

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, APRIL 6, 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 – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Amelia Linder, David Hoops, Anna Almeida, Dale Welch, Jocelyn Jennings, Valeria Jackson, Tommy DeLage, Brian Cook, Tiaa Rutherford, Alfreda Tindal, Andy Metts, John Cloyd, Rodolfo Callwood, Will Simon, Donny Phipps, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:11 p.m.

INVOCATION

The Invocation was given by the Honorable Kelvin E. Washington, Sr.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Kelvin E. Washington, Sr.

APPROVAL OF MINUTES

Regular Session: March 16, 2010 – Ms. Kennedy moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: March 23, 2010 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce congratulated Ms. Dickerson on her photo in the NACo newsletter.

ADOPTION OF AGENDA

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Columbia Venture Litigation** – This item was deferred.
- b. **Vulcan Lease Agreement** – This item was deferred.
- c. **Lower Richland Sewer Update**
- d. **Township Property**
- e. **Hospitality Tax Item**
- f. **Project McGuire** – This item was deferred.

CITIZENS' INPUT

Ms. Patricia Green spoke regarding Item #16—Fair Housing Resolution.

REPORT OF THE COUNTY ADMINISTRATOR

Community Development Stimulus Update – Ms. Valeria Jackson gave a brief update regarding the stimulus fund expenditures.

National Community Development Week – Ms. Valeria Jackson gave a brief overview of the events scheduled for April 4-10.

Township Property – This item was taken up during Executive Session.

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

Whitaker Container Service Update – Mr. Pope stated that the assignment has been completed and the new company is providing roll cart information to the citizens.

Recognition of Certified Floodplain Managers – Ms. Lisa Jones recognized the nine County employees that are Certified Floodplain Managers.

Hospitality Tax Item – This item was taken up during Executive Session.

Budget Update – Mr. Pope stated that the Administrator's Recommended Budget will be presented to Council on May 4th and that this will be a extremely difficult budget year.

Neighborhood Planning Structure – Mr. Hammett gave a brief update of the structure of Neighborhood Improvement Program.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

No report was given.

OPEN/CLOSE PUBLIC HEARINGS

- **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 Institutional, NC Neighborhood Commercial, and GC General Commercial Zoning Districts; and to remove "Bed and Breakfast Homes/Inns" from the M-1 Zoning District** – No one signed up to speak.
- **An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS# 25600-04-12** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **10-04MA, Robert Davis, Richland County School Dist. II, PDD to Amended PDD (6.93 Acres), 20400-01-17, Hardscrabble Rd. & Marchbank Pkwy. [SECOND READING]**
- **An Ordinance Amending Chapter 26, Land Development, Regarding Lighting Standards [SECOND READING]**
- **Removal of Parking Meters at County Administration Building**
- **Fair Housing Resolution**

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

Mr. Livingston presented the Fair Housing Resolution to Ms. Patricia Green.

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 – Ms. Dickerson presented a brief presentation as a Point of Personal Privilege regarding this item.

Mr. Manning moved, seconded by Mr. Malinowski, to defer this item until the April 20th Council meeting. The vote in favor was unanimous.

SECOND READING

An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on Property Identified as TMS # 25600-04-12 – Mr. Malinowski moved, seconded by Ms. Dickerson, to strike the language “Grantor will contact Grantee prior to construction of these allowed uses. An encroachment permit may be required. However, this permit will not be unreasonably withheld, and will be provided at no cost to the Grantor.” The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to establish a district entitled “CC Crane Creek Neighborhood District” – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve the amended ordinance. The amendments are as follows: “In the Table of Permitted Uses, Group Homes (9 or Less) amended from P in CC-1, CC-2, and CC-3 to SR; Schools, Business, Computer and Management Training has been amended to reflect a P in CC-2; and these amendments are also reflected in the narrative (“1. Group homes (nine persons or less) – (CC-1, CC-2, CC-3)); and also in the narrative (1. Group homes (nine persons or less). a. Use districts; Crane Creek—1; Crane Creek—2; Crane Creek—3 b. Location approval is subject to Section 6-29-770 of the South Carolina Code of Laws, as amended.” The vote in favor was unanimous.

Ordinance to Amend Road Names and Addressing Requirements – Ms. Dickerson moved, seconded by Ms. Kennedy, to defer this item. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Funding for Alternative Paving – The committee's recommendation was unanimously approved.

Organizationally place County Assessor under County Administrator – A discussion took place.

Ms. Dickerson moved, seconded by Mr. Pearce, to defer this item. The vote was in favor.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Budget Amendment-Sheriff: Part-Time Employees – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item and request additional information from the Sheriff prior to Second Reading.

Provide assistance to the City of Forest Acres for Building Plan Review and Inspections – Mr. Malinowski moved, to approve the amended agreement with the following language: "the MOU and Agreement between Richland County and Forest Acres reflect staff's recommendation that Forest Acres agrees that if the County's Board of Appeals decision is appealed, Forest Acres will be required to pay for outside counsel to defend any suit, and pay for the time required for county employees to testify. The vote was in favor.

Mr. Pearce requested that all instances of Forest Acres be changed to the City of Forest Acres in order to be consistent throughout the document.

Referendum on whether or not Richland County should adopt the Supervisor form of Government – Ms. Smith moved, seconded by Ms. Dickerson, to approve this item. The motion unanimously failed.

POINT OF PERSONAL PRIVILEGE – Mr. Manning recognized Richland County and Ms. Snowden for their support of the Palmetto Half Marathon at the Village of Sandhills.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. Employee Grievance Committee—4** – Mr. Malinowski stated that the committee recommended advertising for these vacancies in house via the HR newsletter and Public Information Office pending a legal opinion. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Appearance Commission, Horticulturist—1** – Mr. Malinowski stated that the committee recommended appointing Mr. James E. Strozier. The vote in favor was unanimous.
- c. **Board of Assessment Appeals—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Eric John Grant. The vote in favor was unanimous.
- d. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies in house via the HR newsletter and Public Information Office pending a legal opinion. The vote in favor was unanimous.
- e. **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. **Planning Commission Ordinance and Motion to Restructure** – Mr. Malinowski stated that the committee forwarded this item to Council without a recommendation.

Mr. Manning made a substitute motion, seconded by Ms. Hutchinson, to approve Option 3(b). A discussion took place.

Mr. Manning moved, seconded by Mr. Jeter, to amend the substitute motion as follows: "Council members that have 25% or more of their council district within the planning district would be ones who would vote on the member to represent the planning district."

Mr. Jackson moved, seconded by Mr. Jeter, to defer this item until after the City elections and discussions regarding a joint Planning Commission. The vote in favor was unanimous.

OTHER ITEMS

Central Midlands Development Corporation: Re-appointment of J. Milton Pope – Mr. Jeter moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 7:32 p.m. and came out at approximately 8:35 p.m.
=====

- a. **Lower Richland Sewer Update** – To proceed as discussed in Executive Session.
- b. **Township Property** – No action was taken.
- c. **Hospitality Tax Item** – To proceed as discussed in Executive Session.

MOTION PERIOD

To make Richland County Council responsible for final decisions regarding zoning and road standards and remove this responsibility from the Development Review Team [MALINOWSKI] – This item was referred to the D&S Committee.

To have Council and staff determine what Richland County's true priority investment areas should be and update the current land use plan by listing them [MALINOWSKI] – This item was referred to the D&S Committee.

To request the Attorney General opinion regarding the possibility of a conflict of interest as it related to the methodology used to compensate voter registration appointees [DICKERSON] – This item was referred to the Rules & Appointments Committee.

A resolution acknowledging Richland County and South Carolina's HIV/AIDS Statistics [LIVINGSTON] – Mr. Pearce moved, seconded by Ms. Hutchinson, to adopt the resolution acknowledging Richland County and South Carolina's HIV/AIDS Statistics. The vote in favor was unanimous.

Motion for referral to the A&F Committee: That Richland County Council provide funding in the FY10-11 budget for the Midlands Housing Alliance, the amount to be determined based on a percentage of whatever the City of Columbia appropriates to support the program. Justification for this request will be forwarded to the A&F Committee prior to their meeting. [PEARCE] – This item was referred to the A&F Committee.

Remove the wording that employees/Council members are prohibited from possession of a weapon on county property and change it to allow possession of a weapon in a locked trunk only or other receptacle if a trunk is not available. This will not authorize possession in any building, only the vehicles [MALINOWSKI] – This item was referred to the D&S Committee.

Resolution Recognizing Benedict College's Anniversary [KENNEDY] – Ms. Smith moved, seconded by Ms. Dickerson, to adopt a resolution recognizing Benedict College's Anniversary. The vote in favor was unanimous.

To suspend Council rules to add a Memorandum of Understanding among the property owners, the South Carolina Department of Transportation and Richland County to the April 20, 2010 Council agenda for action. This MOU is intended to reflect the understanding and intent of the parties regarding access to Lower Richland Boulevard and Garners Ferry Road in the development of certain residential and commercial facilities [MANNING] – Mr. Manning moved for unanimous consent to place this item on the April 20th Council agenda. The motion failed.

This item was referred to the D&S Committee.

Direct staff to coordinate with DHEC and SCDOT a review of traffic signal timing improvements and synchronization in unincorporated Richland County and request a system of red/yellow flashing traffic signals be initiated to help reduce emissions. Unincorporated Richland County will also mandate ingress and egress turn lanes for all business and residential construction that would cause a slowdown of traffic on the road servicing that facility [MALINOWSKI] – This item was referred to the D&S Committee.

Council will create a job performance plan for the Clerk of Council position to make that employee aware of the job requirements. This plan will be updated periodically but no later than every two years. The Clerk of Council will receive an annual appraisal to be completed by (set date) and all appraisals will be signed by the appraising council member [MALINOWSKI] – This item was referred to the A&F Committee.

I move that we direct staff to review the congestion management plan of the Midlands COG and incorporate those suggestions into the Transportation Plan for the referendum [HUTCHINSON] – This item was referred to the Transportation Ad Hoc Committee.

Resolution for Omega Psi Phi Fraternity, Inc. [JETER] – Ms. Smith moved, seconded by Mr. Malinowski, to adopt the resolution for Omega Psi Phi Fraternity, Inc. The vote in favor was unanimous.

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] – This item was referred to the Transportation Ad Hoc Committee.

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] – This item was referred to the Transportation Ad Hoc Committee.

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] – This item was referred to the Transportation Ad Hoc Committee.

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] – This item was referred to the Transportation Ad Hoc Committee.

Palmetto AIDS Life Support Services of South Carolina, Inc. (PALSS) Resolution [MANNING] – Mr. Washington moved, seconded by Ms. Kennedy, to adopt a resolution for Palmetto AIDS Life Support Services of South Carolina, Inc. (PALSS). The vote in favor was unanimous.

To have the Administrator provide the necessary information to enter into Mutual Aid agreements for fire and EMS with all neighboring counties and municipalities we currently do not have one with, or why we should not do this [MALINOWSKI] – This item was referred to the A&F Committee.

To amend section 18-2, Loitering, specifically, Section 18-2(a)(9) by adding the italicized words Unlawfully use or possess an unlawful drug and/or paraphernalia for drug use to include pipes, bongs, holders, wrappers or any other items normally construed as being implemented during drug use [MALINOWSKI] – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:49 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