

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JUNE 15, 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	Kit Smith
Member	Kelvin Washington

OTHERS PRESENT – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Jennifer Dowden, Larry Smith, Amelia Linder, Anna Almeida, Daniel Driggers, Sara Salley, John Hixson, Donny Phipps, Pam Davis, James Hayes, Becky Knotts, Kevin Etheridge, Micah Leddy, Rodolfo Callwood, Lillian McBride, Valeria Jackson, Jim Wilson, Michael Byrd, Paul Brawley, Andy Metts, Alfreda Tindal, Paul Alcatar, Judge Simmons, Monique Walters

CALL TO ORDER

The meeting was called to order at approximately 6:06 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

PRESENTATION OF RESOLUTIONS

Julianne “Judy” Scott, Veterans Recognition [DICKERSON] – Ms. Dickerson presented the resolution to Ms. Scott.

Recognition of Women Veterans [DICKERSON] – The recipients were not in attendance at the meeting.

POINT OF PERSONAL PRIVILEGE – Ms. Livingston recognized that Mr. Dan Neal, Ms. Susan Brill, Mr. Calvin Jackson, Mr. Mike Montgomery, Dr. Stephanie Burgess, and former Lt. Governor Bob Peeler.

APPROVAL OF MINUTES

Regular Session: June 1, 2010 – Mr. Malinowski stated the minutes should not reflect which council member(s) opposed a particular motion unless it is a voice vote.

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

ADOPTION OF AGENDA

Mr. Smith requested that Loveless & Loveless vs. Richland County be added under the Report of the Attorney for Executive Session.

Mr. Malinowski moved, seconded by Ms. Dickerson, to add the Executive Session item. The vote in favor was unanimous.

Mr. Malinowski stated that p. 223 and 224 were duplicates.

Mr. Jeter moved, seconded by Ms. Dickerson, to add the approval of the June 3, 2010 Special Called Meeting minutes to the agenda as Item 17b and adopt the agenda as amended. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Contractual Matter/Law Enforcement Services**
- b. **Columbia Venture vs. Richland County**
- c. **Loveless & Loveless vs. Richland County**
- d. **Contractual Matter/Personnel**

e. **Employee Grievances**

OUTSIDE COUNSEL/CONSULTANT EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:27 p.m. and came out at approximately 6:42 p.m.
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a. **Contractual Matter/Law Enforcement Services** – No action was taken.

CITIZENS' INPUT

Ms. Blanche Goodson spoke regarding funding for the SC Gospel Fest.

REPORT OF THE COUNTY ADMINISTRATOR

Strategic Plan-First Quarter Report – Mr. Pope stated that the first quarterly report was included in the agenda packet. Mr. Randy Cherry is the project manager and can answer any questions you may have regarding the report.

Farmers' Market Update – Mr. Pope stated that the attempt by the General Assembly to override the governor's veto on the joint resolution failed.

Lower Richland Sewer Update – Mr. Pope stated that the three options previously presented to Council are still being pursued and staff will report back after the Special Called EPAC meeting.

Naco Awards – Mr. Pope stated that NACo awards were received by the following three Richland County Departments: Business Service Center (Business Rules and Online Tools Workshop), Sheriff's Department (Ready Program) and Solid Waste (Talking Trash and Recycling).

Employee Grievance – Mr. Pearce moved, seconded by Ms. Smith, to accept the Administrator's recommendation. The vote in favor was unanimous.

REPORT OF THE CLERK OF COUNCIL

Council Members Individual Budget Reports – Ms. Finch stated she had received Council members individual budget reports from finance for distribution.

James K. Mullis Family Conservation Easement Dedication – Ms. Finch stated that Council received an invitation from the Conservation Commission to the James K. Mullis Family Conservation Easement Dedication, June 17th at 10 a.m. in Blythewood.

REPORT OF THE CHAIRMAN

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

America Speaks: Our Budget, Our Economy Presentation—Joanne Turnquist, President of Central Carolina – Ms. Joanne Turnquist made a brief presentation regarding America Speaks.

APPROVAL OF CONSENT ITEMS

- **An Ordinance authorizing the issuance and sale of not to exceed \$2,100,000 General Obligation Bonds, Series 2010B, 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]**
- **10-08MA, Bierer & Associates, Inc., Larkin Ellzey, RU to OI (2.20 Acres), 18000-02-82(p), 11142 Wilson Blvd. [THIRD READING]**
- **10-11MA, Wateree Retreat Center, Allen House, RU to PDD (43.9 Acres), 27300-07-11, 2350 Clarkson Rd. [THIRD READING]**

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

THIRD READING

An Ordinance authorizing the issuance and sale of not to exceed \$13,400,000 General Obligation Bonds, Series 2010A, 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. – Ms. Hutchinson moved, seconded by Ms. Dickerson, to amend Section 1(g)(i) to read: “funding capital projects including the expenditure of \$3,000,000 on capital projects for the Richland County Public Library.” The vote in favor was unanimous.

10-10MA, Wells Fargo f/k/a Wachovia N. A., Charles Salley, RU/OI to LI (12.6 Acres), 06013-01-01, 1600 Browning Rd. – Ms. Smith moved, seconded by Ms. Hutchinson, to approve this item as amended. A discussion took place.

The vote in favor was unanimous.

An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the purposes and designate the projects for which the proceeds of the tax may be used; to provide the

maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a countywide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto – Ms. Dickerson moved, seconded by Ms. Smith, to approve the following amendment to Section 6 as new subsection (b): “Upon approval of Question 1 set out in Section 4 hereof, payment of the full amount for Project 2 (transit) shall be contingent upon the Central Midlands Regional Transit Authority and the City of Columbia entering into an agreement, in a form satisfactory to the County Council, regarding payment by the City of Columbia to the Central Midlands Regional Transportation Authority of amounts of cumulative net profit, if any, available to the City of Columbia from the operation of the Columbia Canal Electric Plant.” The vote in favor was unanimous.

Mr. Washington moved, seconded by Mr. Jackson, to approve the following amendment: “Any funds budgeted, but not expended, for the Shop Road extension project (\$68.9 million) shall be used for local road resurfacing projects and local road paving projects.” The vote in favor was unanimous.

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

Ms. Dickerson moved, seconded by Ms. Smith, to reconsider this item.

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

The motion failed for reconsideration.

Approval of June 3, 2010 Special Called Meeting Minutes – Ms. Kennedy moved, seconded by Mr. Manning, to reconsider the portion of the minutes on p. 4 regarding the Library.

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

The vote was in favor of reconsideration.

Ms. Kennedy moved, seconded by Mr. Manning, to approve \$9,817,000 for the Library. A discussion took place.

Mr. Manning called for the question, seconded by Ms. Dickerson. The vote in favor was unanimous.

The vote was unanimous to approve \$9,817,000 for the Library.

Mr. Manning moved, seconded by Mr. Washington, to approve the minutes as amended. The vote in favor was unanimous.

An Ordinance to Raise Revenue, Make Appropriations, and Adopt A Budget for Richland County, South Carolina for Fiscal Year Beginning July 1, 2010 and Ending June 30, 2011

- a. **Stormwater Management: (Approve \$25,000 for the Gills Creek Watershed Association. Funding would be from the Stormwater fund balance.)** – Mr. Manning moved, seconded by Mr. Jeter, to approve \$25,000 for this item and amend the Stormwater budget by \$25,000. The vote was in favor was unanimous.
- b. **Conservation Commission: (Move \$5,000 from the undesignated fund balance from Neighborhood Redevelopment. {The Neighborhood Redevelopment undesignated fund balance for 6/30/09 was \$894,180. This information can be found on page 239 of the budget book} to Conservation Commission Grant Program for Community Trails & Water Quality Education, Line 6, Decker Blvd. Business Coalition Tree Planting Project {page 233})** – Mr. Washington moved, seconded by Mr. Manning, to approve this item. The vote in favor was unanimous.
- c. **Voter Registration: (Based on MGT study, salary adjustment in the amount of \$37,741; funding source is unidentified.)** – Mr. Washington moved, seconded by Mr. Jackson, to approve \$37,741 for this item by amending the part-time account within the Voter Registration budget. A discussion took place.

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

The vote was in favor.

- d. **Treasurer: ((Based on MGT study, salary adjustment in the amount of \$21,531; funding source is unidentified.)** – Mr. Jeter moved, seconded by Ms. Dickerson, to accept the withdrawal of this item. The vote was in favor.
- e. **JUMPS After School Program \$75,000 Reimbursement Loan (SC Department of Education 21st Century requires organization to have 3 months of funding available until grant funding comes down.) Direct administrator to return with funding options before 3rd Reading** – Mr. Washington moved, seconded by Ms. Dickerson, to table this item. The vote in favor was unanimous.
- f. **Support Services: (Reallocate \$30,000 to Facilities & Grounds— Pineview operating from F&G capital items in the amount of \$15k from radio tower removal, \$10k from floor replacement at Sheriff Substation—Powell Rd., and \$5k from refurbishing Sheriff headquarters. No effect on the General Fund budget.)** – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item.
- Mr. Jeter withdrew his motion.
- Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.
- g. **Support Services: (Reallocate \$8,750 from Public Works Admin. Department (\$6,350 of office supplies and \$2,400 of employee training) to the same amounts and uses in the Support Services department. Based on the restructure of Public Works in the current year. No effect on the General Fund.)** – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.
- h. **Hospitality Tax: (Allocate \$19,000 of Hospitality Tax fund balance to the Columbia International Festival for an international event along the Richland County International Corridor)** – Mr. Manning moved, seconded

by Ms. Smith, to approve \$19,000 for this item. The vote in favor was unanimous.

- i. **Hospitality Tax: (Use \$1.5 million from the Hospitality Tax fund balance to purchase property at Caughman Pond for tourism purposes, recreation, historic preservation and conservation purposes including clean water preservation.)** – Mr. Jeter moved, seconded by Mr. Malinowski, to reconsider this item. The vote was in favor.

Mr. Jeter moved, seconded by Ms. Dickerson, to reserve up to \$400,000 from the Hospitality Tax fund balance to purchase property at Caughman Pond for tourism purposes pending further information from staff. A discussion took place.

The vote was in favor.

- j. **To amend Section 16 of the budget ordinance as follows: “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.”** – Mr. Jeter moved, seconded Ms. Dickerson, to approve this item. A discussion took place.

The vote was in favor.

- k. **Total Budget: (Approve Funding Level at \$134,958,089. No millage increase. Uses \$3,772,731 of GF Fund Balance and \$1,902,005 of cost allocation.)** – Mr. Manning moved, seconded by Ms. Hutchinson, to approve this item as amended. The vote in favor was unanimous.
- l. **Budget Ordinance: (Approve Budget Ordinance as amended.)** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.
- m. **Bond Ordinance: (Approve Bond Ordinance)** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.
- n. **All Departments: (Clinch minutes.)** – Mr. Pearce moved, seconded by Ms. Dickerson, to clinch the minutes. The vote was in favor.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce thanked all his colleagues for their diligence during the 3rd Reading of the budget.

An Ordinance amending Ordinance No. 029-07HR; so as to temporarily decrease the tap fees to be paid by users of the Broad River Regional Sewer System to three thousand (\$3,000.00) dollars and to implement a gradual increase of such

fees to four thousand (\$4,000.00) dollars – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

SECOND READING

Coroner Budget Amendment for 2009/2010 – Mr. Malinowski moved, seconded by Mr. Pearce, to table the budget amendment and approve the Administrator's recommendation.

Hopkins Community Water System Bond and Bond Anticipation Note Ordinance – Mr. Malinowski moved, seconded by Ms. Dickerson, to give Second Reading approval to this item, but to not place it on the consent agenda for Third Reading to allow for discussion. The vote in favor was unanimous.

To amend the ordinance dealing with Loitering – Mr. Washington moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

Business Service Center: Hospitality Tax Ordinance Amendments – Ms. Dickerson moved, seconded by Mr. Washington, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Eliminate the requirement of obtaining a building permit for roofing, siding, and replacement of windows and exterior doors – Mr. Washington moved, seconded by Mr. Jackson, to refer this item back to the D&S Committee. A discussion took place.

Ms. Hutchinson made a substitute motion, seconded by Ms. Kennedy, to approve this item with the amended language. A discussion took place.

Ms. Hutchinson withdrew her substitute motion.

Mr. Washington moved, seconded by Ms. Kennedy, to call for the question. The vote in favor was unanimous.

Mr. Pearce made a substitute motion, seconded by Ms. Kennedy, to table this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **I move that the Council automatically have a roll call vote unless the vote is unanimous. If the Chair declares a unanimous vote, and no member calls for division, no member will be recorded as**

dissenting from the majority. – Mr. Malinowski stated that the committee recommended tabling this item.

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

The vote was in favor of tabling this item.

OTHER ITEMS

911 Communications Center – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

A resolution appointing Mr. James Henry Hill, III, as a Code Enforcement Officer – Mr. Pearce moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:29 p.m.
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- a. **Columbia Venture vs. Richland County** – No action was taken.
- b. **Loveless & Loveless vs. Richland County** – No action was taken.
- c. **Contractual Matter/Personnel** – No action taken.

MOTION PERIOD

Motion to 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 [SMITH and MANNING] – This item was referred to the A&F Committee.

Resolution honoring JoDee Douda, Vice President for Finance, LRADAC, on the occasion of her retirement from the agency. [PEARCE] – Mr. Pearce moved, seconded by Mr. Malinowski, to adopt a resolution honoring JoDee Douda upon her retirement from LRADAC. The vote in favor was unanimous.

Richland County Council with staff assistance determine a better way of accountability for taxpayer funds provided to agencies from H-Tax, A-Tax and Discretionary funding. This should include the agencies having to provide receipts to justify the specifics of their spending. [MALINOWSKI] – This item was referred to the A&F Committee.

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 referred to the Rules & Appointments Committee.

Motion to direct staff to review the floodplain ordinance to ensure that there are appropriate enforcement mechanisms to ensure compliance. [JACKSON] – This item was referred to the D&S Committee.

To recognize Mr. Jim McCauley for exemplary neighborhood community work recognized as the top of more than 800 community organizations across South Carolina by Congressman Clyburn. [JACKSON] – Mr. Jackson moved for unanimous consent to adopt a resolution honoring Mr. Jim McCauley. The vote in favor was unanimous.

To develop a policy of Richland County to prevent discrimination in the award of or participation in the County contracts and to eliminate arbitrary barriers for participation, as both prime and subcontractors, in such contacts by local businesses certified as Minority Business Enterprises (MBE) and Women-Owned Business Enterprises (WBE). In furtherance of this policy, the Richland County Council adopted a Minority-and-Women-Owned Business Enterprise Ordinance (the "Ordinance") which establishes a goal of awarding not less than the current "Minority" and Women" census population data for Richland County of the annual total dollar amount of professional, consulting service and sole source contracts and agreements to certified MBEs and WBEs. [WASHINGTON] – This item was referred to the A&F Committee.

To allow Councilman Washington to have access to the County's accounting system [WASHINGTON] – This item was referred to the Rules & Appointments Committee.

Motion to use \$600,000.00 to pave Wade Kelly Road and Overlook Drive from the Road Maintenance Fee. [DICKERSON] – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:08 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