

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, SEPTEMBER 7, 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	Kelvin Washington
Absent	Kit Smith

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Larry Smith, Daniel Driggers, Sara Salley, Anna Lange, Jim Wilson, David Hoops, Quinton Epps, Geo Price, Dale Welch, John Hixson, Dwight Hanna, Amelia Linder, Anna Almeida, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:01 p.m.

INVOCATION

The Invocation was given by the Honorable Jim Manning

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning

APPROVAL OF MINUTES

Special Called Meeting: July 27, 2010 – Ms. Dickerson moved, seconded by Mr. Jackson, to reconsider First Reading approval of the Transportation Sales Tax: Consultant and Educational Campaign Budget Amendment. The vote in favor was unanimous.

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

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

Zoning Public Hearing: July 27, 2010 – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that an additional item entitled: “Solid Waste Contract/Legal Update” needed to be added under the Report of the Attorney for Executive Session Items.

Mr. Livingston stated that the SERCO Grant under the Report of the Chairman needed to be moved to Other Items.

Mr. Malinowski stated that the item under Report of the Administration and Finance Committee entitled “Establish an Ad-Hoc Committee to work with the City of Columbia to make a recommendation on an ordinance to restrict operating hours of establishments that serve alcohol” should not have been placed on the Council agenda.

Mr. Malinowski asked that the TMS #s be corrected on items #15 and #16.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Columbia Venture Update** – No action was taken.
- b. **Accommodations Tax and Hospitality Tax Update** – No action was taken.
- c. **Solid Waste Update** – No action was taken.

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Council went into Executive Session at approximately 6:12 p.m. and came out at approximately 6:29 p.m.
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CITIZENS' INPUT
(For Items on the Agenda Not Requiring a Public Hearing)

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Trails Brochure Update—Conservation Commission – Ms. Carol Kososki presented Council with the Conservation Commission's new brochure regarding Richland County Trails.

Dept. of Energy Site Visit Update – Ms. Anna Lange presented Council with information on the Dept. of Energy EECBG site visit. The visit was successful and Richland County was given accolades on the many facets of the program. The Dept. of Energy come of these facets as "Best Practices."

Transportation Sales Tax Update – Mr. Pope stated that information regarding this matter would be distributed to Council in a forthcoming e-mail.

Accommodations Tax and Hospitality Tax—New Reporting Requirements – Ms. Sara Salley gave a brief overview of the feedback she received from agencies affected by the new reporting requirements.

FEMA Requirements – Mr. Pope stated that this was an action item on the agenda and if Council had any questions Mr. David Hoops and Mr. Quinton Epps would be available to address them.

Employee Grievances—2 – Mr. Malinowski moved, seconded by Ms. Dickerson, to accept the Administrator's recommendation. The vote in favor was unanimous.

Smoking Ban Update – Mr. Pope stated that no additional complaints were reported in the last quarter.

REPORT OF THE CLERK OF COUNCIL

SC HBCU Classic Scholarship Event, Township Auditorium, September 18, 2010, 8:00 p.m. – Ms. Finch stated that the HBCU Event will be held September 18th at 8 p.m. at the Township Auditorium.

Legacy Retreat Reminder – Ms. Finch reminded Council that the Legacy Retreat will be held September 10th, 2-5 p.m. at LRADAC on Colonial Drive, Rm. 121.

Councilwoman Joyce Dickerson's Book Signing – Ms. Finch stated that Ms. Dickerson will be holding a book signing on September 12th, 3-5 p.m. at the Richland County Public Library on Assembly Street.

Columbia Urban League, October 26, 2010, 6:00 p.m.—Reception, 7:00 p.m.—Program – Ms. Finch stated to save the Columbia Urban League will be holding their reception and program on October 26th.

REPORT OF THE CHAIRMAN

Bond Rating Update – Mr. Livingston presented a CD to each Council member of the presentation that made to the bond rating agencies.

Personnel Consultant – Mr. Livingston stated that the beginning process had been completed and that Council members are requested to provide input when approached by the consultant.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance establishing a policy for grant administrative fees and establishing the amount of such fees** – No one signed up to speak.
- **An Ordinance authorizing the County to execute and deliver a Master Park Agreement for the creation and maintenance of a multicounty business or industrial park between Richland County, South Carolina, and Fairfield County, South Carolina; and other related matters** – No one signed up to speak.
- **An Ordinance authorizing Richland County, South Carolina to issue, from time to time or at one time, in one or more issues or series, its revenue bonds, in an aggregate principal amount not to exceed \$20,000,000 (the "Bonds"), the proceeds of which will be used to finance the acquisition, construction and renovation of certain property to be used in connection with the Eastover, South Carolina Mill of International Paper Company, consisting of capital improvements, including, but not limited to, any recovery zone property, pulp mill and power facilities, paper production facilities and related facilities, at the mill pursuant to Section 4-29-10 Et Seq. of the 1976 Code of Laws of South Carolina, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchases of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by Richland County, South Carolina to cause the issuance and sale of such bonds** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking**

Regulations; Section 17-9, through truck traffic prohibited; Subsection (A); so as to prohibit through truck traffic and N. Donar Drive and Prima Drive in Richland County, South Carolina – No one signed up to speak.

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, distribution of funds; Subsection (3); and Section 23-71, oversight and accountability; so as to improve accountability for hospitality tax agencies** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2010-2011 Road Maintenance Fund Annual Budget to appropriate \$47,200 of undesignated fund balance for the Transportation Sales Tax Educational Campaign and Continuation of Consultant Services** – This item was reconsidered and tabled during the Approval of the Minutes for the Special Called Meeting of July 27, 2010; therefore, the public hearing was not held.
- **An Ordinance Authorizing the issuance and sale of not to exceed \$20,000,000 General Obligation Bonds, Series 2010C, 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.

APPROVAL OF CONSENT ITEMS

- **An Ordinance establishing a policy for grant administrative fees and establishing the amount of such fees [THIRD READING]**
- **An Ordinance Authorizing the issuance and sale of not to exceed \$20,000,000 General Obligation Bonds, Series 2010C, 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 authorizing Richland County, South Carolina to issue, from time to time or at one time, in one or more issues or series, its revenue bonds, in an aggregate principal amount not to exceed \$20,000,000 (the "Bonds"), the proceeds of which will be used to finance the acquisition, construction and renovation of certain property to be used in connection with the Eastover, South Carolina Mill of International Paper Company, consisting of capital improvements, including, but not limited to, any recovery zone property, pulp mill and power facilities, paper production facilities and related facilities, at the mill pursuant to Section 4-29-10 Et**

- Seq. of the 1976 Code of Laws of South Carolina, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchases of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by Richland County, South Carolina to cause the issuance and sale of such bonds [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, through truck traffic prohibited; Subsection (A); so as to prohibit through truck traffic and N. Donar Drive and Prima Drive in Richland County, South Carolina [SECOND READING]**
 - **10-20MA, Capital Development Partners, LLC, Mark James, M-1 to GC (1.02 Acres), Bluff Rd. & Blair St., 11115-06-03 [SECOND READING]**
 - **10-21MA, Lexington Land Development Co., LLC, Benjamin Kelly, HI to GC (4.05 Acres), Clemson Rd. & Longreen Parkway, 17400-05-30 & 31 [SECOND READING]**
 - **10-22MA, Waffle House, Butch Baur, HI to GC (.349 Acres), Bluff Rd., 11283-10-01 [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; so as to define dormitories, hotels, motels, transient lodging, and primary campus [SECOND READING]**

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

SECOND READING

An Ordinance authorizing the County to execute and deliver a Master Park Agreement for the creation and maintenance of a multicounty business or industrial park between Richland County, South Carolina, and Fairfield County, South Carolina; and other related matters – Mr. Malinowski moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

10-19MA, Columbia Jewish Day School, Robert Lapin, M-1 to GC (3.5 Acres), 8328 Parklane Rd., 17103-01-07 – Ms. Kennedy moved, seconded by Ms. Dickerson, to accept the applicant's withdrawal. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; Subsection (3); and Section 23-71, Oversight and Accountability; so as to improve accountability of Hospitality Tax Agencies – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item. A discussion took place.

The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2010-2011 Road Maintenance Fund Annual Budget to appropriate \$47,200 of undesignated fund balance for the Transportation Sales Tax Educational Campaign and Continuation of Consultant Services – This item was no longer properly before Council after the item was reconsidered during the approval of the Special Called Meeting minutes.

FIRST READING

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Section 26-22; Definitions; Section 26-35, Richland County Planning and Development Services Department; and Section 26-106, FP Floodplain Overlay District; so as to adopt new firm maps with effective dates of September 29, 2010, and other updates as required by FEMA in order to maintain the National Flood Insurance Program within Richland County – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$276,593 of General Fund Undesignated Fund Balance to Non-Departmental for Grant Match Funds based on Attachment A – Mr. Jeter moved, seconded by Mr. Washington, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Establish an Ad-Hoc Committee to work with the City of Columbia to make a recommendation on an ordinance to restrict operating hours of establishments that serve alcohol – This item was removed during the adoption of the agenda.

REPORT OF ECONOMIC DEVELOPMENT

Village at Sandhill Improvement District Annual Resolution – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

Lower Richland Sewer Update – Mr. Pearce stated that the committee recommended deferring this item until the September 21st Council meeting. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. **Central Midlands COG—3** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

- b. **Employee Grievance Committee—3** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. 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—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. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Samuel J. Boyd. The vote in favor was unanimous.
- e. **Community Relations Council—2** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Prentiss McLaurin and appointing Ms. Delores Saini. The vote in favor was unanimous.
- f. **Historic Columbia Foundation—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Rena N. Grant. 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.
- h. **Midlands Workforce Development Board—6** – This item was held in committee to obtain additional information from the Director, Ms. Bonnie Austin.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Attorney General's Opinion Re: Voter's Registration and Election Commission** – This item was held in committee.

- b. **Bonding attorneys are to limit their presentations to answering the question asked and only providing the facts of a specific bond. They are not to provide support for or forecast possible future need for the item the bond is being sought. No personal opinion or interjection is to be given [MALINOWSKI]** – This item was held in committee and will be moved to an action item on the September 21st Council meeting agenda.
- c. **Clarification of the Rule regarding motions during the Special Called Meeting [MALINOWSKI]** – This item was held in committee and will be moved to an action item on the September 21st Council meeting agenda.
- d. **Financial System Access for Council members [WASHINGTON]** – This item was held in committee and staff is requested to present information regarding Council members' access.
- e. **East Richland Public Service Committee** – Mr. Malinowski moved, seconded by Mr. Washington, to add this item to the agenda. The vote in favor was unanimous.

Mr. Malinowski stated that the committee recommended approving the portion of the July 20th minutes pertaining to the East Richland Public Service Committee appointees. The vote in favor was unanimous.

OTHER ITEMS

Report of the Recreation Ad Hoc Committee

- a. **Richland County Recreation/Entertainment Complex Update** – This item was held in committee pending a report from the ad hoc committee.

Tiered Health Insurance – Mr. Washington moved, seconded by Mr. Manning, to form a committee to review the information provided by Blue Cross Blue Shield. A discussion took place.

The vote was in favor.

SERCO Grant – Mr. Jeter moved, seconded by Ms. Dickerson, to forward this item to the A&F Committee. A discussion took place.

The vote was in favor.

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

Mr. Ronald Collin spoke regarding his false arrest

MOTION PERIOD

Richland County staff is requested to provide information relating to establishing a franchise fee for the extension or new installation of all utilities within the county by an outside agency. That information should include legalities, possible fees and how it relates to Richland County's Comprehensive Land Use Plan. Submission should be in time for the September committee meeting.

[MALINOWSKI] – This item was referred to the A&F Committee.

No Through Truck Signs [SMITH] – This item was referred to the D&S Committee.

Motion to fully fund the Palmetto City Classic \$15,000 [JACKSON] – This item was referred to the A&F Committee.

HBCU \$10,000 [JACKSON] – This item was referred to the A&F Committee.

Resolution: New Ebenezer Baptist Church in celebration of their 100th Anniversary [DICKERSON] – Mr. Manning moved, seconded by Ms. Dickerson, to adopt a resolution honoring New Ebenezer Baptist Church on their 100th Anniversary. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 7:58 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