

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JUNE 7, 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** – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Larry Smith, Anna Fonseca, Amelia Linder, Daniel Driggers, Dale Welch, Sara Salley, Lillian McBride, John Hixson, Brenda Carter, 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 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: May 17, 2011** – Mr. Malinowski stated that the second item listed under the Consent Items should reflect that it received Third Reading.

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

**Zoning Public Hearing: May 24, 2011** – Mr. Malinowski stated that the vote related to the following text amendment: “An Ordinance Amending the Richland County Code of Ordinances to require new sidewalks to be ADA compliant and to follow for exemptions to the requirement of providing sidewalks under certain conditions” should be in favor and not unanimous.

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

### **ADOPTION OF AGENDA**

Mr. Smith stated that the Redistricting Ordinance needed to be added to the agenda for First Reading by Title Only.

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

### **POINT OF PERSONAL PRIVILEGE**

Ms. Hutchinson presented a gift from County Council and Council staff to Mr. Rose in honor of his son’s upcoming birth.

Ms. Dickerson recognized that the Clerk of Court, Jeanette McBride was in the audience.

Ms. Kennedy recognized that she had two former students in the audience.

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

**CMRTA IGA Negotiations** – No action was taken.

**Redistricting Process** – Ms. Dickerson moved, seconded by Ms. Kennedy, to schedule 2<sup>nd</sup> Reading and Public Hearing on June 28<sup>th</sup> and schedule 3<sup>rd</sup> Reading on July 26<sup>th</sup>. The vote in favor was unanimous.

**Personnel Matter** – No action was taken.

### CITIZENS' INPUT

Ms. Helen Bradley and Mr. Walter Jones spoke regarding "Amending the Heir's Subdivision of Property Ordinance".

### REPORT OF THE COUNTY ADMINISTRATOR

**Personnel Matter** – This item was taken up in Executive Session.

**Solicitor's Office** – This item was taken up in Executive Session.

**Richland 101** – Ms. Snowden recognized the graduates of Richland 101 and two of the students spoke regarding their experiences.

**Glory Communications** – Mr. Pope recognized Glory Communications on their contributions to the Richland County community.

### REPORT OF THE CLERK OF COUNCIL

No report was given.

### REPORT OF THE CHAIRMAN

**County Administrator's Evaluation** – This was taken up in Executive Session.

### OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-96 and Section 6-97 of Article IV, Electrical Code; and Section 6-192 of Article XI, Energy Conservation Code, so as to codify the 2008 Edition of the National Electrical Code and the 2006 Edition of the International Energy Conservation Code, and to correctly reflect the 2006 International Residential Code in other sections of Chapter 6** – No one signed up to speak.
- **An Ordinance Authorizing a lease to South Carolina Historic Aviation Foundation for temporary use of the Curtiss-Wright Hangar at the Jim Hamilton-LB Owens Airport** – Mr. Larry Yon spoke regarding this item.
- **An Ordinance Authorizing the issuance and sale of not to exceed \$2,000,000 General Obligation Bonds, Series 2011A, 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** – No one signed up to speak.

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; so as to delete certain setback requirements for bars and other drinking places** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; by the addition of Article VI, Equal Enjoyment and Privileges to Public Accommodations; so as to prohibit discrimination in the equal enjoyment and privileges to public accommodations** – No one signed up to speak.

#### APPROVAL OF CONSENT ITEM

- **An Ordinance Authorizing the issuance and sale of not to exceed \$2,000,000 General Obligation Bonds, Series 2011A, 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 [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-96 and Section 6-97 of Article IV, Electrical Code; and Section 6-192 of Article XI, Energy Conservation Code, so as to codify the 2008 Edition of the National Electrical Code and the 2006 Edition of the International Energy Conservation Code, and to correctly reflect the 2006 International Residential Code in other sections of Chapter 6 [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; by the addition of Article VI, Equal Enjoyment and Privileges to Public Accommodations; so as to prohibit discrimination in the equal enjoyment and privileges to public accommodations [THIRD READING]**
- **Council Member Expense Account Policy Guidelines**
- **Emergency Service Purchase Orders for 2011-2012**

- **Property Insurance for 2011-2012**
- **Renaissance Foundation MOU Extension**
- **Volunteer Fire Operations Insurance**

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

### THIRD READING

**An Ordinance Authorizing a lease to South Carolina Historic Aviation Foundation for temporary use of the Curtiss-Wright Hangar at the Jim Hamilton-LB Owens Airport** – Mr. Pearce moved, seconded by Mr. Rose, to approve this item with the amendment to charge the lessee a \$1.00 fee. The vote was in favor.

### SECOND READING

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; and Article VII, General Development, Site, and Performance Standards; Section 26-179, Pedestrian, Bicycle, and Transit Amenities; so as to require new sidewalks to be ADA compliant and to allow for exemptions to the requirement of providing sidewalks under certain conditions** – Mr. Jeter moved, seconded by Mr. Washington, to approve this item with the deletion of Section II. 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 26-180, Signs; so as to create a new section that would allow off-premise weekend directional signs under certain conditions** – Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

### REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

**Change in Procedures for Collection of Yard Waste** – Ms. Hutchinson stated that the committee recommended to direct staff to explore a higher level of service for each solid waste collection area as the existing contract for each area comes up for renewal, renegotiation or rebid. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Mr. Rose, to not change the procedures until after the pilot program is completed. A discussion took place.

Ms. Hutchinson made a second substitute motion, seconded by Ms. Dickerson, to approve Alternative #2: "Direct the staff to explore a higher level of service for each

solid waste collection area as the existing contract for each area comes up for renewal, renegotiation or rebid.” The vote in favor was unanimous.

**Amending the “Heir’s Subdivision of Property Ordinance”** – Ms. Hutchinson stated that the committee recommended to direct staff to remove the hold harmless agreement and restrictive covenants from the ordinance as well as reduce the right of way width from 66 to 50 feet and then send the item to the Planning Commission. A discussion took place.

Mr. Rose made a substitute motion, seconded by Mr. Pearce, to send this item to the Planning Commission with the hold harmless clause included, but to reduce the right-of-way width to 50 feet. A discussion took place.

Mr. Pearce moved, seconded by Mr. Malinowski, to call for the question. The vote in favor was unanimous.

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

The vote was in favor of the substitute motion.

**Right of Way Abandonment for Old Clarkson Road** – Ms. Hutchinson stated that the committee recommended that Council approve this item after staff determines past ownership of this property and provide the information, as well as a larger map. The vote in favor was unanimous.

**Summit Parkway Sidewalk Project** – Mr. Pearce moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; so as to prohibit emailing or texting while operating a motor vehicle** – Mr. Malinowski moved, seconded by Ms. Dickerson, to defer this item. The motion failed.

Mr. Jeter made a substitute motion to enact a ban on cell phone usage without hand free device subject to legal review. A discussion took place.

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

The motion failed.

Mr. Pearce made a substitute motion, seconded by Ms. Dickerson, to refer this item back to committee. The vote in favor was unanimous.

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

**An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$79,000 of General Fund Undesignated Fund Balance to Clerk of Court for the purchase of additional shelving in Family Court, Civil Records, Criminal Records and the Archives Room** – Mr. Pearce moved, seconded by Mr. Manning, to approve this item. The vote was in favor.

**Relocation of Sheriff's Department's Region Two Substation to Decker Mall** – Mr. Washington moved, seconded by Mr. Jackson, to approve this item. A discussion took place.

Mr. Washington moved, seconded by Ms. Kennedy, to call for the question. The motion failed.

Ms. Kennedy moved, seconded by Mr. Washington, to amend the motion to direct staff to meet with the Greater Columbia Community Relations Council.

The vote in favor of the amended motion was unanimous.

**Revise Richland County Human Resources Guidelines for Exit Interviews** – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

#### **FIRST READING**

**An Ordinance Establishing New Electoral Districts for the Election of Members of Richland County Council pursuant to the United States Census of 2010 and in compliance with Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended** – Mr. Malinowski moved, seconded by Ms. Kennedy, to approve this item by Title Only. 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 8:18 p.m. and came out at approximately 9:29 p.m.**  
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**Administrator's Evaluation** – No action was taken.

**MOTION PERIOD**

**Motion that Chairman Livingston place on the Economic Development Committee agenda the task of reviewing the Richland County Business license fee and this fees impact on job creation and business recruitment within Richland County. Said Committee to review the competitiveness of our business license fee in regards to both calculation and surrounding/neighboring Counties. Such review to include input and date from the Columbia Chamber of Commerce as well as other relevant entities. The findings from this review to be submitted to full Council once said review is completed [ROSE]** – This item was referred to the Economic Development Committee.

**There are many issues with the Hospitality Tax use with the current program Richland County has in place. Based on that fact, I move that the Hospitality Tax Committee and Richland County Council review this grant program so that it can be re-vamped with an emphasis on funding projects and programs that bring in true tourists, not community events that pull the majority of their attendance from Richland County residents [MALINOWSKI]** – This item was referred to the A&F Committee.

**Staff and Richland County Council will create a policy as it relates to sewer tap fees once those fees have been collected. It should provide direction relating to the possibility of refunds, transfers, deadline extensions and anything else that may come into question as it relates to sewer taps from a monetary aspect [MALINOWSKI]** – This item was referred to the D&S Committee.

**ADJOURNMENT**

The meeting adjourned at approximately 9:35 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