



**MINUTES OF  
RICHLAND COUNTY COUNCIL  
REGULAR SESSION  
OCTOBER 1, 2013  
6:00 PM**

*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	Greg Pearce
Member	Joyce Dickerson
Member	Julie-Ann Dixon
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Jim Manning
Member	Seth Rose
Member	Torrey Rush

**OTHERS PRESENT** – Tony McDonald, Roxanne Ancheta, Sparty Hammett, Warren Harley, Brad Farrar, Amelia Linder, Tracy Hegler, Sara Salley, Buddy Atkins, John Hixon, Geo Price, Dale Welch, Beverly Harris, Justine Jones, Rob Perry, Daniel Driggers, Ray Peterson, Rudy Curtis, Pam Davis, Ismail Ozbek, Nelson Lindsay, Rodolfo Callwood, 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 Julie-Ann Dixon

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Julie-Ann Dixon

### APPROVAL OF MINUTES

**Regular Session: September 17, 2013** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: September 24, 2013** – Mr. Malinowski stated that Case #13-18MA was a First Reading item, but was listed in the minutes as Second Reading.

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

### ADOPTION OF THE AGENDA

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

### REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

The following were potential Executive Session Items:

- a. Northwest Sewer Litigation Update
- b. Carolina Walk/Serrus Litigation Update
- c. Brown/O'Neal Litigation Update
- d. Contract Award: Engineering Design Services for the Lower Richland Sanitary Sewer Project

**POINT OF PERSONAL PRIVILEGE** – Mr. Manning recognized that Richland Two School Board Chair – Dr. Bill Flemming, Richland Two Superintendent of Education – Dr. Debbie Hamm and Mr. Mike Montgomery were in the audience.

### EXECUTIVE SESSION

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**Council went into Executive Session at approximately 6:10 p.m. and came out at approximately 6:58 p.m.**  
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- a. **Northwest Sewer Litigation Update** – Mr. Malinowski, moved, seconded by Mr. Livingston, to direct staff to proceed as was discussed in Executive Session. The vote in favor was unanimous.
- b. **Carolina Walk/Serrus Litigation Update** – No action was taken.

### CITIZENS INPUT

Mr. Richard Jenkins spoke against the proposed changes regarding the “Bagging of Yard Debris”.

Mr. Nigel Sandiford and Mr. Clarence Joseph spoke regarding the “Closing Unlicensed Businesses”

### REPORT OF THE COUNTY ADMINISTRATOR

- a. **Update: An Ordinance Authorizing the Issuance and Sale of not to exceed \$17,200,000 General Obligation Bonds, Series 2013B, 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. McDonald and Coroner Gary Watts gave an update and additional information regarding the need for a Coroner’s facility.

### REPORT OF THE CLERK OF COUNCIL

- a. **York County Sales Tax Program Site Visit, October 11<sup>th</sup>** – Ms. Onley stated that the York County Site Visit is scheduled for October 11<sup>th</sup>. The tour will depart from the Administration Building at 9:00 a.m. Mr. Perry will e-mail additional information to Council members.
- b. **REMINDER: Neighborhood Planning Conference, October 12<sup>th</sup>, 8:00 a.m.-2:30 p.m., Columbia Metropolitan Convention Center** – Ms. Onley reminded Council of the Neighborhood Planning Conference on October 12<sup>th</sup>, 8:00-2:30 p.m. at the Convention Center.

### REPORT OF THE CHAIR

- a. **ComingSoonSC Council Ad** – Mr. Washington stated this item is still in the Economic Development Committee.
- b. **Planning Commission – Letter re: Appointee’s Absences** – Council upheld the Planning Commission ruling. The vacancy is to be advertised immediately.
- c. **Internal Audit Update: Council Work Session** – Mr. Washington stated that he will be scheduling an Internal Audit – Council Work Session.
- d. **Personnel Matter** – This item was taken up in Executive Session.
- e. **Sewer Ad Hoc Committee** – Mr. Washington stated that he will be appointing members to this committee.

## PRESENTATION

**“The Sustainers: Builders and Preservers of Civil Rights Sites in the United States Event” – Catherine Bruce** – Ms. Bruce gave a brief overview of the event that will take place on October 23<sup>rd</sup> and 24<sup>th</sup> at the Columbia Metropolitan Convention Center.

## OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate \$517,000 of Hospitality Tax Unassigned Fund Balance for feasibility studies (\$420,000), Olive Branch Network (\$50,000), and Capital City Classic (\$47,000) – No one signed up to speak.**
- **An Ordinance Amending the Fiscal Year 2013-2014 General Fund Budget to Add Six School Resource Officer Positions for Sheriff’s – SRO School District 5 – No one signed up to speak.**
- **Authorizing and Providing for the creation of the Lower Richland Sewer System and for the issuance of Lower Richland Sewer System Improvement Revenue Bonds for Richland County, South Carolina; prescribing the form of bonds; limiting the payment of the bonds solely to the new revenues derived from the operations of the Sewer System and pledging the revenues to such payments; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing – No one signed up to speak.**
- **Authorizing and Providing for the issuance of Sewer System Improvement Revenue Bond Anticipation Note, Series 2013 (Lower Richland Sewer System Project Phase I), or such other appropriate series designation of Richland County, South Carolina, in an amount not to exceed \$9,359,000; Authorizing the County Administrator to determine certain matters relating to the Note; Providing for form and details of the Note; Providing for payment of the Note; Providing for the disposition of the proceeds thereof; and other matters relating thereto – No one signed up to speak.**

## APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to Adopt and Codify the 2011 Edition of the International Electrical Code and the 2012 Editions of the International Residential Code, International Building Code, International Fire Code, International Fuel/Gas Code, International Mechanical Code, International Plumbing Code, and International Property Maintenance Code [THIRD READING]**

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, In General; so as to create a new section to handle roadway improvements in the Town of Irmo, South Carolina; and Amending Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-6(A); so as to accommodate the new section [FIRST READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Building and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-Up Structures; so as to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to reference the “Property Maintenance” Division rather than the “Unsafe Housing” Division [FIRST READING]**
- **Proclamation Designating October 2013 as Community Planning Month in Richland County**
- **Enter into a Restrictive Covenant Agreement with John A. Grant Concerning Property Located at 6319 Shakespeare Road, Columbia, SC**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4, Licensing and Bonding of Builders, Contractors and Craftsmen; Section 6-66, so as to delete the requirement of Craftsmen Qualification Cards [FIRST READING]**
- **Hopkins Farmland Conservation Easement**
- **Direct Staff to Establish Mobile Home Park Regulations that are Enforced by the Building Codes and Inspections Department**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; Paragraph (8), Bars and Other Drinking Places; so as to remove the distance requirement between bars and places of worship in the GC, M-1, and LI Zoning Districts**

Mr. Pearce moved, seconded by Mr. Rush, to approve the Consent Items. The vote in favor was unanimous.

### **THIRD READING**

**Authorizing and Providing for the creation of the Lower Richland Sewer System and for the issuance of Lower Richland Sewer System Improvement Revenue Bonds for Richland County, South Carolina; prescribing the form of bonds; limiting the payment of the bonds solely to the new revenues derived from the operation of the Sewer System**

**and pledging the revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing** – Mr. Manning moved, seconded by Mr. Jackson, to defer this item. The vote in favor was unanimous.

**Authorizing and Providing for the Issuance of a Sewer System Improvement Revenue Bond Anticipation Note, Series 2013 (Lower Richland Sewer System Project Phase I), or such other appropriate series designation of Richland County, South Carolina, in an amount not to exceed \$9,359,000; Authorizing the County Administrator to determine certain matters relating to the Note; Providing for form and details of the Note; Providing for the payment of the Note; Providing for the disposition of the proceeds thereof; and other matters relating thereto** – Mr. Manning moved, seconded by Mr. Jackson, to defer this item. The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2013-2014 General Fund Budget to Add Six School Resource Officer Positions for Sheriff's SRO – SRO School District 5** – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

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

**Millage Presentation** – A discussion took place regarding Richland School District Two's budget.

Mr. Manning moved, seconded by Ms. Dickerson, to approve a millage rate at the cap [understood to be 294.5] to take Richland School District Two as close as possible to the \$132,180,000 originally approved in Council's budget. A discussion took place.

Mr. Pearce made a substitute motion, seconded by Mr. Malinowski, the millage for School District Two Operations be set at 291.5 mills. Further move, that the budget be amended to reflect that the funding for Richland Two be \$130,396,941, less the State reimbursement of \$47,096,623, for a total of \$82,000,203. With the following proviso, should the 291.5 mill assessment yield collections less than \$82,000,203, Richland Two's budget shall automatically be reduced to the amount of the tax collections received and should the 291.5 mill assessment yield collections greater than \$82,000,203, Richland Two's budget shall automatically be increased to the amount of tax collections received. The vote was in favor.

**An Ordinance Authorizing the Levying of Ad Valorem Property Taxes, which, together with the prior year's carryover and other State levies and any additional amount appropriated by the Richland County Council prior to July 1, 2013, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2013, through June 30, 2014** – Mr. Livingston moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

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

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article X, Property Maintenance; so as to codify property maintenance regulations** – Mr. Jackson moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

Mr. Jackson withdrew his motion.

Mr. Rush moved, seconded by Mr. Malinowski, to withdraw this item. The voter in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate up to \$420,000 of Hospitality Tax Unassigned Fund Balance for Feasibility Study** – Ms. Dickerson moved, seconded by Ms. Dixon, to approve up to \$42,000 of H-Tax Unassigned Fund Balance. The vote in favor was unanimous.

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

**An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate \$50,000 of Hospitality Tax Unassigned Fund Balance for Olive Branch** – Mr. Rush moved, seconded by Ms. Dixon, to approve this item. The vote was in favor.

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

**An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate \$47,000 of Hospitality Tax Unassigned Fund Balance for the Capital City Classic** – Ms. Dickerson moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

Ms. Dixon made a substitute motion, seconded by Mr. Washington, to appropriate an additional \$13,000 for the Capital City Classic. A discussion took place.

<b><u>For</u></b>	<b><u>Opposed</u></b>
Dixon	Malinowski
Jackson	Rose
Washington	Pearce
Dickerson	Livingston
	Rush
	Manning
	Jeter

The substitute motion failed.

The vote in favor of the motion to appropriate \$47,000 of Hospitality Tax Unassigned Fund Balance was unanimous.

Mr. Jackson moved, seconded by Ms. Dixon, to reconsider this item. The motion failed.

## SECOND READING ITEM

**An Ordinance Authorizing an Easement to School District 5 of Lexington and Richland Counties for a Sanitary Sewer Line across land owned by Richland County; specifically a portion of TMS # 03300-01-06** – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

## FIRST READING

**An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate \$100,000 of Hospitality Tax Unassigned Fund Balance for the EdVenture—Next Exhibit Capital** – Mr. Manning moved, seconded by Mr. Pearce, to approve this item. A discussion took place.

<b><u>For</u></b>	<b><u>Opposed</u></b>
Rose	Dixon
Pearce	Malinowski
Washington	Jackson
Livingston	
Dickerson	
Rush	
Manning	
Jeter	

The vote was in favor.

## REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

**Bagging of Yard Debris in Solid Waste Collection Service Areas 2 and 6** – Mr. Manning moved, seconded by Ms. Dickerson, to direct staff to research the cost of contracting a polling service to poll the citizens regarding the bagging of yard debris. A discussion took place.

Ms. Dickerson made a substitute motion, seconded by Mr. Livingston, to defer this item. The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article I, In General; and Article II, Collection and Disposal; Section 12-12, Definitions, and Section 12-16, Conditions for Residential and Small Business Solid Waste Collection-Yard Trash and Other Household Articles; so as to remove reference to “Franchise” and so as to require trash to be bagged in a phased-in manner [FIRST READING]** – Ms. Dickerson moved, seconded by Mr. Livingston, to defer this item. The vote in favor was unanimous.

**Closing Unlicensed Businesses** – This item was received as information.

**Richland County Community Garden Program** – This item was received as information.

## REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

**Public Defender Attorney Compensation and Retention Plan** – Mr. Malinowski made a motion to send this item back to committee for additional information. The motion died for lack of a second.

Mr. Manning moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.

**Eastern Federal Lands Access Program Grant** – Mr. Rush moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

**Contract Award: Engineering Design Services for the Lower Richland Sanitary Sewer Project** – This item was taken up in Executive Session.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF VACANCIES

- a. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.
- b. **Hospitality Tax Committee—2** – Mr. Malinowski stated that the committee recommended advertising for these positions. The vote in favor was unanimous.
- c. **Central Midlands Council of Governments—2** – Mr. Malinowski stated that the committee recommended advertising for these positions. The vote in favor was unanimous.
- d. **Planning Commission—2** – Mr. Malinowski stated that the committee recommended advertising for these positions. The vote in favor was unanimous.

### II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Request that the SCAC post the Rules, Regulations, and Bylaws on the SCAC website and that each County and/or County Chair should have the opportunity to make a recommendation to the board regarding their representative when vacancies become available and that the representative should be term limited [DICKERSON]** – This item was held in committee.
- b. **Amended agenda pages will be given a page/letter designation and only those pages will be Xeroxed for distribution. Example: If page 105 has a change for some reason the amended page will be assigned page 105a. This will eliminate the necessity of Xeroxing hundreds of additional pages of new agendas as well as eliminate the need for Council members to change all of their notations on pages already reviewed [MALINOWSKI]** –

Mr. Malinowski stated that the committee recommended “freezing” the agenda after it is initially e-mailed. Additional items will be added to the end of the agenda as an addendum. A discussion took place.

The vote in favor was unanimous.

- c. **Internal Audit Committee – Term Extension** – Mr. Malinowski stated that the committee recommended extending the terms of the members currently on the Internal Audit Committee and review the guidelines in a subsequent Rules & Appointments meeting. The vote in favor was unanimous.

### OTHER ITEMS

#### Report of the Transportation Ad Hoc Committee:

- a. **Meeting Update** – Mr. Livingston gave a brief overview of the September 23<sup>rd</sup> meeting of the Transportation Ad Hoc Committee meeting. The site visits for York and Charleston Counties have been scheduled. The York visit is scheduled for October 11<sup>th</sup> at 10:30 a.m. and the Charleston visit is scheduled for October 16<sup>th</sup> at 10:30 a.m.
- b. **An Ordinance Amending the Fiscal Year 2013-2014 Transportation Tax Fund Budget to add one full time position [FIRST READING]** – Mr. Jackson moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote was in favor.

#### Report of the Hospitality Tax Review Committee:

- a. **Recommend a percentage amount for allowable operating and maintenance expenditures. It was recommended that the County allow organizations that operate tourism facilities be allowed to use a portion of H-Tax funds for facility operations and maintenance as described in the State Statute. It was also recommended that the H-Tax Guidelines be revised to include specifically that H-Tax fund can be used for operations and maintenance of (a) tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums and (b) tourism-related cultural, recreational, or historic facilities** – Mr. Manning stated that the committee recommended 20% be allowed for operations and maintenance expenditures. The vote in favor was unanimous.
- b. **Adding New Ordinance Agencies** – This item was held in committee.
  - 1. Township
  - 2. Renaissance Foundation
- c. **Create a New Funding Category under Community Promotions to be titled “Special County Promotions”. Place organizations that annually receive additional**

funding through the motions process out of the competitive cycle since Council is providing additional funding for these organizations would receive base funding each year at the previous FY level with any funding increases based on CPI. The following organizations will be placed: Olive Branch Network of South Carolina, South East Rural Community Outreach (SERCO) – Mr. Manning stated that the committee recommended that a new funding category entitled “Special County Promotions” be established and that SERCO be added to this category. The vote in favor was unanimous.

### CITIZENS’ INPUT

Ms. Carol Kososki and Ms. Virginia Sanders spoke regarding the Haile Gold Mine mitigation bank matter.

### EXECUTIVE SESSION

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**Council went into Executive Session at approximately 9:31 p.m. and came out at approximately 9:45 p.m.**  
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- a. **Brown/O’Neal Litigation Update** – Mr. Malinowski moved, seconded by Mr. Livingston, to direct staff to proceed as directed in Executive Session up to the amount discussed. The vote in favor was unanimous.
- b. **Contract Award: Engineering Design Services for the Lower Richland Sanitary Sewer Project** – Mr. Jackson moved, seconded by Mr. Washington, to direct staff to proceed with the contract award.

<b><u>For</u></b>	<b><u>Opposed</u></b>
Dixon	Malinowski
Jackson	Pearce
Rose	
Washington	
Livingston	
Dickerson	
Rush	
Manning	
Jeter	

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

- c. **Carolina Walk/Serrus Litigation Update** – Mr. Jackson moved, seconded by Mr. Rush, to direct the Administrator to evaluate the situation as discussed in Executive Session

with the Assessor's Office and if it's in the best interest of the County to have him settle as discussed. The vote was in favor.

- d. **Personnel Matter** – No action was taken.

#### **MOTION PERIOD**

- a. **Resolution honoring Satch Krantz, Riverbanks Zoo President and CEO, on receiving the R. Marlin Perkins Award for Professional Excellence from the Association of Zoos and Aquariums [LIVINGSTON]** – Mr. Livingston moved, seconded by Mr. Pearce, to adopt a resolution honoring Satch Krantz. The vote in favor was unanimous.
- b. **I move to prohibit sewage sludge spray fields application in Richland County [WASHINGTON]** – This item was referred to the D&S Committee.
- c. **I move that Council give unanimous consent to a resolution honoring the Coroner's Office on receiving national accreditation [PEARCE]** – Mr. Malinowski moved, seconded by Ms. Dixon, to adopt a resolution honoring the Coroner's Office. The vote in favor was unanimous.
- d. **Resolution in honor of the late Senator Giese. In honor of his service to Richland County citizens as a member of the South Carolina Senate and as a member of Richland County Council [ROSE]** – Mr. Rose moved, seconded by Mr. Malinowski, to adopt a resolution honoring the late Senator Warren Giese. The vote in favor was unanimous.
- e. **Any item staff desires to place on a County Council agenda must go through the same process as all other items. They must be sent to a committee for review and recommendation for action by that committee to the full Council. This includes items coming from other agencies and elected officials. This can save a lot of discussion time at Council meetings because all details will have been provided to Council members and questions can be asked and possibly resolved during the committee meeting [MALINOWSKI]** – This item was referred to the Rules & Appointments Committee.
- f. **No elected official is allowed to make outside inquiries about the purchase of property but must submit their request to staff. It will then be placed on the appropriate committee agenda for review and action (possibly as an Executive Session item). Elected officials seeking property without the assistance of staff can tend to pay more once it is learned the "government" is seeking to purchase the property. Many of the properties are also in need of repair/remodeling to fit the needs of the particular official and such outside actions can tend to elevate the prices by not going through the approved bid process [MALINOWSKI]** – This item was referred to the A&F Committee.

- g. To direct staff (Clerk of Council, Public Information) to make recommendations, including costs, on mementos that Council Members can provide to honorees, citizens, and others being formally, or informally, recognized by individual Council Members, or Council as a body [DICKERSON] – This item was referred to the A&F Committee.**

### ADJOURNMENT

The meeting adjourned at approximately 9:51 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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Joyce Dickerson

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Julie-Ann Dixon

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Norman Jackson

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Jim Manning

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Seth Rose

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Torrey Rush

The minutes were transcribed by Michelle M. Onley