

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JULY 20, 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	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin Washington
Absent	Joyce Dickerson
	Jim Manning

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Daniel Driggers, Sara Salley, Dale Welch, Erica Hinke, Michael Byrd, Andy Metts, Johnny Gathers, Sandra Haynes, John Hixson, Dwight Hanna, Tommy DeLage, Amelia Linder, Valeria Jackson, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:06 p.m.

INVOCATION

The Invocation was given by the Honorable L. Gregory Pearce, Jr.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable L. Gregory Pearce, Jr.

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized that Rep. Jimmy Bales was in the audience.

PRESENTATION OF RESOLUTION

Resolution honoring Jim McCauley for his service as President of the Hickory Ridge Subdivision – Mr. Jackson and Rep. Bales presented Mr. McCauley with resolutions from the County and the State respectfully.

Resolution honoring Coach Ray Tanner and the USC Baseball Team for their successful season – The resolution was presented earlier in the evening at a reception held in honor of Coach Tanner, former Mayor Coble and Mayor Benjamin.

Resolution honoring Former Mayor Bob Coble for his years of service – The resolution was presented earlier in the evening at a reception held in honor of Coach Tanner, former Mayor Coble and Mayor Benjamin.

Resolution honoring Mayor Steven Benjamin on becoming the first African American mayor of the City of Columbia – The resolution was presented earlier in the evening at a reception held in honor of Coach Tanner, former Mayor Coble and Mayor Benjamin.

APPROVAL OF MINUTES

Regular Session: July 6, 2010 – Mr. Malinowski requested that the tape be reviewed regarding the items entitled: “*An Ordinance Authorizing (1) the execution and delivery of an infrastructure credit and incentive agreement by and among Richland County, South Carolina (the “County”), Navistar, Inc. (“Navistar”), and Pure Power Technologies, LLC (“PPT”), to provide for, in part, special source revenue credits to Navistar, PPT, and other respective affiliates, successors, and assigns, the conveyance by Richland County of certain land and real property improvements, and the inclusion and maintenance of certain property in a joint county industrial or business park; and (2) other matters related thereto*” and “*An Ordinance establishing a policy for grant administrative fees and establishing the amount of such fees*” to ascertain the seconded of those motions. Mr. Malinowski further stated that the portion of the minutes regarding “*A Resolution to Appoint and Commission Duste Beckroge Johnston as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County*” needed to reflect that the resolution included in the agenda packet contained an incorrect date. Mr. Malinowski additionally requested that the approval of the portion of the minutes under

the Report of the Rules & Appointments Committee entitled: "*East Richland Public Service Commission*" be deferred.

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

ADOPTION OF AGENDA

Mr. Pope stated that two additional items entitled: "ACT Team Recognition" and "Richland 101 for Kids" needed to be added under the Report of the County Administrator and that a "Personnel Matter" needed to be added under the Report of the Attorney for Executive Session Items.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **McEntire vs. Richland County**
- b. **Personnel Matter**

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

M-1 Zoning Update – Mr. Pope stated that Mr. Geo Price would be giving a presentation at the July Zoning Public Hearing

Lower Richland Sewer Update – Mr. Andy Metts gave a brief update regarding the response staff received from Palmetto Utilities. It was further stated that the USDA requested that the project be divided into three phases and that the approved preliminary engineering report has been submitted to the State Office for funding. An update will be presented to Council at the Special Called Meeting on July 27th.

Promotion of CRC 911 Deputy Director Kimberly Gathers to CRC 911 Director – Mr. Pope recognized Ms. Kimberly Gathers on her promotion to CRC 911 Director.

Employee Service Recognition – Mr. Pope recognized Ms. Jennifer Dowden for her years of service to Richland County.

NIP: Neighborhood Leadership Training Forum – Ms. Erica Hinke presented certificates of completion to individual that participated in the Neighborhood Leadership Training program.

Community Development Annual Action Plan – Ms. Valeria Jackson presented the proposed Annual Action Plan to Council. This item will be included on the July 27th Special Called Meeting agenda.

ACT Team Recognition – Mr. Pope recognized the graduates of ACT. These individuals are volunteers who are trained and equipped to respond to contaminated animal incidents. The volunteers use equipment and protective suits to decontaminate pets following a hazardous materials incident. The members receive approximately 30 hours of training including response to a simulated incident.

Richland 101 for Kids – Mr. Pope stated that Richland 101 for Kids will be held Thursday, July 29th, 9 a.m.-1 p.m. at Dutch Square Mall.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

Richland County Transportation Study Commission – Mr. Livingston thanked the members of the Richland County Transportation Study Commission who worked to develop the foundation of the current transportation sales tax recommendations. The County Administrator was directed to contact those individuals and express the County's appreciation for their tireless commitment.

Reapportionment – Mr. Livingston stated he has consulted with the County Attorney regarding the upcoming reapportionment and that he will be appointing a committee to begin the process in the near future.

APPROVAL OF CONSENT ITEMS

- **10-12MA, Richland County Conservation Commission, Jim Wilson, Apply Conservation Overlay to an existing PDD (236 Acres), 17500-03-42, Longtown Rd. [THIRD READING]**
- **10-13MA, Richland County Conservation Commission, Jim Wilson, Apply Conservation Overlay to an existing RU (3 Acres), 09411-05-71, Blue Ridge Terrace [THIRD READING]**
- **10-14MA, Richland County Conservation Commission, Jim Wilson, Apply Conservation Overlay to an existing PDD (3 Acres), 20300-02-40, Rice Creek Farms [THIRD READING]**
- **10-15MA, Richland County Conservation Commission, Jim Wilson, Apply Conservation Overlay to an existing PDD (7 Acres), 20300-02-34, Lee Rd. [THIRD READING]**
- **10-16MA, Richland County Conservation Commission, Jim Wilson, Apply Conservation Overlay to an existing RM-HD (11 Acres), 17300-02-35, Farrow Rd. [THIRD READING]**

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Section 26-59, Planned Development Review/Approval; so as to correct the section reference for PDD Regulations [THIRD READING]**
- **An Ordinance Authorizing (1) the execution and delivery of an infrastructure credit and incentive agreement by and among Richland County, South Carolina (the "County"), Navistar, Inc. ("Navistar"), and Pure Power Technologies, LLC ("PPT"), to provide for, in part, special source revenue credits to Navistar, PPT, and other respective affiliates, successors, and assigns, the conveyance by Richland County of certain land and real property improvements, and the inclusion and maintenance of certain property in a joint county industrial or business park; and (2) other matters related thereto [THIRD READING]**
- **An Ordinance establishing a policy for grant administrative fees and establishing the amount of such fees [SECOND READING]**
- **Sheriff's Vehicle Bond Ordinance [SECOND READING]**

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

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Richland County Freedom of Information Policy – Mr. Washington made a substitute motion, seconded by Mr. Malinowski, to approve this item with the following amendment: "that Council is not required to pay fee as long as it pertains to a policy issue." A discussion took place.

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

The vote was in favor.

Same Sex Interpersonal Violence Support Group Grant – Ms. Smith moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT

Ordinance Authorizing the County to execute and deliver a Master Park Agreement for the creation and maintenance of a multicounty business industrial park between Richland County, South Carolina, and Fairfield County, South

Carolina; and other related matters [FIRST READING] – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

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 [FIRST READING] – Mr. Pearce stated that the committee recommended approval of this item. A discussion took place.

The vote was in favor.

Ordinance Authorizing Richland County, South Carolina to issue, from time to time or at one time, in one or more issues or series, its revenue bonds, in an aggregate principal amount not to exceed \$20,000,000, the proceeds of which will be used to finance the acquisition, construction and renovation of certain property to be used in connection with the Eastover, South Carolina Mill of International Paper Company, consisting of capital improvements, including, but not limited to, any recovery zone property, pulp mill and power facilities, paper production facilities and related facilities, at the Mill, pursuant to Section 4-29-10 et seq of the 1976 Code of Laws of South Carolina, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale, and purchase of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by Richland County, South Carolina to cause the issuance and sale of such bonds [FIRST READING] – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

Resolution confirming the County's intent to use the County's American Recovery and Reinvestment Act of 2009 Bond-Cap Allocations; Authorizing the County Administrator to make determinations with respect to appropriate projects, if any, eligible to use the cap; and other related matters. – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. **Midlands Workforce Development Board—6** – Mr. Malinowski stated that the committee retained this item in committee.

II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Cultural Council Appointment** – Mr. Malinowski stated that the committee recommended that the Chair appoint a liaison annually. The vote in favor was unanimous.
- b. **Bonding attorneys are to limit their presentations to answering the questions 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]** – Mr. Malinowski stated that this item was retained in committee.
- c. **Financial System Access for Council members [Washington]** – Mr. Malinowski stated this item was retained in committee.

OTHER ITEMS

Tiered Health Insurance – Mr. Washington moved, seconded by Ms. Kennedy, to defer this item to the July 27th Special Called meeting. The motion failed.

Mr. Jeter moved, seconded by Mr. Malinowski, to defer this item to the September 7th Council meeting. The vote was in favor.

Report of the Transportation Ad Hoc Committee:

- a. **Intergovernmental Agreement with SCDOT** – This item was deferred to the July 27th Special Called meeting.
- b. **Transportation Sales Tax: Consultant and Educational Campaign Budget Amendment** – This item was deferred to the July 27th Special Called meeting.

HUD Sustainable Communities Regional Planning Grant/MOU – Mr. Jeter moved, seconded by Mr. Jackson, to approve this item and to verify that the County will not be monetarily liable for participation on this MOU. 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 7:37 p.m. and came out at approximately 8:11 p.m.
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- a. **McEntire vs. Richland County** – No action was taken.
- b. **Personnel Matter** – No action was taken.

MOTION PERIOD

The subdivision of land for heirs should not be treated and subjected to the same as that of a developer. Subdividing land should identify lots with access but not subject to engineering drawings and paved roads with sidewalks [JACKSON] – This item was referred to the D&S Committee.

Review all departments and determine possible consolidation and/or outsourcing and prioritize them [JACKSON] – This item was referred to the A&F Committee.

Review Home Owners Association covenants by developers and the time frame for transfer and the strength of the contracts [JACKSON] – This item was referred to the D&S Committee.

(If there are no existing laws prohibiting the County from creating such an ordinance): Staff will work with the Home Builders Association to create an ordinance setting minimum requirements for the completion of infrastructure in new developments within a specified time frame after development has begun or has reached a certain percentage of completion [MALINOWSKI] – This item was referred to the D&S Committee.

Richland County will begin negotiations with Columbia to obtain water usage records for water customers served by Columbia and the Broad River Waste Water Treatment Plant and create a sewage billing system based on that usage [MALINOWSKI] – This item was referred to the D&S Committee.

Broadcast Resolution [JETER] – Mr. Jeter moved, seconded by Mr. Malinowski, to adopt this resolution. The vote in favor was unanimous.

Motion to direct the County Administrator to review Richland County's Economic Development Strategic Plan and recommend a joint effort process to develop criteria so as to maximize the County's and City's Economic Development resources in a strategic process [JETER] – This item was referred to the Economic Development Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:29 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