

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 19, 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.*

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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	Kit Smith
Member	Kelvin Washington

**OTHERS PRESENT** – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Larry Smith, Daniel Driggers, Anna Almeida, Sara Salley, Kevin Etheridge, Micah Watkins, Erica Hinke, Valeria Jackson, John Hixson, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:05 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

**Regular Session: October 5, 2010** – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve the minutes as distributed. The vote in favor was unanimous.

## ADOPTION OF AGENDA

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

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

### a. Employee Grievance

### CITIZENS' INPUT

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

No one signed up to speak.

## REPORT OF THE COUNTY ADMINISTRATOR

**Lower Richland Sewer Update** – Mr. Pope stated the City of Columbia will be taking this item up at their meeting and the signed MOU will be forwarded to Council as soon as it is received.

**Employee Grievance** – This item was taken up in Executive Session.

**Presentation of Budget Books** – Mr. Pope stated that budget books were distributed to Council members. If there are any questions regarding the document, please contact staff.

## REPORT OF THE CLERK OF COUNCIL

**Greater Greenville Area Harvest Hope Food Bank Grand Opening, October 26, 11 a.m., 2818 White Horse Road, Greenville** – Ms. Finch stated the Grand Opening of the Greater Greenville Area Harvest Hope Food Bank will be held October 26<sup>th</sup> at 11 a.m. at 2818 White Horse Road.

**Columbia Urban League's 43<sup>rd</sup> Annual Equal Opportunity Day Dinner, October 26, Reception: 6 p.m.; Dinner: 7 p.m., Columbia Metropolitan Convention Center, 1101 Lincoln St., Keynote Speaker: W. James "Jim" Mc Nerney, Jr.** – Ms. Finch stated that the Columbia Urban League's 43<sup>rd</sup> Annual Equal Opportunity Day Dinner

will be held October 26<sup>th</sup>. A table has not been purchased for this event due to it conflicting with Council's meeting schedule.

**Midlands Technical College Oyster Roast & Shrimp Boil, October 28, 6-8 p.m., MTC Center of Excellence for Technology Patio** – Ms. Finch 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.

**Grand Opening of Main & Gervais, October 28, 5:30-7:30 p.m., 1221 Main St.** – Ms. Finch stated that the Grand Opening of Main & Gervais will be held October 28, 5:30-7:30 p.m. at 1221 Main Street.

**3<sup>rd</sup> Annual Benedict College Food and Wine Tasting “Appetite for Partnership”, October 29, 5-7 p.m., Southern Wine and Spirits, 7600 Richard St.** – Ms. Finch stated that Benedict College's 3<sup>rd</sup> Annual Food and Wine Tasting will be held October 29, 5-7 p.m. at Southern Wine and Spirits.

**24<sup>th</sup> Annual Columbia Mayor's Prayer Breakfast, November 11, 7-8:30 a.m., Columbia Metropolitan Convention Center, 1101 Lincoln St.** – Ms. Finch stated that the Columbia Mayor's 24<sup>th</sup> Annual Prayer Breakfast will be held November 11, 7:00-8:30 a.m. at the Columbia Metropolitan Convention Center.

**Palmetto Richland Annual Luncheon—Available dates: Monday, October 25, 12:00 noon; Tuesday, November 16, 12:00 noon; or Monday, November 29** – Ms. Finch stated that Palmetto Richland had forwarded three possible dates for the Annual Luncheon. This item was subsequently taken up during the motion period.

**November and December Meeting Schedule** – This item was taken up during the motion period.

#### REPORT OF THE CHAIRMAN

**Personnel Consultant Report** – Mr. Livingston requested that Council members to select a time to meet with the personnel consultant.

**Redistricting Committee** – Mr. Livingston stated that he had appointed Mr. Jeter, Ms. Kennedy and Mr. Manning to serve on the redistricting committee.

#### PRESENTATION

**Navigating from Good to Great—Ted Speth** – Mr. Speth gave a brief overview of the Navigating from Good to Great initiative and requested \$100,000 for the next 5 years to fund the initiative.

### OPEN/CLOSE PUBLIC HEARINGS

- An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$211,347 of General Fund Undesignated Fund Balance to Non Departmental for Grant Match Funds based on Attachment A – No one signed up to speak.
- Ordinance Authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee-in-lieu of tax agreement, by and between Richland County, South Carolina, and Verizon Wireless, as sponsor, and one or more sponsor affiliates, to provide for a fee-in-lieu of ad valorem taxes incentive, including the grant of an infrastructure credit; and other related matters – Mr. Hollis Walker spoke in opposition of this matter.
- Rite Dose (formerly known as Holopack) Resolution to Approve Security Interest in Property – No one signed up to speak.

### 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 [THIRD 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 [THIRD 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 [THIRD READING]
- An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$211,347 of General Fund Undesignated Fund Balance to Non Departmental for Grant Match Funds based on Attachment A [THIRD READING]
- 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 [SECOND READING]
- 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 [SECOND READING]

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

Ms. Smith moved, seconded by Mr. Washington, to reconsider the following item: "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". The motion for reconsideration failed.

## SECOND READING

**An Ordinance Amending the Fiscal Year 2010-2011 Hospitality Tax Annual Budget to appropriate \$11,500 of Hospitality Tax Undesignated Fund Balance to the Palmetto Capital City Classic** – The vote was in favor.

**Ordinance Authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee-in-lieu of tax agreement, by and between Richland County, South Carolina, and Verizon Wireless, as sponsor, and one or more sponsor affiliates, to provide for a fee-in-lieu of ad valorem taxes incentive, including the grant of an infrastructure credit; and other related matters** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote was in favor.

## REPORT OF ECONOMIC DEVELOPMENT

**Rite Dose (formerly known as Holopack) Resolution to Approve Security Interest in Property** – 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

- a. **Building Codes Board of Adjustments and Appeals (Plumbing)—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- b. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- c. **Riverbanks Park Commission—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. 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—Landscape Architect/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 and Appeals—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- d. **Central Midlands Council of Governments—3** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Stephen B. Corboy and appointing Mr. W. L. “Chip” Harriford, III. 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. **Financial System Access for Council Members [WASHINGTON]** – This item was held in committee.
- b. **To Change Section 18-1 to eliminate the underlined and italicized wording show below:**

***(b) Within three hundred yards of the property boundaries of any dwelling business, or subdivision. It shall be unlawful for any person in the unincorporated area of the county to discharge any rifle, gun, pistol, revolver, or other similar instrument from or by means of which any bullet, shot, or other missile of any kind may be projected within three hundred (300) yards of any building used as a dwelling or business, or within the boundaries of any subdivision or within three hundred (300) yards of any subdivision, as that term is defined in Sec. 26-22 of this Code. This subsection shall not apply to a peace officer or member of the armed forces of the United States or any authorized gun club, or in the lawful defense of life or property. This subsection also shall not apply to hunting or other lawful use of firearms by persons while upon their own property, nor shall this subsection apply to persons hunting or otherwise lawfully discharging***

*firearms on another person's property with the landowner's express permission.* [MALINOWSKI] – This item was held in committee.

- c. **MOTION: 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, email or regular mail prior to posting the public announcement of the vacancy. (Rules & Appointments Committee)** [PEARCE] – This item was held in committee.
- d. **Voter Registration Attorney General Opinion:** The draft ordinance was presented to the Rules and Appointments Committee for discussion. Council has authorized the County Administrator and County Attorney to schedule a meeting with the Voter Registration employees to clarify the corresponding legalities and associated HR issues. Additionally, a meeting is to be arranged with the Legislative Delegation and Rules and Appointments Committee to discuss the proposed ordinance amendments.

**OTHER ITEMS**

**Cherokee Garden Grant** – Mr. Manning moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

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

Pamela Craig and Keller Barron spoke regarding the possibility of combining the Election Commission and Voter's Registration offices.

Walt Ivan Jack spoke on behalf of Citizens Against the Tax Increase.

**EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 6:51 p.m. and came out at approximately 7:00 p.m.**  
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- a. **Employee Grievance** – Mr. Pearce moved, seconded by Ms. Kennedy, to accept the Administrator's recommendation. The vote in favor was unanimous.

## MOTION PERIOD

**Council will schedule a minimum Quarterly ½ day work sessions to coincide with the receipt of the 50+ page Quarterly Strategic Plan Update and 24 associated annual goals or dispose of the plan and subsequent reports [MANNING]** – This item was referred to the Rules & Appointments Committee.

**Eason Memorial Baptist Church 100<sup>th</sup> Anniversary Resolution [WASHINGTON]** – Mr. Malinowski moved, seconded by Mr. Jackson, to adopt the resolution honoring Eason Memorial Baptist Church's 100<sup>th</sup> Anniversary. The vote in favor was unanimous.

**Council allocate \$12,000 from Hospitality funds for Highway Lighting to be established on Richland County's International Corridor [MANNING & JACKSON]** – This item was referred to the A&F Committee.

**Council direct staff to allocate \$100,000 to fund Good to Great [MANNING]** – This item was referred to the A&F Committee.

**Any changes made in any way to an item coming to Council from a Committee or previous Council meeting, to include consent items, must not be placed on the consent agenda in order to make Council aware the item before them is not exactly the same [MALINOWSKI]** – This item was referred to the Rules & Appointments Committee.

**Resolution for Chief Deputy Wash James of the Richland County Sheriff's Department for being promoted to Chief Deputy of the Uniformed Division [KENNEDY]** – Ms. Kennedy moved, seconded by Mr. Malinowski, to adopt a resolution honoring Chief Deputy Wash James on his promotion to Chief Deputy of the Uniformed Division.

**Would like to explore the possibility of having the appropriate person(s) to attend a Work Session with Richland County Council to discuss the Redistricting process, policies and procedures [DICKERSON]** – This item was referred to the Redistricting Ad Hoc Committee.

**Move that staff draft an ordinance that would allow the development review team to impose standards above the minimum required whenever it has been determined that sensitive environmental and/or topographical conditions would be adversely affected by the proposed development or whenever the intent of the regulations or the purpose of Chapter 26 would not be met; and to take this ordinance to the Planning Commission for their recommendation [MALINOWSKI]** – This item was referred to the D&S Committee

**The County Council forms a citizen advisory committee to work with the County and community at large and that Council also develop a process to help assure that as many jobs as possible are kept in the local community if voters in Richland**

**County approve a one cent authorization for transportation infrastructure**

**[LIVINGSTON]** – Mr. Manning moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

**November Meeting Schedule** – Mr. Jackson moved, seconded by Mr. Pearce, to amend the November meeting schedule to hold the first meeting of November on November 9<sup>th</sup> instead of November 2<sup>nd</sup>. The vote in favor was unanimous.

**December Meeting Schedule** – Mr. Manning moved to amend the December meeting schedule to hold the meeting presently scheduled for December 21<sup>st</sup> on December 14<sup>th</sup>. The motion died for lack of a second.

Mr. Jackson moved, seconded by Ms. Kennedy, to amend the December meeting schedule to hold the Council meetings and Committee meeting on December 7<sup>th</sup>, 14<sup>th</sup> and 21<sup>st</sup>.

Mr. Jeter made a substitute motion, seconded by Ms. Kennedy, to amend the December meeting schedule to hold the Council meetings and Committee meetings on December 7<sup>th</sup> and 14<sup>th</sup>.

Mr. Jeter withdrew his motion.

The vote on the main motion was unanimous.

**Palmetto Richland Annual Luncheon** – Mr. Pearce moved, seconded by Mr. Manning, to schedule the Palmetto Richland Annual Luncheon on November 16<sup>th</sup> at noon. The vote in favor was unanimous.

**ADJOURNMENT**

The meeting adjourned at approximately 7:19 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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Kit Smith

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley