

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 16, 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, Tamara King, Larry Smith, Daniel Driggers, Anna Almeida, Jim Wilson, Dale Welch, David Hoops, Sandra Haynes, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

### INVOCATION

The Invocation was given by the Honorable Gwendolyn Davis Kennedy

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Gwendolyn Davis Kennedy

**POINT OF PERSONAL PRIVILEGE** – Ms. Smith recognized that Benedict College students and Councilman-elect Seth Rose were in the audience.

Mr. Washington asked for a moment of silence in honor of the Columbia Firefighter who lost his life in the line of duty.

Ms. Hutchinson recognized the Public Works staff for a successful America Recycles Day and congratulated the Conservation Commission for a successful Farm City Week and luncheon.

Ms. Dickerson recognized Hi Ying Zeng for insight into conducting business with the Chinese.

## PRESENTATION OF RESOLUTION

**Resolution honoring Chief Deputy Wash James of the Richland County Sheriff's Department on his promotion to Chief Deputy of the Uniformed Division** – Ms. Kennedy and Mr. Jackson presented Chief Deputy Wash James with a resolution honoring him on his promotion to Chief Deputy of the Uniformed Division.

## APPROVAL OF MINUTES

**Regular Session: November 9, 2010** – Mr. Jackson moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

## ADOPTION OF AGENDA

Mr. Smith requested that the Addendum to the Intergovernmental Agreement regarding the Midlands Regional Transit Authority be added under the Report of the Attorney for Executive Session Items.

Mr. Livingston also requested that a Personnel Matter be added under the Report of the Chairman.

Mr. Jeter moved, seconded by Ms. Kennedy, to adopt the agenda as amended. The vote in favor was unanimous.

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Lease/Sale of County Property**
- b. **Addendum to the Intergovernmental Agreement regarding Midlands Regional Transit Authority**

c. **Personnel Matter**

**CITIZENS' INPUT  
(For Items on the Agenda Not Requiring a Public Hearing)**

No one signed up to speak.

**REPORT OF THE COUNTY ADMINISTRATOR**

No report was given.

**REPORT OF THE CLERK OF COUNCIL**

No report was given.

**REPORT OF THE CHAIRMAN**

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

**PRESENTATION**

**Ric Luber, Midlands Authority for Conventions, Sports and Tourism** – Mr. Ric Luber gave a brief presentation regarding ongoing tourism promotions of the Midlands Authority for Conventions, Sports and Tourism.

**OPEN/CLOSE PUBLIC HEARINGS**

- **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** – No one signed up to speak.
- **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** – No one signed up to speak.

**APPROVAL OF CONSENT ITEMS**

- **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 [THIRD 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 [THIRD READING]**

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; “Institutional, Educational, and Civic Uses” of Table 26-V-2.; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to permit Cemeteries and Mausoleums in the RU Rural District, with Special Requirements [THIRD READING]**
- **A Budget Amendment to adjust the budgets for Richland County School District One and Richland County Public Library [SECOND READING]**
- **An Ordinance Authorizing Certain Economic Incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina, and Owen Steel Company, Inc., pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$5,000,000 [SECOND READING]**

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

### THIRD READING

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

### SECOND READING

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-1, Discharge of Firearms in Certain Areas Unlawful; so as to clarify when firearms discharge is allowed** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

### REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 5, Animals and Fowl, so as to specify authority of officer, conditions of impoundment and redemption of animals, and make clarifications pertaining to owner responsibilities** – Mr. Malinowski moved, seconded by Mr. Jackson, to give First Reading approval to this item and to present amendments to the ordinance on Second Reading. The vote in favor was unanimous.

**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** – Ms. Smith moved, seconded by Mr. Washington, to give First Reading approval to this item. A discussion took place.

The vote in favor was unanimous.

**An Ordinance Authorizing Quit-Claim Deed to Jack A. Bryant for a portion of the right of way for an unimproved section of Lake Dogwood Circle, Richland County** – Mr. Malinowski moved, seconded by Mr. Jackson, to give First Reading approval to this item. A discussion took place.

The vote in favor was unanimous.

### REPORT OF ECONOMIC DEVELOPMENT

**Annual Richland County Economic Development Ambassador Nomination** – Mr. Pearce stated that the committee recommended nominating Mr. George Thibeault and next year to involve more Council members in the selection process. The vote in favor was unanimous.

**Governmental Affairs/Political Representative Services Contract Extension** – Mr. Pearce stated that the committee recommended approval of the contract extension and to strongly urge Council members that have legislative items to forward them to the County Administrator, in order for them to be submitted to the Governmental Affairs team prior to the 2011 Council Retreat. A discussion took place.

The vote in favor was unanimous.

### REPORT OF RULES AND APPOINTMENTS COMMITTEE

#### I. NOTIFICATION OF VACANCIES

- a. **Board of Assessment Appeals—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- b. **Building Codes Board of Adjustments and Appeals—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- c. **Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- d. **Lexington/Richland Alcohol Drug and Abuse Council—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

- e. **Richland Memorial Hospital Board—5** – 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 committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Appearance Commission, Landscaper/Landscape Architect—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, Licensed Contractor—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- d. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Bethany Human. The vote in favor was unanimous.
- e. **Employee Grievance Committee—3** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Deborah Jordan and re-advertising for the remaining vacancies. The vote in favor was unanimous.
- f. **Internal Audit Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- g. **Riverbanks Park Commission—1** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Lloyd Liles. The vote in favor was unanimous.

## III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Attorney General's Opinion regarding Voter Registration and the Election Commission** – Mr. Malinowski stated that this item was provided for information.
- b. **Council will schedule at a minimum Quarterly ½ Day Work Sessions to coincide with the receipt of the 50 plus page Quarterly Strategic Plan Update and 24 associated annual goals**

**or dispose of the plan and subsequent reports [MANNING]** – Mr. Malinowski stated that the committee recommended that one additional update/feedback session be held at a mutually agreed upon time prior to a Council meeting. The vote was in favor.

**OTHER ITEMS**

**A Resolution to appoint and commission Shandon Edwards and Dorris Taylor as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County** – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

**Medicare Retiree Insurance** – Ms. Smith moved, seconded by Mr. Jeter, to give First Reading approval to the budget amendment. The vote in favor was unanimous.

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

No one signed up to speak.

**EXECUTIVE SESSION**

=====  
**Council went into Executive Session at approximately 6:44 p.m. and came out at approximately 8:22 p.m.**  
=====

- a. **Lease/Sale of County Property** – Ms. Dickerson moved, seconded by Mr. Hutchinson, to authorize the Administrator to enter into negotiations and bring back a proposal to Council. The vote in favor was unanimous.
  
- b. **Addendum to the Intergovernmental Agreement regarding Midlands Regional Transit Authority** – Ms. Dickerson moved, seconded by Ms. Smith, to direct staff to negotiate an addendum to the IGA and bring the document back to Council. A discussion took place.  
  
The vote in favor was unanimous.
  
- c. **Personnel Matter** – Ms. Dickerson moved, seconded Ms. Smith, to continue Ms. Cannon-Finch's employment as the Clerk of Council on a month to month basis beginning December 14<sup>th</sup> at her current salary and benefits until such time as the Council and the Clerk can decide how they wish to move forward with this matter.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to extend the contract of the Clerk of Council for one year until the instrument is in place for her proper evaluation.

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

The substitute motion failed.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to extend the Clerk of Council's contract for six months until the evaluation instrument is in place.

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

The substitute motion failed.

A discussion took place on the main motion.

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

The vote on the main motion was in favor.

#### **MOTION PERIOD**

**I move to request the Chair of County Council request and schedule a joint meeting with Lexington County officials to consider the feasibility of a collaborative impact fee study for both counties [HUTCHINSON]** – This item was referred to the A&F Committee.



**Visit the term limits for boards and committees [JACKSON]** – This item was referred to the Rules & Appointments Committee.

**ADJOURNMENT**

The meeting adjourned at approximately 7:44 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