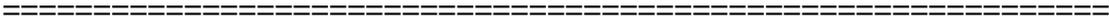


MINUTES OF



**RICHLAND COUNTY COUNCIL
REGULAR SESSION
TUESDAY, FEBRUARY 5, 2013
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 Kelvin E. Washington, Sr.
- Vice Chair L. Gregory Pearce, Jr.
- Member Joyce Dickerson
- Member Julie Ann Dixon
- Member Norman Jackson
- Member Damon Jeter
- Member Bill Malinowski
- Member Jim Manning
- Member Paul Livingston
- Member Seth Rose
- Member Torrey Rush

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Justine Jones, Stephany Snowden, Amelia Linder, Nelson Lindsay, John Hixon, Daniel Driggers, Sara Salley, Pam Davis, Tracy Hegler, Quinton Epps, Donny Phipps, Yanisse Adrian-Silva, Dale Welch, Dwight Hanna, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:07 p.m.

INVOCATION

The Invocation was given by the Honorable Joyce Dickerson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

APPROVAL OF MINUTES

Regular Session: January 15, 2013 – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: January 22, 2013 – Mr. Livingston moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Manning moved, seconded by Mr. Rose, to amend the agenda to take up Item #40 “Transportation Penny Advisory Committee” immediately following the adoption of the agenda. A discussion took place.

The vote was favor of amending the agenda.

Transportation Penny Advisory Committee:

First Vote:

Dixon – Ms. Elise Bidwell, Mr. Joseph H. Necker, Jr., Mr. Stephen Gilchrist, Mr. Terence G. Kemper, Mr. Melvin Hayes Mizell, Mr. James T. McLawhorn, and Ms. Dorothy A. Sumter.

Malinowski – Mr. Joseph H. Necker, Jr., Ms. Valerie Hutchinson, Mr. Stephen Gilchrist, Mr. James P. Ward, Jr., Mr. Terence G. Kemper, Mr. Richard C. Hohn, and Ms. Dorothy A. Sumter.

Jackson – Mr. James T. McLawhorn, Mr. Derrick E. Huggins, Mr. Terence G. Kemper, Ms. Dorothy A. Sumter, Mr. Melvin Hayes Mizell, Mr. Timothy B. Goldman, and Mr. Stephen Gilchrist.

Rose – Ms. Elise Bidwell, Mr. Melvin Hayes Mizell, Ms. Jennifer D. Bishop, Mr. James T. McLawhorn, Ms. Dorothy A. Sumter, Ms. Natalie C. Britt, and Mr. Randall Gaston.

Pearce – Ms. Elise Bidwell, Mr. John H. Barnes, Mr. Charles Ross McLaurin, Mr. Melvin Hayes Mizell, Mr. James T. McLawhorn, Ms. Dorothy A. Sumter, and Mr. E. Peter Kennedy.

Washington – Ms. Brittany Higgins, Mr. Derrick E. Huggins, Mr. Melvin Hayes Mizell, Mr. James T. McLawhorn, Ms. Dorothy A. Sumter, Mr. Jim Prater and Ms. Kalesha D. Campbell.

Livingston – Mr. Melvin Hayes Mizell, Mr. Derrick E. Huggins, Mr. James T. McLawhorn, Ms. Dorothy A. Sumter, Mr. John H. Barnes, Ms. Natalie Britt, and Mr. E. Peter Kennedy.

Dickerson – Ms. Brittany Higgins, Mr. Walter Durst, Mr. Derrick E. Huggins, Mr. James T. McLawhorn, Ms. Dorothy A. Sumter, Mr. Jim Prater, and Mr. John V. Furgess, Sr.

Rush – Ms. Elise Bidwell, Mr. Derrick E. Huggins, Mr. Robert Alan Lapin, Mr. Stephen Gilchrist, Mr. Terence G. Kemper, Mr. James T. McLawhorn, and Mr. James Nielsen.

Manning – Mr. Walter Durst, Ms. Elise Bidwell, Mr. Derrick E. Huggins, Mr. Joseph H. Necker, Jr., Mr. John V. Furgess, Sr., Mr. Timothy B. Goldman and Ms. Natalie C. Britt.

Jeter – Ms. Jennifer D. Bishop, Ms. Elise Bidwell, Mr. Derrick E. Huggins, Mr. Terence G. Kemper, Mr. Melvin Hayes Mizell, Mr. James T. McLawhorn, and Ms. Dorothy A. Sumter.

Ms. Elise Bidwell, Mr. Derrick E. Huggins, Mr. Melvin Hayes Mizell, Mr. James T. McLawhorn and Ms. Dorothy A. Sumter were seated in the first round of voting.

Second Vote:

Dixon – Mr. Stephen Gilchrist and Mr. Terence G. Kemper.

Malinowski – Mr. Stephen Gilchrist and Mr. Terence G. Kemper.

Jackson – Mr. Stephen Gilchrist and Mr. Terence G. Kemper.

Rose – Ms. Natalie C. Britt and Ms. Jennifer D. Bishop.

Pearce – Ms. Natalie C. Britt and Mr. Terence G. Kemper.

Washington – Mr. Stephen Gilchrist and Mr. Jim Prater

Livingston – Ms. Natalie C. Britt and Ms. Jennifer D. Bishop.

Dickerson – Ms. Brittany Higgins and Mr. Jim Prater.

Rush – Mr. Stephen Gilchrist and Mr. Terence G. Kemper.

Manning – Ms. Natalie C. Britt and Mr. Charles Ross McLaurin.

Jeter – Ms. Jennifer D. Bishop and Ms. Natalie C. Britt.

Third Vote:

Dixon – Mr. Stephen Gilchrist and Mr. Terence G. Kemper.

Malinowski – Mr. Stephen Gilchrist and Mr. Terence G. Kemper.

Jackson – Mr. Stephen Gilchrist and Mr. Terence G. Kemper.

Rose – Ms. Natalie C. Britt and Ms. Jennifer D. Bishop.

Pearce – Mr. Terence G. Kemper and Ms. Natalie C. Britt.

Washington – Mr. Jim Prater and Ms. Natalie C. Britt.

Livingston – Ms. Natalie C. Britt and Jennifer D. Bishop.

Dickerson – Ms. Brittany Higgins and Mr. Jim Prater.

Rush – Mr. Stephen Gilchrist and Mr. Terence G. Kemper.

Manning – Ms. Natalie C. Britt and Ms. Jennifer D. Bishop.

Jeter – Ms. Jennifer D. Bishop and Ms. Natalie C. Britt.

Ms. Natalie C. Britt was seated.

Fourth Vote:

Dixon – Mr. Stephen Gilchrist

Malinowski – Mr. Stephen Gilchrist

Jackson – Mr. Stephen Gilchrist

Rose – Ms. Jennifer D. Bishop

Pearce – Mr. Stephen Gilchrist

Washington – Ms. Jennifer D. Bishop

Livingston – Ms. Jennifer D. Bishop

Dickerson – Ms. Jennifer D. Bishop

Rush – Mr. Stephen Gilchrist

Manning – Ms. Jennifer D. Bishop

Jeter – Ms. Jennifer D. Bishop

Ms. Jennifer D. Bishop was seated.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

Mr. Farrar stated that the following were potential Executive Session Items:

- a. Election Protest Update
- b. Land Development Code Update
- c. Update: Richland County vs. Power Engineering
- d. Project Packaging
- e. Employee Grievance

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Council went into Executive Session at approximately 6:47 p.m. and came out at approximately 7:03 p.m.
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Project Packaging – Mr. Livingston moved, seconded by Mr. Rose, to instruct the Administrator to move forward as directed in Executive Session. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Employee Grievance – This item was taken up in Executive Session.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

2013 City/County/Legislative Delegation Reception, 701 Whaley Street, 6-8 p.m. – Mr. Washington reminded Council members of the Legislative Delegation Reception on February 6th, 701 Whaley Street from 6:00-8:00 p.m.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to approve and appropriate the Grant Expenditure and Transfer of \$138,121.33 of Non-appropriated funds for programs in the Solicitor's and Sheriff's Office using said funds related to and from the Lending Tree Settlement** – No one signed up to speak.

APPROVAL OF CONSENT ITEM

- Authorizing the execution and delivery of a Purchase Agreement between the County and Deja Properties, LLC, to provide for the conveyance of certain property owned by and located in the County to Deja Properties, LLC and Thermal Technologies, Inc., and other matters related thereto [SECOND READING]
- 13-01MA, Columbia United FC, Stephen D. Searcy, CC4 to CC3 (24.14 Acres), Sunbelt Blvd., 09409-01-03 [SECOND READING]
- 13-02MA, Circle K, Inc., Evan Walton, NC/MH to GC (1.5 Acres), Fore Ave. & Aubrey St., 22914-02/01/10/11 [SECOND READING]
- Curfew for Community Safety
- Existing Paved Road Resurfacing Funds Distribution
- Memorandum of Understanding and Agreement between Richland County and Forest Acres
- An Ordinance Authorizing Quit Claim Deed to Dorothy Jean Allison Vinson for a certain parcel of land located in Richland County, approximately seven (7) miles northwest of the City of Columbia, being described as a triangular crosshatched area of 0.46 Acres more or less, and being a portion of Richland County TMS # 06600-02-14 [FIRST READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation Code; Section 6-192, Adopted; so as to adopt and codify the 2009 Edition of the International Energy Conservation Code [FIRST READING]
- Caughman Lake Property Study (Pinewood Lake Park)
- Tax Increment Financing (TIF) on Broad River Road
- Miss South Carolina Pageant Funding Request
- Consultant Services for Medicare Benefit Insurance RFQ
- Addressing Council's Expense Accounts for Districts 7 and 9 [DENIAL]
- A General Bond Ordinance authorizing and providing for the issuance of Hospitality Tax Revenue Bonds of Richland County, South Carolina; prescribing the form of bonds; providing for the payment of the bonds from the sources

provided herein; creating certain funds and providing for payments into such funds; and other matters relating thereto [FIRST READING BY TITLE ONLY]

- **A First Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Tax Refunding Revenue Bonds, Series 2013, or such other appropriate series designation, in the principal amount of not exceeding \$22,750,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto [FIRST READING BY TITLE ONLY]**
- **An Ordinance Authorizing the issuance and sale of not to exceed \$6,000,000 General Obligation Bonds, Taxable Series 2013A, 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 [FIRST READING BY TITLE ONLY]**

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

THIRD READING

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Certain Subdivisions Exempt from Road Standards; so as to delete the requirement of county review fees – Mr. Jackson moved, seconded by Mr. Malinowski, to defer this item until the February 19th Council meeting. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Employee Discounts Link on the Employee Intranet – Mr. Malinowski moved, seconded by Mr. Jackson, to deny this item. A discussion took place.

Ms. Dickerson moved to call for the question. The motion died for lack of second.

Mr. Livingston made a substitute motion, seconded by Mr. Dickerson, to approve this item. A discussion took place.

Mr. Malinowski withdrew his motion.

Mr. Malinowski made a substitute motion, seconded by Mr. Rush, to move forward with this item after a thorough legal review. A discussion took place.

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

The vote was in favor to approve this item.

Richland County's Holiday Schedule – Mr. Livingston moved, seconded by Ms. Dickerson, to defer this item and take the matter up during the budget process. The vote in favor was unanimous.

Policy to Deny Use of Outside Legal Counsel that has any Current Pending Lawsuit Against the County – Mr. Livingston moved, seconded by Mr. Pearce, to defer this item until the February 19th Council meeting. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Easement Relocation Option Agreement between Richland County and Southland Log Homes – Mr. Livingston stated that the committee recommended approval of this item.

Mr. Malinowski asked that the following language be included: "...and all future maintenance."

The vote in favor was unanimous to approve the amended agreement.

Shop Road Extension Contract Change Order – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Provide \$20,000 to assist in funding the Famously Hot New Year's Celebration – Mr. Livingston stated that the committee recommended allocating \$10,000 from Hospitality Tax to assist in funding the Famously Hot New Year's Celebration. A discussion took place.

The vote was in favor.

Mr. Livingston moved, seconded by Ms. Dickerson, to reconsider this item. The motion failed.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

a. Board of Zoning Appeals—2 – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

b. Community Relations Council—2 – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

- c. **Hospitality Tax Committee—3** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.
- d. **Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- e. **Planning Commission—2** – Mr. Malinowski stated that the committee recommended advertising for these vacancies.

II. **DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE**

- a. **Central Midlands Council of Governments; additional appointments required** – Mr. Malinowski stated that the committee recommended that the Chair appoint the two additional elected officials and that the Clerk's Office advertise for the citizen appointment. The vote in favor is unanimous.
- b. **Dissolve the Richland County Appearance Commission and amend the Richland County Conservation Commission's responsibilities to include appearance. This motion is based on 1. overlapping areas of responsibilities under enabling ordinances for each Commission and the Richland County Strategic Plan. 2. availability of funding needed to support similar and/or duplicative project and 3. difficulties maintaining membership in the Appearance Commission [PEARCE and MANNING] [FIRST READING]** – Mr. Malinowski stated that the committee recommended dissolving the Richland County Appearance Commission and amend the Richland County Conservation Commission's responsibilities to include appearance. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to not dissolve the Richland County Appearance Commission. A discussion took place.

The motion to no dissolve the Richland County Appearance Commission failed.

The vote was in favor of approving the committee's recommendation.

Ms. Dickerson moved, seconded by Mr. Manning, to reconsider this item. The motion for reconsideration failed.

OTHER ITEMS

FY13-14 Budget Calendar – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.

2013 Council Retreat Directives – Mr. Malinowski moved, seconded Mr. Jackson, to defer action on the portion of the directives regarding the “Transportation Penny”. The vote in favor was unanimous.

Mr. Pearce moved, seconded Ms. Dickerson, to approve the remaining directives. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dickerson, to reconsider this item. The motion for reconsideration failed.

USDA Rural Development Resolution and Letter of Condition – Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item until the February 19th Council meeting. The vote in favor was unanimous.

Application for locating a Community Residential Group Home in an Unincorporated Area of Richland County: 4824 Smallwood Road, Columbia, SC 29223 – Mr. Jackson moved, seconded by Ms. Dickerson, to defer this item until the February 19th Council meeting. The vote in favor was unanimous.

Application for locating a Community Residential Group Home in an Unincorporated Area of Richland County: 1915 Heyward Brockington Road, Columbia, SC 29203 – Mr. Rush moved, seconded by Mr. Manning, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE:

Mr. Rush stated that the committee recommended holding these items in committee until all Council members receive the additional information requested.

a. Work Authorization

- 1. Multi-Uses of the Park**
- 2. Architecture Style**
- 3. Cost Estimate**

b. Oversight Committee

c. Contract with Columbia United

CITIZEN’S INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:57 p.m. and came out at approximately 9:33 p.m.
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- a. **Election Protest Update** – No action was taken.
- b. **Land Development Code Update** – No action was taken.
- c. **Richland County vs. Power Engineering** – Ms. Dickerson moved, seconded by Ms. Dixon, to proceed as directed in Executive Session. The vote in favor was unanimous.
- d. **Employee Grievance** – Mr. Malinowski moved, seconded by Ms. Dixon, to proceed as directed in Executive Session. The vote in favor was unanimous.

MOTION PERIOD

Heart Healthy Month Resolution and a “Go Red” Day for Richland County [DICKERSON]
– Ms. Dickerson moved, seconded by Mr. Malinowski, to adopt a resolution recognizing February as Heart Healthy Month and asking that February 26th as “Go Red” Day. The vote in favor was unanimous.

The State paper was quoted as follows: “Central Midlands Regional Transit Authority board members will consider this year whether to stick with Veolia Transportation to run Columbia area buses.” Taxpayers have given approval for the CMRTA to receive over 300 million tax dollars to be spent over the next 22 years. Veolia has consistently refused to disclose to the taxpayers specifically how they spend those tax dollars. These are 300 million hard earned tax dollars of residents and they deserve to know how their taxes are being spent. With that information I am submitting the following motion: The Veolia Transportation company hired by CMRTA must provide total accountability and transparency in spending all Richland County tax dollars they receive. If they refuse, Richland County Council should request the CMRTA board to find another bus management company [MALINOWSKI] – This item was referred to the Joint Transportation Ad Hoc Committee.

To ask staff to look into residential parking permits for the County portions of Olympia and neighboring communities [ROSE and WASHINGTON] – This item was referred to the D&S Committee.

Revisit the disproportional distribution of current Hospitality Tax Ordinance agencies with a recommended funding formula adjustment being as follows: 40% for the County Promotions grant program; 25% for Historic Columbia Foundation; 20% for Columbia Museum of Art; and 15% for EdVenture. Additionally, the percentage should be revisited

on alternating years following a general election [MANNING] – This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:35 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Seth Rose

Torrey Rush

The minutes were transcribed by Michelle M. Onley