

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JANUARY 18, 2011 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	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Seth Rose
Member	Kelvin Washington

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Sara Salley, Stephany Snowden, Tamara King, Melinda Edwards, Larry Smith, David Hoops, Daniel Driggers, Andy Metts, Donny Phipps, Donald Chamblee, Anna Almeida, Monique Walters, Michelle Onley

**POINT OF PERSONAL PRIVILEGE** – Mr. Rose recognized that Durham Carter, President of the Martin Luther King Neighborhood Association, was in the audience and would be offering the invocation and leading the audience in the Pledge of Allegiance.

### CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

### INVOCATION

The Invocation was given by the Durham Carter.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Durham Carter.

### APPROVAL OF MINUTES

**Regular Session: January 4, 2011** – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF AGENDA

Mr. Pope stated that the Employee Grievance under the Report of the County Administrator was an action item.

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

### REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. Personnel Item: Sheriff's DNA Lab
- b. Employee Grievance

### CITIZENS' INPUT

No one signed up to speak.

### REPORT OF THE COUNTY ADMINISTRATOR

**Employee Grievance** – Mr. Washington moved, seconded by Mr. Manning, to defer this item. The vote in favor was unanimous.

**Legislative Follow-Up Meeting** – Mr. Pope stated that meeting will be held on February 2<sup>nd</sup>, 5:30-7:30 p.m. at the Convention Center.

**Annual Audit Report** – Mr. Tom McNeish of Elliott Davis gave a brief presentation of the completed audit to Council.

**New Employee Recognition** – Mr. Pope introduced Ms. Melinda Edwards, Public Information Office employee, to Council.

### REPORT OF THE CLERK OF COUNCIL

No report was given.

## REPORT OF THE CHAIRMAN

**Committee Assignments** – Mr. Livingston provided Council with the 2011 committee assignments.

## APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43, Permits, Required/Exemption; so as to add a new paragraph to require an evacuation plan for certain entities within the “Emergency Planning Zone (EPZ)” of the V. C. Summer Nuclear Plant, which is located in Fairfield County [SECOND READING]**

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

## THIRD READING

**An Ordinance Amending the Fiscal Year 2010-2011 Utilities Fund Annual Budget to appropriate \$75,463 of Utilities Fund Interest for Broad River Capital Project Closeout** – A discussion took place.

Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item and to provide Mr. Malinowski with any additional requested information. The vote in favor was unanimous.

## SECOND READING

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5, Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; so as to empower the Board to hear appeals under the International Fire Code** –

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

## REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

**Resolution Identifying an Economic Development Project to be located and constructed in Richland County, SC by Mars Petcare US, Inc.; Authorizing a Fee Agreement between Mars Petcare US, Inc. and Richland County, SC to induce Mars Petcare US, Inc. to expand its existing facility located in Richland County, SC; and other related matters** – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

**An Ordinance Authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee-in-lieu of tax agreement, between Richland County, South Carolina, and Mars Petcare US, Inc., as sponsor, to provide for a fee-in-lieu of ad valorem taxes incentive; and other related matters [FIRST READING]** – Mr. Pearce 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. **Planning Commission—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

### II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee (Hospitality)—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Appearance Commission, Landscaper/Landscape Architect—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- c. **Building Codes Board of Adjustments & Appeals, Licensed Contractor—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- d. **Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- e. **Central Midlands Regional Transit Authority—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- f. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended appointing Ms. Cynthia Demetra Jones. The vote in favor was unanimous.
- g. **Internal Audit Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.

### III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Motion to amend Council's Rules to read: Whenever a meeting is held on the second Tuesday of the month, appropriate written/backup materials for all items of business that are to be included in the Administrative and Finance and Development and Services Committee agendas must be delivered electronically to the Administrator's Office no later than the adjournment of the meeting approximately two weeks prior to the committee meeting scheduled meeting date [JACKSON] – This item was held in committee for additional information.**
- b. **Due to South Carolina's poor national reputation regarding females in elected and appointed positions, I move Council create an ad-hoc committee to study and report any gender disparities in regard to appointment and other leadership positions within the Council's purview of powers [MANNING] – This item was held in committee to allow Mr. Manning to attend the meeting to present additional information.**
- c. **In the absence of an established Richland County Council policy/rule regarding agency Directors making endorsements of candidates for positions on their respective Boards and/or Commissions appointed by Richland County Council, I move that the Rules & Appointments Committee evaluate this situation and make a recommendation to the full Council to establish a policy on this matter. [PEARCE] – This item was held in committee and will be coming forward as an action item at the February 1<sup>st</sup> meeting.**

### OTHER ITEMS

#### 2011 Council Retreat Items:

- a. **2011 Annual Goals**
- b. **Strategic Plan 2011 Annual Action Plan**
- c. **2011 Legislative Items**
- d. **2011 Items for Further Analysis**

Mr. Washington moved, seconded by Mr. Malinowski, to defer this item until a work session can be held. A discussion took place.

Mr. Pearce moved, seconded by Ms. Dickerson, to schedule a work session for January 25<sup>th</sup> immediately following the Zoning Public Hearing. The vote in favor was unanimous.

CMRTA Funding – Mr. Pearce moved, seconded by Mr. Rose, to approve the Administrator's recommendation. A discussion took place.

Mr. Jackson made a substitute motion to reduce the Mass Transit Fee to \$3.00 permanently. The motion died for lack of a second.

Mr. Washington made a substitute motion, seconded by Mr. Manning, to allocate the fund balance plus an additional road maintenance fee to equate to \$3 million, to partner with the CTC low volume alternative paving pilot program. A discussion took place.

Mr. Livingston ruled that this motion was not germane to the item before Council.

Mr. Washington made a motion to challenge the Chair's ruling. The motion died for lack of a second.

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

The vote on the motion to approve the Administrator's recommendation was in favor.

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

**Personnel Matter: Sheriff's DNA Lab** – This item was taken up during Executive Session.

**The Unsafe Housing Procedures** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve this item as amended. The vote in favor was unanimous.

#### CITIZEN'S INPUT

No one signed up to speak.

#### EXECUTIVE SESSION

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**Council went into Executive Session at approximately 7:34 p.m. and came out at approximately 7:48 p.m.**  
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- a. **Personnel Matter: Sheriff's DNA Lab** – Mr. Pearce moved, seconded by Mr. Malinowski, to accept the Administrator's recommendation regarding the payment of the employee's in the DNA lab. The vote in favor was unanimous.

## MOTION PERIOD

**I propose a resolution honoring Jim Wilson's service to Richland County in the conservation field. [HUTCHINSON]** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to adopt the resolution honoring Jim Wilson on his service to Richland County in the conservation field. The vote in favor was unanimous.

**A resolution supporting Representative Jim Harrison's pre-filed bill to have the Recreation Commission to fall under the jurisdiction of Richland County Council [JACKSON]** – This item was referred to the D&S Committee.

**I request that staff revisit the Comprehensive Plan concerning the densities for the Lake Murray area of Richland County as well as the Priority Investment Areas to determine what action, if any, needs to be taken in those areas. [MALINOWSKI]**  
– This item was referred to the D&S Committee.

## ADJOURNMENT

The meeting adjourned at approximately 7:55 p.m.

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Paul Livingston, Chair

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Damon Jeter, Vice-Chair

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Gwendolyn Davis Kennedy

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Joyce Dickerson

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Valerie Hutchinson

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Norman Jackson

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Bill Malinowski

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Jim Manning

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L. Gregory Pearce, Jr.

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Seth Rose

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley