

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 7, 2008 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	Joseph McEachern
Member	Valerie Hutchinson
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Amelia Linder, Latasha Hopper, Daniel Driggers, Angie McInchok, Lashedra Toole, Becky Knotts, Pam Davis, John Hixson, Lillian McBride, Joe Kocy, Anna Almeida, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:01 p.m.

INVOCATION

The Invocation was given by the Honorable Mike Montgomery

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Mike Montgomery

PRESENTATION

Mr. Montgomery moved, seconded by Ms. Dickerson, to allow the Forestry Commission to present a check to Council. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Ms. Dickerson, to add Dr. Lonnie Randolph, NAACP President, to the presentation by the Election Commission and Voter's Registration. The vote in favor was unanimous.

Election Commission and Voter's Registration – Ms. McBride and Mr. Cinnamon gave a brief overview of what their needs were for the upcoming election.

Dr. Randolph made a brief presentation regarding the upcoming election.

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: September 16, 2008 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as distributed.

Zoning Public Hearing: September 23, 2008 – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Montgomery recognized that Mr. Steve Shellenberg, Richland School District II Board Chair, was in the audience.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that Ms. Regina Corley, Richland School District II Board member, was in the audience.

POINT OF PERSONAL PRIVILEGE – Ms. Scott recognized that Ms. Breedlove was in the audience.

ADOPTION OF AGENDA

The agenda was unanimously adopted as corrected.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

The following items were potential Executive Session items:

- a. **Solid Waste Contractual Matter**
- b. **Purchase of Property**
- c. **Lower Richland Sewer Update**

- d. **Legal Memo: Auditor's Office/Cayce Taxation**
- e. **Columbia Rowing Club**
- f. **Personnel Matter**

REPORT OF THE COUNTY ADMINISTRATOR

Smoking Ban Enforcement – Mr. Pope stated that he was in the process of setting up a meeting between the Council members and the Sheriff's Department to discuss this matter.

Project Pet MOU/Operational Agreement – Mr. Pope stated that he had been in contact with Lexington County and work on the MOU and Operational Agreement is moving forward.

Eastover Sewer Billing and Collections – Mr. Pope stated that they are still working with the Town of Eastover on this matter.

Bond Review Committee Meeting Update re: Fund Balance Policy – This was an action item. The committee's recommendation was to establish a range for a minimum and maximum of the fund balance policy. The suggested minimum would be 25% of the total audited General Fund expenditures for the previous fiscal year and a maximum of 35%. The auditor suggested that if those targets were met and the cap was exceeded to evaluate and provide an opportunity for a rebate or credit to the citizens on the tax bill. The Bond Review Committee is going to meet three times to go through the other items that are a part of the fund balance policy and report their recommendations back to Council for additional changes.

State Budget Cuts Update – Mr. Pope stated that he had meet with Department Heads and appointed and elected officials to inform them of the \$3 million in State budget cuts and to have them to reduce their budgets by 1.5%. If the departments do not voluntarily cut their budget it could affect pay increases for this year.

November 4th Council Meeting (Election Day) – Mr. Pope stated that the recommendation was to hold a Special Called Meeting on October 28th after the Committee meetings.

Strategic Plan Update – Mr. Pope stated that Council needed to select a date to hold the Strategic Planning session.

REPORT OF THE CLERK OF COUNCIL

2009 Council Retreat – Ms. Finch stated that staff needed direction from Council regarding the location for the upcoming Council Retreat.

Soil & Water Conservation Fall Drop-in – Ms. Finch stated that the Soil & Water Conservation Department has extended an invitation to Council for their Fall Drop-in on Tuesday, October 21st, 3rd Floor Conference Room, 2:30-5:30 p.m.

Midlands Technical College Oyster Roast – Ms. Finch stated that Midlands Tech would like to know who will be attending this event.

REPORT OF THE CHAIRMAN

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

Clerk of Court Audit – This item was taken up during Executive Session.

City/County Meeting Update – Mr. McEachern stated that the meeting was very productive. It was requested that a Transportation Ad Hoc committee be appointed. The committee will consist of 3 County and 3 City Council members.

PUBLIC HEARING ITEMS

Mr. McEachern opened the floor to the following public hearing:

- **An Ordinance Authorizing deed to Clemson NE Associates, LLC, for certain parcels of land known as Lot 18 and a portion of Lot 17 (approximately 7.55 Acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS #25800-04-01** – No one signed up to speak
- **Project Walter: Ordinance Authorizing the Extension of the Investment Period Under Each of the Revised and Restated Fee Agreement** – No one signed up to speak.
- **Richland School District II Budget Amendment** – Mr. Stephen Shellenberg spoke regarding this item.
- **Sheriff's Department Matching Grants Budget Amendment** – No one signed up to speak.

The public hearings were closed.

APPROVAL OF CONSENT ITEMS

Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the following consent items:

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to address rates set for landfills [Third Reading]**
- **08-24MA, Frank Chapman, M-1 to GC (.70 Acres), Commercial, 22914-06-34, 10240 Two Notch Rd. [Second Reading]**

- **08-25MA, New Covenant Church, RU to OI (3.30 Acres), Multi-Use Family Life Center, 04913-03-03 & 10, Piney Woods & Piney Grove Rd. [Second Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-52, Amendments; Subsection (D), Staff Review; so as to clarify the application submission process [Second Reading]**
- **Project Walter: Ordinance Authorizing the Extension of the Investment Period Under Each of the Revised and Restated Fee Agreement [Second Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16, Yard Trash and other Household Articles [First Reading]**
- **Sheriff: Request to approve Project Lifesaver Program Enhancement grant (no personnel, no match)**
- **Contractual Matter: Retiree Payroll Deduction Insurance Vendors and Products, Employee Assistance Program (EAP) Services, and Flexible Spending Account (FSA)**

The vote in favor was unanimous.

THIRD READING ITEMS

An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to address business revenues generated by interstate commerce – Mr. Pearce moved, seconded by Ms. Scott, to accept the recommendations of the committee to reduce the fees accordingly as outlined for the current year and that prior to the next budget that this issue be taken up to either eliminate or significantly reduce this item. A discussion took place.

The vote in favor was unanimous.

Richland School District II Budget Amendment – Mr. Montgomery moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

Sheriff's Department Matching Grants Budget Amendment – Ms. Smith moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote in favor was unanimous.

FY 2008-2009 Millage Ordinance – Mr. Montgomery moved, seconded by Ms. Scott, to approve as presented by the Auditor and to include the changes to the Richland School District II budget.

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

SECOND READING ITEMS

An Ordinance Authorizing deed to Clemson NE Associates, LLC, for certain parcels of land known as Lot 18 and a portion of Lot 17 (approximately 7.55 Acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS #25800-04-01 – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article III, Administration; Section 26-34, Development Review Team; Subsection (A), Established Duties; and Article IV, Amendment and Procedures; Section 26-59, Planned Development Review/Approval; Subsections (D) and (K); so as to remove the requirement of Development Review Team Review prior to PDD approval and to specify that when a PDD District expires, it reverts to the previous zoning district classification – Ms. Smith moved, seconded by Ms. Dickerson, to approve this item and work on an amendment to clarify before Second Reading. A discussion took place.

Ms. Smith made a substitute motion, seconded by Ms. Dickerson, to approve this item, have a public hearing at the October 28th Zoning Public Hearing and take up Second Reading at that time. A discussion took place.

Mr. Livingston made a second substitute motion, seconded by Mr. Montgomery, to defer this item and bring back amendments. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to improve Richland County's water quality, protect the environment, and comply with the County's National Pollution Discharge Elimination System (NPDES) permit requirements – Mr. Montgomery moved, seconded by Ms. Dickerson, to defer this item. A discussion took place.

The vote was in favor.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Sheriff: Request to approve a catastrophic planner grant (1 FTE, no match) – Ms. Dickerson moved, seconded by Ms. Scott, to accept the Administrator's recommendation. The vote in favor was unanimous.

An Ordinance to amend the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; so as to decrease the fine

for an infraction – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.

Policy regarding the use of carry over funds – Mr. Montgomery moved, seconded by Ms. Smith, to withdraw this item and refer it to the Bond Review Committee. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that Mr. Malinowski's wife was in the audience.

Coroner: Request to approve the renewal of a contract with Professional Pathology Services – Ms. Smith moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous.

Ms. Smith moved, seconded by Mr. Montgomery, to reconsider this item. The motion to reconsider failed.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Airport Commission—2** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.
- b. **Board of Assessment Control—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Accommodations Tax Advisory Committee—1** – Mr. Montgomery stated that the committee recommended that staff re-advertise for this vacancy. The vote in favor was unanimous.
- b. **Airport Commission—2** – Mr. Montgomery stated that the committee recommended that staff re-advertise for these vacancies. The vote in favor was unanimous.
- c. **Board of Zoning Appeals—4** – Mr. Montgomery stated there were six applicants and four vacancies. The committee recommended appointing Mr. Joshua McDuffie, Ms. Elaine Perrine, Mr. Torrey Rush and Mr. William W. Smith. The vote in favor was unanimous.

- d. **Community Relations Council—1** – Mr. Montgomery stated there were three applicants and one vacancy. The committee recommended appointing Mr. Michael Jacobs. The vote in favor was unanimous.
- e. **Planning Commission—1** – Mr. Montgomery stated there was one applicant and one vacancy. The committee recommended appointing Mr. Deas Manning. The vote in favor was unanimous.
- f. **Township Auditorium Board—2** – Mr. Montgomery stated that the committee recommended that staff re-advertise for these vacancies. The vote in favor was unanimous.

III. MOTION PERIOD AND REVIEW OF POLICY FOR MOTIONS HELD IN COMMITTEE FOR MORE THAN SIX MONTHS; AMENDMENT TO THE COUNCIL RULES – Mr. Montgomery stated that the committee recommended the following amendment to the rules of Council: ...that any item referred to a committee will be disposed of in some manner by the committee, it will stay on the committee agenda and be reported to Council, and if the committee has not acted up on within six months any three Council members can petition to bring it back to full Council. A discussion took place.

The vote in favor was unanimous.

IV. RULING FOR ELECTRONIC PARTICIPATION FOR ABSENT COUNCIL MEMBERS – Mr. Montgomery stated that the committee recommended the following amendment to the rules of Council: “During any special called meeting not held in conjunction with a regularly scheduled Zoning Public Hearing and Planning meeting; any Council member may participate in the meeting via electronic participation and shall be counted as present for the purpose of a quorum. Any Council member participating electronically shall not be allowed to participate in Executive Session matters. Should an Executive Session be held, a Council member participating electronically may choose to abstain from a vote on the issue discussed in Executive Session. For the purpose of this section ‘electronic’ participation shall mean videoconferencing or teleconferencing which allows all persons participating in the meeting to hear each other at the same time (and, if videoconferencing, to see each other as well). Electronic participation shall only be allowed in a Special Called meeting of Council.”

A discussion took place.

Mr. Jeter made a motion, seconded by Mr. Malinowski, to defer this item.

<u>In Favor</u>	<u>Oppose</u>
Malinowski	Pearce
Jackson	Hutchinson
Jeter	Livingston
McEachern	Smith
Dickerson	Scott
	Montgomery

The motion to defer this item failed.

Ms. Scott made a substitute motion, seconded by Mr. Montgomery, to amend the committee’s recommendation to state that “no less than five Council members must be physically present at a Special Called meeting.”

<u>In Favor</u>	<u>Oppose</u>
Pearce	Malinowski
Jeter	Jackson
Livingston	Hutchinson
Smith	McEachern
Scott	Dickerson
Montgomery	

The substitute motion passed.

CMRTA Route Reduction – Mr. Livingston moved, seconded by Ms. Scott, to hold a joint CMRTA/County public hearing on October 30th at 6:00 p.m. The vote in favor was unanimous.

Fund Balance Policy – Mr. Jeter moved, seconded by Mr. Livingston, to give First Reading by Title only to this item. The vote in favor was unanimous.

A Resolution to appoint and commission Kecia D. Lara and Brandon Hooker, as code enforcement officers for the proper security, general welfare, and convenience of Richland County – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

CITIZENS’ INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 9:01 p.m. and came out at approximately 9:58 p.m.
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- a. **Solid Waste Contractual Matter** – Ms. Scott moved, seconded by Mr. Montgomery, to direct the Administrator to proceed as instructed in Executive Session. The vote was in favor.
- b. **Purchase of Property** – No action taken.
- c. **Lower Richland Sewer Update** – Ms. Smith moved, seconded by Mr. Malinowski, to direct the Administrator to draft an MOU in compliance with the letter of points of agreement with the City of Columbia and present it to the City of Columbia for discussion. The vote in favor was unanimous.
- d. **Legal Memo: Auditor’s Office/Cayce Taxation** – Ms. Smith moved, seconded by Ms. Scott, to direct the Administrator to draft an MOU with the City of Cayce that Richland County will proceed with the collection of the City’s taxes in Richland County and circulate that MOU to the Richland County Council members. If no Council member objects by Wednesday then the Administrator is authorized to present the MOU to the City of Cayce.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Malinowski
Jeter	Jackson
Hutchinson	McEachern
Livingston	
Dickerson	
Smith	
Scott	
Montgomery	

- e. **Columbia Rowing Club** – Mr. Livingston moved, seconded by Ms. Smith, to instruct the Administrator to move forward with the MOU and bring back to Council at a subsequent meeting for consideration. The vote in favor was unanimous.
- f. **Clerk of Court Audit** – Mr. Montgomery moved, seconded by Ms. Scott, to authorize the Administrator to enter into an agreement to provide the audit as discussed in Executive Session. The vote was in favor.
- g. **Personnel Matter** – No action taken.

MOTION PERIOD

Date for Strategic Planning and Visioning Session – Ms. Smith moved, seconded by Ms. Scott, to schedule this meeting for Wednesday, October 22nd at 1:00 p.m.

An Ordinance Authorizing a Utility Easement to South Carolina Electric & Gas Company on property identified as TMS #24700-09-06 – Ms. Scott moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

November 4, 2008 Council Meeting – Ms. Smith moved, seconded by Ms. Hutchinson, to cancel the November 4th meeting and schedule a Special Called meeting on October 28th at 6:00 p.m. The vote in favor was unanimous.

Bus System – Mr. Jackson referred this matter to the A&F Committee.

SCE&G Landfill – Mr. Jackson referred this matter to the D&S Committee.

2009 Council Retreat – It was the consensus of Council to hold the Retreat in Richland County due to the economy.

Bus System Ad Hoc Committee – The Chairman appointed Ms. Hutchinson, Ms. Dickerson, and Mr. Jeter to serve on the Ad Hoc Committee.

Detention Center Ad Hoc Committee – The Chairman stated that the current Jail Advisory Committee members will serve on the Detention Center Ad Hoc Committee along with three members of City Council.

ADJOURNMENT

The meeting adjourned at approximately 10:20 p.m.

Joseph McEachern, Chair

Valerie Hutchinson, Vice-Chair

Joyce Dickerson

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Mike Montgomery

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley