

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 14, 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** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Sara Salley, Larry Smith, Daniel Driggers, Anna Almeida, Amelia Linder, Donny Phipps, Donald Chamblee, Michael Byrd, Kyle Holsclaw, David Hoops, 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 Norman Jackson

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Norman Jackson

**APPROVAL OF MINUTES**

**Regular Session: December 7, 2010** – Mr. Malinowski stated that on p. 4 of the minutes the 5<sup>th</sup> bullet needs to state that no one signed up to speak.

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

**ADOPTION OF AGENDA**

Mr. Pearce stated that Project Cyrus needed to be added under the Report of the Attorney for Executive Session Items.

Mr. Pope stated that an Employee Recognition needed to be added under the Report of the County Administrator.

Mr. Manning stated that the last word of Item 30.a. should be goals instead of agenda.

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. **Update on Acquisition of Property**
- b. **CMRTA Contractual Matter**
- c. **Project Cyrus**
- d. **Personnel Matter**

**EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 6:12 p.m. and came out at approximately 6:22 p.m.**  
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- a. **Project Cyrus** – 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**

**Fire Service Audit Update** – Mr. Pope stated that this item would be taken up at the 2011 Council Retreat.

**Update on Acquisition of Property** – This item was taken up during Executive Session.

**Employee Recognition** – Mr. Pope introduced Mr. Alonso Smith, Assistant Director of Emergency Services, to Council.

**REPORT OF THE CLERK OF COUNCIL**

No report was given.

**REPORT OF THE CHAIRMAN**

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

**CMRTA Contractual Matter** – This item was taken up during Executive Session.

**Employee Consultant Update** – Mr. Livingston stated that he had the self-addressed envelopes available that was mentioned in his e-mail.

**APPROVAL OF CONSENT ITEMS**

- **An Ordinance Authorizing Quit-Claim Deed to the Palmetto Trust for Historic Preservation for a portion of certain tracts of unimproved land now or formerly known as Laurelwood Lane and Campbell Road, Richland County [THIRD READING]**
- **10-27MA, Woodcreek Development Partnership, John Cooper, PDD to PDD (8 Acres), Spears Creek Church Rd., 28800-01-10 [THIRD READING]**
- **10-28MA, Woodcreek Development Partnership, John Cooper, PDD to PDD (49 Acres), Spears Creek Church Rd., 28800-01-09 & 25800-03-28 [THIRD READING]**
- **10-30MA, Cynthia South, Harold H. Snuggs, RS-LD to RS-MD (2.68 Acres), Brevard St., 07306-05-17 & 18 [THIRD READING]**
- **10-32MA, Village at Sandhills, Charles Kahn, C-1 to C-3 (0.38 Acres), C-3 to C-1 (0.38 Acres), Fashion Drive, 22900-02-09A(p) [THIRD READING]**

- **An Ordinance Amending the “2009 Richland County Comprehensive Plan”, by incorporating the “Broad River Road Corridor and Community Master Plan” into the plan [THIRD READING]**
- **Amend Ordinance which authorized a Quit Claim Deed to A. Mitchell and M. Snipe:**
  - a. **An Ordinance Amending Ordinance 008(a)-10HR and Authorizing a Quit-Claim Deed to Malika R. Snipe for a portion of Hunter’s Road, an unpaved road in the Richland County Road Maintenance System [SECOND READING]**
  - b. **An Ordinance Amending Ordinance 008(a)-10HR and Authorizing a Quit-Claim Deed to Aramide Mitchell for a portion of Hunter’s Road, an unpaved road in the Richland County Road Maintenance System [SECOND READING]**

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

Ms. Hutchinson moved, seconded by Ms. Dickerson, to reconsider Mr. Manning’s motion to amend Item 30.a. The vote in favor was unanimous.

Mr. Manning moved, seconded by Ms. Hutchinson, to change the last word of Item 31.a. to goals instead of agenda. The vote in favor was unanimous.

## **SECOND READING**

**An Ordinance Amending the Fiscal Year 2010-2011 Utilities Fund Annual Budget to appropriate \$75,463 of Utilities Fund Interest for Broad River Capital Project Closeout** – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item. The vote was in favor.

### **Regulations for Boarded Up Structures**

- a. **The Unsafe Housing Procedures** – Mr. Malinowski moved, seconded by Ms. Kennedy, to approve the item.

Ms. Smith made a substitute motion, seconded by Ms. Hutchinson, to defer this item. The vote in favor was unanimous.

- b. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; so as to provide regulations for board-up structures [MALINOWSKI]** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.

## REPORT OF ECONOMIC DEVELOPMENT

**Economic Development Accountability Resolution** – Mr. Pearce stated that the committee recommended approval of this item. A discussion took place.

Mr. Pearce stated that the company will agree to add language stating they will pay for restoration for environmental contamination that may occur at the site.

Mr. Malinowski moved, seconded by Mr. Washington, to add under 1.d.: “Net number of jobs created to date as a result of the project.” The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Jeter, to adopt the resolution as amended. The vote in favor was unanimous.

**Project P 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

- a. **Central Midlands Regional Transit Authority—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 (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. **Board of Assessment Appeals—1** – Mr. Malinowski stated that the committee had no recommendation. A discussion took place.

Mr. Washington moved, seconded by Mr. Jackson, to appoint Ms. LaShonda M. Outing. The vote in favor was unanimous.

- d. **Building Codes Board of Adjustments & Appeals, Licensed Contractor and Plumber—2** – Mr. Malinowski stated that the

committee recommended re-appointing Mr. David Cook and re-advertising for the remaining vacancy. The vote in favor was unanimous.

- e. **Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- f. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Llewlyn Walters and re-advertising for the remaining vacancy. 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. **Lexington/Richland Drug and Alcohol Abuse Council—2** – Mr. Malinowski stated that the committee recommended appointing Mr. L. L. (Buddy) Wilson and to hold the remaining vacancy in committee until all the applicants were interviewed. A discussion took place.

Mr. Jackson offered an amendment to the committee's recommendation, seconded by Mr. Washington, to appoint Ms. Yvonne G. Stocker.

Mr. Washington made a substitute motion, seconded by Mr. Manning, to defer action until all applicants have been interviewed. The vote in favor was unanimous.

- i. **Richland Memorial Hospital Board—5** – Mr. Malinowski stated that this item was held in committee until the December 21<sup>st</sup> Special Called Meeting. The vote in favor was unanimous.

### III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Midlands Workforce Board regarding background checks** – Mr. Malinowski stated that the committee recommended interviewing the applicants for this Board at the December 21<sup>st</sup> Rules & Appointments Committee meeting.
- b. **Motion to amend Council's Rules to read: Whenever a meeting is held on the second Tuesday of the month, appropriate written/backup materials for all items of business that are to be included in the Administrative and Finance and Development and Services Committee agendas must be delivered electronically to**

the Administrator's Office no later than the adjournment of the meeting approximately two weeks prior to the committee meeting scheduled meeting date [JACKSON] – This item was held in committee

**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 6:53 p.m. and came out at approximately 8:48 p.m.**  
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- a. **Update on Acquisition of Property** – The County Administrator is to proceed as discussed in Executive Session.
- b. **CMRTA Contractual Matter** – The County Administrator is to proceed with gathering information and forward the information to the 2011 Council Retreat.
- c. **Personnel Matter** – Mr. Washington moved, seconded by Mr. Jackson, to direct the County Attorney to take Option 1.

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

The vote was in favor.

**MOTION PERIOD**

**The 1<sup>st</sup> substantive agenda item for the 2 day staff/council event be the Strategic Plan report with the 2<sup>nd</sup> substantive item being the review of the 2010 goals [MANNING]** – Mr. Manning moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

**Clarification of Motion made by Mr. Jeter, second by Ms. Dickerson on June 15, 2010 during the budget at third reading. A motion that we amend Section 16 of the budget ordinance that the County Administrator is granted authority to redirect budget dollars and transfer up to \$100,000 between all departments within the same fund. This shall include the transfer of one unfunded position. Questions**

were asked and there were supposed to be some clarification. I still have questions on how the unfunded position can be used and the need in such hard economic times. Currently we are freezing salaries and vacant positions. My concern is that it could be used at the Sheriff Dept., Clerk of Court, Legislative Delegations' or Coroner's office etc. It was not clear if only under Richland County Administration and the conditions. A lot more detailed information is needed as Council never discussed the particulars at a later date. This did not go to committee as it was discussed briefly at the third reading of the budget and I am still not sure what it means. I remind Council members so there will be no question of abuse, misuse or ethics violation. [JACKSON] – This item was referred to the A&F Committee.

After reading the article in The State News paper regarding the 2% percentage increase in utilities that the city is proposing to make regarding the above, I would like to make a similar motion to have the county administrator to explore the possibility of a countywide increase to be consistent with the city allowing each person to participate. And to further ask the administrator to provide an estimate of how much revenue 2% would generate. [DICKERSON] – Ms. Dickerson withdrew her motion.

In the absence of an established Richland County Council policy/rule regarding agency Directors making endorsements of candidates for positions on their respective Boards and/or Commissions appointed by Richland County Council, I move that the Rules & Appointments Committee evaluate this situation and make a recommendation to the full Council to establish a policy on this matter. [PEARCE] – This item was referred to the Rules & Appointments Committee.

#### ADJOURNMENT

The meeting adjourned at approximately 8:54 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