

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 4, 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, Nelson Lindsay, Dale Welch, Amelia Linder, Daniel Driggers, Geo Price, David Hoops, Pam Davis, Bill Peters, Rodolfo Callwood, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:09 p.m.

### INVOCATION

The Invocation was given by the Honorable Bill Malinowski

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bill Malinowski

## APPROVAL OF MINUTES

**Regular Session: November 20, 2012** – Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as distributed.

Mr. Malinowski moved, seconded by Ms. Hutchinson, to reconsider the portion of the minutes related to “An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; so as to repeal the Green Code Standards and to have Section 26-186 read as ‘Reserved’” to clarify the deferment.

A discussion took place regarding whether the maker of the motion voted on the prevailing side for this item at the November 20<sup>th</sup> meeting.

Mr. Washington ruled the motion out of order.

Ms. Kennedy moved, seconded by Mr. Malinowski, to reconsider the portion of the minutes related to “An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; so as to repeal the Green Code Standards and to have Section 26-186 read as ‘Reserved’” to clarify the deferment.

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

The motion failed for reconsideration.

The vote was in favor of approving the minutes as distributed.

**Zoning Public Hearing: November 27, 2012** – Mr. Pearce moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

## ADOPTION OF THE AGENDA

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

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. Project Resolve
- b. Darrell's Update

- c. Employee Grievance
- d. Personnel Matter

### EXECUTIVE SESSION

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**Council went into Executive Session at approximately 6:17 p.m. and came out at approximately 6:52 p.m.**  
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- a. **Darrell's Update** – Mr. Pearce moved, seconded by Mr. Malinowski, to proceed as directed in Executive Session. The vote in favor was unanimous.

### CITIZENS' INPUT

No one signed up to speak.

### REPORT OF THE COUNTY ADMINISTRATOR

**IT "County Records" Security Update** – Mr. McDonald stated that the IT Department will fund the recommended security updates from their existing budget.

**Employee Grievance—1** – Mr. Malinowski moved, seconded by Mr. Manning, to uphold the Administrator's recommendation. The vote in favor was unanimous.

### REPORT OF THE CLERK OF COUNCIL

**Retreat Locations** – Mr. Washington moved, seconded by Mr. Manning, to hold the 2013 Council Retreat at Hickory Knob State Park.

Mr. Malinowski made a substitute motion to hold the 2013 Council Retreat at 2020 Hampton Street, Council Chambers. The motion died for lack of a second.

Ms. Dickerson made a substitute motion, seconded by Mr. Jackson, to hold the 2013 Council Retreat at Parklane Adult Activity Center. A discussion took place.

Ms. Dickerson withdrew her substitute motion.

Mr. Jackson made a substitute motion, seconded Ms. Dickerson, to hold the 2013 Council Retreat in Richland County.

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

The vote was in favor of the substitute motion.

Ms. Dickerson moved, seconded by Mr. Malinowski, to reconsider this item. The motion failed.

#### REPORT OF THE CHAIRMAN

**Special Called Meeting, December 18<sup>th</sup>, 7:30 p.m.** – Mr. Jackson moved, seconded by Mr. Livingston, to hold a Special Called Meeting on December 18<sup>th</sup> at 7:30 p.m. The vote was in favor.

**Joint City/County Legislative Dinner** – Mr. Washington directed staff to work with the Council liaisons regarding this item.

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

#### OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "Incentive Agreement") between Richland County, South Carolina (the "County") and Constantia Hueck Foils L.L.C., acting for itself, and one or more affiliates or other project sponsors (the "Company"), whereby, under certain conditions, the County shall grant incentives to the Company in connection with the expansion of certain manufacturing facilities in the County (the "Expansion Project"), in which agreement the County will covenant to accept certain negotiated fees in lieu of Ad Valorem taxes with respect to the Expansion Project; (2) Certain special source credits in connection with the Expansion Project; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company; and (4) other matters relating thereto** – No one signed up to speak.
- **Authorizing the execution and delivery of an agreement between the County and [Project Resolve] to provide for the conveyance of certain property from the County to [Project Resolve] and other matters related thereto** – No one signed up to speak.
- **Authorizing, pursuant to Chapter 6 of Title 31, of the South Carolina Code of Laws, 1976, the Execution and Delivery of an Intergovernmental Agreement relating to the Columbia Renaissance Redevelopment Plan among Richland County, South**

**Carolina, the City of Columbia, South Carolina, and School District No. 1 of Richland County, South Carolina; and other matters relating thereto** – Ms.

Tameika Isaac Devine spoke regarding this item .

- **Authorizing, pursuant to Chapter 6 of Title 31, of the South Carolina Code of Laws, 1976, the Execution and Delivery of an Intergovernmental Agreement relating to the Innovista Redevelopment Plan among Richland County, South Carolina, the City of Columbia, South Carolina, and School District No. 1 of Richland County, South Carolina; and other matters relating thereto** – Ms. Viola Hendley spoke regarding this item .

**APPROVAL OF CONSENT ITEMS**

- **An Ordinance Authorizing a Quit-Claim Deed to Mary Tyler Robinson for an unnamed road shown on a plat in Plat Book “13” at Page 147 and recorded in the Richland County Register of Deeds; and being further described as Richland County TMS#07313-07-01 [THIRD READING]**
- **An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS#15209-01-04, also known as 218 McNulty Street [THIRD READING]**
- **Council District Limits Centered on County Maintained Roads**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-22, Sidewalks; so as to allow the Public Works Department to construct and/or improve sidewalks on all streets; as needed [FIRST READING]**
- **Contract Renewal for EMS Billing Vendor (Lowcountry Billing)**
- **Town of Eastover Intergovernmental Service Contract to Provide for Eastover Magistrate**
- **Coroner: Request for Council’s Permission to Sell a 2005 Ford Explorer**

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

**THIRD READING**

**Authorizing the Execution and Delivery of an Agreement between the County and Koyo Corporation of U.S.A., to provide for the conveyance of certain property from the County to Koyo Corporation of U.S.A., and other matters related thereto [THIRD READING]** – Ms.

Dickerson moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. Kennedy, to reconsider this item. The motion to reconsider failed.

## SECOND READING ITEMS

**An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to add a Full-Time Paralegal position in the Public Defender's Office** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

**Authorizing, pursuant to Chapter 6 of Title 31, of the South Carolina Code of Laws, 1976, the execution and delivery of an Intergovernmental Agreement relating to the Columbia Renaissance Redevelopment Plan among Richland County, South Carolina, the City of Columbia, South Carolina, and School District No. 1 of Richland County, South Carolina, and other matters relating thereto** – Mr. Livingston moved, seconded by Mr. Pearce, to defer this item. The vote in favor was unanimous.

**Authorizing, pursuant to Chapter 6 of Title 31, of the South Carolina Code of Laws, 1976, the execution and delivery of an Intergovernmental Agreement relating to the Innovista Redevelopment Plan among Richland County, South Carolina, the City of Columbia, South Carolina, and School District No. 1 of Richland County, South Carolina, and other matters relating thereto** – Mr. Livingston moved, seconded by Mr. Manning, to defer this item. The vote in favor was unanimous.

**12-33MA, Trinity Presbytery, Inc., Frank Strasburger, RU to RS-MD (10 Acres), Longtown Rd. & Longtown Rd. East, 20300-02-48** – Mr. Manning moved, seconded by Mr. Pearce, to approve this item. The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; so as to clarify the permitting process** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

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

The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; so as to clarify the subdivision review and approval process** – Mr. Livingston moved, seconded by Mr. Jackson, to approve this item.

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

The vote was in favor.

#### **REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

**Interstate Interchange Lighting** – Ms. Kennedy stated that the committee recommended approval. A discussion took place.

The vote in favor was unanimous.

**Sediment Removal Project—Forest Lake** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Pearce, to reconsider this item. The motion for reconsideration failed.

**Donation of Conservation Easement: Pine Springs, Inc.** – Mr. Manning moved, seconded by Ms. Hutchinson, to approve this item. A discussion took place.

The vote in favor was unanimous.

#### **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

**South Paving Contract Award** – Mr. Jackson moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

The vote in favor was unanimous.

**Pilot Program: Parking Meters at County Administration Building** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the pilot program from January 1-March 31, 2013. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 25, Vehicles for Hire; Article II, Towing and Wrecker Services; Section 25-20, Wrecker and Storage Charges, so as to increase the fees charged for towing and wrecker services [FIRST READING]** – Mr. Jeter stated that the committee recommended approval of this item. A discussion took place.

The vote was in favor.

**Family Court Child Support Enforcement Position** – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item. A discussion took place.

The vote in favor was unanimous.

#### **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

**Governmental Affairs Representative Services Contract Renewal** – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

#### **REPORT OF RULES AND APPOINTMENTS COMMITTEE**

##### **I. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE**

- a. **Transportation Penny Advisory Committee-7 [5 must be from unincorporated Richland County]** – Mr. Malinowski stated that the committee recommended advertising for these positions. The vote in favor was unanimous.

#### **OTHER ITEMS**

#### **REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE:**

- a. **Manager/Operator of Soccer Portion of Regional Recreation Complex** – Ms. Kennedy stated that the committee recommended that Council authorize the staff to proceed with negotiations with Columbia United FC. After the negotiations have been completed information will be brought to the Ad Hoc Committee and Council for review and approval at December 18<sup>th</sup> Council meeting. A discussion took place.

The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to reconsider this item. The motion for reconsideration failed.

- b. **Oversight Committee** – Ms. Kennedy stated that the committee recommended approval of this item. The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to reconsider this item. The motion for reconsideration failed.

#### **CITIZEN'S INPUT**

No one signed up to speak.

## EXECUTIVE SESSION

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**Council went into Executive Session at approximately 8:23 p.m. and came out at approximately 8:31 p.m.**  
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- a. **Project Resolve** – Mr. Livingston moved, seconded by Mr. Malinowski, to direct the Economic Development Director to move forward as discussed in Executive Session. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Kennedy, to reconsider this item. The motion for reconsideration failed.

## MOTION PERIOD

**If the number of applicants for a Richland County board or committee exceeds the number of available positions there will be no interviews of those applicants. The reason for this motion is that after the Rules & Appointments Committee takes the time to interview applicants and make a recommendation to full council based on that interview, council members who supported someone else not chosen request an individual vote for political reasons rather than needs of the committee they applied for. It becomes a waste of the applicants time to be interviewed and the committee's time if this is the process preferred. [MALINOWSKI]** – This item was referred to the Rules & Appointments Committee.

**No law firm, law office or lawyer will not do legal work on behalf of the County when they have pending law suits against the County [WASHINGTON]** – This item was referred to the A&F Committee.

## ADJOURNMENT

The meeting adjourned at approximately 8:32 p.m.

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Kelvin E. Washington, Sr., Chair

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L. Gregory Pearce, Jr., Vice-Chair

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Gwendolyn Davis Kennedy

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Joyce Dickerson

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Valerie Hutchinson

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Norman Jackson

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Damon Jeter

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Bill Malinowski

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Jim Manning

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Paul Livingston

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Seth Rose

The minutes were transcribed by Michelle M. Onley