

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 18, 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	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, Daniel Driggers, John Hixson, Dale Welch, Valeria Jackson, Nelson Lindsay, Larry Smith, David Hoops, Sara Salley, Anna Lange, Alfreda Tindal, Rodolfo Callwood, Geo Price, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at 6:01 p.m.

INVOCATION

The Invocation was given by the Honorable Greg Pearce

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Greg Pearce

PRESENTATION OF RESOLUTIONS

Resolutions honoring Judge William Womble, Judge Clevette Hudnell, and Judge Samuel Peay on their retirement and service to Richland County [LIVINGSTON] – Mr. Livingston, Ms. Dickerson and Mr. Pearce presented resolutions honoring Judge Peay, Judge Hudnell and Judge Womble on their retirement and service to Richland County.

Resolution honoring Mrs. Donnella Brown Wilson her extraordinary life [ROSE] – Mr. Rose presented Mrs. Donnella Brown Wilson with a resolution honoring her extraordinary life.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized that Dr. Lonnie Randolph was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized that Commissioner Wilbert Lewis from the Recreation Commission was in the audience.

Resolution honoring Bob Arial for his upstanding civic work and his one of a kind historical and cultural contributions to our community [ROSE] – Mr. Rose presented Mr. Bob Arial honoring his upstanding civic work and his one-of-a-kind historical and cultural contributions to the community.

APPROVAL OF MINUTES

Regular Session: October 4, 2011 – Mr. Malinowski moved, seconded by Ms. Hutchinson, to reconsider the following item: “Condemnation of Private Property for Use as a Drainage Easement.” The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Hutchinson, to pay the landowner \$600 requested for the property. The vote in favor was unanimous.

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

ADOPTION OF AGENDA

Mr. Smith stated that the Personnel Matter needed to be removed and an additional Potential Litigation item needed to be added under the Report of the Attorney for Execution Session Items.

Mr. Livingston stated that Recreation Commission Meeting and Clerk's Office Organization Committee needed to be added under the Report of the Chairman.

Mr. Malinowski 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. Potential Litigation—2

CITIZENS' INPUT

Mr. Manning moved, seconded by Mr. Washington, to allow the citizen to speak. The vote in favor was unanimous.

Virginia Sanders spoke regarding the Caughman Creek Property Feasibility Study.

Mr. Rose moved, seconded by Mr. Manning, to allow the citizen that signed up to speak during the Citizens Input – "Must Pertain to Items Not on the Agenda" to speak during the first Citizens Input. The vote in favor was unanimous.

Ms. Allie Moon spoke regarding the issue of bath salts.

REPORT OF THE COUNTY ADMINISTRATOR

- a. EECBG Update** – Mr. Pope stated that the lighting project has been underway at 2020 Hampton Street and the project team has been meeting to further discuss the remaining grant funds for lighting. Phase I is projected to finish in February 2012 and Phase II will begin at that time. Phase II will fund the remainder of the 2020 complex including LED exit signs, the garage and outdoor lighting. Additional incentives are available through SCE&G's Energy Wise program that the County will be looking into and applying for.
- b. Eastover Water-Sewer Negotiations Update** – Mr. Pope stated that staff met with Eastover's legal counsel and that Eastover is to forward a proposal before Thanksgiving. Council will be updated as information is available.
- c. Business Services Reform Task Force Update** – Mr. Pope stated that the public forum was held Monday, October 17. The next meeting date of the Business Services Reform Task Force will be forwarded to Council.
- d. 2012 Retreat: January 26-27, 2012** – The 2012 Council Retreat has been scheduled for January 26-27, 2012. The location will be determined.

- e. **Fire Ad Hoc Committee Update** – Mr. Pope stated that the meeting was rescheduled for October 24, 2011 at 4:00 p.m.
- f. **Regional Recreation Complex Ad Hoc Committee** – Ms. Ancheta stated that the Committee has requested the consultant prepare a scope of services for the next phase of the project. The next meeting will be held Tuesday, November 1 at 3:30 p.m. The information that was distributed the Committee members at the meeting on October 17th will be forwarded to full Council.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

- a. **Recreation Commission Meeting** – Mr. Livingston requested that Council members forward proposed meeting dates to the Clerk's Office.
- b. **Clerk's Office Organization Committee** – Mr. Livingston stated that Mr. Pearce, Mr. Manning, Ms. Dickerson and Mr. Jeter have been appointed to this committee.

PRESENTATION

CMRTA Update – Ms. Heizer gave a brief update on the CMRTA. They have hired an outside accountant to complete agreed upon procedures; restructuring of the Board is currently underway; and 4 potential Executive Director candidates have been identified, but this search has temporarily been placed on hold because of ongoing discussions with Veolia.

PUBLIC HEARINGS

- **An Ordinance Amending Section 12 of the Fiscal Year 2011-2012 Annual Budget Ordinance** – No one signed up to speak.
- **An Ordinance Authorizing Certain Economic Incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina, and Sensor Electronic Technology, Inc., pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended; and other related matters** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- An Ordinance Amending Section 12 of the Fiscal Year 2011-2012 Annual Budget Ordinance [THIRD READING]
- 11-11MA, Dan Douglas, RU to GC (2.50 Acres), Hwy. 76, 01506-01-08 [THIRD READING]
- 11-12MA, Edward Holcombe, PDD to GC (2.26 Acres), 1016 Rauch Metz Rd., 02505-02-09/14 [THIRD READING]
- 11-13MA, Fred Gantt, III, RM-MD to LI (4.40 Acres), Simmons St., 11115-01-01/02/03/04/05/06/07 [THIRD READING]
- 11-16MA, Margaret Smith, RM-HD to NC (0.414 Acres), 6624 Shakespeare Rd., 14215-09-08 [THIRD READING]
- 11-17MA, Josh Williamson, Margaret Grimsley, RM-MD to GC (1.0 Acres), 1840 Bluff Rd., 11115-05-05(p) [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-173, Off-Street Parking Standards; Section (D), Design of Parking Areas; Paragraph (4), Accessible Spaces; so as to comply with ADA Access Requirements [THIRD READING]
- An Ordinance Authorizing Certain Economic Incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina, and Sensor Electronic Technology, Inc., pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended; and other related matters [THIRD READING]
- An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Richland County, South Carolina (the "County") and Pure Power Technologies, LLC, acting for itself, one or more affiliates or other project sponsors (the "Company"), in connection with the expansion of certain facilities in the County (the "Expansion Project"); (2) the County to covenant in such agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the Expansion Project; (3) special source credits to reimburse the Company for a portion of certain costs incurred in connection with the Expansion Project; (4) the benefits of a multi-county park to be made available to the Company and the

- **Expansion Project; and (5) other matters relating thereto [SECOND READING]**

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

THIRD READING

An Ordinance Amending the Richland County Code of Ordinances: Chapter 26, Land Development: Article X, Subdivision Regulations; so as to add a new section that permits private road subdivisions in the RU (Rural) Zoning Districts – Mr.

Manning moved, seconded by Mr. Pearce, to approve this item. A discussion took place.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to require a 50-foot right-of-way and remove the hold harmless agreement. A discussion took place.

Mr. Washington withdrew his substitute motion.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to require a 50-foot right-of-way and remove the hold harmless, but to divide the question. A discussion took place.

Ms. Hutchinson made a second substitute motion, seconded by Ms. Dickerson, to allow a 50-foot right-of-way and include the hold harmless agreement. A discussion took place.

Mr. Washington moved, seconded by Mr. Jackson, to call for the question.

<u>For</u>	<u>Against</u>	<u>Not Present</u>
Pearce	Malinowski	Manning
Jackson	Hutchinson	
Rose	Jeter	
Washington	Livingston	
	Dickerson	
	Kennedy	

The call for the question failed.

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

The vote was in favor of the second substitute motion.

SECOND READING

An Ordinance Amending the Fiscal Year 2011-2012 Neighborhood Improvement and Community Development Fund Annual Budgets to appropriate \$48,641 of Neighborhood Improvement Undesignated Fund Balance for transfer to the Community Development Fund for the CDBG and HOME administrative shortfall – Mr. Pearce moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Authorizing An Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina, and Fairfield County, South Carolina, to expand the boundaries of the park to include certain real property located in Richland County and related to Project Cyrus; and other related matters [FIRST READING] – Mr. Washington stated that the committee recommended approval of this item. The vote in favor was unanimous.

An Ordinance Authorizing a deed to Cohn & Cohn Investments, LLC, for approximately 4.94 acres of land constituting a portion of Richland County TMS # 25800-04-01 [FIRST READING] – Mr. Washington stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. **Midlands Workforce Development Board—5** – Mr. Malinowski stated that the committee recommended appointing Mr. Allen Carter, Mr. Vann Gunter, Mr. David Prigg, Ms. Julia Lawson, and Ms. Jeri Boysia. The vote in favor was unanimous.

II. DISCUSSION FROM RULES AND APPOINTMENTS

- a. **When speaking during the citizens' input portion of council meetings, persons currently serving on Richland County Commissions of any kind are not allowed to use their title or the commission name unless they have received unanimous consent from the commission to do so** – Mr. Malinowski stated that this item was held in committee.

b. **CMRTA Nominees for Appointment:**

Mr. Pearce, Ms. Hutchinson, Mr. Livingston, Mr. Manning, Mr. Rose, Mr. Washington, and Mr. Jackson voted for Mr. James "Mac" McCauley.

Mr. Pearce, Mr. Malinowski, Mr. Jackson, Ms. Dickerson, and Mr. Manning voted for Mr. Peter McDermott.

There were no votes for Adel "Butch" Dailey.

Mr. Malinowski, Mr. Jeter and Ms. Dickerson voted for William "Bill" DuBard.

Ms. Hutchinson, Mr. Jeter, Mr. Livingston, Mr. Rose and Mr. Washington voted for Ms. Jennifer Harding.

There was a tie vote for Mr. McDermott and Ms. Harding; therefore, a runoff vote was taken.

Mr. Pearce, Mr. Malinowski, Mr. Jackson and Mr. Manning voted for Mr. McDermott.

Ms. Hutchinson, Mr. Jeter, Mr. Livingston, Ms. Dickerson, Ms. Kennedy, Mr. Rose and Mr. Washington voted for Ms. Harding.

Mr. James "Mac" Bennett and Ms. Jennifer Harding were appointed to the CMRTA Board. In addition, Mr. Livingston appointed Mr. Washington to the CMRTA Board.

OTHER ITEMS

Caughman Property Feasibility Study – Mr. Jackson moved, seconded by Mr. Washington, to direct the Administrator execute the contract immediately after reviewing the feasibility study paid for by the seller. A discussion took place.

Ms. Hutchinson made a substitute motion, seconded by Mr. Rose, to direct the Administrator to proceed with the feasibility study. A discussion took place.

Ms. Dickerson moved, seconded by Ms. Kennedy, to call for the question. The vote in favor was unanimous.

The vote in favor of the substitute motion was unanimous.

CMRTA IGA Ratification – Mr. Manning moved, seconded by Mr. Washington, to approve this item.

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

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

The motion for deferral failed.

Mr. Washington made a substitute motion, seconded by Mr. Livingston, to approve this item and request that the City of Columbia to identify \$25,000 from another fund instead of taking the \$25,000 from the operating budget.

Mr. Jackson made a second substitute motion, seconded by Ms. Dickerson, to approve the item without the \$25,000 provision. A discussion took place.

Mr. Jeter moved, seconded by Mr. Jackson, to call for the question. The vote in favor was unanimous.

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

The second substitute motion failed.

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

The vote was in favor of the substitute motion.

CITIZEN'S INPUT

No one spoke.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:42 p.m. and came out at approximately 8:54 p.m.
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- a. **Potential Litigation** – No action was taken.
- b. **Potential Litigation** – Mr. Washington moved, seconded by Mr. Rose, to direct the Attorney to proceed as discussed in Executive Session. The vote in favor was unanimous.

MOTION PERIOD

Richland County should standardize reimbursement practices for all County grant programs to allow grantees to draw down grant funds up front. Currently, County grant programs are administered in different ways—some allowing up front draw downs, others are on a reimbursement basis. All grantees are held responsible for spending and reporting on County funds according to program grant guidelines, rules and regulations. Grantees who do not follow these rules and regulations jeopardize receiving funds from the County in the future.
[WASHINGTON] – This item was referred to the A&F Committee.

In order to ensure that Richland County can better recruit and retain qualified Sheriff's Deputy's in this region, I hereby move that the Council increase the current pay for deputies commensurate with the pay for Lexington County
[MANNING & JACKSON] – This item was referred to the A&F Committee.

I would like to make a motion base the historical, recent agreement and amendment regarding Richland County's participation with Central Midlands Regional Transit Authority (CMRTA) as well as the City of Columbia of which I am

including for your review to pursue the procedures process to dissolve the CMRTA as it is currently known and transfer all operational, administrative and managerial ownership to the City of Columbia; whereby the public transportation system will be known as the City of Columbia Metropolitan Transit Authority. And that Richland County be allowed to purchase services based on the needs of the unincorporated area [DICKERSON AND JACKSON] – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:56 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