

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MARCH 20, 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	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Melinda Edwards, Brad Farrar, John Hixon, Pam Davis, Valeria Jackson, Dale Welch, Jocelyn Jennings, Ashiya Myers, Amelia Linder, Tracy Hegler, Alfreda Tindal, Charlie Fisher, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:05 p.m.

INVOCATION

The Invocation was given by the Honorable Kelvin E. Washington, Sr.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Kelvin E. Washington, Sr.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce congratulated Mr. Satch Krantz on being honored by Clemson University with their Distinguished Alumni Award.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that the Solicitor, Dan Johnson, was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Malinowski recognized that the Recreation Commission Director, James Brown, was in the audience.

APPROVAL OF MINUTES

Regular Session: March 6, 2012 – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Washington stated that the Personnel Matter needed to be removed from the Report of the Chairman.

Mr. Livingston moved, seconded by Ms. Kennedy, to add Shop Road Extension Direction to the agenda under Other Items. The vote in favor was unanimous.

Mr. Livingston requested that Item 26.a. "Report of the Transportation Work Session: Direction to Staff" be moved to up on the agenda to be taken up prior to presentations. The vote in favor was unanimous to move Item 26.a.

Mr. Farrar stated that Columbia Venture Update needed to added under the Report of the Attorney for Executive Session.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following were potential Executive Session Items:

a. Columbia Venture Update

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Council went into Executive Session at approximately 6:14 p.m. and came out at approximately 6:46 p.m.
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OUTSIDE COUNSEL EXECUTIVE SESSION

- a. **Columbia Venture Update** – Mr. Pearce moved, seconded by Ms. Dickerson, to direct outside counsel to proceed as directed in Executive Session. The vote in favor was unanimous.

PRESENTATION OF RESOLUTION

Resolution Honoring Frank Edson – Ms. Kennedy presented a resolution honoring Mr. Edson's service with foster care.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Fair Housing Month Proclamation Presentation – Ms. Jennings and Mr. Washington presented Ms. Pat Green of HUD with the Fair Housing Proclamation.

Status Update of CD Department Stimulus Funds – Ms. Jackson gave a brief update on the status of stimulus funds.

Appearance Counts Award Presentation – Ms. Kim Murphy, Appearance Commission Chair, presented the Appearance Counts recipients with a small token of appreciation.

Pawmetto Lifeline Grand Opening – Ms. Ancheta gave a brief report regarding the Pawmetto Lifeline's Grand Opening.

Introduction of Staff – Mr. Pope introduced Ms. Ashiya Myers, Administration Executive Assistant, and Ms. Tracy Hegler, Planning Director to Council.

REPORT OF THE CLERK OF COUNCIL

Council Photograph, April 3rd, 6:00 p.m. – Ms. Onley stated that the Council photograph has been scheduled for April 3rd at 6:00 p.m.

The Clerk's Office was instructed to reschedule the photograph since Ms. Hutchinson will be out of town on April 3rd.

REPORT OF THE CHAIRMAN

Legislative Committee – Mr. Washington stated that the Chair or his designee, Vice Chair and Mr. Jeter would serve on the Legislative Committee.

Report of the Transportation Work Session: Direction to Staff – Mr. Livingston moved, seconded by Ms. Dickerson to form a committee comprised of 5 Richland County Council members [Livingston—Chair, Dickerson, Manning, Hutchinson and Washington]; 2 City of Columbia appointees; 2 Chamber of Commerce appointees and 3 Transportation Study Commission appointees (appointed by the Transportation Study Commission Chairperson). The 12 person committee will meet within the next two weeks to begin discussion on the proposed ballot initiative and report back to Council.

PRESENTATIONS

Navigating from Good to Great Foundation – Mr. Ted Speth, Chair, gave an update on the Foundation's accomplishments and future endeavors.

Dr. Harry Miley – Dr. Miley presented a PowerPoint regarding the Vista TIF.

Dan Johnson, Fifth Circuit Solicitor – Mr. Johnson presented the Council Chair with a check from the Lending Tree lawsuit settlement.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$775,000 of General Fund Undesignated Fund Balance to be transferred to the Mass Transit Fund** – Mr. Robin White spoke in favor of this item.
- **Authorizing an Amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina; and Fairfield County, South Carolina, to expand the boundaries of the park to include certain real property located in Richland County; and other related matters** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **12-05MA, Wyndham Enterprises, Rodney Wyndham, HI to GC (3.20 Acres), Brickyard Rd. & Two Notch Rd. [THIRD READING]**
- **12-06MA, Lutheran Homes of South Carolina Foundation, Inc., Stephen Minsky, MI/HI/RM-HD to OI (45 Acres), Powell Rd., 17200-02-02/04/09/13/14/26 [THIRD READING]**
- **Ordinance to authorize a sanitary sewer easement to the City of Columbia for County owned property along a portion of Rosewood Drive [SECOND READING]**
- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$85,800 of General Fund Undesignated Fund Balance for expenses from the Republican Party [SECOND READING]**

- **Finding that the Richland –Lexington Riverbanks Park District may issue not exceeding \$32,000,000 General Obligation Bonds; to authorize the Richland-Lexington Riverbanks Parks District to issue such bonds and to provide for the publication of notice of the said finding and authorization [SECOND READING]**
- **Authorizing an Amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park by and between Richland Count y, South Carolina, and Fairfield County, South Carolina, to expand the boundaries of the park to include certain real property located in Richland County; and other related matters [SECOND READING]**

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

THIRD READING

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (B), Processes; so as to reduce the time to act on the application from sixty (60) days to thirty (30) days – Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item until the April 3rd Council meeting. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$775,000 of General Fund Undesignated Fund Balance to be transferred to the Mass Transit Fund – Mr. Jeter moved, seconded by Mr. Manning, to approve this item. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Ms. Dickerson, to appropriate \$387,500 from the General Fund Undesignated Fund Balance. A discussion took place.

Mr. Washington made a second substitute motion, seconded by Mr. Jeter, to appropriate \$1.25 million from the General Fund Undesignated Fund Balance.

Mr. Malinowski withdrew his substitute motion.

Mr. Washington withdrew his substitute motion.

Mr. Jeter moved, seconded by Ms. Dickerson, to call for the question. The vote was in favor.

The vote was in favor of the motion to appropriate \$775,000 of General Fund Undesignated Fund Balance.

Mr. Pearce moved, seconded Mr. Jeter, to reconsider this item. The motion failed.

SECOND READING

An Ordinance Authorizing the issuance and sale of not to exceed \$35,000,000 General Obligation Bonds, Series 2012A, 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 – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item to the April 3rd Council meeting. The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Accommodations Tax Committee—4** – Mr. Malinowski stated that the committee recommended advertising for these vacancies.
- b. **Appearance Commission—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies.
- c. **Board of Assessment Control—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy.
- d. **Building Codes Board—3** – Mr. Malinowski stated that the committee recommended advertising for these vacancies.
- e. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy.
- f. **Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy.
- g. **Township Auditorium Board—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies.

II. NOTIFICATION OF APPOINTMENTS

- a. **Business Service Center Appeals Board—2** – Mr. Malinowski stated that the committee had no recommendation.

Mr. Malinowski voted in favor of Mr. Vincent K. Bartley.

Mr. Rose, Mr. Jackson, Ms. Hutchinson, Mr. Pearce, Mr. Washington Ms. Dickerson, Mr. Jeter voted in favor of Ms. Judy Carter.

Ms. Judy Carter was appointed and the remaining vacancy will be re-advertised. The vote in favor was unanimous.

- b. **Music Festival Committee—2** – Mr. Malinowski stated that the committee recommended appointing Ms. Shirley R. Belton and re-advertising for the remaining vacancy. The vote in favor was unanimous.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Advertising with other publications** – Mr. Malinowski stated that the committee recommended that Ms. Walters advertise in *The State's* Neighbors section and in the *Columbia Star*. The vote in favor was unanimous.
- b. **Reviewing Committee Qualifications** – Mr. Malinowski stated that this item was held in committee.

OTHER ITEMS

Amending that Resolution entitled “A Resolution calling for a public hearing to be held upon the question of the issuance of not exceeding \$32,000,000 of General Obligation Bonds for Richland-Lexington Riverbanks Parks District, South Carolina and to provide for the publication of the notice of such hearing” adopted on March 6, 2012, in order to alter the date on which such public hearing will be held – Ms. Hutchinson moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

Report of the Regional Recreation Complex Ad Hoc Committee

- a. **\$20M Option** – Mr. Jeter moved, seconded by Ms. Hutchinson, to direct the Administrator to bring back a scope of services based on the \$22M option. A discussion took place.

Mr. Jeter moved, seconded by Mr. Malinowski, to amend the original motion to direct the Chair to create a committee of professionals interested, impacted or associated to provide a forum for their input. A discussion took place.

Mr. Malinowski moved, seconded by Mr. Jackson, to call for the question. The vote was in favor.

The vote was in favor to direct the Administrator to bring back a scope of services based on the \$22M option and to direct the Chair to appoint a committee of interested, impacted or associated professional to provide a forum for their input.

Shop Road Extension Funding – Mr. Jeter moved, seconded by Mr. Manning, to direct the Administrator to request the governmental affairs team to pursue funding for Shop Road extension. A discussion took place.

Mr. Rose moved, seconded by Mr. Malinowski, to call for the question. The vote was in favor.

The vote was in favor was unanimous to direct the Administrator to request the governmental affairs team to pursue funding for Shop Road extension.

Mr. Malinowski moved, seconded by Mr. Washington, to reconsider this item. The motion failed.

CITIZEN'S INPUT

No one signed up to speak.

MOTION PERIOD

To have the following sent to the Rules & Appointments Committee for review and recommendation: County Council Expense Accounts-(1) Each Richland County Council member will be annually allocated an expense account in the amount of \$7,000.00 to be used at his/her discretion according to the rules established by Council. Council members are encouraged to contain their expenses within the Council approved amount. (2) In the event that a Council member exceeds the \$7,000 expense account allocation, he/she must complete one of the following: (a) The amount overspent by the Council member must be repaid to the County prior to the end of the fiscal year in which the excess spending occurred. If the deficiency is not corrected within 30 days of the beginning of a new fiscal year, the deficiency will be repaid from the Council member's pay check. OR (b) The Council member may solicit additional expense account funds from another Council member who has unspent funds in his/her account. The Rules & Appointments Committee will develop a form that includes a section for the Council member soliciting the funds to sign and a section for the granting Council member to sign approving the request for transfer of funds. Once completed, the form will be turned in to the Clerk of Council who will send the signed request to the Finance Department where the appropriate transfer of funds and accounting can take place. The Clerk of Council will also maintain a file copy of the form in the Council office. PLEASE NOTE: This is simply a "suggestion" as to how we might deal with this matter. I am certainly open to any ideas any of you might have as to how this might be improved upon. [PEARCE] – This item was referred to the Rules & Appointments Committee.

To have the following sent to the Rules & Appointments Committee for review and recommendation: County Council Expense Accounts-(1) Each Richland County Council member will be annually allocated an expense account in the amount of \$7,000.00 to be used at his/her discretion according to the rules established by Council. Council members are encouraged to contain their expenses within the Council approved amount. (2) In the event that a Council member exceeds the \$7,000 expense account allocation, he/she must complete one of the following: (a) The amount overspent by the Council member must be repaid to the County prior to the end of the fiscal year in which the excess spending occurred. If the deficiency is not corrected within 30 days of the beginning of a new fiscal year, the deficiency will be repaid from the Council member's pay check. [ROSE] – This item was referred to the Rule & Appointments Committee

Request unanimous consent to postpone the annual report by Palmetto Health scheduled for March of each year as required by the Memorandum of Understanding between Palmetto Health and Richland County dated April 22, 2003, Section 2.h. until such time as a more appropriate means of communicating the activities of Palmetto Health to the citizens of Richland County can be developed [PEARCE] – Mr. Pearce moved, seconded by Mr. Malinowski, to postpone the Palmetto Health annual report. The vote in favor was unanimous.

In an effort to obtain permanent funding for the CMRTA I am submitting the following motion: (This could also be added to the CMRTA item on the agenda for consideration). I request the legal department to determine the legality of implementing any of the following to be used as permanent funding for the CMRTA: (If State law changes are needed then the Legislative Delegation could be requested to do so.) (a) Can an admission tax be added to every event ticket sold in Richland County (unincorporated & incorporated) that would be designated strictly for providing to the CMRTA? Something as small as 25 cents would bring in huge amounts and would not be taking money from a person's needs but from their excess since that is what is used to purchase such tickets. It would be collected at all sporting events, theatre and concert events, museums, zoo and any entity that charges an admission to their venue. Buses travel to all these locations now so it would seem logical to make this request. (b) With assistance from the Columbia Chamber of Commerce create an employee sponsored commuter program. The IRS used to allow a tax free benefit up to \$230 per month (\$2,760 per year) for transit expenses. This is a benefit to both employee and employer and could be provided to the employee as a pre-tax benefit. (c) A deed recording fee could be a robust funding source. While it seems there is no logical connection with transportation it could be marketed based on the economic development potential of transit programs. [MALINOWSKI] – This item was referred to the Transportation Ad Hoc Committee.

Motion to have the following sent to the Rules & Appointments Committee for review and possible action: County Council Expense Accounts – (a) Each Richland County Council member will be annually allocated an expense account in the amount of \$7,000.00 to be used at his/her discretion according to the rules established by Council. Council members are encouraged to contain their expenses with the Council approved amount. (b) Each member will be allowed to rollover up to \$700 (10%) unspent from the ending fiscal year into the new fiscal year by written request to Administration. (c) In the event that a Council member exceeds the \$7,000 expense account allocation, he/she would be allowed to have up to \$700 (10%) deducted from the new year's \$7,000 allotment. (d) In the event that a Council member exceeds the allowable expense account allocation as noted in #c above, he/she must do one of the following: (1) The Council member may solicit additional expense account funds from another Council member who has unspent funds in his/her account. (The Rules & Appointments Committee will create a form to document the request for transfer of funds and to authorize the Finance Department to make the appropriate transfer.) OR (2) The amount overspent by the Council member must be repaid to the County by the first day of September. If the overage amount is not paid by the first day of September, the monies will be garnished from the Council

member's pay check. [MANNING] – This item was referred to the Rules & Appointments Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:27 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Damon Jeter

Bill Malinowski

Jim Manning

Paul Livingston

Seth Rose

The minutes were transcribed by Michelle M. Onley