down for internal neighborhood traffic
[HUTCHINSON] – This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:05 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