

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 11, 2012 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	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose

**OTHERS PRESENT** – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Yanisse Adrian-Silva, Sara Salley, John Hixon, Nelson Lindsay, Dale Welch, Amelia Linder, Daniel Driggers, Monique Walters

### CALL TO ORDER

The meeting was called to order at approximately 6:10 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

## PRESENTATION OF RESOLUTION

**Resolution Honoring the life of Ernest Dessausure, Richland County Bailiff at the County Courthouse [ROSE]** – Mr. Rose presented a resolution honoring the life of Ernest Dessausure to Mr. Dessausure’s family.

## APPROVAL OF MINUTES

**Regular Session: December 4, 2012** – Mr. Livingston moved, seconded by Mr. Jeter, to approve the minutes with the exception of the portion related to the Regional Recreation Complex – Manager/Operator. A discussion took place.

Ms. Hutchinson made a substitute motion, seconded by Ms. Kennedy, to approve the minutes as distributed. A discussion took place.

The vote was in favor.

## ADOPTION OF THE AGENDA

Mr. Pearce moved, seconded by Ms. Hutchinson, to adopt the agenda as published. The vote in favor was unanimous.

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. Economic Development Land Options
- b. Employee Grievance
- c. Personnel Matter

## CITIZENS’ INPUT

No one signed up to speak.

## REPORT OF THE COUNTY ADMINISTRATOR

**Introduction of New Employee** – Mr. McDonald introduced Ms. Justine Jones as the new Research Manager.

**Richland County Recreation Commission GO Bond Update** – Mr. McDonald stated a meeting has been held and an additional meeting will be scheduled for next week.

**Employee Grievance-1** – Mr. Livingston moved, seconded by Ms. Hutchinson, to accept the Administrator’s recommendation.

Mr. Livingston withdrew his motion, so that a discussion could take place in Executive Session.

**“Trees of Richland County” Calendar** – Ms. Cooper presented calendar to Council.

#### REPORT OF THE CLERK OF COUNCIL

**Retreat Location – Sandhill Research & Education Center, 900 Clemson Road** – Ms. Walters stated that Sandhill Research & Education Center has been secured for the 2013 Council Retreat.

**Swearing In Ceremony Reminder: January 8<sup>th</sup>, 4:00 p.m.** – Ms. Walters stated that the swearing in ceremony will be held on January 8<sup>th</sup> at 4:00 p.m. and requested that Councilmembers being sworn in provide the Clerk’s Office with their guest lists.

#### REPORT OF THE CHAIRMAN

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

#### PRESENTATIONS

**Capital City/Lake Murray Country, Miriam Atria** – Ms. Atria gave a brief update on Capital City/Lake Murray Country.

**HomeWorks of America, Hank Chardos** – Mr. Chardos gave a brief update on the projects HomeWorks of America are presently working on.

#### OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Authorizing (1) the execution and delivery of a Special Source Credit Agreement between Richland County, South Carolina (the “County”) and Carolina Ceramics, LLC (the “Company”), whereby, under certain conditions, the County shall allow the Company to claim certain special source credits against the fee in lieu of tax payments made with respect to the Company’s manufacturing facilities within the County; (2) the benefits of a Multi-County Park to be made available to the Company, and (3) other matters relating thereto** – No one signed up to speak.

#### APPROVAL OF CONSENT ITEMS

- **An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Richland County, South Carolina (the “County”) and Constantia Hueck Foils L.L.C., acting for itself, and one or more affiliates or other project sponsors (the “Company”), whereby, under certain conditions, the County shall grant incentives to the Company in connection with the expansion of certain manufacturing facilities in the County (the “Expansion Project”), in which agreement the County will covenant to accept certain negotiated fees in lieu of ad valorem taxes with respect to the Expansion Project; (2) Certain Special Source Credits in connection with the Expansion Project; (3) the benefits of a Multi-**

**County Industrial or business park to be made available to the Company; and (4) other matters relating thereto [THIRD READING]**

- **An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to add a Full-Time Paralegal position in the Public Defender's Office [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-22, Sidewalks; so as to allow the Public Works Department to construct and/or improve sidewalks on all streets, as needed [SECOND READING]**

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

**THIRD READING ITEMS**

**12-33MA, Trinity Presbytery, Inc., Frank Strasburger, RU to RS-MD (10 Acres), Longtown Rd. & Longtown Rd. East, 20300-02-48** – Mr. Manning moved, seconded by Mr. Jeter, to approve this item. The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; so as to clarify the permitting process** – Mr. Manning moved, seconded by Ms. Kennedy, to approve this item. The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; so as to clarify the subdivision review and approval process** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.

**SECOND READING ITEM**

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 25, Vehicles for Hire; Article II, Towing and Wrecker Services; Section 25-20, Wrecker and Storage Charges, so as to increase the fees charged for towing and wrecker services** – Ms. Dickerson, seconded by Mr. Pearce, to approve this item. The vote was in favor.

**FIRST READING ITEM**

**An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to add a full-time position in the Clerk of Court** – Ms. Dickerson moved, seconded by Mr. Jackson, to approve this item.

Ms. Hutchinson made a substitute motion, seconded by Mr. Malinowski, to take the Clerk of Court's request up during the FY13-14 Budget. A discussion took place.

Ms. Hutchinson withdrew her substitute motion.

The vote in favor was unanimous to approve this item.

## REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

**Easement Relocation Option Agreement between Richland County and Southland Log Homes** – Mr. Livingston stated that the committee recommended deferral of this item. The vote in favor was unanimous.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—3** – Mr. Malinowski stated that the committee recommended appointing Mr. Sam Agee to the Hospitality position. The vote in favor was unanimous.
- b. **Airport Commission—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Peter Mayers. The vote in favor was unanimous.
- c. **Board of Zoning Appeals—1** – Mr. Malinowski stated that this item remained in committee.
- d. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- e. **Lexington/Richland Alcohol and Drug Abuse Council—2** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Paul Bouknight and Mr. Roosevelt Garrick. The vote in favor was unanimous.
- f. **Richland Memorial Hospital Board—3** – Mr. Malinowski stated that the committee recommended appointing Dr. Charles Guy Castles, III; Virginia Crocker and Sandra S. Sims.

Mr. Pearce moved, seconded by Mr. Livingston, to vote on the applicants individually. The vote was in favor.

Mr. Rose, Mr. Malinowski, Mr. Jackson, Ms. Hutchinson, Mr. Pearce, Ms. Dickerson, Ms. Kennedy, Mr. Manning and Mr. Jeter voted for Dr. Castles.

Mr. Malinowski, Ms. Hutchinson, Mr. Pearce, Mr. Washington, Mr. Livingston, Ms. Dickerson and Mr. Manning voted for Ms. Crocker.

Mr. Rose, Mr. Jackson, Ms. Hutchinson, Mr. Pearce, Mr. Washington, Mr. Livingston and Mr. Jeter voted for Mr. Lowell.

Mr. Rose, Mr. Malinowski, Mr. Jackson, Mr. Washington, Mr. Livingston, Ms. Dickerson, Ms. Kennedy, Mr. Manning and Mr. Jeter voted for Ms. Sims.

Due to a tie vote, an additional vote was carried on Ms. Virginia Crocker and Mr. Randy Lowell.

Mr. Malinowski, Mr. Pearce, Ms. Dickerson and Mr. Manning voted for Ms. Crocker.

Mr. Rose, Mr. Jackson, Ms. Hutchinson, Mr. Washington, Mr. Livingston, Ms. Kennedy and Mr. Jeter voted for Mr. Lowell.

Dr. Charles Guy Castles, III; Mr. Randy Lowell and Ms. Sandra Sims were appointed.

## II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Business Service Center Appeals Board—qualifications of recent appointments**— Mr. Malinowski stated that the committee requested information from Ms. Pam Davis and held in committee.
- b. **Community Relations Council Appointments** – Mr. Malinowski stated that Ms. Walters was directed to contact Ms. Henri Baskins to obtain additional information and held in committee.
- c. **Council Individual Discretionary Account** – Mr. Malinowski stated that this item was held in committee.
- d. **If the number of applicants for a Richland County board or committee exceeds the number of available positions there will be no interviews of those applicants. The reason for this motion is that after the Rules & Appointments Committee takes the time to interview applicants and make recommendation to full Council based on that interview, council members who supported someone else not chosen request an individual vote for political reasons rather than needs of the committee they applied for. It becomes a waste of the applicants time to be interviewed and the committee's time if this is the process preferred [MALINOWSKI]** – Mr. Malinowski stated that this item was held in committee.

## CITIZEN'S INPUT

Ms. Terena Johnson spoke regarding her daughter's murder investigation.

**EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 7:25 p.m. and came out at approximately 7:59 p.m.**  
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- a. **Economic Development Land Options** – No action was taken.
- b. **Employee Grievance** – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item until additional information is received. The vote was in favor.
- c. **Personnel Matter** – Mr. Pearce moved, seconded by Mr. Jackson, to offer the position of County Administrator to Mr. Tony McDonald, under the terms of the contract which has been negotiated in Executive Session, contingent upon his signing the contract.

**For**

Rose  
Malinowski  
Jackson  
Hutchinson  
Pearce  
Washington  
Livingston  
Dickerson  
Kennedy  
Manning  
Jeter

**Against**

The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Mr. Jackson, to reconsider.

**For**

**Against**

Rose  
Malinowski  
Jackson  
Hutchinson  
Pearce  
Washington  
Livingston  
Dickerson  
Kennedy  
Manning  
Jeter

The motion for reconsider failed.

#### MOTION PERIOD

**I move that staff develop a policy for resurfacing roads based on Council districts, using the same formula that is currently part of the Council dirt road paving policy. Mr. James Brown of the County Transportation Committee recommended this policy to our staff, and also urged that the policy be in place when the study of our resurfacing program is completed in late winter, so that time will not be lost in resurfacing projects [HUTCHINSON and MALINOWSKI]** – This item was referred to the D&S Committee.

**Resolution honoring Dr. Louis Lynn on being awarded the Ronald H. Brown Leadership Award as part of National Minority Enterprise Development Week in Washington [WASHINGTON]** – Mr. Pearce moved, seconded by Ms. Kennedy, to adopt a resolution honoring Dr. Louis Lynn. The vote in favor was unanimous.

**Motion to provide \$25,000 from H-Tax to fund the 2013 Miss SC Pageant [MANNING]** – This item was referred to the A&F Committee.

#### ADJOURNMENT

The meeting adjourned at approximately 8:05 p.m.

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Kelvin E. Washington, Sr., Chair

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L. Gregory Pearce, Jr., 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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Damon Jeter

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Bill Malinowski

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Jim Manning



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Paul Livingston

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Seth Rose

The minutes were transcribed by Michelle M. Onley