



**MINUTES OF
RICHLAND COUNTY COUNCIL
REGULAR SESSION
SEPTEMBER 10, 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	Bill Malinowski
Member	Paul Livingston
Member	Seth Rose
Member	Torrey Rush
Absent	Jim Manning

OTHERS PRESENT – Tony McDonald, Roxanne Ancheta, Sparty Hammett, Warren Harley, Brad Farrar, Amelia Linder, Tracy Hegler, Sara Salley, Nelson Lindsay, Quinton Epps, Buddy Atkins, Andy Metts, John Hixon, Geo Price, David Hoops, Dale Welch, Beverly Harris, Justine Jones, Rob Perry, Daniel Driggers, Howard Jackson, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:03 p.m.

INVOCATION

The Invocation was given by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

PRESENTATION OF RESOLUTIONS

- a. **A Resolution honoring Josiah Washington on representing Richland County with his participation on Jeopardy and for speaking on behalf of the Richland Library at the Budget Public Hearing [JACKSON]** – The resolution was presented by Mr. Jackson and Mr. Washington to Josiah Washington.
- b. **A Proclamation honoring Micah Washington for speaking on behalf of the Richland Library at the Budget Public Hearing [JACKSON]** – The proclamation was presented by Mr. Jackson and Mr. Washington to Micah Washington.

APPROVAL OF MINUTES

Zoning Public Hearing: July 23, 2013 – Mr. Pearce moved, seconded by Mr. Livingston, to approve the minutes as distributed. The vote in favor was unanimous.

Special Called Meeting: July 23, 2013 – Mr. Livingston moved, seconded by Mr. Pearce, to approve the minutes as distributed. 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

- a. **Election Fee Agreement (Richland Library)**
- b. **Monticello Road Streetscaping—Condemnation Update**
- c. **City of Columbia Intergovernmental Agreement (Elections)**
- d. **Eastover Wastewater Treatment Plant (Contractual)**
- e. **Columbia Venture—Litigation Update** – This item was deferred to the September 17th Council meeting.
- f. **SC Public Interest Foundation—Litigation Update**
- g. **Carolina Walk/Serrus—Litigation Update** – No action was taken.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:19 p.m. and came out at approximately 6:52 p.m.
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CITIZENS INPUT

Ms. Staci Richey spoken regarding Item #24: Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6".

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Introduction of New Employees** – Mr. McDonald introduced Mr. Howard Jackson, Elections Director and Mr. Rob Perry, Transportation Director.
- b. **Mitigation Bank Update** – This item was taken up in Executive Session.
- c. **Potential Purchase of Property** – This item was taken up in Executive Session.
- d. **Proposed Transportation Penny RFP Work Session: Tuesday, September 17, 2013; 3:30-5:00 PM** – Mr. Livingston moved, seconded by Ms. Dickerson, to hold the Transportation Penny RFP work session on Tuesday, September 17th, 3:30-5:00 PM. The vote in favor was unanimous.

REPORT OF THE CLERK OF COUNCIL

- a. **SCAC Institute of Governments and County Council Coalition, October 17 and 18, Embassy Suites, Columbia** – Ms. Onley stated that the Institute of Government and County Coalition will be held October 17th and 18th at Embassy Suites. Council members wishing to attend should contact the Clerk's Office.
- b. **REMINDER: Midlands Housing Trust Fund Breakfast, Wednesday, September 11, 8:00 AM, EdVenture Children's Museum—The Canal Room** – Ms. Onley reminded Council of the Midlands Housing Trust Fund Breakfast on Wednesday, September 11th, 8:00 AM at EdVenture Children's Museum.
- c. **Scheduling Council Member Individual Photos** – Ms. Onley requested that any Council member that would like to have new individual photos taken to contact the Clerk's Office to schedule a convenient date and time.

REPORT OF THE CHAIR

Mr. Washington stated that Mr. Manning was not able to attend the Council meeting because he was traveling.

- a. **New County Lapel Pins** – Mr. Washington stated that Council members elected to purchase “Lapel Pin A”.

PRESENTATION

Community Healthcare Services: Mac Bennett, President & CEO, United Way of the Midlands – Mr. Bennett gave a brief overview of the program.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Establishing a Temporary Moratorium on the approval of any Special Exception Requests to Establish a Special Congregate Facility within the unincorporated areas of Richland County** – No one signed up to speak.
- **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.
- **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 2012 Edition 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** –No one signed up to speak.
- **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** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **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 [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article II, Rules of Construction; Definitions; Section 26-22, Definitions; and Amending Article VII, General Development, Site, and Performance Standards; Section 26-186, Green Code Standards; so as to replace those standards with “Development with Open Space Design Standards” and Amending Article X, Subdivision Regulations; Section 26-222, General**

Requirements; Subsection (G), Natural Resource Inventory; Paragraph (1); so as to delete the requirement of a desktop analysis [THIRD READING]

- **13-17MA, Steven Mungo/Gerald Steele, RU to RS-LD (58.7 Acres), 1842 Kennerly Rd., 04200-04-07 & 08 [SECOND READING]**
- **13-19MA, Will Holmes, RS-MD to OI (15.26 Acres), 2312 Clemson Rd., 20200-01-30 [SECOND READING]**
- **13-25MA, Mukesh Thakkar, RU to RC (1.76 Acres), 10447 & 10453 Wilson Blvd., 15000-02-09 [SECOND READING]**
- **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 [SECOND READING]**
- **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 [FIRST READING]**
- **Community Use of County Facilities**
- **Consent Agenda Deferral Policy**
- **Codify Property Maintenance Regulations [FIRST READING]**

Mr. Livingston moved, seconded by Ms. Dixon, to approve the Consent Items. The vote in favor was unanimous.

THIRD READING

An Ordinance Establishing a Temporary Moratorium on the approval of any special exception requests to establish a special congregate facility within the unincorporated areas of Richland County – Mr. Malinowski moved, seconded by Mr. Rush, to approve this item. The vote in favor was unanimous.

Small Local Business Enterprise (“SLBE”) – Ms. Dickerson moved, seconded by Ms. Dixon, to approve this item. A discussion took place.

Ms. Dickerson made a substitute motion, seconded by Ms. Dixon, to amend Sec. 2-641(2)(b) to read: "Architectural business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$2.5 million in its most recently completed 3 fiscal years." A discussion took place.

Mr. Jackson requested to also amend Sec. 2-641(2)(d) to read: "Engineering business firms, have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$5 million in its most recently completed 3 fiscal years."

Mr. Washington made a second substitute motion, seconded by Ms. Dixon, to defer this item to the September 17th Transportation Penny RFP work session and to place the item on the September 17th Council agenda for action. The vote in favor was unanimous.

Proposed Amended Scope of Work for Administration of Richland County's SLBE Program – Mr. Jeter moved, seconded by Ms. Dickerson, to defer this item to the September 17th Transportation Penny RFP work session and to place the item on the September 17th Council agenda for action. The vote in favor was unanimous.

FIRST READING ITEMS

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) – Mr. Rush moved, seconded by Ms. Dickerson, to approve this item.

Mr. Livingston moved, seconded Mr. Pearce, to divide the question. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Livingston, to appropriate up to \$420,000 to fund the feasibility studies. A discussion took place.

The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Mr. Rush, to appropriate \$50,000 for the Olive Branch Network. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dixon, to appropriate \$47,000 for the Capital City Classic. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized that SC State Coach Jeffries and I. S. Leevy Johnson were in the audience.

FY14 Township Funding – Mr. Pearce moved, seconded by Mr. Malinowski, to appropriate an additional \$71,000 for the Township Auditorium. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Acquisition of Unclaimed Land within Undeveloped Right of Ways for Devils Ditch Maintenance Access and Enhancement – Mr. Malinowski moved, seconded by Mr. Rose, to approve Alternative #1: “Approve the request for the acquisition of unclaimed lands (existing undeveloped ROWs) for an estimated cost of \$3,000” for an extensive title search and legal notification in the Stormwater budget. The vote in favor was unanimous.

Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6 – Mr. Jackson moved, seconded by Ms. Dickerson, to refer this item back to the D&S Committee. The vote in favor was unanimous.

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 [FIRST READING] – Mr. Jackson moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

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 of the payment of the Note; Providing for the disposition of the proceeds thereof; and other matters relating thereto [FIRST READING] – Mr. Jackson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Approval of Intertape Polymer Group Set Aside Grant – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Approval of Project Form Closing Fund Grant – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANIES

- a. **Building Codes Board of Appeals—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Airport Commission—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Anne G. Kelly. The vote in favor was unanimous.
- c. **Community Relations Council—2** – Mr. Malinowski stated that the committee recommended appointing Dr. Allen Coles and Ms. Kerry Feduk. The vote in favor was unanimous.
- d. **East Richland Public Service Commission—1** – This item was held in committee.
- e. **Employee Grievance Committee—4** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- f. **Hospitality Tax Committee—2** – This item was held in committee.
- g. **Midlands Workforce Development Board—8** – This item was held in committee.

OTHER ITEMS

A Resolution to appoint and commission Daniel Seth McBride as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County –

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

Report of the Dirt Road Committee:

- a. **Dirt Road Update** – This item was for information.
- b. **Construction Contract** – Ms. Dixon stated that the committee recommended authorizing staff to negotiate an amendment to the South Paving contract with

Cherokee, Inc. to include paving the 10 priority low volume roads this paving season. The vote in favor was unanimous.

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

CITIZENS' INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 7:42 p.m. and came out at approximately 7:57 p.m.
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- a. **Election Fee Agreement (Richland Library)** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.
- b. **Monticello Road Streetscaping – Condemnation Update** – Mr. Livingston moved, seconded by Mr. Washington, to proceed with the condemnation action. The vote was in favor.
- c. **City of Columbia Intergovernmental Agreement (Elections)** – Mr. Washington moved, seconded by Mr. Rose, to authorize the County Administrator to enter into IGA with the revised attorney fees language and making any changes necessary by the recent Circuit Court ruling related to the Election Board. The vote in favor was unanimous.
- d. **Eastover Wastewater Treatment Plant (contractual)** – Mr. Rose moved, seconded by Mr. Washington, to authorize the Legal Department to revise the contract as appropriate and finalize the terms with Eastover's counsel. The vote was in favor.
- e. **SC Public Interest Foundation – Litigation Update** – No action was taken.
- f. **Mitigation Bank Update** – Mr. Jackson moved, seconded by Ms. Dixon, to direct staff to enter into negotiations with the US Army Corps of Engineers (USACE), SC Department of Health and Environmental Control (SCDHEC), SC Department of Natural Resources, Haile Gold Mine, Inc. and other impacted parties to discuss the proposed mitigation plan set forth in the USACE public notice dated July 9, 2013; ~~to direct Administration to file comments to the USACE and SCDHEC on the proposed mitigation plan, and if necessary, file an Administrative Appeal of the 404 Permit and 401 Water Quality Certification.~~ **{The portion of the minutes was reconsidered and stricken at the September 17th Council meeting.}** The vote in favor was unanimous.

g. Potential Purchase of Property:

1. Mr. Jackson moved, seconded by Ms. Dixon, to direct staff to negotiate and close a contract, at or below, the amount discussed in Executive Session, with Mr. Hopkins to purchase approximately 575 acres for the establishment of mitigation bank. The vote in favor was unanimous.
2. Mr. Jackson moved, seconded by Mr. Malinowski, to direct staff to negotiate and close on an option/agreement, at or below, the amount discussed in Executive Session, on the Beta Tract for the purchase of approximately 1,800 acres of land to include mitigation credits on the property. The vote in favor was unanimous.

MOTION PERIOD

- a. **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]** – This item was referred to the Rules & Appointments Committee.
- b. **Start a search for the relocation of the storage of Election Voting Machines and equipment and possibly the Election Commission's office [JACKSON]** – This item was referred to the D&S Committee.
- c. **Religious places located in GC or Industrial areas shall not be subjected to the regular buffers as in properly zoned districts [JACKSON]** – This item was referred to the D&S Committee.
- d. **To implement Richland County Community Gardens as a part of the Richland County Healthy Lifestyle Initiative and to be housed with NIP to promote partnerships with neighborhoods and communities. Support from other County Departments is important for sustainability [DIXON]** – This item was referred to the D&S Committee.
- e. **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 referred to the Rules & Appointments Committee.
- f. **Consider purchasing security cameras as a crime prevention mechanism and for the safety of the citizens in Richland County to be placed in strategic locations along distressed corridors and communities where crime is increasingly an issue**

per the recommendation of Sheriff Leon Lott and the Community Action Team (CAT) [DICKERSON] – This item was referred to the A&F Committee.

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Regular Session
Tuesday, September 10, 2013
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- g. I move that we give First Reading by Title Only to an ordinance granting a sewer easement to Lexington/Richland 5 School District over a portion of TMS # 03300-01-06 [WASHINGTON]** – Mr. Jackson moved, seconded by Mr. Livingston, to give First Reading by Title Only to this item. A discussion took place.

The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 9:22 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