

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 7, 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, Sara Salley, Stephany Snowden, Larry Smith, Dale Welch, David Hoops, Sandra Haynes, Bill Peters, John Hixon, Andy Metts, Brian Cook, Rodolfo Callwood, Dwight Hanna, Geo Price, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:04 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

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that Ed Garrison, Town of Blythewood Councilmember, was in the audience.

APPROVAL OF MINUTES

Regular Session: January 17, 2012 – Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: January 24, 2012 – Mr. Livingston moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Jackson requested that clarification for removal from the agenda of motions made by Council members be added under the Report of the County Attorney for Executive Session.

Mr. Washington requested that the following items be added under the Report of the Chairman: Dialogue with Legislative Delegation, Ethiopian Ambassador and a Personnel Matter.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Contractual Matter**
- b. **Classification & Compensation Study**
- c. **Legal Opinion—Agenda Items**
- d. **Personnel Matter**

CITIZENS' INPUT

Mr. Reggie McKnight, Mr. David Lewis, Ms. Becky Bailey, Mr. Andre Chambers, Ms. Joanne Clark, Mr. Wiley Cooper, Mr. Henry Hopkins, Ms. Mamie Jackson, Ms. Audrey Bowers, Ms. Catherine Grossner spoke regarding the CMRTA Gap Funding.

REPORT OF THE COUNTY ADMINISTRATOR

Eastover Wastewater Treatment Plant – Mr. Pope stated that an invitation to tour the facility will be forwarded to Council.

SCE&G Update – Mr. Pope stated Legal is still awaiting easement information from SCE&G. Once the information has been received the settlement will be finalized.

Caughman Creek Property Update – Mr. Pope stated that the County Attorney's office has been in contact with the owner of the property and they are awaiting a revised agreement and property survey. Once the documents have been received the County will have 15 days to finalize the agreement. Council will be updated throughout the process.

Susan McPherson, Chamber's Governmental Affairs Liaison – Mr. Pope introduced Ms. Susan McPherson, the Chamber's new Governmental Affairs Liaison to Council.

REPORT OF THE CLERK OF COUNCIL

SCAC Mid-Year Conference and Institute of Government Registration Deadline – Ms. Onley reminded Council of the deadline for registration for the SCAC Mid-Year Conference and Institute of Government classes.

REPORT OF THE CHAIRMAN

Schedule Transportation Work Session – Council unanimously scheduled the transportation work session for March 14th, 5-7 p.m.

Reinstate Transportation Steering Committees – Mr. Washington requested that staff obtain the list of members and projects.

Committee Assignments – Mr. Washington stated that the committee assignments were forwarded to Council members.

Dinner/Dialogue with Richland County Legislative Delegation – Mr. Washington stated that Dinner/Dialogue with the Legislative Delegation was scheduled for February 15th, 6-8 p.m. at Tapp's.

Ethiopian Ambassador Resolution – Mr. Jackson moved, seconded by Mr. Manning, to adopt a resolution for the Ethiopian Ambassador. The vote in favor was unanimous.

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

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6; Buildings and Building Regulations; so as to properly reference the Building Codes Board of Appeals rather than the “Building Codes Board of Adjustment” wherever applicable** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 5, Animals and Fowl, so as to clarify sections dealing with authority of officers, conditions of impoundment, redemption of animals and owner responsibilities** – Ms. Mary Williams, Ms. Melissa Poage, Ms. Joan Marshall, Mr. Nick Leventis and MS. Dean Lake spoke against the proposed ordinance

Ms. Mary Denis Cauthen spoke in favor of the proposed ordinance.

- **An Ordinance Authorizing a Quit-Claim Deed to Bettye Garrick Byrd for an unnamed 50’ Road shown on a plat in Plat Book “X” at Page 9275 and recorded in the Richland County Register of Deeds** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **Ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the “Building Code Board of Adjustments.”**
[THIRD READING]
- **An Ordinance Authorizing a Quit-Claim Deed to Bettye Garrick Byrd for an unnamed 50’ Road shown on a plat in Plat Book “X” at Page 9275 and recorded in the Richland County Register of Deeds** **[SECOND READING]**
- **12-02MA, E. Randall Mosteller, RU to GC (0.40 Acres), Hwy. 76/Dutch Fork Rd., 01511-01-07** **[SECOND READING]**
- **12-03MA, Peter & Debra Giglotti, Novella Taylor, RU to NC (1.95 Acres), 2233 Clemson Rd., 20281-01-33** **[SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-131, Table of Area, Yard, and Height Requirements; so as to correct referenced section numbers** **[SECOND READING]**
- **FEMA Flood Mitigation Assistance Grant-Richland County All Hazard Plan**
- **Purchase of One Tandem Axle Dump Truck**

- Rezoning a portion of TMS numbers 09309-03-07/08/09/10 from General Commercial to Residential Multi-Family, Medium Density
- Town of Eastover Animal Care Intergovernmental Agreement
- An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$29,2003 of General Fund Undesignated Fund Balance to the Treasurer's Office for the purchase of a new AS400 computer system [FIRST READING]
- An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$30,803 of General Fund Undesignated Fund Balance to the Auditor's Office for the purchase of a new AS400 computer system and printers [FIRST READING]
- An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$45,500 of General Fund Undesignated Fund Balance to the Auditor's Office for the printing of tax bills and software updates [FIRST READING]
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-7, Deductions, Exemptions, Charitable Organizations, and Determination of Classification; so as to allow the deduction of Interstate Commerce Income from Gross Income [FIRST READING]
- An Ordinance to repeal Ordinance Number 055-08HR in its entirety, and to ensure that businesses are not harmed by such repeal [FIRST READING]
- Credentialing System Equipment Project
- Curtiss-Wright Hangar
- Forensic Laboratory Enhancement Grant—Sheriff's Department
- RCSD Entry Deputy Pay Increase FY12

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

THIRD READING

An Ordinance Amending the Richland County Code of Ordinances; Chapter 5, Animals and Fowl, so as to clarify sections dealing with authority of officers, conditions of

impoundment, redemption of animals and owner responsibilities – Mr. Livingston moved, seconded by Ms. Dickerson, to approve Option 2 of the proposed ordinance. A discussion took place.

Mr. Manning made a substitute motion, seconded by Mr. Jackson, to allow the owner the option, within 48 hours, to take their pet to their personal veterinarian and that all registered animals be given a second chance. A discussion took place.

Mr. Manning made a second substitute motion, seconded Mr. Malinowski, to defer this item to the Feb. 21st Council meeting.

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

The vote on the second substitute motion failed.

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

The vote on the substitute motion failed.

The vote was in favor of approving Option 2 of the proposed ordinance.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Sunnyside Drainage Ditch Capital Improvement Project Right-of-Way Purchase and Transfer – Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; the Development; term “Accessory Use/Structure (Building)” [DENIAL] – Ms. Hutchinson stated that the committee recommended denial of this item. A discussion took place.

Mr. Jackson made a substitute motion to approve this item. The substitute motion died for lack of a second.

The vote was in favor of the committee's recommendation.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; Paragraph (8), Bars and Other Drinking Places; and Section 26-152, Special Exceptions; Subsection (D), Standards; Paragraph (2), Bars and Other Drinking Places; so as to remove the distance requirement between two or more bars [FIRST READING] – Ms. Hutchinson stated that the committee recommended approval of this item. A discussion took place.

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

Ms. Hutchinson moved, seconded by Ms. Kennedy. The vote was in favor.

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

The vote was in favor of the substitute motion.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Commercial Façade Improvement Grant Program – Ms. Hutchinson moved, seconded by Mr. Malinowski, to defer this item until the February 21st Council meeting. The vote in favor was unanimous.

Specialized Aviation Service Operation (SASO) negotiation – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item until the February 21st Council meeting. The vote in favor was unanimous.

Broad River Administration Building—Loan Payment – Mr. Malinowski moved, seconded by Mr. Jackson, to deny this item. A discussion took place.

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

The vote was in favor of denial.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Approval of Mars Petcare Set Aside Grant – Mr. Washington stated that the committee recommended deferring this item until the February 21st Council meeting.

Approval of Project Roadrunner Closing Fund Grant – Mr. Washington stated that the committee recommended deferring this item until the February 21st Council meeting.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Accommodations Tax Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- b. **Board of Assessment Control—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Richland Memorial Hospital Board—2** – Mr. Malinowski stated that the committee recommended appointing Mr. James Best and Ms. Felicia Rhue Howard. The vote in favor was unanimous.
- b. **Township Auditorium—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Kem R. Smith.

Mr. Jackson moved seconded by Mr. Washington, to appoint Ms. Dawn Mills Campbell.

Ms. Dickerson moved, seconded by Mr. Rose, to appoint Kem R. Smith.

Mr. Jackson and Mr. Washington voted for Ms. Dawn Mills Campbell.

Mr. Rose, Mr. Malinowski, Ms. Hutchinson, Mr. Pearce, Ms. Dickerson and Ms. Kennedy voted for Ms. Kem R. Smith.

Mr. Livingston, Mr. Jeter and Mr. Manning voted for Mr. Tony White.

Ms. Kem R. Smith was appointed.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Whenever a motion is forwarded to full Council from Committee, the only way it goes back to Committee is if Council directs it back to Committee [JACKSON]** – Mr. Malinowski stated that this item was held in committee.
- b. **Motion that Council rules be amended such that when 5 or fewer people are signed up to speak on a non-agenda item they be allowed to speak after those speaking to an agenda item have finished (towards the beginning of the meeting.) If 6 or more people are signed up to speak on a non-agenda item then Council's current rule will take affect [HUTCHINSON, JACKSON, ROSE]** – Mr. Malinowski stated that this item was held in committee.
- c. **Request for an opinion from the Ethics Commission** – Mr. Malinowski stated that this item was held in committee.
- d. **Reviewing Committee Qualifications** – Mr. Malinowski stated that this item was held in committee.

OTHER ITEMS

A Resolution to appoint and commission Diamond Webster and Dante Roberts as Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the resolution to appoint Diamond Webster and Dante Roberts as Code Enforcement Officers. The vote in favor was unanimous.

CMRTA Funding Gap – Mr. Jackson made a motion, seconded by Ms. Hutchinson, to approve Option 4.a. for \$1.9M: "31% of \$1.9M = \$589,000". A discussion took place.

Mr. Livingston made a substitute motion, seconded by Mr. Rose, to approve Option 3 for \$1.9M: "RC fund 50% of the \$1.9M = \$950,000". A discussion took place.

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

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

The motion failed to call for the question. *[Ms. Kennedy was not present during vote.]*

Mr. Jeter made a second substitute motion, seconded by Mr. Pearce, to approve Option 4.a. for \$2.5M: “31% of \$2.5M = \$775,000” and bring back funding options at the February 21st Council meeting. A discussion took place.

The vote was in favor of the second substitute motion.

FY12-13 Budget Calendar – Mr. Manning requested that the 2nd Reading of the Budget be re-scheduled to May 23rd.

Council unanimously adopted the Budget Calendar as amended.

2012 Retreat Goals/2012 Legislative Agenda – Mr. Malinowski moved, seconded by Mr. Jeter, to direct the millage agencies to submit a budget 20% below the cap, but will receive no less than what they got last year.

Mr. Livingston made a substitute motion, seconded by Mr. Manning, to direct the millage agencies to submit a budget at last year’s funding level with an addendum for anything that is needed beyond last year’s funding level. A discussion took place.

The vote was in favor of the substitute motion.

Mr. Pearce moved, seconded by Mr. Livingston, to approve the 2012 Retreat Goals and Legislative Agenda as presented.

Mr. Malinowski made a substitute motion, seconded by Mr. Rose, to defer the 2012 Retreat Goals and Legislative Agenda to the February 21st Council meeting.

Mr. Malinowski withdrew his deferral.

The vote in favor was unanimous to approve the 2012 Retreat Goals and Legislative Agenda.

CITIZEN’S INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 9:13 p.m. and came out at approximately 9:58 p.m.
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- a. **Contractual Matter** – Mr. Pearce moved, seconded by Mr. Malinowski, to proceed as directed in Executive Session. The vote in favor was unanimous.

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

- b. **Classification & Compensation** – Mr. Jackson moved, seconded by Mr. Pearce, to utilize Buck Consulting to conduct the Class & Comp Study. The vote in favor was unanimous.

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

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

- d. **Legal Opinion** – No action was taken.

MOTION PERIOD

Staff in conjunction with the Finance and Legal Departments will develop a policy relating to Richland County Council members individual spending accounts so that each council person will be restricted to only spending their authorized amount [MALINOWSKI] – This item was referred to the A&F Committee.

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] – This item was referred to the Rules & Appointments Committee.

That the Administrator stop providing quarterly reports relating to the smoking ban. He does not provide them for any other violations of county ordinances and people can go to the weekly update if they want to see these [MALINOWSKI] – Mr. Pearce moved, seconded by Mr. Malinowski, to direct the Administrator to stop providing quarterly reports related to the smoking ban. The vote in favor was unanimous.

Richland County Council Rules reflect the primary responsibilities of the Chair and Vice Chair in section 2.1 through 2.8 in addition to references throughout relating to meeting protocol. I move that other than the responsibilities listed in council rules for the Chair and Vice Chair all other matters the Administrator and/or staff has relating to a council

matter will be provided to the full council for any action. Such matters will also be immediately provided to the full council for review. It is not up to the Chair and Vice Chair to make decisions independently of the full council [MALINOWSKI] – This item was referred to the Rules & Appointments Committee.

Request unanimous consent for a Council Resolution to be sent to every member of the Richland County Legislative Delegation requesting their individual and collective support of full funding of the Local Government Fund (LGF) consistent with statutory guidelines [PEARCE] – Mr. Pearce moved, seconded by Mr. Manning, to unanimously adopt a resolution requesting the Legislative Delegation's individual and collective support of full funding of the Local Government Fund. The vote in favor was unanimous.

When a Richland County resident reaches the age of 62 they will receive some form of a Richland County tax reduction, either through the property tax or some other type of credit. Note: Motion allows for Staff input and flexibility on how such credit or tax break would be implemented [ROSE] – This item was referred to the A&F Committee.

Staff in conjunction with the Finance and Legal Departments will develop a policy relating to Richland County Council members' individual spending accounts so that each council person, as well as all other line items for which County Council authorizes spending in conjunction with the annual budget process, will be restricted to only spending their authorized amount [MANNING] – This item was referred to the A&F Committee.

If council approves the issuance of a \$35m bond that the County Administrator be directed to bring said bond ordinance based on the project list presented at the retreat and show the cost savings based on the issuing rate. If, after council approval, the effective interest rate has increased beyond 2 percent, the Administrator would be required to bring an updated analysis of the cost and savings prior to issue [MALINOWSKI] – This item was referred to the A&F Committee.

Forward the proposed Destination Riverbanks not to exceed \$32M general obligation bond issuance to Committee in February for review, discussion and recommendation to full Council. Destination Riverbanks includes, but is not limited to, the following improvements: a new sea lion exhibit; interactive animal demonstration area; new children's garden; replacement of the main Zoo entryway and ticketing facilities; replacement of restrooms, gift shop, and snack bar, and expansion of restaurant; HVAC energy management system upgrades; parking lots and road system repairs; roof repairs; refurbishment of gunite structured; upgrade IT network; emergency communication and video surveillance systems; relocation of tram stop, and purchase additional tram cars; acquisition of buildings on Rivermont Drive; renovation of canal fountain in botanical garden [MANNING] – This item was referred to the A&F Committee.

By resolution and or action, I move that Richland County confirm that all businesses in Richland County are treated fairly and equally and will continue to be treated fairly and

equally in the manner in which they may be subjected to inspections, that no businesses be targeted for enforcement, to include random enforcement, especially in circumstances where law-enforcement backup is used (i.e., the investigation is not one initiated by law enforcement), in a way that targets businesses, including Minority Businesses, that no businesses be subjected to harassment, degradation, intimidation of any kind, and that the County be mindful of the unnecessary use of blue lights (unless required by law enforcement) during the conduct of non-law enforcement initiated investigations. This confirmation should be a regular administrative function undertaken with enough frequency to ensure compliance with the intent of this motion. To do a simple inspection whether for food, safety or capacity, the Fire Marshal, DHEC and other County officials shall use the utmost care and respect to all businesses. All businesses should be treated equally and with respect [JACKSON] – This item was referred to the Economic Development Committee.

ADJOURNMENT

The meeting adjourned at approximately 10:04 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