

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, SEPTEMBER 1, 2009 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
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
Absent	Damon Jeter

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Stephany Snowden, Tamara King, Larry Smith, Carl Gosline, Joseph Kocy, Donny Phipps, David Hoops, Pam Davis, Dale Welch, Dan Cole, John Hixson, Anna Almeida, Michael Byrd, Brenda Carter, Daniel Driggers, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:02 p.m.

INVOCATION

The Invocation was given by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

CITIZENS' INPUT

Mr. George McCutcheon, Mr. Tom Elliott and Mr. Jeremy Wilson spoke regarding the Farmers' Market.

ADOPTION OF AGENDA

Ms. Dickerson moved, seconded by Ms. Smith, to reconsider the 2nd Reading approval of "An Ordinance to amend the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of tobacco products; in order to establish regulations and requirements relating to designated smoking areas". The vote for reconsideration was in favor.

The vote to give the reconsidered ordinance approval failed.

The meeting was recessed for approximately five minutes.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized Representative James Smith; Dr. Swinton, President of Benedict College; Dr. Lonnie Randolph and members of District II Board.

Mr. Washington recognized former County Councilmember Michael Montgomery.

Mr. Jackson recognized Mr. Dwayne Smiling.

Mr. Pope stated that the Legal Update listed under Executive Sessions Items was in regard to Benedict College.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Legal Update—Benedict College**
- b. **Farmers' Market Update**
- c. **Columbia, Renaissance Redevelopment Plan**
- d. **NE Recreation/Entertainment Complex**

REPORT OF THE COUNTY ADMINISTRATOR

Schedule Work Session re: Mitigation Bank and Comprehensive Land Use Plan –

Mr. Pope stated that he had forwarded documentation of the potential mitigation values to Council and that a work session would need to be scheduled.

Mr. Hammett gave an update on the Stormwater Ordinance and informed Council that four meetings dates have been scheduled for public input on the proposed amendments.

Mr. Kocy gave an update regarding the Comprehensive Land Use Plan and requested that Council forward any questions or concerns to him so that staff may address them.

Township Property Purchase Update – Mr. Pope stated that he had spoken with the property owner and he is currently performing due diligence and that a report will be brought back to Council when available.

Columbia Renaissance Redevelopment Plan – This item was taken up during Executive Session.

Stimulus Update – Ms. Ancheta stated that the County is presently awaiting a response from the Department of Energy regarding the EECBG application. The BTOP application was successfully submitted in partnership with the Benedict-Allen Community Development Corporation and the City of Columbia to install broadband infrastructure for public safety enhancements and to extend broadband services in the areas of Richland County that are not served or underserved. Staff will continue to look for new funding opportunities and keep Council informed of these opportunities.

Transportation/CMRTA Update – Ms. Ancheta stated that the studies required by the IGA had been advertised by the CMRTA. The studies are due by February 1, 2010. The issues that were raised at the August 31st CMRTA Board Meeting relating to these studies should be immediately addressed by the Joint City-County Ad Hoc Transportation Committee. The current CMRTA Board will hold their last meeting on September 28th and the restructured CMRTA will assume its positions in October.

Richland 101 – Mr. Pope stated that the Fall Session starts September 14th.

Palmetto Utilities Update – Mr. Pope stated that they are entertaining a private offer and will not be proceeding with a system assessment until they make their decision.

Tax Study Committee – The SC Taxation Realignment Commission was created by Act 81 of 2009. The eleven Commission members have been appointed and will hold their first meeting on September 9th at 10:00 a.m. in Room 105 of the Gressette Senate Office Building. They have been tasked with preparing a report assessing the current tax system structure and making recommendations by March 15, 2010. Act 388 will not be included in this study.

Legal Update—Benedict College – This item was taken up during Executive Session.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

Follow –up from Legislative Delegation Meeting: Voter Registration/Election Commission—Schedule Committee Meeting – Mr. Livingston requested that all members of Council be forwarded the meeting summary. Mr. Livingston further stated that he had appointed Mr. Washington, Ms. Smith, Mr. Jeter, and Mr. Manning to serve on an ad hoc committee of Council in conjunction with the members of the Legislative Delegation that were appointed by Representative Rutherford.

PUBLIC HEARING ITEM

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

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Building and Building Regulations; Article III, Building Codes, Section 6-82(A); so as to adopt the 2006 Edition of the International Residential Code** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$50,000 of General Fund Undesignated Fund Balance to the Master-in-Equity** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses, so as to clarify requirements pertaining to the smoking of tobacco products in the unincorporated area of Richland County** – No one signed up to speak.

The public hearing was closed.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes, Section 6-82(A); so as to adopt the 2006 Edition of the International Residential Code [THIRD READING]**
- **Request to authorize the Procurement Director to determine the vendor deemed most advantageous by a Procurement Evaluation Team for a professional services contract for governmental affairs/political representation services**
- **Request to consider a property donation and purchase (\$2 million) proposal from South Capital Group, Inc. for approximately 189 acres of**

- **property located on Ridge Road in the Lower Richland Community [Recommendation for Denial]**

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

THIRD READING ITEMS

An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$50,000 of General Fund Undesignated Fund Balance to the Master-in-Equity – Ms. Smith moved, seconded by Ms. Dickerson, to approve this item.

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

The vote was in favor.

FIRST READING ITEM

A Budget Amendment to adjust the budgets for Richland County School District I and Richland County School District II to the amount which will be yielded by an assessment of the millage cap pursuant to Act 388 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item by title only and to request that School District II, appropriate County staff and the Auditor, to meet to reconcile the budget figures. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

A Resolution to endorse and support a “Complete Streets” policy to provide safe and convenient access for all users of arterial streets – A discussion took place.

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

An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses, so as to clarify requirements pertaining to the smoking of tobacco products in the unincorporated area of Richland County – Mr. Jackson moved, seconded Ms. Smith, to defer this item until after a work session is held. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Request to approve the establishment of a list of qualified engineering and surveying firms with whom Richland County may negotiate and award contracts on an “as-needed” basis – A discussion took place.

Mr. Washington moved, seconded by Ms. Kennedy, to defer this item.

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

The motion to defer this item failed.

Ms. Smith moved, seconded by Mr. Washington, to defer this item until the September 15th meeting. The vote in favor was unanimous.

A Resolution authorizing Richland County’s consent to an amended agreement re-creating a Regional Transit Authority within the geographic area of Richland County and the municipalities therein to be known as the Central Midlands Regional Transit Authority – A discussion took place.

Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Minority Enterprise Development Week – Mr. Pearce stated that the committee recommended approval. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

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

a. Central Midlands Regional Transit Authority—2 – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

b. Employee Grievance Committee—1 – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

- c. **Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- d. **Midlands Development Workforce Board—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

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

- a. **Board of Assessment Appeals—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- b. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- c. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- d. **Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.

III. Central Midlands Regional Transit Authority—New Committee Agreement – Mr. Malinowski stated that the committee recommended appointing three Council members and two citizens to this committee.

Ms. Smith made a substitute motion, seconded by Ms. Dickerson, to appoint two Council members and three citizens. The motion failed.

The vote on the committee's recommendation was unanimous.

IV. Employee Grievance Committee Guidelines/Procedures – Mr. Malinowski stated that this item was held in committee.

OTHER ITEMS

Council Motion (Jackson, Malinowski, & Kennedy): To remove from the D&S Committee and present to full Council the funding of Alternate Paving with \$2 million from the Road Maintenance Fee and \$1 million from the CTC bond to fund paving roads in three years max (starting in 2009) – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item. The vote in favor was unanimous.

Purchase offer for property owned by Richland County [Recommendation for Denial] – Ms. Dickerson moved, seconded by Ms. Smith, to table this item. The vote in favor was unanimous.

Report of Recreation Ad Hoc Committee

- a. **NE Recreation/Entertainment Complex** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to allow staff to use up to \$100,000 from the designated \$5,000,000 FY10 Hospitality Tax funds for the next step in the design development purchase of the Northeast Entertainment Complex, for staff to work with the consultant team to develop a 10-20 year timeline plan for this project, and to present this information to Council for approval. The ad hoc committee’s recommendation is to enable the consultants to move with items such as construction drawings, site prep, infrastructure development or other related items at the beginning of 2010.

A discussion took place.

Mr. Washington made a substitute motion, seconded by Ms. Kennedy, to amend the timeline to 10-15 years.

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

The vote was in favor of the substitute motion.

Richland County/City of Columbia Animal Care Advisory Committee/Approval of June 16th Minutes – Ms. Smith moved, seconded by Ms. Dickerson, to appoint Ms. Louise C. Emmott and Ms. Peggy Wilson. The vote in favor was unanimous.

CITIZENS’ INPUT

Ms. Codell A. Tillman spoke regarding the Richland County Landfill.

EXECUTIVE SESSION ITEMS

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Council went into Executive Session at approximately 7:58 p.m. and came out at approximately 10:40.m.
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- a. **Legal Update—Benedict College** – Proceed as discussed in Executive Session.
- b. **Farmers’ Market Update** – No action was taken.
- c. **Columbia Renaissance Redevelopment Plan** – Proceed as discussed in Executive Session.
- d. **NE Recreation/Entertainment Complex** – Ms. Dickerson moved, seconded by Ms. Kennedy, to deny the purchase of the property adjacent to the recreation complex. The vote in favor was unanimous.

MOTION PERIOD

To draft a uniform Countywide letterhead to be utilized by all Richland County Departments – This item was referred to the Rules & Appointments Committee.

The Public Information staff has completed work on a proposed lobby display for the Hamilton-Owens Airport designed to honor the two individuals for which the airport is named. This motion requests that the Chair refer the proposed display to a committee of his choice for approval/disapproval of the design and discussion/recommendation of funding options – This item was referred to the A&F Committee.

Resolution recognizing L. Gregory Pearce, Jr. for his service to the SC Association of Counties – Ms. Smith moved, seconded by Mr. Jackson, to adopt a resolution honoring Councilman Pearce for his service to the SC Association of Counties. The vote in favor was unanimous.

To have Council support and host the Multi Modal Transportation Conference – This item was referred to the A&F Committee.

Administration & Finance Committee study the possibilities of the Council Chair to receive an annual financial supplement in line with the practice of other Counties in South Carolina – This item was referred to the A&F Committee.

A motion to include the Election Commission in any consideration of wages adjustments as the Voter Registration Office – This item was referred to the Ad Hoc Committee.

Motion for the purchase for the Phone Tree Messaging Software for a 30 day trial; this purchase will encumber \$1,600. The service could be beneficial for notifying persons in your district about community meetings and special events – This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 10:53 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