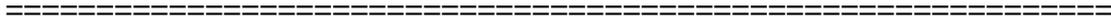


**MINUTES OF**



**RICHLAND COUNTY COUNCIL  
REGULAR SESSION  
TUESDAY, FEBRUARY 19, 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     | Paul Livingston           |
| Member     | Seth Rose                 |
| Member     | Torrey Rush               |
| Absent     | Jim Manning               |

**OTHERS PRESENT** – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Justine Jones, Janet Claggett, Stephany Snowden, Amelia Linder, Nelson Lindsay, John Hixon, Daniel Driggers, Sara Salley, Tracy Hegler, David Hoops, Geo Price, Nancy Stone-Collum, Rodolfo Callwood, Andy Metts, 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 Jim Manning

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning and Boy Scout Troop 202.

### APPROVAL OF MINUTES

**Regular Session: February 5, 2013** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF THE AGENDA

Mr. Washington requested that Item #28: "USDA Rural Development Resolution and Letter of Conditions" be moved up on the agenda to Item 7.d. and to add the presentation of the Heart Healthy Month Resolution as Item 7.e.

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

### REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

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

- a. Land Development Code Update
- b. MOU Renewal

### CITIZENS' INPUT

No one signed up to speak.

### REPORT OF THE COUNTY ADMINISTRATOR

**CAFR Presentation** – Mr. Tom McNeish of Elliott Davis presented the CAFR. Councilman Pearce requested that a work session be held during the budget process regarding the presentation.

**Legislation Update** – Mr. McDonald gave Council a brief update regarding pending legislation.

### REPORT OF THE CLERK OF COUNCIL

**Consistency in Leadership Breakfast, Wednesday, March 13, 7:30-9:00 a.m., Seawell's** – Ms. Onley stated that the Chamber of Commerce is hosting a breakfast on March 13<sup>th</sup>, 7:30-9:00 a.m. at Seawell's recognizing City Manager Teresa Wilson and Mr. McDonald. There has been a table provided for Council members that wish to attend.

**Together We Can Read 2013** – Ms. Onley stated that Council has been invited to again participate in the “Together We Can Read” program. The reading day is March 21<sup>st</sup> at 9:00 a.m. Council members wishing to participate are asked to contact the Clerk’s Office.

## REPORT OF THE CHAIRMAN

**Committee Assignments** – Mr. Washington stated that the committee assignments have been forwarded out to Council. Mr. Jeter will be replacing Mr. Washington on the Discretionary Grants Committee.

**Installation of Councilwoman Dickerson as Chair of the National Foundation of Women Legislators (NFWL), State House Rotunda, March 7<sup>th</sup> at 11:00 a.m.** – Mr. Washington stated that Ms. Dickerson will be installed as the Chair of the National Foundation of Women Legislators on March 7<sup>th</sup>, 11:00 a.m. at the State House Rotunda.

**Palmetto Health’s “Report of the Tithe”** – Mr. Washington stated that Palmetto Health’s “Report of the Tithe” was provided to Council for their review.

## PRESENTATIONS

**Transitions—Craig Currey, Chief Executive Officer** – Mr. Craig Currey gave a brief presentation regarding Transitions’ accomplishments and requested the County’s continued financial support.

**The North Columbia Business Association—SC Cornbread Festival—Andelyn D. Rodriguez** – Ms. Rodriguez invited Council members to the SC Cornbread Festival, March 2<sup>nd</sup>, 10:00 a.m. -10:00 p.m., Main at Newman Street. The Council members are also invited to participate in a Cornbread Eating Contest.

**The Leadership Columbia Class of 2013-Leading by Reading—Jacob Cook** – Mr. Cook gave a presentation on the Leading by Reading program and invited Council members to participate.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jackson stated that all claims were dismissed on February 8<sup>th</sup> regarding the Federal Hatch Act case against him.

**USDA Rural Development Resolution and Letter of Condition** – Mr. Rusty Craven, USDA Rural Development, gave an overview of the resolution and letter of conditions.

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

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

**POINT OF PERSONAL PRIVILEGE** – Mr. Washington recognized that his daughter, Jalisa was in the audience.

**Heart Healthy Month Resolution** – This item was deferred to a future meeting.

#### OPEN/CLOSE PUBLIC HEARINGS

- **Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its hospital facilities revenue bonds (The Lutheran Homes of South Carolina, Inc.) Series 2013, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$42,000,000** – No one signed up to speak.
- **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** – No one signed up to speak.

#### APPROVAL OF CONSENT ITEM

- **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 nonappropriated funds for programs in the Solicitor's and Sheriff's Office using said funds related to and from the Lending Tree settlement [THIRD READING]**
- **13-01MA, Columbia United FC, Stephen D. Searcy, CC4 to CC3 (24.14 Acres), Sunbelt Blvd., 09409-01-03 [THIRD READING]**
- **13-02MA, Circle K, Inc., Evan Walton, NC/MH to GC (1.5 Acres), Fore Ave. & Aubrey St., 22914-02/01/10/11 [THIRD READING]**
- **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 [SECOND 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 [SECOND READING]**
- **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 [SECOND READING]**

- **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 [SECOND READING]**
- **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 [SECOND READING]**

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

### THIRD READING

**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** – Mr. Malinowski moved, seconded by Mr. Jeter, to approve the item with the following amendments to the purchase agreement: to include language that the purchaser prior to final purchase of the property would have to reimburse seller for any damages that occur to the property; if purchaser completes road it must be up to Richland County Road Standards; and that the reimbursement of costs would be mutually-agreed upon by the County and the purchaser. The vote in favor was unanimous.

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

### SECOND READING

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to abolish the Appearance Commission and to amend the Conservation Commission's responsibilities to include appearance** – Ms. Dixon moved, seconded by Mr. Jackson, to amend the Richland County Conservation Commission responsibilities to include the fostering of civic pride in the beauty and assets of the County and, in all other ways possible, assure a functional, efficient and visual attractive County in the future. In addition, the Commission will support policies which

protect and improve the general appearance of all buildings, structures, landscaping and open areas of the County. The Appearance Commission funding shall be allocated to the Conservation Commission to offset the responsibility that they will now endure. A discussion took place.

The vote was in favor.

### FIRST READING

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; so as to include funds for resurfacing of existing paved roads** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson requested that direction on the presentation of the Heart Healthy Month Resolution.

### REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**An Ordinance Authorizing a Fee in Lieu of Tax Agreement between Richland County and Project Form [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

**Project Form Inducement Resolution** – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

**Pineview Land Options** – Mr. Livingston stated that the committee recommended approval of this item. The vote was in favor.

### REPORT OF RULES AND APPOINTMENTS COMMITTEE

#### I. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Community Relations Council Appointments** – Mr. Malinowski stated that the committee recommended that the Community Relations Council be advised that based on their bylaws they may reduce the number of members for the Board of Directors. The vote in favor is unanimous.
- b. **If the number of applicants for a Richland County board or committee exceeds the number of available positions there will be no interviews of those applicants. The reason for this motion is that after the Rules & Appointments Committee takes the time to interview applicants and make recommendation to full council based on that interview, council members who supported someone else not chosen request an individual vote for political reasons rather than needs of the committee they applied for. It becomes a waste of the applicants time to be interviewed and committee's**

time if this is the process preferred [MALINOWSKI] – Mr. Malinowski stated that the committee recommended that interviews of applicants still be held unless there are special circumstances, i.e. Transportation Penny Advisory Committee. The vote in favor was unanimous.

**OTHER ITEMS**

**A Resolution to appoint and commission Michael Zaprzalka as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County** – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

**H.3290/S.203 “Flow Control” Opposition Resolution** – Mr. Malinowski moved, seconded Mr. Jeter, to approve this item. The vote in favor was unanimous.

**Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its hospital facilities revenue bonds (The Lutheran Homes of South Carolina, Inc.) Series 2013, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$42,000,000** – Mr. Jeter moved, seconded by Mr. Pearce, to approve this item. 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. Washington moved, seconded by Mr. Jackson, to deny this item. The vote in favor was unanimous.

**CITIZEN’S INPUT**

Mr. Ronald Colley spoke regarding concerns with law enforcement.

**EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 8:05 p.m. and came out at approximately 8:11 p.m.**  
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- a. **Land Development Code Update** – No action was taken.
- b. **MOU Renewal** – Mr. Livingston moved, seconded by Mr. Jeter, to proceed as directed in Executive Session. The vote in favor was unanimous.

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

### MOTION PERIOD

**I hereby move to direct staff to seek the closing of all sexually oriented businesses operating in violation of the Richland County sexually oriented business ordinance by any and all legal means necessary for swift and permanent compliance. This will require the present and future assistance of Richland County law enforcement [ROSE and MALINOWSKI]** – This item was referred to the D&S Committee.

**Council create an ad hoc committee to study the procurement evaluation process [MANNING]** – This item was referred to the Economic Development Committee.

**I move that all businesses operating without license and proper license for their businesses be closed. The Business Center should have a list and coordinate with the Sheriff's Department to not just impose a fine but order them closed. Businesses are operating without license, liquor, beer and wine and without the proper license to avoid paying their fair share and be in compliance [JACKSON]** – This item was referred to the D&S Committee.

**Due to the fact that by law SOB's shall exist, I move to close all SOB's that are in violation and develop a new criteria that will allow them to exist without hardship causing frivolous lawsuits to the County. Suggestions on the new criteria will follow with input from the Legal Department [JACKSON]** – This item was referred to the D&S Committee.

### ADJOURNMENT

The meeting adjourned at approximately 8:13 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