

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 16, 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	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Yanisse Adrian-Silva, Sara Salley, John Hixon, Stephany Snowden, Nelson Lindsay, Geo Price, Tracy Hegler, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:06 p.m.

INVOCATION

The Invocation was given by the Honorable Jim Manning

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning

PRESENTATION OF RESOLUTIONS

National Friends of the Library Week [MANNING] – Mr. Manning presented the proclamation to “Friends of the Richland County Public Library”.

Adopting October as the “Month of the Parent” in Richland County [WASHINGTON] – Ms. Dickerson and Ms. Kennedy presented a resolution to Ms. Michelle Harris of Parenting Solo.

APPROVAL OF MINUTES

Regular Session: October 2, 2012 – Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Livingston moved, seconded by Mr. Malinowski, to move the presentation by The Therapy Place to immediately following the Adoption of the Agenda. The vote in favor was unanimous.

The amended agenda was unanimously approved.

PRESENTATION

The Therapy Place, Dawn Darby – Ms. Darby gave an update on the programs available at The Therapy Place and thanked Richland County for their continued support.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following were potential Executive Session Items:

- a. **Landfill/Contractual Matter**
- b. **Palmetto Utilities**
- c. **Economic Development Items**
- d. **Employee Grievance**
- e. **Personnel Matter**

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Council went into Executive Session at approximately 6:28 p.m. and came out at approximately 6:31 p.m.
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- a. **Economic Development Items** – No action was taken.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Palmetto Utilities – This item was taken up in Executive Session.

Brownfield Update – Ms. Salley gave a brief update and stated that the County will be re-applying for a \$600,000 grant for Brownfield assessments.

Employee Grievance – Mr. Livingston moved, seconded by Mr. Malinowski, to accept the Administrator's recommendation. The vote in favor was unanimous.

REPORT OF THE CLERK OF COUNCIL

Tax Referendum Public Hearing, Thursday, October 18th at 6:00 p.m., Council Chambers

– Ms. Onley reminded Council of the Election Commission Tax Referendum Public Hearing on October 18th at 6 p.m. in Council Chambers.

November Meeting Schedule – Ms. Onley stated that the dates for the November Council meetings are as follows: November 13th and 20th Regular Session and November 27th Committees and Zoning Public Hearing.

McEntire Tour Reminder – Ms. Onley reminded Council of the McEntire Base scheduled for November 1st at 10:00 a.m. Ms. Onley will send an e-mail to Council regarding transportation options.

REPORT OF THE CHAIRMAN

Personnel Matter – This item was taken up in Executive Session.

Meeting with Elected Officials – Mr. Washington recommended quarterly meetings be held with the elected officials, municipalities and Legislative Delegation.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$730,000 of General Fund Restricted Fund Balance for Economic Development Projects** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2012-2013 Hospitality Tax Budget to appropriate \$1,217,201 of Hospitality Tax Restricted Fund Balance for the Recreation Sports Complex** – No one signed up to speak.
- **An Ordinance Authorizing the issuance and sale of not to exceed \$9,000,000 Fire Protection Service General Obligation Bonds, Series 2012B, or such other**

appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; authorizing the Interim County Administrator to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; adopting written procedures related to tax-exempt debt; and other matters relating thereto – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$730,000 of General Fund Restricted Fund Balance for Economic Development Projects [THIRD READING]
- 12-25MA, Angela Lawrence, RU to RC (2 Acres) 7271 Bluff Rd., 27300-05-19 [THIRD READING]
- 12-26MA, John Blackmon, 3P, LLC, Christopher Robnett, DDS & Pine Spring Inc., HI to GC (1.85 Acres), North Springs Rd. & Brickyard Rd., 22804-04-01/02/12 & 22905-01-78 [THIRD READING]
- 12-27 MA, Barbara Bratcher, Clara Beasley, RU to GC (2.5 Acres), 8505 Garners Ferry Rd., 21800-05-07 [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-58, Appeals of Administrative Decisions; Subsection (B), Appeal Submittal; Paragraph (1), Application; so as to correct the section reference for appeals [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 3A, Tax Assessor; so that a new department will be created, and Amending Chapter 23, Taxation; Article II, Tax Assessor and Article III, Board of Assessment Control; by deleting the language therein [SECOND READING]
- An Ordinance Amending the Fiscal Year 2012-2013 Solid Waste Enterprise Fund Annual Budgets to appropriate \$972,600 of Solid Waste Enterprise Unassigned Fund Balance for transfer to the Solid Waste Operating Budget for the sole purpose of purchasing roll carts [SECOND READING]
- And Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$184,496 of General Fund Unassigned Fund Balance for Grant Match to Departments for grants approved through the FY13 Budget Process [SECOND READING]

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 6A, Conservation; so that a new department will be created [SECOND READING]**

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

THIRD READING ITEM

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to foster more environmentally-sensitive site development in Richland County – Mr. Livingston moved, seconded by Mr. Rose, to approve this item. The vote in favor was unanimous.

12-22MA, Jonathan Giles, Robert Giles, RM-HD to NC (.33 Acres), 1157 & 1159 Olympia Ave., 11203-01-03 & 04 – Mr. Washington moved, seconded by Mr. Jackson, to approve this item. The vote was in favor.

An Ordinance Amending the Fiscal Year 2012-2013 Hospitality Tax Budget to appropriate \$1,217,201 of Hospitality Tax Restricted Fund Balance for the Recreation Sports Complex – Ms. Kennedy moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.

SECOND READING ITEMS

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$75,177.89 of General Fund Unassigned Fund Balance for the Legal Department for salary adjustments – Mr. Malinowski moved, seconded by Ms. Hutchinson, to amend the ordinance to reflect the amount of \$11,830 to cover the benefits for the approved position. The vote in favor was unanimous.

An Ordinance Authorizing the issuance and sale of not to exceed \$9,000,000 Fire Protection Service General Obligation Bonds, Series 2012B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; Authorizing the Interim County Administrator to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; adopting written procedures related to tax-exempt debt; and other matters relating thereto – Ms. Dickerson moved, seconded by Mr. Jackson, to approve this item. A discussion took place.

The vote was in favor.

An Ordinance Amending Ordinance 043-10HR, so as to increase the rate of copy charges for autopsy reports to \$500 – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized his friend, Mr. Harley Griffin, was in the audience.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

Authorizing the execution and delivery of a fee agreement by and between Richland County, South Carolina and [Project Resolve], as sponsor, to provide for fee-in-lieu of ad valorem taxes and other incentives; authorizing the grant of special source revenue credits; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Ordinance Authorizing the execution and delivery of an Intergovernmental Agreement by and between Richland County, South Carolina, the Town of Blythewood, South Carolina relating to [Project Resolve] and the business license fees on the investment by [Project Resolve], and other matters related thereto [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Board of Zoning Appeals—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- b. **Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- c. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- d. **Township Auditorium Board—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—3** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Building Codes Board of Appeals—3** – Mr. Malinowski stated that the committee recommended appointing Mr. Jesse S. Burke, Engineer; Mr. Michael T. Lowman, Building; and Mr. Greg Mackie, Gas. The vote in favor was unanimous.

- c. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- d. **Midlands Workforce Development Board—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Annie Caggiano. The vote in favor was unanimous.
- e. **Planning Commission—1** – Mr. Malinowski stated that the committee recommended appointing Mr. William H. Theus. The vote in favor was unanimous.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Agendas—FOIA Compliance** – This item was received as information.
- b. **Appearance Commission: [MALINOWSKI]**
 - 1. **Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that.**
 - 2. **Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting.**

Mr. Malinowski stated that the committee recommended amending Sec. 2-332 as follows:

(2) Membership: *“The Richland County Appearance Commission shall consist of 11 members appointed by individual members of County Council (i.e. each Councilperson shall have one appointment and shall fill any vacancy of that appointment as may arise.) At least one member of the Commission must have certification in or specialized knowledge or proficiency in landscape architecture, horticulture or master gardening. Any interested resident of Richland County at the time of his or her appointment and remaining a resident of Richland County during the tenure of his or her appointment is eligible to be a member.”*

(5) By-laws: *“The commission may adopt by-laws and rules of procedure by which meetings and activities of the commission will be conducted. Any matter not addressed under the by-laws or rules of procedure the commission adopts shall be governed by Robert’s Rules of Order, most recent edition.”*

(6) Quorum: *“A quorum of appointed members (i.e. a majority of the appointed members), and not of the “fixed membership” of the commission, must be present for the commission to conduct business. [For example, if the commission has only five (5) appointed members at the time, notwithstanding*

the “fixed membership” described in subsection (2), a quorum of the “appointed members” would be three (3)].”

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized Mr. Ben Mauldin, Interim Executive Director of CMCOG, was in the audience.

Mr. Washington recognized Mr. Reginald Simmons, CMCOG Director of Transportation was in the audience.

Mr. Livingston moved, seconded by Mr. Rose, to defer this item until the November 13th Council meeting. The vote in favor was unanimous.

- c. **Council Individual Discretionary Account** – No action was taken.
- d. **I move Council consider allowing Master Gardeners to fulfill roles of Landscaper and Horticulturalist on the Appearance Commission, in the event that no licensed Landscaper or Horticulturalist can be recruited for the Commission. I also encourage all Council members to appoint their candidates to this Commission, and request staff inform Council vacancies [HUTCHINSON]** – This item was taken up with Item (b) under Discussion from Rules & Appointments Committee.
- e. **Due to recent issues with the Chair making announcements and having meetings on behalf of Richland County and County Council without Council’s approval. I move that we have a workshop on the rules of the Chair. The dos and don’ts of the Chair. This will help with the problems and the chaos we are having on County Council [JACKSON]** – Mr. Malinowski stated that the committee recommended scheduling a work session after the election in November.

Mr. Livingston made a substitute motion, seconded by Mr. Pearce, to take up all the Rules of Council at the work session. The vote in favor was unanimous.
- f. **Add to Section 4.1 of Council Rules: “No standing committees of Council shall be scheduled at the same time.” [LIVINGSTON]** – Mr. Malinowski stated that the committee recommended that “No standing committees of Council shall be scheduled at the same time.” to Sec. 4.1 of Council Rules. The vote in favor was unanimous.
- g. **That all items currently listed at the end of the A&F and D&S Committee agendas as “Items Pending Analysis” be cleared up within 90 days. There is no reason some action should not be taken, even if it means to table it for now [MALINOWSKI]** – Mr. Malinowski stated that the committee recommended the following language be added to Sec. 4.6(b): *“Any item on the A&F or D&S Committee agendas listed as an ‘Item Pending Analysis’ must be resolved, tabled or otherwise disposed of within 100 days of that matter’s referral to the committee.”* The vote in favor was unanimous.

- h. **Reviewing Committee Qualifications** – Mr. Malinowski stated that the committee recommended the following Internal Audit Projects to be referred to the Internal Audit Committee: Finance Department Performance Audit, Procurement Audit, Timekeeping Audit, and Roads and Drainage Maintenance Performance Audit. The vote in favor was unanimous.

OTHER ITEMS

Appointment of Code Enforcement Officers:

- a. **A Resolution to appoint and commission Alonzo W. Smith, Sr., as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County** – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.
- b. **A Resolution to appoint and commission Michael A. King, as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County** – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 7:33 p.m. and came out at approximately 8:23 p.m.
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- a. **Landfill/Contractual Matter** – Ms. Hutchinson moved, seconded by Mr. Jackson, to direct staff to undertake the due diligence and explore the possibility of entering into an agreement relative to a possible transaction discussed in Executive Session, if such transaction can be undertaken with safeguards in place to protect the County's interests.

If it can then staff is to report back to Council and present for Council's review any agreements that may be needed to undertake this transaction if such agreements are ready for Council's review. If this matter is not feasible, then staff is to report back to Council as well. The vote in favor was unanimous.

- b. **Palmetto Utilities** – Ms. Dickerson moved, seconded by Mr. Rose, to authorize the Administrator to further explore the matter with Palmetto Utilities without any commitment at this time and to report back to the Council to update us on this matter. The vote in favor was unanimous.

c. **Personnel Matter** – No action was taken.

MOTION PERIOD

Wrecker service operators in Richland County have requested that County Council review for possible adjustment the 2009 Richland County Ordinance pertaining to allowable fees charged for wrecker (towing) and storage services based on increased costs especially in fuel. Fee adjustments have apparently been granted by the ?SC Highway Patrol and City of Columbia [PEARCE] – This item was referred to the A&F Committee.

For Businesses closed for more than one year, if the building is structurally sound then it should be allowed for continued use only without modification. Reason: Buildings closed for more than one year are subject to new Building Codes. The costs for updates are too expensive causing new potential businesses to go elsewhere. The County has a lot of unoccupied buildings causing blighted communities. To resolve the problem if buildings are structurally sound and the use is the same or similar then it should be allowed as continued use without additional modifications [JACKSON] – This item was referred to the D&S Committee.

Resolution honoring William “Bill” Robinson on his retirement [WASHINGTON] – Mr. Pearce moved, seconded by Mr. Jackson, to adopt a resolution honoring William “Bill” Robinson on his retirement. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:26 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