

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 4, 2010 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	Paul Livingston
Vice Chair	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin Washington

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Amelia Linder, Anna Almeida, Tiaa Rutherford, Daniel Driggers, Pam Davis, Sara Salley, David Hoops, David Chambers, Kevin Etheridge, Andy Metts, Bill Peters, John Hixson, Rodolfo Callwood, Paul Brawley, Lillian McBride, Paul Alcatar, Valeria Jackson, Kyle Holsclaw, Monique Walters

CALL TO ORDER

The meeting was called to order at approximately 6:08 p.m.

INVOCATION

The Invocation was given by the Honorable Damon Jeter

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Damon Jeter

APPROVAL OF MINUTES

Regular Session: April 20, 2010 – Ms. Kennedy moved, seconded by Mr. Malinowski, to reconsider the Crane Creek Neighborhood District Ordinance. The ordinance was approved as amended.

Mr. Manning moved, seconded by Mr. Malinowski, to reconsider the Catawba Resolution.

Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes as amended. The vote in favor was unanimous.

Zoning Public Hearing: April 27, 2010 – Mr. Jeter moved, seconded by Mr. Manning, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Manning moved, seconded by Ms. Dickerson, to move the Catawba Indian Resolution to immediately following Adoption of Agenda.

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

OTHER ITEM

Resolution regarding the Catawba Indians – Mr. Manning moved, seconded by Ms. Dickerson, to remove this item. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Columbia Venture**
- b. **Vulcan Lease Agreement**
- c. **Real Estate Contract**
- d. **Pending Legal Matter**
- e. **FN Manufacturing**
- f. **Lower Richland Sewer Update**
- g. **Farmers' Market Update**

- h. **McEntire Produce vs. Richland County**
- i. **Risk Management Budget Amendment**
- j. **Personnel Matter**
- k. **Airport Manager Process**
- l. **Richland School District II**

CITIZENS' INPUT

Mr. Paul Brawley, Richland County Auditor, spoke regarding the Richland School District II revenue projections. According to the Richland County Treasurer we will be \$3.5 million short of the \$120 million budget approved by Council.

REPORT OF THE COUNTY ADMINISTRATOR

Real Estate Contract – This item was taken up during Executive Session

Smoking Ban Update – This item was taken up during Executive Session.

Farmers' Market Update – This item was taken up during Executive Session.

Lower Richland Sewer Update – This item was taken up during Executive Session.

Richland Savvy Seniors—May 21st – May is Older American's month and the county is partnering with AARP, Senior Resources and the Council on Aging to host the inaugural Savvy Senior Friday on May 21st from 10 a.m.-1 p.m. at Midtown Forest Acres. This event is an attempt to further engage citizens to learn about county services and programs, about computers, as well as, take exercise classes and network. County departments slated to participate include: Ombudsman, Public Information, Probate Court, CASA, Neighborhood Improvement Program, Community Development, Stormwater, Treasurer's Office, Richland County Sheriff's Department and Auditor's Office.

Richland County Census Update – Richland County has much to be proud of in regard to the mail in response rate, which is up 6% over 2000 and stands at 75%. The State average is 73% and the national average is 72%. Richland County's Census task force worked diligently. The task force included representatives from Planning and Development, Community Development, GIS, Ombudsman, Voter Registration, Administration, the Business Service Center, and the Richland County Sheriff's Department.

Employee Grievance – Ms. Hutchinson moved, seconded by Ms. Dickerson, to accept the Administrator’s recommendation. The vote in favor was unanimous.

REPORT OF THE CLERK OF COUNCIL

Broad River Wastewater Treatment Plant Ribbon Cutting

Conservation Commission Tours

REPORT OF THE CHAIRMAN

No report was given.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$345,000 of undesignated General Fund Balance to the Sheriff Department’s Budget for part-time personnel expenditures** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; “Business, Professional and Personal Services” of Table 26-V-2; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to allow “Bed and Breakfast Homes/Inns” as a Permitted Use with Special Requirements in the RU Rural; OI Office and Institutional, NC Neighborhood Commercial, and GC General Commercial Zoning Districts; and to remove “Bed and Breakfast Homes/Inns” from the M-1 Zoning District [THIRD READING]**
- **10-03MA, Matthew Congdon, Killian Crossing, PDD to Amended PDD (398.66 Acres) & GC (17.29 Acres), 17400-02-04/12/13/14 [SECOND READING]**
- **10-06MA, Lake Carolina, David Tuttle, PUD-2 to RU (22.5 Acres), 23300-03-01(p), Ashland at Kelly Mill Rd. [SECOND READING]**
- **10-07MA, Map amendment for properties in the Crane Creek Master Plan Neighborhood District [SECOND READING]**
- **An Ordinance so as to reflect that schools, including public and private, are not permitted in the M-1 Zoning District [SECOND READING]**
- **An Ordinance so as to correctly identify the Development Review Team as the entity that reviews land development and subdivisions, and has the authority to reduce road standards [SECOND READING]**
- **Jasmine Place Water Quality Improvement Project**

- **Change to Handbook regarding Weapons**
- **Decker Blvd Woodfield Park Slum and Blight Designation**
- **Laurelwood Plantation Historic Preservation Acquisition**
- **Transportation Enhancement Grant for Woodrow Wilson Home**
- **Request for Contract Award for Parking Garage Repairs**
- **Job performance plan for the Clerk of Council position**
- **Business Service Center-Records Retention Schedule**
- **Approval of the Exercise of an Option to Renew a Contract with Palmetto Posting, Inc.**
- **Emergency Services Purchase Orders and Contract Approval for FY 2010-11**
- **Transfer funds allocated for SC Gospel Fest to Administrator to be distributed as per County Rules**
- **Jail Intervention Program**

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

THIRD READING

An Ordinance Authorizing a lease to Vulcan Construction Materials, LP, for approximately 10 Acres of land, which is a portion of Richland County TMS #06500-01-11 – Mr. Malinowski moved, seconded by Mr. Washington, to defer this item until the May 18th Council meeting. The vote in favor was unanimous.

Budget Amendment-Sheriff: Part-Time Employees – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item.

SECOND READING

Ordinance to Amend Road Names and Addressing Requirements – Mr. Malinowski moved, seconded by Mr. Jeter, to approve this item.

FIRST READING

An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2010 and ending June 30, 2011 – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve 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, 2010, will

provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2010 through June 30, 2011 – Mr. Pearce moved to unanimously approve this item. The vote in favor was unanimous.

An Ordinance Authorizing the issuance and sale of not to exceed \$2,100,000 General Obligation Bonds, Series 2010B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto – Mr. Jeter moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

An Ordinance Authorizing the issuance and sale of not to exceed \$13,400,000 General Obligation Bonds, Series 2010A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto – Mr. Jeter moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Ordinance to Amend the Standards for Outdoor Retail Lighting – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item with the inclusion of the language: "...non-business hours shall mean between the hours of 10 p.m. and 7 a.m." The vote in favor was unanimous.

Memorandum of Understanding to reflect the intent of parties regarding access to Lower Richland Boulevard and Garners Ferry Road in the development of certain residential and commercial facilities – Mr. Jackson moved to unanimously defer this item until the May 18th Council meeting.

Water Line Construction to New Light Beulah Baptist Church – This item was denied.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Richland County Library: USDA Grant Request-Eastover Branch – Mr. Manning moved, seconded by Mr. Washington, to approve this item.

Mr. Pearce made a substitute motion, seconded by Ms. Hutchinson, to refer this item to the budget process. The vote was in favor.

An Ordinance Amending the Fiscal Year 2009-2010 Victim's Assistance Fund Annual Budget and General Fund Annual Budget to appropriate \$50,000 of Undesignated Fund Balance from the General Fund to the Victim's Assistance

Fund for the anticipated revenue shortfall – Ms. Smith moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

Replacement of Damaged RCSD Vehicles – Mr. Washington moved, seconded by Ms. Kennedy, to approve Option 2 for this item. The vote in favor was unanimous.

Eastover Sewer Plant Update (Contractual Matter) – This item was taken up during Executive Session.

Budget Amendment—Risk Management – Ms. Dickerson moved, seconded by Mr. Pearce, to give this item First Reading. The vote was in favor.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Project McGuire – This item was taken up during Executive Session.

- a. **Resolution Re: First Amendment to Lease Purchase Agreement**
- b. **First Amendment to Lease Purchase Agreement**
- c. **Bond Resolution**

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

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Building Codes Board of Adjustments—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- b. **Historic Columbia Foundation—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **To request the Attorney General’s opinion regarding the possibility of a conflict of interest as it related to the methodology used to compensate voter registration appointees [DICKERSON]** – Mr. Malinowski stated that the committee recommended that Council direct the County Attorney to send a letter to the Attorney General for an opinion.

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

C&D Landfill Contract – Ms. Smith moved, seconded by Mr. Washington, to reaffirm Council's prior action.

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

The vote was in favor.

OTHER ITEMS

Transportation Ad Hoc Committee

- a. **An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the purpose and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a County-wide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto [BY TITLE ONLY] – Ms. Dickerson stated that the committee recommended First Reading approval by title only to the transportation sales tax ordinance, in conjunction with the following funding distribution:**

Mode	Amount	Percentage
Bike/Pedestrian/Greenway	\$58,482,394	6%
Transit	\$337,117,605	33%
Roadway	\$627,400,000	61%
TOTAL	\$1,022,999,999	100%

The vote was in favor.

- b. Add an option to the referendum of a quarter of a penny sales tax for the bus only and reduce the two cents hospitality tax to one and three-quarters cents. This would keep the sales tax the same while eliminating the additional road maintenance fee of \$10 for cars and \$16 for commercial vehicles. An option for no new taxes while solving the bus problem. [Jackson & Malinowski]** – Council unanimously approved the elimination of the Mass Transit Fee as scheduled, but made no recommendation on the Hospitality Tax.
- c. Motion to give High priority ranking to all Local roads projects to include; resurfacing, widening, sidewalks and paving (using alternative and traditional paving methods) in the transportation penny sales tax referendum to all. [Washington]** – The vote was in favor of continuing to use the current methodology.
- d. Motion to use Pavement Quality Index PQI to prioritize all State and Local road resurfacing projects listed in the transportation penny sales tax referendum. [Washington]** – Council voted to continue using the current methodology and to consider establishing a criteria by ordinance similar to that of the dirt road paving program that would include PQI and other factors (i.e.: current and projected ADT, % truck traffic and other factors in ranking roadway segments in a funding scenario) for roadway and bike/pedestrian/greenway projects. The re-surfacing program may include monies for different types of roadways (arterials, collectors, local subdivision streets, etc.), and may include a separate ranking system. Horry County’s RIDE program is recommended to be used as guide. The development of the criteria and ranking system(s) may be developed after approval of the referendum.
- e. Motion to give High priority ranking to sidewalks and bike lane projects for any road that is within a one mile radius of the following: school, recreational facility and churches. [Washington]** – Council voted to continue using the current methodology and to consider establishing a criteria by ordinance similar to that of the dirt road paving program that would include PQI and other factors (i.e.: current and projected ADT, % truck traffic and other factors in ranking roadway segments in a funding scenario) for roadway and bike/pedestrian/

greenway projects. The re-surfacing program may include monies for different types of roadways (arterials, collectors, local subdivision streets, etc.), and may include a separate ranking system. Horry County's RIDE program is recommended to be used as guide. The development of the criteria and ranking system(s) may be developed after approval of the referendum.

CITIZENS INPUT

Mr. John White spoke regarding his arrest for contempt of court in relation to a faxed jury summons.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:53 p.m. and came out at approximately 10:28 p.m.
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- a. **Columbia Venture** – This item was deferred.
- b. **Vulcan Lease Agreement** – This item was deferred.
- c. **Real Estate Contract** – No action was taken.
- d. **FN Manufacturing** – No action was taken.
- e. **Lower Richland Sewer Update** – Ms. Hutchinson moved, seconded by Ms. Smith, to direct the County Administrator to proceed with an emergency procurement using the design build process to construct a new Lower Richland Wastewater Treatment plant as discussed in Executive Session.

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

- f. **McEntire Produce vs. Richland County** – No action was taken.
- g. **Risk Management Budget Amendment** – No action was taken.
- h. **Personnel Matter** – No action was taken.
- i. **Richland School District II** – No action was taken.

MOTION PERIOD

That the County Administrator direct staff to prepare a document prior to 2nd Reading of the FY 2010-11 budget listing all budget amendments approved by

County Council during the FY2009-10 budget year. The list should include the County department receiving the additional funds, the amount requested, the amount approved by Council and a brief description as to why the additional appropriations were required. The listing should be grouped by department then by the date of Council action [PEARCE, WASHINGTON, AND MALINOWSKI] – This item was referred to the A&F Committee.

Motion for Council to discuss whether to pursue new garbage contracts in D/S Committee, as it did in May of 2009 [JACKSON] – Mr. Jackson withdrew this motion.

Resolution to support naming the Lexington and Richland Counties Project Pet Regional Adoption Center for a major gift donor (Austin Meyer) [LIVINGSTON] – Mr. Livingston moved, seconded by Mr. Pearce, to forward this item to the May 18th Council meeting for consideration. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 10:38 p.m.

Paul Livingston, Chair

Damon Jeter, Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Bill Malinowski

Jim Manning

L. Gregory Pearce, Jr.

Kit Smith

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley