



**MINUTES OF
RICHLAND COUNTY COUNCIL
REGULAR SESSION
NOVEMBER 19, 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	Julie-Ann Dixon
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose
Member	Torrey Rush
Absent	Joyce Dickerson

OTHERS PRESENT – Tony McDonald, Roxanne Ancheta, Sparty Hammett, Warren Harley, Brad Farrar, Amelia Linder, Quinton Epps, Buddy Atkins, Geo Price, Beverly Harris, Justine Jones, Rob Perry, Sara Salley, Tracy Hegler, John Hixon, Nelson Lindsay, Ismail Ozbek, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:02 p.m.

INVOCATION

The Invocation was given by the Honorable Greg Pearce

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Greg Pearce

PRESENTATION OF RESOLUTIONS

“Pancreatic Cancer Month” Proclamation [MALINOWSKI] – Mr. Malinowski stated that the individual was unable to attend the Council meeting. In honor of “Pancreatic Cancer Awareness” the Council members were wearing purple ribbons.

Resolution Honoring the Richland County Sheriff’s Department on being a recipient of the prestigious Freedom Award [MALINOWSKI] – Mr. Malinowski stated that the Sheriff was unable to attend the Council meeting.

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 presented a resolution to the Riverbanks Zoo President and CEO, Satch Krantz, in honor of him being awarded the R. Marlin Perkins Award for Professional Excellence.

APPROVAL OF MINUTES

Regular Session: November 5, 2013 – Mr. Malinowski moved, seconded by Mr. Manning, to reconsider the portion of the minutes regarding the Report of the Sewer Ad Hoc Committee.

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

The vote was in favor of reconsideration.

Mr. Pearce moved, seconded by Mr. Malinowski, to direct the Administrator to engage a consultant to provide a cost analysis of selling the system versus privatization of the system. The Administrator is to advise Council prior to entering into an agreement the cost of said study. The vote was in favor.

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

ADOPTION OF THE AGENDA

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

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. **Monticello Road Litigation Update**
- b. **Update on Beta Tract Mitigation Bank**

CITIZENS INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Retreat Format** – Mr. McDonald stated that the staff has been working on the agenda for the retreat. The format will be similar to last year's Retreat format. The draft agenda will be forwarded to Council and any proposed changes by Council should be submitted to the Administrator by Friday, November 29th.
- b. **Detainee Drop-Off Update** – Mr. McDonald stated that the staff is working with the City of Columbia on a temporary solution. The discussions are ongoing and Mr. McDonald will brief Council as the developments occur.

REPORT OF THE CLERK OF COUNCIL

- a. **Retreat Location** – Ms. Onley stated that the following locations for the 2014 Council Retreat were submitted by Council members and are available: Madren Conference Center, Clemson, SC; Parklane Adult Activity Center, Columbia, SC; and Hilton Head Marriott, Hilton Head, SC.

Mr. Manning moved, seconded by Mr. Pearce, to hold the 2014 Retreat at the Madren Conference Center in Clemson, SC.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to hold the 2014 Retreat at the Parklane Adult Activity Center in Columbia, SC.

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

The substitute motion failed.

A discussion took place regarding the original motion.

The vote was in favor of the original motion.

- b. **2014 Council Meeting Schedule** – Ms. Onley stated that the January meeting schedule/agenda topics will be taken up at the November 26th D&S Committee meeting.

Mr. Malinowski moved, seconded by Mr. Manning, to hold the January 7th Regular Council meeting and the January 28th Committee and Zoning Public Hearing meetings. A discussion took place.

The vote in favor was unanimous to amend the January 2014 meeting schedule.

Mr. Malinowski moved to adopt the remaining proposed 2014 Council Meeting Calendar. The motion died for lack of a second.

- c. **National Guard Museum Tour** – Ms. Onley is awaiting a response from the National Guard Museum.
- d. **REMINDER: EngenuitySC Ignite, November 20, 5:15-8:00 PM, The Zone – Williams-Brice Stadium** – Ms. Onley reminded Council of the EngenuitySC Ignite event, November 20th, 5:15 PM – 8:00 PM at The Zone – Williams-Brice Stadium.

REPORT OF THE CHAIR

- a. **Courthouse Ad Hoc Committee** – Mr. Washington stated that the members of the committee are Mr. Pearce, Mr. Rush and himself.
- b. **Absence of Councilwoman Dickerson** – Mr. Washington stated that Ms. Dickerson is traveling.

PRESENTATION

Columbia Metropolitan Airport: Dan Mann, Executive Director – Mr. Mann gave a brief update on the Columbia Metropolitan Airport.

OPEN/CLOSE PUBLIC HEARINGS

- **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 Fairfield County; and other related matters** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **13-28MA, John Kilmartin, M-1 to RU (14.01 Acres), Broad River Road, 02600-09-05(p) [THIRD READING]**

- **13-33MA, Carolyn Peake, RU to GC (4.097 Acres). 10931 & 10901 Two Notch Road, 29000-01-01/05 & 29004-01-02 [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-21, Rules of Construction Information; Subsection (b), General Rules of Construction; Paragraph (9), Contiguous [THIRD READING]**
- **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; so as to delete manufactured home parks from the M-1 Zoning District [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (26), Special Congregate Facilities; so as to provide additional requirements for same [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code; Section 6-168, Requirements; so as to reference the 2012 Edition of the International Building Code [SECOND READING]**
- **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 Fairfield County; and other related matters**

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

THIRD READING

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

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

SECOND READING

13-31MA, Ron Johnson, RU to RS-LD (25.54 Acres), Longtown Road West, 17613-02-08(p)

– Mr. Rush moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2013-2014 General Fund Annual Budget to appropriate \$615,622.56 of General Fund Unassigned Balance for voting machines and related equipment in the Board of Elections and Voter Registration Department – Mr.

Rose moved, seconded by Mr. Jackson, to approve this item. A discussion took place.

The vote in favor was unanimous.

An Ordinance Authorizing Certain Economic Incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina, and Project Ruby, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended; and other related matters – Mr.

Livingston moved, seconded by Mr. Rose, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds, so as to clarify and revise the language therein – Mr. Livingston moved, seconded by Mr. Rose, to defer this item

until the December 3rd Council meeting. The vote in favor was unanimous.

FIRST READING ITEM

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] – Mr. Malinowski moved, seconded by Ms. Dixon, to table this item. A discussion took place.

Mr. Malinowski withdrew his motion to table.

Mr. Malinowski moved, seconded by Mr. Rose, to postpone indefinitely. The vote in favor was unanimous.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

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 [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the Committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. **Planning Commission – 2** – Mr. Malinowski stated that the committee recommended appointing Mr. Robert A. Lapin and Mr. Greg L. Lehman.

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

Mr. Jackson, Mr. Rose, Mr. Pearce, Mr. Washington, Mr. Livingston, Mr. Rush, Mr. Manning, and Mr. Jeter voted for Ms. Marilyn Joyner.

Ms. Dixon, Mr. Malinowski, and Mr. Jackson voted for Mr. Robert A. Lapin.

Ms. Dixon, Mr. Malinowski, Mr. Rose, Mr. Pearce, Mr. Livingston, Mr. Rush and Mr. Manning voted for Mr. Greg L. Lehman.

Ms. Marilyn Joyner and Mr. Greg L. Lehman were appointed.

Richland Library Referendum Resolution: Declaring the results of the November 5, 2013 referendum – Mr. Pearce moved, seconded by Mr. Rose, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. **South Carolina Department of Transportation Intergovernmental Agreement Discussion** – Mr. Livingston stated that the committee directed Mr. Perry to revise the IGA and forward to committee members. Once the committee members review the changes, the revised IGA will be forwarded to full Council.
- b. **Update on Beta Tract Mitigation Bank** – This item was taken up in Executive Session.
- c. **Program Development Team** – Mr. Livingston stated that the proposals are due on December 16th. The selection committee will present the short-list to the TPAC Committee on that evening. County Council will be presented with the short list on December 17th.

Mr. Livingston moved, seconded by Mr. Rose, to hold presentations from the firms on the short list on February 4th. A discussion took place.

Mr. Livingston withdrew his motion.

Mr. Livingston requested to hold presentations from the firms on the short list on January 6th.

Mr. Jackson moved to hold the presentations from 2:00 PM until completed.

The motion died for lack of a second.

Mr. Manning moved, seconded by Mr. Jeter, to hold the presentations from 9:15 AM-5:00 PM on January 6th. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:37 p.m. and came out at approximately 8:52 p.m.
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- a. **Monticello Road Litigation Update** – Mr. Livingston moved, seconded by Mr. Pearce, to proceed as directed in Executive Session. The vote in favor was unanimous.
- b. **Update on Beta Tract Mitigation Bank** – Mr. Manning moved, seconded by Mr. Livingston, to approve the purchase of property and mitigation credits totaling \$16 million, subject to contractual review by legal staff. The vote in favor was unanimous.

MOTION PERIOD

- a. **Due to active interest from several commercial real estate firms in the Huger Street Central Court and Sheriff's Dept. properties. I move that the Administrator move forward to secure an appraisal of the property as a preliminary step to disposing of said property once the Decker Center project is completed in early 2015 [PEARCE]** – This item was referred to the A&F Committee.
- b. **In an action taken by Council at its November 5th meeting, the County Administrator was directed to locate an independent consultant to provide Council with further information regarding either the sale or privatization of Richland County's sewer systems. There was no consideration given as to the cost of said consultant. This motion requests that the proposed contract with the yet to be named consultant recommended for this project be presented to Council for consideration prior to approval. [PEARCE]** – This motion was withdrawn.

ADJOURNMENT

The meeting adjourned at approximately 7:28 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