

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 15, 2012 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	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Melinda Edwards, John Hixon, Tracy Hegler, Geo Price, Andy Metts, Brad Farrar, OJetta O'Bryant, Holland Ledger, David Hoops, Jeannette McBride, Jocelyn Jennings, Valeria Jackson, Connellus Morgan, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:08 p.m.

INVOCATION

The Invocation was given by the Honorable Valerie Hutchinson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Valerie Hutchinson

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that Ms. Jakeniqua Manning, Miss Livingstone 2011-2012, and Ms. Jeannette McBride, Clerk of Court, was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized that former Councilwoman Bernice G. Scott was in the audience.

Mr. Washington also thanked his colleagues and staff for their support following his children's auto accident.

PRESENTATION OF RESOLUTION

Resolution Honoring Gail McFall – Mr. Rose presented a resolution to Gail McFall's parents honoring her service to the Richland County Clerk of Court's Office.

APPROVAL OF MINUTES

Regular Session: May 15, 2012 – Mr. Malinowski moved, seconded by Ms. Dickerson, to defer approval of the portion of the minutes regarding the "Solid Waste Negotiations Update". The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes excluding the portion regarding the "Solid Waste Negotiations Update". The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Washington stated that the Public Works Proclamation needed to be added under the Report of the Chairman.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following were potential Executive Session Items:

a. Motion to Rescind

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Fire Contract Update – Mr. Pope stated that the Fire Committee met Monday, May 14, and recommended forwarding the fire contract to the June 5th Council meeting for action. The fire contract will be forwarded to full Council for review prior to the Council meeting.

Fire and EMS – Mr. Pope stated that the agreement has been forwarded to the City of Columbia's for signature.

Community Development HOME and NSP Update – Ms. Valeria Jackson gave a brief update on these programs.

Broadcast Update – Ms. Snowden stated that since the inception of the broadcasting of Regular Session Council meetings on May 15, the broadcasts have been viewed 1,065 times.

Millage Information and Budget Motions List – Mr. Pope stated that the millage information was distributed to Council by the Clerk's Office and that the preliminary budget motions list to Council immediately following tonight's Council meeting.

Staff Presentation – Ms. Snowden recognized Ms. Tamara King for her years of service to the Richland County Public Information Office.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

Public Works Proclamation – Mr. David Hoops presented a proclamation in honor of Public Works Week and invited Council to participate in the Public Works Week events.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$5,000 of General Fund Undesignated Fund Balance for International Legislative Delegation** – 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 McEntire Produce, Inc., a corporation organized and existing under the laws of the State of South Carolina, and certain affiliates of McEntire Produce, Inc., including R. C. McEntire Trucking, Inc., a corporation organized and existing under the laws of the State of South Carolina, and McEntire Limited Partnership, a limited partnership organized and existing under the laws of the State of South Carolina pursuant to Title 12, Chapter**

44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$5,000,000 – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- 12-17MA, Richland County, City of Columbia, RU to GC (.086 Acres), Garners Ferry Rd., 21800-01-09 [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-179, Pedestrian, Bicycle, and Transit Amenities; Subsection (A), Sidewalks and Other Pedestrian Amenities; Paragraph (4), Exemptions; so as to add the Public Works Department as an entity that can deny sidewalks within their right-of-way [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-99, M-1 Light Industrial District; Subsection (C), Development Standards; Paragraph (7), Parking/Loading Standards; so as to allow parking within the required setbacks [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; the requirement of a fence as this requirement is already addressed under the International Building 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 26-177, Lighting Standards; Subsection (B), Standards; Paragraph (1), Requirements for all Zoning Categories and Applications; Subparagraph (H); so as to allow black poles [THIRD READING]
- An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$600,000 of General Fund Undesignated Fund Balance for Workers' Compensation claims [SECOND 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 McEntire Produce, Inc., a corporation organized and existing under the laws of the State of South Carolina, and certain affiliates of McEntire Produce, Inc., including R. C. McEntire Trucking, Inc., a corporation organized and existing under the laws of the State of South Carolina, and McEntire Limited Partnership, a limited partnership organized and

existing under the laws of the State of South Carolina pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$5,000,000 [SECOND READING]

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

THIRD READING

An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$5,000 of General Fund Undesignated Fund Balance for International Legislative Delegation – Ms. Dickerson moved, seconded by Mr. Washington, to give Third Reading approval to this item. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Ms. Hutchinson, to deny this item. A discussion took place.

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

For

Malinowski
Hutchinson
Pearce

Against

Rose
Jackson
Washington
Livingston
Dickerson
Kennedy
Jeter

The substitute motion failed.

The vote was in favor of approving this item.

SECOND READING

12-04MA, Richland County, GC to RM-MD (.64 Acres), 5225, 5229, 5235, & 5239 Ridgeway St., 09309-03-07(p)/08(p)/09(p)/10(p) – Mr. Livingston moved, seconded by Mr. Malinowski, to defer this item until the June 5th Council meeting. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

MOTION PERIOD

Add to Sec. 4.1 of Council Rules: “No standing committees of Council shall be scheduled at the same time [LIVINGSTON] – This item was referred to the Rules & Appointments Committee.

Many residents connected to City of Columbia Water are charged the same flat rate for sewer as those who have well water. Some families consist of 4 or more while others are only one person. This in itself will create a huge disparity in sewer use. In an effort to work toward a more fair pricing of utilities the following motion is being made: Determine per gallon usage rates for sewer in counties of comparable size to Richland County and then through liaison obtain water usage rates from Columbia in order to charge a more accurate sewer usage rate for those who have water meters. Those without meters will continue to pay a standard rate as determined by Richland County [MALINOWSKI] – This item was referred to the D&S Committee.

Due to the continued misunderstanding between both staff of the County and City and some Council members from both sides, I move that all members of both the City and the County Council meet to resolve the Fire Contract. (We can meet anywhere.) Reason: Staff members of both sides seem to be negotiating and adding things to the contract that both Councils did not agree to and only certain Council members are privy to. Taking one year to negotiate a contract and now seems to be running out of time is unacceptable. For this to drag out this long and each side blaming the other shows poor leadership. At the end of the day if we do not resolve this contract agreement, it will be the public who suffer. The public who we swear to protect. I made this motion some time ago and I am not sure what is happening. It is time for both Councils to meet and get it over with. Staff tried and now both Councils need to show leadership and get it done. [JACKSON] – This item was referred to the D&S Committee.

A Resolution to the Richland County Legislative Delegation to promote local governments’ ability to locate community residential care facilities, group homes, boarding houses, halfway house and similar uses consistent with State and Federal Law and the interests and character of single-family residential districts [KENNEDY] – This item was referred to the D&S Committee.

I make a motion to rescind the action taken by this Council on May 1, 2012, which approved the solid waste collection contracts for service areas 2 and 6 as negotiated by County Administration and as presented in Executive Session [WASHINGTON] – Mr. Washington moved, seconded by Mr. Malinowski, to rescind the action taken on the solid waste collection contracts for service areas 2 and 6. A discussion took place.

Mr. Jackson moved to suspend the motion period. The motion was approved unanimously.

Ms. Dickerson moved, seconded by Ms. Kennedy, to rescind the action taken by this Council on May 1, 2012, which approved the solid waste collection contracts for service areas 2 and 6 as

negotiated by County Administration and as presented in Executive Session. A discussion took place.

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

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

The vote to call for the question failed.

The vote was in favor of rescinding the action taken on the solid waste contracts for service areas 2 and 6.

Mr. Malinowski moved, seconded by Mr. Manning, to defer action on this item until after the May D&S Committee meeting.

Mr. Washington made a substitute motion, seconded by Mr. Manning, to approve service area 2 and defer action on service area 6. A discussion took place.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 7:25 p.m. and came out at approximately 8:06 p.m.
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Mr. Washington made a second substitute motion, seconded by Ms. Dickerson, to defer approval of solid waste collection contracts for areas 2 and 6, receive information regarding area 6 from the D&S Committee and take action at the June 5th Council meeting.

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

The vote was in favor of the second substitute motion.

I move that Council approve by unanimous consent a resolution proclaiming May as Teen Pregnancy Prevent Month in Richland County. The resolution affirms Council's dedication to the future success of its young people and the prevention of teen pregnancy [MANNING & WASHINGTON] – Mr. Livingston moved, seconded by Mr. Jackson, to approve a resolution proclaiming May as Teen Pregnancy Prevention Month in Richland County. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Dickerson, to approve the action of the rescission for the remaining minutes. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:10 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Damon Jeter

Bill Malinowski

Jim Manning

Paul Livingston

Seth Rose

The minutes were transcribed by Michelle M. Onley