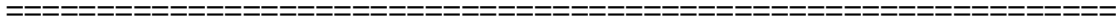


MINUTES OF



**RICHLAND COUNTY COUNCIL
REGULAR SESSION
TUESDAY, NOVEMBER 13, 2012
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 | Valerie Hutchinson |
| Member | Norman Jackson |
| Member | Gwendolyn Davis Kennedy |
| Member | Bill Malinowski |
| Member | Jim Manning |
| Member | Paul Livingston |
| Member | Seth Rose |
| Absent | Damon Jeter |

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Yanisse Adrian-Silva, Sara Salley, John Hixon, Nelson Lindsay, Geo Price, Tracy Hegler, David Hoops, Dale Welch, Janet Claggett, Hayden Davis, Alonzo Smith, Buddy Atkins, Michael Byrd, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:08 p.m.

INVOCATION

The Invocation was given by the Honorable Valerie Hutchinson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Valerie Hutchinson

APPROVAL OF MINUTES

Regular Session: October 16, 2012 – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: October 23, 2012 – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Livingston moved, seconded by Mr. Pearce, to adopt the agenda as published. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following were potential Executive Session Items:

- a. **Palmetto Utilities Update**
- b. **Landfill/Contractual Matter**
- c. **Personnel Matter**
- d. **SOB Update**
- e. **Legal Advice – Elections**
- f. **Employee Grievance**
- g. **Franchise Fees** – Mr. Farrar stated that the Attorney General's opinion regarding franchise fees had been forwarded to all Council members.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Transportation Penny Update – Mr. McDonald stated the next steps would be to finalize the program management RFP, to finalize the small/local/minority ordinance provisions, and to complete the job description for the Transportation Director.

Parking Meter Proposal – Mr. McDonald proposed a 3-month pilot program of not charging a parking fee to those doing business at the Administration building. Council directed the matter be placed on the November A&F agenda.

TIF Update – Mr. McDonald stated that the proposed timeline is as follows: 1st Reading by Title Only—November 20th; 2nd Reading & Public Hearing—December 4th; and 3rd Reading—December 11th.

911 Call Center Recognition – Mr. McDonald recognized the Columbia/Richland 911 Call Center for being award the 911 Center of the Year during the annual APCO/NENA Conference. The Center was recognized for: Recent Technology Upgrades; CALEA National Accredited Agency; Support of Community and First Responders; Training Programs; Employee Incentive Programs; and Dedicated Work Force.

“Security of County Records” IT Information Video – Ms. Claggett briefed Council on this item. Mr. McDonald will review Ms. Claggett’s recommendations and report back to Council at the November 20th Council meeting.

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

REPORT OF THE CLERK OF COUNCIL

TIF Work Session [Proposed Date: November 27, 4:00-5:00 p.m.] – Mr. Livingston moved, seconded by Mr. Washington, to hold a work session regarding the TIF on November 27th, 4:00-5:00 p.m. The motion failed.

2013 Council Retreat [Proposed Dates: January 24-25, 2013] – Mr. Livingston moved, seconded by Mr. Manning, to hold the 2013 Council Retreat on January 24-25. The vote in favor was unanimous.

Council members are to forwarded proposed venues for the Retreat to the Clerk’s Office.

Proposed 2013 Council Meeting Calendar – Mr. Washington moved, seconded by Ms. Hutchinson, to defer this item. The vote was in favor.

Council Rules Work Session [Proposed Date: November 29, 5:00-6:00 p.m.] – Mr. Livingston moved, seconded by Mr. Manning, to hold a work session regarding Council Rules on November 27th, 4:00-5:00 p.m. The vote in favor was unanimous.

REPORT OF THE CHAIRMAN

Business Friendly Task Force Recommendations Work Session: [Proposed Dates: November 29, 4:00-5:00 p.m.] – Mr. Livingston moved, seconded by Ms. Hutchinson, to hold a Business Friendly Task Force work session on November 29th, 5:00-6:00 p.m. The vote in favor was unanimous.

Personnel Matter – This item was taken up in Executive Session.

Penny Referendum Next Steps – This item was deferred until the November 20th Council meeting.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 3A, Tax Assessor; so that a new department will be created, and Amending Chapter 23, Taxation; Article II, Tax Assessor and Article III, Board of Assessment Control; by deleting the language therein** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2012-2013 Solid Waste Enterprise Fund Annual Budgets to appropriate \$972,600 of Solid Waste Enterprise Unassigned Fund Balance for transfer to Solid Waste Operating Budget for the sole purpose of purchasing roll carts** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$184,496 of General Fund Unassigned Fund Balance for Grant Match to Departments for grants approved through the FY13 Budget Process** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances No. 043-01HR Section 24 to increase the rate of copy charges for autopsy reports to \$500** – No one signed up to speak.
- **An Ordinance Authorizing a Quit-Claim Deed to Mary Tyler Robinson for an unnamed road shown on a plat in Plat Book “13” at Page 147 and recorded in the Richland County Register of Deeds; and being further described as Richland County TMS#07313-07-01** – No one signed up to speak.
- **An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS#15209-01-04, also known as 218 McNulty Street** – No one signed up to speak.
- **An Ordinance Amending the FY12-13 General Fund Annual Budget to add a Full-Time Paralegal position in the Public Defender’s Office** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 3A, Tax Assessor; so that a new department will be created, and Amending Chapter 23, Taxation; Article II, Tax Assessor and Article III, Board of Assessment Control; by deleting the language therein [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2012-2013 Solid Waste Enterprise Fund Annual Budgets to appropriate \$972,600 of Solid Waste Enterprise Unassigned**

Fund Balance for transfer to the Solid Waste Operating Budget for the sole purpose of purchasing roll carts [THIRD READING]

- **And Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$184m496 of General Fund Unassigned Fund Balance for Grant Match to Departments for grants approved through the FY13 Budget Process [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 6A, Conservation; so that a new department will be created [THIRD READING]**
- **An Ordinance Amending Ordinance 043-10HR, so as to increase the rate of copy charges for autopsy reports to \$500 [THIRD READING]**
- **An Ordinance Authorizing the Second Amendment of that certain Fee Agreement by and between Richland County, South Carolina and [Project Resolve], relating to, without limitation, the payment to Richland County of a fee in lieu of taxes and the grant of a special source revenue credit to [Project Resolve], and other matters relating thereto [SECOND READING]**
- **An Ordinance Authorizing the execution and delivery of an Intergovernmental Agreement by and between Richland County, South Carolina, the Town of Blythewood, South Carolina relating to [Project Resolve] and the business license fee on the investment by [Project Resolve], and other matters related thereto [SECOND READING]**
- **12-32MA, Terry Darragh, Richland County Landfill, Inc., RU to HI (79.11 Acres), Screaming Eagle Rd., 31600-02-18(p) [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; so as to repeal the Green Code Standards and to have Section 26-186 read as "Reserved" [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-176 Landscaping Standards; Subsection (J), Protection of Existing Trees During Development; Paragraph (3), Exemptions-Protection; so as to remove buffer and BMP requirements for forestry activities [SECOND READING]**
- **Changes to Employee Handbook-Promotion Probation**
- **Ridgewood Monticello Road Streetscape Project (Bid Award Approval and Commercial Lighting Fee Increase)**

- **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 [FIRST READING]**
- **Water Line Installation on Larger Street**
- **Broad River Sewer Monthly User Fee [TO TABLE]**
- **An Ordinance Authorizing a Quit-Claim Deed to Mary Tyler Robinson for an unnamed road shown on a plat in Plat Book "13" at Page 147 and recorded in the Richland County Register of Deeds; and being further described as Richland County TMS#07313-07-01 [FIRST READING]**
- **An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS#15209-01-04, also known as 218 McNulty Street [FIRST READING]**

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

THIRD READING ITEM

An Ordinance Authorizing the issuance and sale of not to exceed \$9,000,000 Fire Protection Service General Obligation Bonds, Series 2012B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; Authorizing the Interim County Administrator to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; adopting written procedures related to tax-exempt debt; and other matters relating thereto – Mr. Pearce moved, seconded by Mr. Washington, to approve this item. A discussion took place.

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

The vote was in favor of the motion to approve this item.

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$11,830 of General Fund Unassigned Fund Balance for the Legal Department for salary adjustments – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

General Obligation Bonds for the Richland County Recreation Commission – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the committee's recommendation. A discussion took place.

The vote in favor was unanimous.

Santee Wateree Transit Authority Motion and COG Transit Analysis – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the committee's recommendation. The vote was in favor.

IT Server Room HVAC Upgrade – Mr. Malinowski moved, seconded by Ms. Hutchinson. A discussion took place.

The vote in favor was unanimous.

Broad River Road Corridor Lighting Project – Mr. Malinowski moved, seconded by Mr. Jackson, to further negotiate the agreement with SCE&G. A discussion took place.

Mr. Rose made a substitute motion, seconded by Mr. Malinowski, to defer this item. The motion to defer failed.

The motion to further negotiate the agreement with SCE&G failed.

Ms. Dickerson moved, seconded by Ms. Kennedy, to approve staff's recommendation. The vote was in favor.

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to add a Full-Time Paralegal position in the Public Defender's Office [FIRST READING] – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote was in favor.

Develop a Master Plan for the Olympia Neighborhood [TO TABLE] – Mr. Washington moved, seconded by Mr. Rose, to authorize staff to discuss with the City of Columbia an option to partner with the County on Master Plan(s) for the Olympia and Whaley communities. Recommendations will be discussed at the Council Retreat.

Mr. Rose made a substitute motion, seconded by Mr. Malinowski, to authorize staff to engage the City of Columbia on their willingness to a partner in a Master Plan for the Olympia and Whaley Street neighborhoods. Mr. Rose withdrew his substitute motion.

The vote in favor.

Council Members to Review the Comprehensive Plan's Current and Future Land Use Maps [RECEIVE AS INFORMATION] – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve the committee's recommendation. The vote in favor was unanimous.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

A Resolution Authorizing the exercise of the option pursuant to the Option Agreement between the County and VB Blythewood Properties LLC and other matters related thereto – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Authorizing the execution and delivery of an agreement between the County and [Project Resolve] to provide for the conveyance of certain property from the County to [Project Resolve] and other matters related thereto [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

A Resolution Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "incentive agreement") between Richland County, South Carolina (the "County") and Constantia Hueck Foils, L.L.C., acting for itself, and one or more affiliates or other project sponsors (the "Company"), whereby, under certain conditions, the County shall grant incentives to the Company in connection with the expansion of certain manufacturing facilities in the County (the "Expansion Project"), in which agreement the County will covenant to accept certain negotiated fee in lieu of Ad Valorem taxes with respect to the Expansion Project; (2) Certain special source credits in connection with the Expansion Project; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company; and (4) other matters relating thereto – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "Incentive Agreement") between Richland County, South Carolina (the "County") and Constantia Hueck Foils L.L.C., acting for itself, and one or more affiliates or other project sponsors (the "Company"), whereby, under certain conditions, the County shall grant incentives to the Company in connection with the expansion of certain manufacturing facilities in the County (the "Expansion Project"), in which agreement the County will covenant to accept certain negotiated fees in lieu of Ad Valorem taxes with respect to the Expansion Project; (2) Certain special source credits in connection with the Expansion Project; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company; and (4) other matters relating thereto [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Bailey Bill Ordinance – This item was deferred until the November 20th Council meeting.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Airport Commission—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- b. **Board of Zoning Appeals—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- c. **Richland Memorial Hospital Board—3** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Appearance Commission: [MALINOWSKI]**
 1. **Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that.**
 2. **Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting.**

Mr. Malinowski moved, seconded by Mr. Livingston, to approve the committee's recommendation. The vote in favor was unanimous.

OTHER ITEMS

A Resolution to appoint and commission Andrew Sly Thompson as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County –

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

REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE:

- a. **Update on RFQ Response: Operations/Management of Complex** – Ms. Kennedy stated that the committee recommended holding interviews of the top two firms on November 27th, 3:00-4:00 p.m. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 7:58 p.m. and came out at approximately 9:05 p.m.
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- a. **Palmetto Utilities Update** – Mr. Malinowski moved, seconded by Mr. Jackson, to direct staff to proceed as directed in Executive Session. The vote in favor was unanimous.
- b. **Landfill Contractual Matter** – Ms. Dickerson moved, seconded by Mr. Jackson, to approve the assessment with the exception of the language “as and accommodate” and the language “an obligation” in paragraph 2 of the agreement. The vote in favor was unanimous.
- c. **Personnel Matter** – No action was taken.
- d. **Employee Grievance** – Mr. Livingston moved, seconded by Mr. Malinowski, to accept the Administrator’s recommendation. The vote in favor was unanimous.
- e. **SOB Update** – Mr. Pearce moved, seconded by Mr. Livingston, to direct the County Administrator and the County Attorney to enter into Option #1 as discussed in Executive Session.

<u>For</u>	<u>Against</u>
Jackson	Rose
Hutchinson	Malinowski
Pearce	
Washington	
Livingston	
Dickerson	
Kennedy	
Manning	

The vote was in favor.

- f. **Legal Advice—Elections** – Mr. Livingston moved, seconded by Mr. Manning, to direct the Legal Department to intervene and participate as permitted by law in the penny sales tax protest. The vote in favor was unanimous.

MOTION PERIOD

I move that Richland County request the City of Columbia to enter into a Tax Increment Financing (TIF) zone on Broad River Road from Sunset Drive to Piney Grove Road [MALINOWSKI] – This item was referred to the A&F Committee.

That Richland County Fire Service pursue entering into an automatic aid agreement with neighboring counties and municipalities [MALINOWSKI & KENNEDY] – This item was referred to the Fire Ad Hoc Committee.

Work with the Voter’s Registration/Election Commission to identify inadequate precincts in each district and recommend replacement sites. Preferable a park, gym, or school to accommodate a large crowd inside. REASON: Based on the new census each district has increased immensely and some facilities cannot accommodate the crowd. Citizens should not have to be waiting on the road facing traffic and endangering their lives [JACKSON] – This item was referred to the D&S Committee.

Richland County Council develop a report from the Legislative Delegation’s hearing including a course of action to support resolving the unfortunate Election Day problems [JACKSON] – This item was referred to the D&S Committee.

Properly staff the PR Office and start broadcasting the D&S Committee, A&F Committee, and Zoning Public Hearing meetings. REASON: To many times citizens see the live broadcast and do not have a clue on how or what discussions took place to make some decisions. As for Zoning, it allows the citizens to see what is proposed for all areas [JACKSON] – This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:08 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Damon Jeter

Bill Malinowski

Jim Manning

Paul Livingston

Seth Rose

The minutes were transcribed by Michelle M. Onley