

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MARCH 3, 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 Bill Malinowski

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bill Malinowski

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: February 17, 2009 – Ms. Smith moved, seconded by Ms. Dickerson, to reconsider the portion of the minutes regarding the Executive Session Item CMRTA Intergovernmental Agreement. The vote in favor was unanimous.

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

Zoning Public Hearing: February 24, 2009 – Ms. Smith moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that the FAA Grant Acceptance and related budget amendment forwarded the Administration and Finance Committee were inadvertently left off the printed agenda and needed to be added as consent items.

Mr. Pearce moved, seconded by Ms. Dickerson, to adopt the agenda with the addition of the FAA Grant Acceptance and related budget amendment. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Jim Hamilton-L. B. Owens Airport Manager Update**
- b. **Lower Richland Property Purchase**
- c. **Northeast Landfill Settlement**
- d. **CMRTA Intergovernmental Agreement**
- e. **Watts vs. Richland County**

REPORT OF THE COUNTY ADMINISTRATOR

Update on CUB Assessment – Mr. Pope stated that the Columbia Metropolitan Airport and their board do not feel that contracting with the Hamilton-Owens Field Airport in regard to the Airport Manager position would be a good fit for them at this particular time.

In order to move forward, a job description has been drafted with the assistance of the Human Resources Department and the Airport Commission. The position will be advertised in the near future and will be included in the budget process.

NaCO Prescription Card Update – Mr. Pope gave a brief update on this program.

Foreclosure Map – Ms. Valeria Jackson gave a brief overview of the foreclosure map and the use of the NSP funds in Richland County.

CMRTA Intergovernmental Agreement – This item was taken up during the reconsideration of the February 17th minutes.

Strategic Plan – This was an action item.

State Budget Cut Update – Mr. Pope thanked Mr. Pearce and Mr. Livingston for working with staff to draft a letter to the Delegation. The General Assembly is now working on an alternative plan to lessen the proposed cuts.

American Dream Conference – Ms. Snowden gave a brief update and showed a DVD of Council members and staff promoting the conference.

Clerk of Court Audit Update – Mr. Tom McNeish of Elliot Davis gave a brief report on the audit and its findings.

Smoking Ban Enforcement – Mr. Pope stated that further policy direction was needed from the Council and that this item will be during the March committee meetings.

REPORT OF THE CLERK OF COUNCIL

Agenda Software Update – Mr. Dale Welch gave a report on the changes that the IT Department has made and stated that a follow-up meeting with staff will be held on March 4th at 2:30 p.m. to address any further changes that may be needed. The IT staff also has been meeting with the Council members on a one-on-one basis to address any concerns to make the software more user-friendly.

City Year's "Welcome Home!" Party, City Year Columbia Headquarters for Idealism, 1919 Hampton Street, March 4th, 4:30-8:00 p.m. – Ms. Finch stated that the City Year's "Welcome Home!" Party will be held March 4th at 4:30-8:00 p.m. at their Columbia Headquarters for Idealism located at 1919 Hampton Street.

REPORT OF THE CHAIRMAN

State Budget Cuts – Mr. Pearce gave a brief report on proposed legislation that will lessen the proposed State budget cuts.

PUBLIC HEARING ITEMS

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

- **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** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration** – No one signed up to speak.
- **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** – No one signed up to speak.
- **A budget amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration Department** – No one signed up to speak.

The public hearings were closed.

APPROVAL OF CONSENT ITEMS

- **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 [THIRD READING]**
- **Budget Amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration Department [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-171, General; so as to protect buffers, common areas, open space, recreation areas, and planted and/or vegetative areas on all approved plans [SECOND READING]**
- **An Ordinance Amending the Fiscal Year 2008-2009 Conservation Commission budget to appropriate ninety-two thousand five hundred fifty eight dollars (\$92,558) to provide funding for operational expenses [FIRST READING]**
- **An Ordinance Amending the Fiscal Year 2008-09 Hopkins Utility System budget to appropriate thirteen thousand dollars (\$13,000) for operational costs through the end of the fiscal year [FIRST READING]**
- **Energy Audit Update** *[The committee's recommendation was to direct staff to continue the current plan for energy savings by utilizing the existing 10-year capital replacement plan]*
- **An Ordinance Amending the Fiscal Year 2008-09 Industrial Park budget to appropriate fifty thousand dollars (\$50,000) for expenses related to economic development projects [FIRST READING]**

- **An Ordinance repealing sections of the Richland County Code of Ordinances, specifically the provisions of Article VIII, entitled “Personnel Regulations,” of Chapter 2, entitled “Administration” [FIRST READING]**
- **Request to approve the amended Employee Handbook and Human Resources Guidelines**
- **An Ordinance repealing sections of the Richland County Code of Ordinances, specifically the provisions of Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general [DENIAL]**
- **Pioneer Bowl/Harambee Festival Funding Request [DENIAL]**
- **Acceptance of FAA Grant**
- **An Ordinance amending the Fiscal Year 2008-2009 General Fund Annual Budget to appropriate one hundred fifteen thousand dollars (\$115,000) to the Facilities and Grounds Owens Field Budget to fund the initial cost associated with FAA Grant Award [FIRST READING]**

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

THIRD READING ITEMS

08-39MA, Martha Crawford, RU to OI (3 Acres), Child Care Facility, 17800-03-30 & 31, 1235 Trading Post Road – Ms. Dickerson moved, seconded by Mr. Malinowski, to withdraw this item. The vote in favor was unanimous.

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

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration – Ms. Smith moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

SECOND READING ITEMS

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 – Mr. Pearce moved, seconded by Ms. Dickerson, to amend the ordinance to limit like-kind exchanges.

Mr. Malinowski made a substitute motion to accept staff's recommendation. The motion died for lack of a second.

A discussion took place.

Ms. Smith suggested deferring any consideration of a cap on interstate commerce and taking it up during the budget process.

Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item as amended. The vote was in favor with Mr. Malinowski registering a nay vote for the record.

An Ordinance Amending the Fiscal Year 2008-2009 Road Maintenance and Mass Transit Budget Ordinance, so as to reinstate the Mass Transit portion of the Road Maintenance fee and appropriate such increase in funds for Mass Transit – Ms.

Dickerson moved, seconded by Mr. Jeter, to approve this item. A discussion took place.

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

The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Hospitality Tax; so as to temporarily reduce the Hospitality Tax to one percent (1%) in the unincorporated areas of the County – Mr. Pearce

moved, seconded by Ms. Smith, to approve this item. A discussion took place.

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

The vote was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Request to approve the awarding of a construction services contract to Rea Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of \$820,440.74 – Ms. Dickerson moved, seconded by Mr. Pearce, to

approve this item. The vote in favor was unanimous.

2007 Road Resurfacing Project – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

Request to approve the awarding of a construction services contract to the most responsive bidder for completion of Phase I of the Lake Elizabeth capital improvement project – Ms. Smith moved, seconded by Ms. Kennedy, to approve the awarding of a service contract to J. C. Wilkie Construction, LLC. The vote in favor was unanimous.

Amendments to the December 17, 2008 settlement agreement between Richland County and Northeast Landfill, LLC – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item.

Mr. Washington made a substitute motion, seconded by Mr. Pearce, to release the settlement funds from the Northeast Landfill to the Nextgen Community Development Corporation, a newly created non-profit community development organization in the Old McGraw Community and within Richland County District 10.

Ms. Smith made a second substitute motion, seconded by Ms. Hutchinson, to engage the Community Mediation Center to work with three people from the Old McGraw Community and three people from the two non-profit organizations to bring closure regarding this issue. The product of this mediation would include, but is not limited to, a governing body to administer the grant funds existing or newly created, a methodology for determining the use of the funds or a budgeted list for spending the grant funds, and community accountability provisions. Any costs associated with the mediation would be born by the County, not to exceed \$1,500. Mediation would begin as soon as possible with a report made to Council on a monthly basis by the County Administrator.

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

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

The call for the question failed.

POINT OF ORDER – Ms. Smith stated that the debate needed to be germane to only the question of mediation at this time.

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

The motion for mediation failed.

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

The vote on the substitute motion was in favor.

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

The motion to reconsider failed.

Request to purchase property in Lower Richland with Hospitality Tax funds for tourism-related activities – Mr. Washington moved, seconded Mr. Pearce, to defer this item until the March 17th Council meeting. The vote was in favor.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Historic Columbia Foundation—1** – Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- b. **Internal Audit Committee—1**—Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.

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

- a. **Accommodations Tax Committee—4** – Mr. Malinowski stated that the committee recommended appointing Ms. Sherry Walters and Mr. James L. Williams and to re-advertise for the remaining vacancies. The vote in favor was unanimous.
- b. **Airport Commission—1** – Mr. Malinowski stated that the applicant did not appear for the interview and the committee recommended re-advertising for this vacancy.

Mr. Manning moved, seconded by Ms. Dickerson, to defer this item.

Mr. Manning withdrew his motion for deferral.

Mr. Manning moved, seconded by Ms. Dickerson, to appoint Mr. Bruce K. Cole. The vote in favor was unanimous.

- c. **Board of Assessment Control—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Lisa K. McCloud. The vote in favor was unanimous.
- d. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended appointing Ms. Betty A. Etheredge and to re-advertise for the remaining vacancy. The vote in favor was unanimous.
- e. **Hospitality Tax Committee—2** – Mr. Malinowski stated that the committee recommended appointing Mr. Eddie Green and Mr. Derrick W. Williams. The vote in favor was unanimous.
- f. **Richland Memorial Hospital Board—1** – Mr. Malinowski stated that the committee recommended appointing Mr. George S. King, Jr. The vote in favor was unanimous.

III. Electronic Participation – Mr. Malinowski stated that this item was approved at the February 17th Council meeting.

IV. Review Composition of County Committees, Boards and Commissions – Mr. Malinowski stated this item was held in committee for additional information.

V. Council Individual Discretionary Accounts – Mr. Malinowski stated that the amendments to this item will be presented at the March 17th Council meeting. The vote in favor was unanimous.

- VI. Revised Application Form** – Mr. Malinowski stated that the amendments to this item will be presented at the March 17th Council meeting. The vote in favor was unanimous.

OTHER ITEMS

Reconsideration of the February 17, 2009 minutes – Ms. Smith moved, seconded by Ms. Dickerson, to defer action on the CMRTA Intergovernmental Agreement until the March 17th Council meeting. The vote in favor was unanimous.

Report of the Bond Review Committee

- a. Financial Policies** – Ms. Smith moved, seconded by Ms. Hutchinson, to approve this item with Mr. Malinowski's recommendations incorporated.

The vote in favor was unanimous.

Strategic Plan – Ms. Dickerson moved, seconded by Mr. Livingston, to leave the word supporting in Strategy #2 of Strategic Priority #2: Improve the Transportation Infrastructure. The motion failed.

Mr. Malinowski moved, seconded by Mr. Washington, to change the word supporting to assisting in Strategy #2 of Strategic Priority #2: Improve the Transportation Infrastructure. The vote was in favor.

Ms. Dickerson moved, seconded by Mr. Jeter, to amend the desired outcome under Strategic Priority: Improve the Transportation Infrastructure to read: "The County would support regional efforts to expand transit service to 75% of transit-dependent areas, and accessibility in transit-supportive areas will also be increased." The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Malinowski, to approve the Strategic Plan as amended. The vote in favor was unanimous.

CITIZENS' INPUT

Mr. Jeter moved, seconded by Ms. Dickerson, to suspend the rules and allow the citizens to speak.

The citizens did not speak at this time.

Mr. Jeter withdrew his motion.

EXECUTIVE SESSION ITEMS

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Council went into Executive Session at approximately 8:32 p.m. and came out at approximately 8:44 p.m.
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- a. **Watts vs. Richland County** – Ms. Smith moved, seconded by Ms. Dickerson, to direct the County Attorney to continue negotiations in this matter. The vote in favor was unanimous.

MOTION PERIOD

Meeting with Richland County Delegation – The Chair instructed the Clerk of Council to coordinate a meeting between the Council members and the Delegation to discuss the State Budget cuts.

Resolution honoring David Warren, Director of the Richland County Public Library, for his years of faithful service to the citizens of Richland County on the occasion of his retirement on April 1, 2009 – Mr. Pearce moved, seconded by Mr. Malinowski, to adopt a resolution for David Warren, Director of the Richland County Public Library. The vote in favor was unanimous.

Resolution supporting State legislation to allow local governments to exempt any future local options sales tax on non-prepared food – Ms. Smith moved, seconded by Mr. Jeter, to adopt a resolution supporting state legislation to allow local governments to exempt non-prepared food from any future local options sales tax. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:51 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