

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 17, 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
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 Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Dale Welch, Joseph Kocy, Anna Almeida, Amelia Linder, Geo Price, Pam Davis, Donny Phipps, Lillian McBride, Valeria Jackson, Teresa Smith, Michael Byrd, 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 Gwendolyn Davis Kennedy

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Gwendolyn Davis Kennedy, Bill Buildaback and Boy Scout Troop 27

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized the Richland County Alumni Chapter of the Delta Sigma Theta Sorority.

CITIZENS' INPUT

No one signed up to speak.

POINT OF PERSONAL PRIVILEGE – Ms. Smith congratulated Ms. Roxanne Matthews on her engagement.

APPROVAL OF MINUTES

Regular Session: February 3, 2009 – Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as corrected. The vote in favor was unanimous.

Mr. Livingston stated that Ms. Hutchinson and Ms. Dickerson would be late for tonight's Council meeting due to their attendance at the Inter-City Event in Charleston.

ADOPTION OF AGENDA

Mr. Pope stated that a potential contract for professional services needed to be added under the Report of the County Administrator.

Ms. Finch stated that two of the Third Reading Ordinances needed their signature lines to be amended to replace Ms. Hutchinson name with Mr. Livingston's name.

The agenda was adopted unanimously.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Contractual Matter—Offer to Purchase County Property**
- b. **Personnel Matter**
- c. **Contract for Professional Services**
- d. **CMRTA Intergovernmental Agreement**
- e. **Report of A&F Committee – Item 20**

REPORT OF THE COUNTY ADMINISTRATOR

Weather Alert Radio Presentation – Mr. Michael Byrd presented Council with weather alert radios.

Update on CUB Assessment – This item was deferred until the March 3rd Council meeting.

Rowing Club MOU – This was an action item on the agenda.

Strategic Planning Work Session Meeting Reminder: February 24th, 3 p.m.-5 p.m.
– Mr. Pope reminded Council of the Strategic Planning Work Session on February 24th from 3:00 p.m. to 5:00 p.m. in Council Chambers.

BSC Workshop Update – Mr. Pope stated that the Business Service Center partnered with the Department of Review to host a Business Rules and Online Tools workshop on February 6th at the S. C. State Museum. The workshop was a tremendous success with approximately 200 people attending the event. The workshop assisted the business community in better understanding the requirements and regulations. There are plans underway to have a repeat session in the County, as well as other communities.

CMRTA Intergovernmental Agreement Update – This item was taken up during Executive Session.

NaCO Prescription Card Update – This item was deferred to the March 3rd Council meeting.

SC Residential Improvement District Act – Mr. Pope stated that he would speak with Mr. Livingston and Mr. Malinowski to decide if a work session is necessary regarding this item.

Personnel Matter – This item was taken up during Executive Session.

Comprehensive Plan Meeting Update – Mr. Kocy gave a brief update and asked Council for guidance regarding dates and locations for the second round of meetings.

Foreclosure Map – This item was deferred to the March 3rd Council meeting. Ms. Smith requested that the Appleseed Foundation be allowed to make a presentation on how to avoid foreclosure.

Audit Presentation – Mr. Tom McNeish, Elliott Davis, gave a brief presentation of the completed audit to Council.

REPORT OF THE CLERK OF COUNCIL

United Way of the Midlands 25th Anniversary, The Humanitarian of the Year Award Ceremony, February 26th, Columbia Metropolitan Convention Center – Ms. Finch stated that the United Way of the Midlands Humanitarian of the Year Award Ceremony will be held February 26th at the Columbia Metropolitan Convention Center.

Town of Eastover's 31st Annual Barbeque and Parade Festival, April 30th-May 2nd – Ms. Finch stated that the Town of Eastover's Annual Barbeque and Parade Festival will be held April 30th-May 2nd.

NOBCO – Ms. Finch stated that NOBCO Annual Conference will be held April 30th-May 3rd in Miami, Florida.

Palmetto Health Public Session Report – Ms. Finch stated that Palmetto Health has requested to make a presentation to Council on March 17th.

Esplanade at Canalside Project – Ms. Finch stated that the Columbia City Council has extended an invitation to County Council to attend the Grand Opening of the Esplanade at Canalside Project on Friday, February 20th at 11 a.m.

Richland Memorial Board Member Orientation – Ms. Finch stated that they have set aside Wednesday, March 18th from 9:00 a.m.-1:00 p.m. in the Bagnal Board Room for orientation with the newly elected Council members.

Richland Memorial Board Reception – Ms. Finch stated that Richland Memorial will be holding a Board Reception for County Council, the Richland Memorial Board and Palmetto Health Executive Staff. Time and place will be forthcoming.

REPORT OF THE CHAIRMAN

No report was given.

PUBLIC HEARING ITEMS

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

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to add and delete provisions relating to Business License Rates** – No one signed up to speak.
- **An Ordinance Amending the FY 2008-2009 General Fund Annual Budget to decrease Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset** – No one signed up to speak.

The public hearings were closed.

APPROVAL OF CONSENT ITEMS

- An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to add and delete provisions relating to Business License Rates [THIRD READING]
- An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to decrease Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund Balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-186, Green Code Standards; Subsection (H), Development Standards; Paragraph (1); so as to reduce the minimum required subdivision size to two acres [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-83, Establishment of Zoning Districts; Subsection (E), Neighborhood Master Plan Overlay Districts; so as to establish a district entitled “DBWP Decker Boulevard/Woodfield Park Redevelopment Overlay District” [THIRD READING]
- An Ordinance Allowing Owners (or their agents) of certain parcels of land within the Decker Boulevard/Woodfield Park Area of Richland County, South Carolina, to make application for the use of the Development Standards of the “DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District” [THIRD READING]
- An Ordinance Amending the Imagine Richland 2020 Comprehensive Plan, adopted on May 3, 1999, by incorporating the “Candlewood Neighborhood Master Plan” into the northeast planning area [THIRD READING]
- An Ordinance Authorizing a quit-claim deed to Community Assistance Provider, Inc. for a certain parcel of land on the south side of Sugar Hill Lane [SECOND READING]

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

THIRD READING ITEMS

Alternative Dirt Road Paving Program/Ordinance to permit adoption of countywide dirt road paving program standards – A discussion took place.

Mr. Jeter moved, seconded by Ms. Smith, to accept staff's recommendation on the portion of the ordinance dealing with the length of the road. The vote in favor was unanimous.

Mr. Jackson moved, seconded by Mr. Malinowski, to accept staff's recommendation of 75% participation by property owners on the road. A discussion took place.

Mr. Washington made a substitute motion to substitute public notification of dirt roads being paved for public participation and allow the Council member for that district to make the final determination to proceed if there are objections.

Ms. Smith made a second substitute motion, seconded by Ms. Dickerson, to amend Item (i) paragraph 4 to state that: "In order to incorporate community input before roads are paved, DPW will mail notification of the proposed paving to all property owners on roads known to have right-of-way to determine interest in the improvement. If within 30 days, 25% or more register an objection the road will not be improved." Also, to strike the sentence: "Roads where owners do not support the improvement will be reported to Council."

Mr. Washington made a motion to amend the amount of participation to 51%. His motion died for lack of a second.

Mr. Washington withdrew his substitute motion.

Mr. Washington called for the question, seconded by Ms. Smith.

In Favor

Pearce
Hutchinson
Livingston
Dickerson
Washington
Smith

The call for the question failed.

The vote was in favor of Ms. Smith's substitute motion.

Mr. Jeter moved, seconded by Mr. Washington, to accept staff's recommendation in regard to the commission. A discussion took place.

The vote in favor was unanimous.

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

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; so as to permit “Day Care, Adult, Home Occupation (5 or fewer)”; **Day Care Centers, Adult”;** **“Day Care, Child, Family Day Care, Home Occupation (5 or fewer)”;** **and “Day Care Centers, Child, Licensed Centers”;** **in various zoning districts with special requirements** – Ms. Dickerson moved, seconded by Mr. Manning, to approve this item. A discussion took place.

The vote in favor was unanimous.

SECOND READING ITEM

08-39MA, Martha Crawford, RU to OI (3 Acres) Child Care Facility, 17800-03-30 & 31, 1235 Trading Post Rd. – Ms. Dickerson 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 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration – Mr. Jeter moved, seconded by Mr. Washington, to approve this item. The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions, so as to add a new section regulating the naming of buildings – Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Ms. Hutchinson, to strike the word living from the ordinance. The substitute motion failed.

The vote on the original motion was in favor.

Budget Amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration Department – Ms. Dickerson moved, seconded by Ms. Smith, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process – A discussion took place.

Ms. Dickerson moved, seconded by Mr. Pearce, to approve this item and to have staff's amendments and a financial impact presented to Council at Second Reading.

The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Project Woods Inducement Resolution – 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 ON BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- b. **Historic Columbia Foundation—1**—Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- c. **Hospitality Tax Committee—3**—Mr. Malinowski stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

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

- a. **Housing Advisory Committee (HAC)—2** – Mr. Malinowski stated that the committee recommended appointing Ms. Selena M. Pickens and hold the appointment of Mr. Adam Scott in committee until additional information has been received. The vote in favor was unanimous.

III. Council Individual Discretionary Accounts – Mr. Malinowski stated that the committee recommended approval of the policy guidelines on how Council members should/should not use their discretionary accounts.

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

IV. Revised Application Form – Mr. Malinowski stated that the committee recommended approval of the revised application.

Ms. Smith made a substitute motion, seconded by Ms. Dickerson, to strike the statement: "...or have you been involved with any matter where your integrity may have been compromised?"

The vote in favor was unanimous.

- V. **Electronic Participation** – Mr. Malinowski stated that the committee recommended approval of this item with the following changes: 3rd sentence should read, "...via electronic participation and be counted..."; Paragraph 2 should have the word via struck out; and Paragraph 3, sentence 2, should read: "...participating in the meeting to hear and/or see each other at the same time...."

The vote in favor was unanimous.

- VI. **4.4 Agendas (Council Rule)** – Mr. Malinowski stated that the committee recommended approval of this item. The vote in favor was unanimous.

OTHER ITEMS

Rowing Club MOU – Ms. Smith moved, seconded by Ms. Dickerson, to defer this item until the March 3rd Council meeting. The vote was in favor.

Reimbursement Resolution for No-Kill Animal Shelter – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.

CMRTA Intergovernmental Agreement – This item was taken up during Executive Session.

Report of the Bond Review Committee

- a. **Financial Policies** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

Ms. Smith moved, seconded by Ms. Dickerson, to defer this item until the March 3rd Council meeting.

<u>In Favor</u>	<u>Oppose</u>
Malinowski	Pearce
Jackson	Jeter
Hutchinson	Manning
Dickerson	Livingston
Kennedy	
Washington	
Smith	

CITIZENS' INPUT

Mr. Eugene Duvall spoke regarding the end of fiscal year budget purchases.

EXECUTIVE SESSION ITEMS

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Council went into Executive Session at approximately 8:15 p.m. and came out at approximately 9:13 p.m.
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- a. **Contractual Matter: Offer to Purchase County Property** – Ms. Smith moved, seconded by Mr. Malinowski, to decline the offer to purchase the property. The vote in favor was unanimous.
- b. **Personnel Matter** – No action was taken.
- c. **Potential Contract for Professional Services** – Ms. Hutchinson moved, seconded by Ms. Kennedy, to direct the Administrator to use existing designated funds and to do due diligence with regard to Palmetto Utilities.
- d. **CMRTA Intergovernmental Agreement** – Ms. Dickerson moved, seconded by Ms. Kennedy, to adopt the resolution approving the execution of an intergovernmental agreement between Richland County, the City of Columbia, and the CMRTA for the purpose of providing interim funding for the CMRTA. This resolution shall be contingent upon the City of Columbia and the CMRTA endorsing the same agreement by appropriate legislative enactment. The vote was in favor.

Ms. Dickerson moved, seconded by Ms. Kennedy, to approve an ordinance amending the Fiscal Year 2008-2009 Road Maintenance Budget, so as to increase the Road Maintenance Fee and appropriate such increase in funds for mass transit. The vote was in favor.

Ms. Dickerson moved, seconded by Ms. Kennedy, to approve an ordinance amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to temporarily suspend the collection of a portion of the Hospitality Tax. The vote was in favor.

Third Reading of the ordinances shall not be held on the ordinances until all parties have endorsed the Intergovernmental Agreement. ***[This item was reconsidered at the March 3, 2009 meeting.]***

MOTION PERIOD

Resolution for George Duke and Rachelle Ferrell performers for the Auntie Karen Foundation Jazz Concert on February 27th – Ms. Dickerson moved, seconded by Mr. Washington, to adopt resolutions for performers George Duke and Rachelle Ferrell. The vote in favor was unanimous.

Resolution for Spring Valley Baptist Church – Mr. Malinowski moved, seconded by Ms. Hutchinson, to adopt a resolution for Spring Valley Baptist Church. The vote in favor was unanimous.

Have staff look into the possibility of charging a “Sewer Availability Fee” for all areas serviced by Richland County sewer when there will be future construction of homes or other buildings – Mr. Malinowski referred this item to the D&S Committee.

Use a portion of the Road Maintenance Fee of \$20 and partnership with the County Transportation Committee to fund a bond to pave all dirt roads with traditional and alternative pavement methods in three years or less – Mr. Jackson referred this item to the D&S Committee.

Develop a working plan not limited to include public/private partnership for the Northeast Sports Complex, a Southeast Golf Park Complex, Decker Boulevard Revitalization and Southwest Park Complex – Mr. Jackson referred this item to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:20 p.m.

The meeting reconvened and adjourned at approximately 9:21 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