

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 5, 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 – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Larry Smith, Daniel Driggers, David Hoops, Dale Welch, Amelia Linder, Anna Almeida, Geo Price, James Hayes, Paul Brawley, Sara Salley, Andy Metts, Ray Peterson, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:12 p.m.

INVOCATION

The Invocation was given by the Honorable Joyce Dickerson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

APPROVAL OF MINUTES

Regular Session: September 21, 2010 – Mr. Malinowski requested that the motion and vote be reviewed on “Clarification of the Rule regarding motions during the Special Called Meeting” and that Citizens Input and Executive Session be listed in chronological order in the minutes.

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

Special Called Zoning Public Hearing: September 21, 2010 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

Zoning Public Hearing: September 28, 2010 – Mr. Malinowski moved, seconded by Ms. Kennedy, to approve the minutes as submitted. The vote in favor was unanimous.

Special Called Meeting: September 28, 2010 – Mr. Malinowski requested that the tape be review on the Executive Session item.

Ms. Kennedy moved, seconded by Mr. Jeter, to approve the minutes as corrected. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that an additional item entitled: “Federal Highway Sign Requirements” needed to be added under the Report of the County Administrator and a Personnel Matter needed to be added under the Report of the Attorney for Executive Session Items.

Mr. Pearce requested that the presentation of a resolution on behalf of Mental Health Week be added to the agenda.

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

PRESENTATION OF RESOLUTION

Resolution acknowledging October 3-9 National Mental Illness Awareness Week – Mr. Pearce presented the resolution to Mr. Bill Lindsey, President of the South Carolina National Alliance for the Mentally Ill.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized former Council members Bernice Scott, Mike Montgomery and Susan Brill.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **FN Manufacturing vs. Richland County** – No action was taken.
- b. **Personnel Matter** – No action was taken.

CITIZENS' INPUT
(For Items on the Agenda Not Requiring a Public Hearing)

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Federal Highway Sign Requirements – Mr. David Hoops updated on the Federal Highway Sign Requirements.

REPORT OF THE CLERK OF COUNCIL

Richland Memorial Hospital's Annual Fall Luncheon – Ms. Walters stated that Ms. Finch had forwarded an e-mail to Council with proposed dates for the Richland Memorial Hospital's Annual Fall Luncheon.

Midlands Technical College Oyster Roast & Shrimp Boil, October 28, 6-8 p.m., MTC Center of Excellence for Technology Patio – Ms. Walters stated that the MTC Oyster Roast & Shrimp Boil will be held October 26, 6-8 p.m. at the MTC Center of Excellence for Technology Patio.

REPORT OF THE CHAIRMAN

No report was given.

APPROVAL OF CONSENT ITEMS

- **10-23MA, Cynthia South, RS-LD to RS-MD (8.18 Acres), Brevard St. & Jefferson Allen Dr., 07306-05-15 & 07306-04-05/21/24 [SECOND READING]**
10-24MA, Lexington Land Development, Co., LLC, Benjamin E. Kelly, Jr., HI to GC (1.65 Acres), Clemson Rd. & Farrow Rd., 17400-04-02/06/11 [SECOND READING]
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (B); so as to correct the section reference for the adopted flood insurance rate map [SECOND READING]**

- **Old Garner's Ferry Road Bridge Repair**
- **AT&T Leased Line Connections—Countywide**
- **An Ordinance Amending the Fiscal Year 2010-2011 Hospitality Tax Annual Budget to appropriate \$100,000 of Hospitality Tax Undesignated Fund Balance to the Renaissance Foundation [FIRST READING]**
- **Microsoft Licensing—Countywide**

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

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Arcadia Lakes Floodplain Management Services Agreement – Mr. Malinowski moved to approve the amended agreement. A discussion took place.

The vote was in favor.

Farmers' Market Update – Ms. Smith moved, seconded by Mr. Pearce, to refer this item back to committee. A discussion took place.

The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (C), Processes; Paragraph (3), Major Subdivision Review; Subparagraph F., Bonded Subdivision Plan Review and Approval; so as to add a provision dealing with expired bonds – The committee's recommendation to table this item was unanimously approved.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; so as to add a new section that permits the subdivision of property to heirs of a deceased property owner – Mr. Malinowski moved, seconded by Mr. Washington, to approve the amended ordinance. A discussion took place.

The vote in favor was unanimous.

Broad River Sewer Monthly User Fees – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the committee's recommendation. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Franchise Fees for Utilities – Mr. Malinowski moved, seconded by Mr. Jackson, to refer this item back to committee.

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

The motion failed.

The vote was in favor of the committee's recommendation to table.

Hospitality Tax-Special Round for SERCO organizations – Mr. Washington moved, seconded by Mr. Manning, to approve the committee's recommendation. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Ms. Dickerson, to approve \$80,500 for SERCO.

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

The motion failed.

A discussion took place on the committee's recommendation.

Mr. Washington moved, seconded by Ms. Smith, to call for the question. The vote was in favor.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to defer any funding until the proper paperwork is provided showing that SERCO meets Hospitality Tax rules. A discussion took place.

The vote was in favor of the committee's recommendation.

Mr. Washington moved, seconded by Mr. Manning, to reconsider. The motion to reconsider failed.

Sheriff's Department Grant Position Pick Up Request – Ms. Hutchinson moved, seconded by Mr. Jeter, to approve the committee's recommendation. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$37,741 of General Fund Undesignated Fund Balance to Voter Registration for additional funding of part-time employment – Ms. Dickerson moved, seconded by Mr. Jackson, to approve the committee's recommendation. The vote in favor was unanimous.

Review all Departments and determine possible consolidation and/or outsourcing and prioritize them – Ms. Smith moved, seconded by Mr. Malinowski, to direct the Chair to form the ad hoc committee within two weeks and the ad committee report back to Council within six months. The vote in favor was unanimous.

Benedict College SC HBCU Classic – Mr. Washington made a substitute motion to approve this item. The motion died for lack of a second.

The vote was in favor of the committee's recommendation.

Coroner Budget Amendment for 2010-2011 – The committee's recommendation was unanimously approved.

Palmetto Capital City Classic Funding – Mr. Jackson made a substitute motion, seconded by Ms. Kennedy, to fund the Palmetto Capital City Classic the additional \$11,500 requested. A discussion took place.

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

The vote was in favor of the substitute motion.

THIRD READING

An Ordinance Authorizing the levying of ad valorem property taxes, which, together with the prior year's carryover and other State levies and any additional amounts appropriated by the Richland County Council prior to July 1, 2010, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2010 through June 30, 2011 – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item. A discussion took place.

Ms. Smith moved, seconded by Mr. Manning, to delete the carry forward from the General Fund, to adopt the State reimbursement numbers given Council in June, to reduce the library deficit to a number that would equal the actual deficit of \$32,493, and to get a legal opinion on the library deficit. A discussion took place.

The vote was in favor.

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

Ms. Smith moved, seconded by Mr. Manning, to adopt the motion to delete the carry forward from the General Fund, to adopt the State reimbursement numbers given Council in June, to reduce the library deficit to a number that would equal the actual deficit of \$32,493, and to get a legal opinion on the library deficit with the following amendment: that upon review from legal and finance staff they authorize the Auditor to move forward. The vote was in favor.

REPORT OF ECONOMIC DEVELOPMENT

Lower Richland Sewer Update – Mr. Washington moved, seconded by Ms. Smith, to accept the Richland County's Lower Richland Sewer plan and to immediately sign an agreement with the City of Columbia. A discussion took place.

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

Ms. Smith moved, seconded by Mr. Washington, to reconsider this item. The motion failed.

OTHER ITEMS

Regional Sustainability Plan MOU – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

CITIZEN'S INPUT (Must Pertain to Items Not on the Agenda)

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:16 p.m. and came out at
approximately 8:27 p.m.
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- a. FN Manufacturing vs. Richland County – No action was taken.
- b. Personnel Matter – No action was taken.

MOTION PERIOD

When vacancies are identified on Richland County Boards and/or Commissions that require actions of County Council to fill, the Clerk assigned to advertise and process applications for these positions will notify the Executive Director and/or Chairman of the Board of the agency, Board or Commission either by telephone, e-mail or regular mail prior to posting the public announcement of the vacancy [PEARCE] – This item was referred to the Rules & Appointments Committee.

Council retain professional services to assist with the redistricting process [MANNING] – This item was referred to the A&F Committee.

Revisit Councilwoman Hutchinson's motion earlier this year to return \$5.00 to all citizens paying for garbage service as no action has been taken to resolve the issue of yard clippings and such being removed at a measured rate over a spectrum of time [MANNING] – This item was referred to the A&F Committee.

Staff is requested to review Richland County's current ordinance as it relates to animal ownership in Richland County to determine if there is a better way of controlling the amount of animals (pets) a person has in their possession in order to eliminate the possibility of some locations turning into uncontrolled breeding facilities or a facility for the collection of strays and unwanted animals [MALINOWSKI & KENNEDY] – This item was referred to the D&S Committee.

To have staff review the current Richland County Ordinance relating to abandoned homes and trailers and consider limiting the time they can remain in such a state prior to action(s) being taken by the Richland County and/or the courts [MALINOWSKI & KENNEDY] – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:30 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