

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JUNE 1, 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.*

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### MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	Jim Manning
Member	Kit Smith
Member	Kelvin E. Washington, Sr.
Absent	L. Gregory Pearce, Jr.

**OTHERS PRESENT** – Milton Pope, Michielle Cannon-Finch, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Daniel Driggers, Mike Byrd, David Hoops, Rodolfo Callwood, Jim Wilson, Valeria Jackson, Frank Frierson, Jocelyn Jennings, Vivian McCray, Marlene Park-Coto, Ebony Woods, Cathy McMahan, Amelia Linder, Pam Davis, Tiaa Rutherford, John Todd Downing-Gadson, Monique Walters

### CALL TO ORDER

The meeting was called to order at approximately 6:04 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 with the assistance of the Greater St Luke Church, Scout Troop 110; Mr. Keith Tolan Scout Master, and Mr. Jerome Ray, Sr. Patrol Leader.

**POINT OF PERSONAL PRIVILEGE** Mr. Livingston recognized the Honorable Jimmy Bales, the Honorable Joe McEachern, Mr. Bobby Bowers, and former Lt. Governor Mr. Bob Peeler.

### APPROVAL OF MINUTES

**Regular Session: May 18, 2010** – Ms. Hutchinson moved, seconded by Mr. Manning, to adopt the minutes as submitted. The vote in favor was unanimous.

**Zoning Public Hearing: May 25, 2010--** Mr. Jeter moved, seconded by Mr. Jackson, to adopt the minutes as submitted. The vote in favor was unanimous.

### PRESENTATION

**Members of the Delegation presented E911 reimbursement check** – Mr. Jeter moved, seconded by Mr. Washington to allow the presentation by Senator John Scott, Mr. Bobby Bowers and members of the Richland County Delegation who presented Council with a check for reimbursement for \$1,206,298.91 for E911 funding. Surplus funds can be used for the E911 system.

**POINT OF PERSONAL PRIVILEGE** Mr. Jeter recognized Mrs. Deborah Livingston, Chairman Livingston's wife; and former house member, Mr. Frank McBride.

### ADOPTION OF AGENDA

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

### REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

**Personnel Matter-** Mr. Smith stated that there was a personnel matter under his report; and there were no items requiring outside counsel.

### CITIZEN'S INPUT

No one signed up to speak.

### REPORT OF THE COUNTY ADMINISTRATOR

**June Homeownership Month-** Ms. Valeria Jackson, Director of Community Development, gave a brief presentation informing council that June is National Homeownership month. A recipient of

the program spoke on her experience and a slide show was also presented. Ms. Jackson also thanked the sponsors and her staff.

**Project Pet Update** – Ms. Roxanne Ancheta gave Council an update on the Project Pet facility; the construction bid was advertised in May by Lexington County, and the bids will be received in July. Staff will keep council posted as the project progresses.

**Farmers' Market Joint Resolution Update** – Mr. Pope stated that the Resolution was vetoed by the Governor, and the lobbyist are continuing to work in addition to getting the support of the delegation to override the Governor's veto.

**Lower Richland Sewer Update** – Mr. Pope stated staff is still pursuing three paths: (1) continuing the MOU with the City; (2) receive and gather information from Palmetto Utilities and report back in 30 days; (3) Rural Development Loan/Grant still pursuing; information was forwarded by the COG to the EPAC Committee. Staff will keep Council posted.

**FY11 Budget Update** – Mr. Pope stated that 2<sup>nd</sup> reading, scheduled for May 27<sup>th</sup> was deferred to June 3, 2010. Third reading is schedule for June 15, 2010. If council had additional requests, submit them to staff so a response can be given by third reading.

**Ridgewood Housing Contract Notification** – Mr. Pope stated that the South Company will be serving as the housing development team for the infill project. Additional information will be in the Friday Report.

**Dick Smith Easement** – Mr. Pope stated Ms. Hutchinson has been very involved with the project, and staff looks forward to moving with the project; and as soon as it is finalized and Mr. Smith has had an opportunity to review, this item will be processed administratively.

**Savvy Seniors** – Public Information gave a brief presentation and update.

Mr. Livingston stated that Mr. Pearce informed him that he was ill and not able to attend the meeting tonight.

**Township Gala and Dedication** – Mr. Pope stated the Township event will be held June 9, 2010 at 4:00 pm at the Township Auditorium.

#### REPORT OF THE CLERK OF COUNCIL

Ms. Finch stated she had no report.

#### REPORT OF THE CHAIRMAN

**Personnel Matter** – Mr. Livingston stated the personnel matter was an item for executive session.

#### PUBLIC HEARING ITEMS

- **An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$500,000 of Undesignated General Fund Balance to Risk Management Department's budget to pay for liability and worker's compensation claims** – No one signed up to speak.

- **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** – No one signed up to speak.
- **An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-7-30 of the Code of Laws of South Carolina 1976, as amended ; to define the purposes 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 and to prescribe the contents of the ballot questions in the 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** – Fourteen persons spoke on this item: Lill Mood; Justin Lofurno, John Lumpkin, Bob Liming, Rachel Kefalos, Doug Bridges, Ted Speth, William DePass, Nita Floyd, Charles Austin, Jr., Bill Leidinger, Robin White, and Mr. Sanders Aye
- **An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$34,950 of additional miscellaneous revenue and \$11,487 of Undesignated General Fund Balance to the Sheriff's Department's budget to pay for the replacement of damaged vehicles** – No one signed up to speak.

#### APPROVAL OF CONSENT ITEMS

Ms. Hutchinson asked that Item 11 be removed; Mr. Livingston asked that Item 15, 18 and 32 be removed; Mr. Manning asked that Items 20 and 34 be removed; Mr. Malinowski asked that Item 24 be removed; and Mr. Washington asked that Item 30 be removed.

Mr. Jeter moved, seconded by Ms. Dickerson and Ms. Hutchinson, to approve the Consent agenda as amended. The vote in favor was unanimous

- **An Ordinance Amending the fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$500,000 of Undesignated General Fund Balance To Risk Management Department's budget to pay for liability and worker's compensation claims [Third Reading]**
- **An Ordinance Amending the Fiscal Year 2009-2010 General Fund Budget to appropriate \$34,950 of additional miscellaneous revenue and \$11,487 of Undesignated General Fund Balance to the Sheriff's Department's budget to pay for the replacement of damaged vehicles [Third Reading]**
- **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 [Third Reading]**
- **10-08MA Bierer & Associates, Inc. Larkin Ellzey RU to OI (2.20 Acres), 18000-02082(p), 11142 Wilson Blvd. [Second Reading]**
- **10-11 MA, Wateree Center, Allen House, RU to PDD (43.9 Acres), 27300-07-11, 2350 Clarkson Rd [Second Reading]**

- **Construction Services for Lake Elizabeth Phase III Cumbess Creek Water Quality Improvement Project.**
- **Determining the County's true priority investment areas [forwarded from D&S Committee]**
- **Haynes Property Conservation Easement [forwarded from D&S Committee]**
- **Memorandum of Understanding between Richland County and Richland County Transportation Committee to Pool Funds for Dirt Road Paving [forwarded from D&S Committee]**
- **Motion to develop a public-private water and sewer system for the Lower Richland Planning area and other parts of the County [forwarded from D&S Committee]**
- **Request for Construction Contract Award for Closer of Phase 1A at County Landfill [forwarded from D&S Committee]**
- **Special Resurfacing and Full Depth Patching Change Order [forwarded from D&S Committee]**
- **To amend the ordinance dealing with Loitering [forwarded from D&S Committee]**
- **Amendment to Financial Policy-Carryover Funds [forwarded from A&F Committee]**
- **Business Services Center: Hospitality Tax Ordinance Amendments [forwarded from A&F Committee]**
- **Emergency Services Automatic Aid Agreement [forwarded from A&F Committee]**
- **Laboratory Tech-Full Time Grant-Sheriff's Department [forwarded from A&F Committee]**
- **Request for Contract Award-ADA Improvements-Administration and Health Complex [forwarded from A&F Committee]**

### THIRD READING

**10-07MA, Map amendment for properties in the Crane Creek Master Plan Neighborhood District** – Ms. Kennedy moved, seconded by Ms. Hutchinson to give third reading to this item with the exception of the following TMS numbers 09402-03-01, 09407-01-05, 09408-01-03, 09411-01-35 also referred to as the Richardson properties. 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); Paragraph (1) and (5); so as to increase maximum lumens under certain circumstances [Item 11 removed from Consent]** – Ms. Hutchinson moved, seconded by Mr. Jeter to approve this item for third reading. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded by Ms. Smith to reconsider this item. The vote in favor for reconsideration was unanimous.

**Blue Lights can only be used by Law Enforcement and approved Emergency Vehicles [Forwarded from D&S Committee] [Item 15 removed from Consent]** – Ms. Dickerson moved, seconded by Mr. Jackson to give this item second reading. The vote in favor was unanimous.

**Eliminate the requirement of obtaining a building permit for roofing, siding, and replacement of windows and exterior doors [Forwarded from D&S Committee] [Item 18 removed from Consent]** – A discussion took place. Mr. Jeter moved, seconded by Ms. Dickerson, to defer this item. The vote was in favor for deferral.

**International Cultural Exchange Ad Hoc Committee [Forwarded from D&S Committee] [Item 20 removed from Consent]** – Mr. Manning requested clarification of the motion coming from the D&S Committee; and further discussion took place. Mr. Washington restated his original motion. Mr. Jeter moved, seconded by Mr. Manning, to appoint Mr. Washington as chair and Mr. Manning as co-chair for this committee. The vote was in favor.

**Retreat: Visionary Legacy of Council [Forwarded from D&S Committee] [Item 24 removed from Consent]** – Mr. Manning moved, seconded by Mr. Washington, to approve the committee recommendations. The vote was in favor.

**EMS Ambulance Purchase [Forwarded from A&F Committee] [Item 30 removed from Consent]** - Mr. Washington asked what could the dollars refunded to the E911 system be used for. Mr. Pope responded to Mr. Washington's question that the money can only be used for the E911 system. Ms. Dickerson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

**Pursue Properties Associated with Caughman Creek Using Hospitality Tax funds [Forwarded from A&F Committee] [Item 32 removed from Consent]** – Ms. Smith clarified the committee recommendations, which was for staff to pursue options for purchasing the property to include conservation easements, public-private partnerships; use of hospitality funds have not been removed from the table, but the recommendation does not authorize expenditure of hospitality funds.

**Retirement System Deduction Program for Retired Public Safety Officers Insurance [Item 34 removed from Consent]** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to deny this item. The vote was in favor for denial.

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

**Hopkins Community Water System Bond and Bond Anticipation Note Ordinance** – Mr. Jackson stated that the Committee forwarded this item without a recommendation.

Mr. Pope stated that this was discussed at Committee level to see if it should be a single stand alone fund or incorporated into the existing utility system. Staff is working with rural development. He asked that this item be given first reading and allow staff time to continue discussion and bring back a recommendation.

Mr. Jackson moved, seconded by Mr. Jeter, to give this item first reading. The vote in favor was unanimous.

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

**Coroner Budget Amendment for 2009/2010** – Ms. Dickerson stated that the committee recommended approval of the amended budget. She said the County Administrator asked that no amount be included because it was subject to change.

Mr. Jeter requested a breakdown of the part-time budget.

Mr. Pope stated that the committee directed staff to meet with the Coroner for additional information. He said although the Coroner sent the information requested there would need to be additional discussion.

Mr. Pope further stated that there would be an additional item regarding the Sheriff's Department fuel. He said he would bring back that amount.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to give first reading to this item. The vote in favor was unanimous. Council and staff agreed that 2<sup>nd</sup> reading would be June 15<sup>th</sup> and 3<sup>rd</sup> reading at the Special Called Meeting following the Zoning Public Hearing on June 22<sup>nd</sup>.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF VACANCIES

- a. **Business Service Center Appeals Board -1** – Mr. Malinowski stated that this board needs to be advertised.
- b. **East Richland Public Service Commission-2** – Mr. Malinowski stated that the two positions on this commission need to be advertised.
- c. **Historic Columbia Foundation-1** –Mr. Malinowski stated that this item needs to be advertised.
- d. **Richland County Public Library-6** – Mr. Malinowski stated this item needs to be advertised.

### II. NOTIFICATION OF APPOINTMENTS

- a. **Building Codes Board of Adjustments and Appeals-1** –Mr. Malinowski stated there were no applications received and directed staff to re-advertise.
- b. **Historic Columbia Foundation-1** – Mr. Malinowski stated there was one appointment to be made to this board and an application was received from Mr. James W. Kitchens, Jr. The committee recommended Mr. Kitchens. The vote in favor of the committee's recommendation was unanimous.

### III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Appearance Commission Ordinance regarding the position of Landscaper/Landscape Architect** – Mr. Malinowski stated that the committee recommended no changes and that this item was to be tabled. There were no objections.
- b. **Richland County Library Board Terms** –Mr. Malinowski stated this item was handled under the vacancies in item # 41.

## OTHER ITEMS

**C&D Landfill Bid Award** – Mr. Pope stated that staff sent out electronic bid awards to Council and would like to give a brief overview based upon council direction. He further stated that the Bid Award was Friday and the Procurement Director was present should Council have any questions for him. Mr. McDonald stated that the e-mail was sent out late Friday morning because the bids were received after the agenda was published. He also directed Council to the last page of the bid, which mirrors the way the County currently handles contractors. He stated it is on a year to year basis, provides the most flexibility, and the County would only be bound for one year and could enter into a new contract if necessary.

Mr. McDonald said staff recommended Waste Management.

After a lengthy discussion, Mr. Manning moved, seconded by Mr. Jackson, to approve Schedule A at two years.

In a substitute motion, Ms. Dickerson moved, seconded by Mr. Washington, to approve the Administrator's recommendation to award Waste Management.

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

The substitute motion passed.

## CITIZENS INPUT

No one signed up to speak.

## EXECUTIVE SESSION

Mr. Malinowski moved, seconded by Ms. Dickerson, to go into Executive Session. The vote in favor was unanimous.

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Council went into Executive Session at approximately 7:54 p.m. and came out at approximately 8:47 p.m.

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- a. **Personnel Matter (2)** –Mr. Livingston stated that no action was to be taken on either personnel Matter.



**MOTION PERIOD**

**I move that the Council automatically have a roll call vote unless the vote is unanimous. If the Chair declares an unanimous vote, and no member calls for division, no member will be recorded as dissenting from the majority [SMITH]** – Mr. Livingston forwarded this motion to the Rules and Appointments Committee.

**Resolution honoring the Blythewood High Schools Bengals for winning their first golf state championship [Dickerson]** – Ms. Dickerson moved, seconded by Mr. Washington for approval. The vote in favor was unanimous.

**Resolution for the Speight's Family Reunion [DICKERSON]** – This item was approved unanimously.

**ADJOURNMENT**

The meeting adjourned at approximately 8:50 p.m.

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Paul Livingston, Chair

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Damon Jeter, Vice-Chair

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Joyce Dickerson

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Valerie Hutchinson

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Norman Jackson

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Gwendolyn Davis Kennedy

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Bill Malinowski

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Jim Manning

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L. Gregory Pearce, Jr.

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Kit Smith

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle R. Cannon-Finch and Monique Walters