

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 1, 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.

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, John Hixon, Dale Welch, Tracy Hegler, Daniel Driggers, Geo Price, Andy Metts, Elizabeth McLean, Kevin Etheridge, Sara Salley, Donny Phipps, Nelson Lindsay, Malav Trivedi, Latasha Brown, Melinda Edwards, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:11 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

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that former Councilwoman Mildred McDuffie was in the audience.

APPROVAL OF MINUTES

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

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

ADOPTION OF THE AGENDA

Mr. Washington stated that the CMCOG Grant Update E-Mail and recognition of the Ghana and Tanzania Delegation under the Report of the Chairman.

Mr. Jackson 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

The following were potential Executive Session Items:

- a. **Solid Waste Negotiations Update**
- b. **Employee Grievances—2**

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Update on Yard Waste Pilot Program – Mr. McDonald gave a brief update regarding the yard waste pilot program and invited other Council members to participate.

Reminder: Budget Work Session, May 3, 2012, 4:00-6:00 p.m. – Mr. Pope reminded Council of the budget work session scheduled for Thursday, May 3rd at 4:00 p.m. and stressed the importance of Council's attendance at the work sessions.

Richland 101 Graduation – Ms. Melinda Edwards recognized the graduates of Richland 101.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson and Ms. Dickerson recognized their constituents that were in the audience.

Employee Grievances—2 – This item was taken up in Executive Session.

REPORT OF THE CLERK OF COUNCIL

V. C. Summer Briefing for County Officials – Ms. Onley stated that the V. C. Summer Briefing has been scheduled for May 24th, 4:30 p.m. at McCrorey Liton Elementary School, Blair, SC and requested that any Council member desiring to attend contact the Clerk's Office.

REPORT OF THE CHAIRMAN

July Meeting Schedule – Mr. Pearce moved, seconded by Ms. Dickerson, to change the July meeting schedule to hold the Regular Session meetings on July 17th and 24th and the Zoning Public Hearing meeting on July 31st. The vote in favor was unanimous.

Intergovernmental Agreement with Town of Eastover – Mr. Malinowski moved, seconded by Mr. Manning, to move forward with the Library's request. The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Manning, to reconsider this item. The motion failed.

POINT OF PERSONAL PRIVILEGE – Mr. Manning commended the Public Information Office on the broadcasting of the Council meeting.

CMCOG Grant Update E-Mail – Mr. Washington stated that the CMCOG received a \$347,000 grant on behalf of the CMRTA for operations.

Recognition of Ghana and Tanzania Delegation – Mr. Washington recognized the Ghana and Tanzania Delegation that was in the audience.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Fiscal Year 2011-2012 Lower Richland Utilities Fund Budget to appropriate \$25,000 of User Fee Revenue for additional operational and maintenance costs of the Hopkins Community Water System [SECOND READING]**
- **12-17MA, Richland County, City of Columbia, RU to GC (.086 Acres), Garners Ferry Rd. [SECOND 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 [SECOND 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 [SECOND 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 [SECOND READING]**
- **Resolution to designate May 2012 as Building Safety Month**
- **Extend Contract with Correct Care Solution Detention Center Medical Services**
- **Extension of Lease for the use of the Curtiss-Wright Hangar at Jim Hamilton-LB Owens Airport**
- **Lower Richland Master Plan Area cost change**
- **Preservation of Hospitality Tax fund balance**

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

SECOND 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 – Mr. Livingston moved, seconded by Ms. Dickerson, to give Second Reading approval to this item. A discussion took place.

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

The vote was in favor.

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 May 15th Council meeting. The vote in favor was unanimous.

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 – Mr. Livingston moved, seconded by Mr. Malinowski, to give Second Reading approval to this item. The vote in favor was unanimous.

FIRST READING

An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2012 and ending June 30, 2013 [BY TITLE ONLY] – Mr. Pearce moved, seconded by Ms. Hutchinson, to give First Reading by title only to this item. The vote in favor was unanimous.

An Ordinance authorizing the levying of Ad Valorem Property Taxes, which, together with the prior year's carryover and other State levies and any additional amount appropriated by the Richland County Council prior to July 1, 2012, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2012 through June 30, 2013 [BY TITLE ONLY] – Ms. Hutchinson moved, seconded by Mr. Jackson, to give First Reading by title only to this item. The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

Amy Barch's Turning Leaf Project – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

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 [FIRST READING] – Ms. Hutchinson moved, seconded by Ms. Dickerson, to give First Reading approval to this item. The vote in favor was unanimous.

Release of Cost and other Financial Information – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

Authorizing the execution and delivery of an amendment to the fee in lieu of tax and incentive agreement between Richland County, South Carolina and Mars Petcare US, Inc. and other related matters – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

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 [FIRST READING] – 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. **Business Service Center-2** – Mr. Malinowski stated that the committee recommended advertising for these positions. The vote in favor was unanimous.
- b. **East Richland Public Service Commission-1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee-4** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- b. **Appearance Commission-2** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.

- c. **Board of Assessment Control** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- d. **Building Codes Board of Adjustments and Appeals-3** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- e. **Building Codes Board of Adjustments-1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- f. **Business Service Center Appeals Board-1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- g. **Internal Audit Committee-1** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Eve McCoy. The vote in favor was unanimous.
- h. **Township Auditorium Board-2** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Christopher Leevy Johnson and Mr. John Whitehead. The vote in favor was unanimous.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Council Member Individual Discretionary Account Motions** – This item was held in committee.
- b. **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 held in committee.
- c. **All committee items being sent to full Council will not automatically be placed on the consent agenda but be listed as first reading items. The rationale is that only three persons could be present for the quorum and if all voted for the item it goes on the consent and this is only about 27% of Council [MALINOWSKI]** – This item was held in committee.
- d. **Reviewing Committee Qualifications** – This item was held in committee.

OTHER ITEMS

Report of Joint Transportation Committee:

- a. **Timeline** – Mr. Livingston stated that the committee recommended the timeline. A discussion took place.

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

The vote was in favor of adopting the proposed timeline.

Mr. Manning moved, seconded by Mr. Livingston, to reconsider this item. The motion failed.

Richland County Approval of CMRTA Proposed Reductions – Mr. Livingston moved, seconded by Ms. Dickerson, to support the proposed reductions. A discussion took place.

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

The vote in favor was unanimous to support the proposed reductions.

Richland Memorial Easement – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

Solid Waste Negotiations Update – Mr. Malinowski moved, seconded by Ms. Hutchinson, to defer until after Executive Session. The vote in favor was unanimous.

CITIZEN'S INPUT

Ms. Aiken and Ms. Mamie Jackson spoke during Citizen's Input.

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 8:26 p.m. and came out at approximately 9:14 p.m.
=====

- a. **Solid Waste Negotiations Update** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve the Solid Waste collection contract terms for Service Areas #2 and #6 as negotiated by County Administration and as presented in Executive Session, and direct the County Administrator to incorporate those terms into a formal agreement for execution.

Mr. Washington made a substitute motion to add to Line #9—Yard Waste Methods, lose debris two roll cart equivalents. The motion died for lack of a second.

The vote was in favor of the motion to approve the Solid Waste collection contract terms for Service Areas #2 and #6.

Ms. Dickerson moved, seconded by Mr. Jackson, to reconsider this item. The motion failed. *{This portion of the minutes was rescinded at the May 15th Council meeting.}*

- b. **Employee Grievances—2** – Mr. Livingston moved, seconded by Ms. Hutchinson, to accept the Administrator’s recommendations as presented.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to vote on the grievances individually.

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

The motion failed.

The vote was in favor of the motion to accept the Administrator’s recommendations.

MOTION PERIOD

A motion that County Council Members be treated like all county wide elected officials. The purpose is to make sure we received the same benefits that are given to county employees and county wide elected officials. [JETER] – This item was referred to the A&F Committee.

A Resolution: The John Hardee Expressway is very important to the Midlands for future economic development. Richland and Lexington Counties have exhausted all possible funding programs to finance this project and the SCDOT has placed this program as a priority in the STIP. This is not about partisanship; it is about getting help from our congressional leaders to secure finance for the project which will bring thousands of jobs to the Midlands expanding and bringing more companies/industries to our community. I move that we ask Congressman Clyburn for help to secure the additional

\$4.2 Million needed to complete the \$82 Million project. [JACKSON] -- This item was referred to the D&S Committee.

Due to the fact the current Spring Hill Master Plan is in close proximity to the county lines for Newberry and Lexington I move that the Spring Hill Master Plan be increased to include the areas of Richland County that extend to those two county lines. [MALINOWSKI] – This item was referred to the D&S Committee.

Every year Richland County pays millions of dollars for workman compensation claims. I move that administration provide the types and number of claims over the past 5 years in an effort to arrive at what claims appear to be the most repetitive and then make recommendations as to a safety program for employees that will help reduce those particular problems. [MALINOWSKI] – This item was referred to the A&F Committee.

I move that the duties and responsibilities of the Administrator be reviewed and updated. [JACKSON] – This item was referred to the Administrator's Committee.

In order to rezone property by a Council member, legal and the Planning/Zoning Office must contact the owner. If the requested zoning is a lower classification or will affect the owners plans then it must be determined if it constitutes a Taking. Criteria should be developed to determine if the existing zoning will be detrimental to the adjacent or surrounding zonings before the request is considered. [JACKSON] – This item was referred to the D&S Committee.

I move to direct staff to review the 2009 Comprehensive Plan in order to ensure consistency of zoning districts requirements with Comprehensive Plan recommendations, and to propose recommended changes, if any, to the Planning Commission at the earliest convenience. [HUTCHINSON AND MALINOWSKI] – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:18 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