

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 7, 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** – 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, Tiaa Rutherford, Donny Phipps, Ronaldo Myers, Donald Chamblee, Jim Wilson, Dale Welch, David Hoops, 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 Bill Malinowski

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Bill Malinowski

**APPROVAL OF MINUTES**

**Regular Session: November 16, 2010** – Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: November 23, 2010** – Mr. Jeter moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

**ADOPTION OF AGENDA**

Mr. Pope requested that an Executive Session for Outside Counsel be added to the beginning of the agenda.

Mr. Livingston requested that an item be added to the motion period regarding a Special Called Meeting being held on December 21<sup>st</sup> and to add a Report of the Redistricting Ad Hoc Committee under the Report of the Chairman.

Ms. Dickerson 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. Addendum to CMRTA IGA
- b. Project P
- c. Personnel Matter
- d. Potential Property Acquisition

**EXECUTIVE SESSION**

=====  
Council went into Executive Session at approximately 6:11 p.m. and came out at approximately 6:25 p.m.  
=====

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

Mr. Gene Green spoke regarding Columbia Mental Health.

## REPORT OF THE COUNTY ADMINISTRATOR

**Recognizing Detention Officer Cunningham for winning the Criminal Justice Bert Friday Award** – Mr. Pope recognized Officer Cunningham on winning the Criminal Justice Bert Friday Award, as well as her many other accomplishments.

**Joint City-County CMRTA Work Session** – Ms. Dickerson reminded Council of the work session scheduled for Wednesday, December 8<sup>th</sup> at 5:30 p.m. at the CMRTA.

**Update on Sale of County Property** – This item was deferred until the December 14<sup>th</sup> Council meeting.

**Potential Property Acquisition** – This item was taken up during Executive Session.

**New Employee Recognition** – Mr. Pope introduced Mr. Donald Chamblee, the Deputy Public Works Director and County Engineer.

**Recreation/Entertainment Complex Update** – Mr. Pope stated that the meeting on December 2<sup>nd</sup> was not held because there was not a quorum and this item will be placed on the agenda for the 2011 Council Retreat.

## REPORT OF THE CLERK OF COUNCIL

**Township Meeting** – Ms. Finch stated that the meeting scheduled for December 8<sup>th</sup> has been cancelled.

**Swearing-In Ceremony** – Ms. Finch stated that the swearing-in ceremony will be held on January 4<sup>th</sup> at 4:00 p.m.

**Retreat 2011** – Mr. Manning moved, seconded by Ms. Dickerson to hold the 2011 Council Retreat on January 6-7, 2011. A discussion took place.

Mr. Jeter made a motion to hold the 2011 Council Retreat on January 13-14. The motion died for lack of a second.

The vote on the motion to hold the 2011 Council Retreat on January 6-7, 2011 was in favor.

Mr. Jackson moved, seconded by Ms. Dickerson, to hold the 2011 Council Retreat at Parklane Adult Activity Center. The vote was in favor.

## REPORT OF THE CHAIRMAN

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

**Report of the Redistricting Ad Hoc Committee** – Ms. Kennedy stated that three proposals were discussed at the committee meeting and that a work session has been recommended.

#### OPEN/CLOSE PUBLIC HEARINGS

- **A Budget Amendment to adjust the budgets for Richland County School District One and Richland County Public Library** – No one signed up to speak.
- **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** – No one signed up to speak.
- **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** – No one signed up to speak.
- **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** – Ms. Louise Emmett spoke regarding this item.
- **An Ordinance Authorizing Quit-Claim Deed to 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** – No one signed up to speak.
- **An Ordinance Authorizing Quit-Claim Deed to Jack A. Bryant for a portion of the right of way for unimproved section of Lake Dogwood Circle, Richland County** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$250,000 of General Fund Undesignated Fund Balance to Non-departmental for additional funding for Medicare Retiree Insurance** – No one signed up to speak.
- **A Resolution in Support of the Issuance by the South Carolina Jobs-Economic Development Authority of its Hospital Revenue Bonds (Sisters of**

- **Charity Providence Hospitals), Series 2011, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina, 1976, as amended, in the aggregate principal amount of not exceeding \$165,000,000**  
– No one signed up to speak.
- **A Resolution in Support of the Issuance by the South Carolina Jobs-Economic Development Authority of its not to exceed \$325,000,000 Hospital Refunding and Improvement Revenue Bonds, to be issued in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended** – No one signed up to speak.

#### APPROVAL OF CONSENT ITEMS

- **A Budget Amendment to adjust the budgets for Richland County School District One and Richland County Public Library [THIRD 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 [THIRD 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 [THIRD READING]**
- **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 [SECOND READING]**
- **10-27MA, Woodcreek Development Partnership, John Cooper, PDD to PDD (8 Acres), Spears Creek Church Rd., 28800-01-10 [SECOND READING]**
- **10-28MA, Woodcreek Development Partnership, John Cooper, PDD to PDD (49 Acres), Spears Creek Church Rd., 28800-01-09 & 25800-03-28 [SECOND READING]**
- **10-30MA, Cynthia South, Harold H. Snuggs, RS-LD to RS-MD (2.68 Acres), Brevard St., 07306-05-17 & 18 [SECOND 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) [SECOND READING]**
- **An Ordinance Amending the “2009 Richland County Comprehensive Plan”, by incorporating the “Broad River Road Corridor and Community Master Plan” into the plan [SECOND 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 [FIRST 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 [FIRST READING]**
- **Sisters of Charity Providence Hospitals JEDA Hospital Revenue Bonds**
  - **Palmetto Health JEDA Bond Issuance**
  - **Monroe Conservation Easement Donation**
  - **Palmetto Pride Grants**

Ms. Dickerson moved, seconded by Ms. Kennedy, to approve the consent items. The vote in favor was unanimous.

### THIRD READING

**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 Mr. Jeter, to approve this item. The vote was in favor.

### SECOND READING

**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 Ms. Dickerson, to table this item. The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$250,000 of General Fund Undesignated Fund Balance to Non-departmental for additional funding for Medicare Retiree Insurance** – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

**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 Ms. Kennedy, to defer

this item until feedback from the Animal Care Advisory Committee has been received. The vote in favor was unanimous.

#### **REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

**Broad River Additional Access Timber Knoll Drive** – The vote was in favor to accept the committee's recommendation.

**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** – A discussion took place.

The vote was in favor to accept the committee's recommendation.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; Subsection (g), On-Premises Signs Permitted in Rural and Residential Districts; so as to establish the maximum height and square footage of signs for institutional uses in the RU Rural District** – The vote in favor was unanimous to accept the committee's recommendation.

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

- a. **The Unsafe Housing Procedures** – This item was deferred until the December 14<sup>th</sup> Council meeting.
- 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 boarded-up structures** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the amended ordinance by title only. A discussion took place.

The vote in favor was unanimous.

#### **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

**Reduction in Hospitality Tax from 2% to 1.5%** -- Mr. Washington moved, seconded by Ms. Dickerson, to approve the committee's recommendation. The vote in favor was unanimous.

**Funding for the "Good to Great" Initiative** – Mr. Manning moved, seconded by Mr. Washington, to forward to the Retreat and take the item up during the 2011-2012 budget process. The vote in favor was unanimous.

**Conservation Easement Donation of 60 acres near Abney Estates Development** – The vote in favor was unanimous to accept the committee's recommendation.

**Shelley Conservation Easement Donation of 82 acres near Ashley Oaks Development** – The vote in favor was unanimous to accept the committee's recommendation.

## REPORT OF ECONOMIC DEVELOPMENT

**Amendments to Industrial Park Covenants and Restrictions** – 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.

The vote in favor was unanimous to approve the amended industrial park covenants and restrictions.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Midlands Workforce Board regarding background checks** – This item was held in committee.
- b. **Approved from the July 6, 2010 Council Meeting, Implementation of the Complete Streets Citizen Advisory Committee (CSCAC) and the Complete Streets Technical Advisory Committee (CSTAC)** – This item was held in committee.
- c. **Visit the term limits for boards and committees [JACKSON]** – This item was held in committee.

## OTHER ITEMS

### **Report of the Airport Commission:**

- a. **Curtis-Wright Hangar Lease** – Mr. Pearce moved, seconded by Mr. Malinowski, to terminate the lease to the Celebrate Freedom Foundation. The vote in favor was unanimous.

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

Ms. Savilla Jenny spoke regarding the Pilot Trash Program.



## EXECUTIVE SESSION

=====  
**Council went into Executive Session at approximately 7:44 p.m. and came out at approximately 10:14 p.m.**  
=====

- a. **Addendum to CMRTA IGA** – Ms. Dickerson moved, seconded by Mr. Jackson, to approve the addendum to the IGA as presented in Executive Session. The vote was in favor.
- b. **Potential Property Acquisition** – Mr. Jackson moved, seconded by Ms. Dickerson, to proceed as directed in Executive Session. The vote in favor was unanimous.
- c. **Personnel Matter** – Mr. Washington moved, seconded by Mr. Jackson, to direct the County Attorney to proceed as discussed in Executive Session. The vote was in favor.

## MOTION PERIOD

**Special Called Meeting** – Mr. Manning moved, seconded by Ms. Hutchinson, to schedule a Special Called Meeting on December 21<sup>st</sup> immediately following the A&F Committee meeting. The vote in favor was unanimous.

**Resolution Honoring Earl Brown's 28 years of service to the COG [HUTCHINSON & JACKSON]** – Ms. Hutchinson moved, seconded by Mr. Pearce, to adopt a resolution honoring Earl Brown's 28 years of service to the COG. The vote in favor was unanimous.

**Motion to pull the Heir Property Ordinance from the Planning Commission as it was deferred last month and today only three members of nine showed up. This would make ninety days before we get this back which is unacceptable [JACKSON]** – Mr. Jackson moved, seconded by Ms. Dickerson, to recall this item from the Planning Commission and hold 2<sup>nd</sup> Reading and Public Hearing at the December 21<sup>st</sup> Zoning Public Hearing. The vote in favor was unanimous.

**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 or 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]** – The item was referred to the Rules & Appointments Committee.

**Resolution for Sylvia Hanna, outgoing 1<sup>st</sup> president of the Decker Blvd. Business Coalition [MANNING]** – Mr. Manning moved, seconded by Mr. Jeter, to adopt a resolution for Sylvia Hanna, outgoing president of the Decker Boulevard Business Coalition. The vote in favor was unanimous.

**A Resolution to accept the referendum results of the November 2<sup>nd</sup> Transportation Sale Tax Initiative and end Mass Transit Fee [HUTCHINSON & MALINOWSKI]** – This item was referred to the A&F Committee.

### ADJOURNMENT

The meeting adjourned at approximately 10:33 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.