



**MINUTES OF
RICHLAND COUNTY COUNCIL
REGULAR SESSION
JUNE 18, 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	Jim Manning
Member	Paul Livingston
Member	Seth Rose
Member	Torrey Rush

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Justine Jones, Amelia Linder, John Hixon, Geo Price, Ismail Ozbek, Tracy Hegler, Annie Caggiano, 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 Joyce Dickerson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

APPROVAL OF MINUTES

Regular Session: June 4, 2013 – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as distributed.

Ms. Dixon moved, seconded by Mr. Malinowski, to reconsider the "Report of the Dirt Road Committee" portion of the minutes. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Jeter recognized that Representative Todd Rutherford was in the audience.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that Blythewood Councilman Ed Garrison was in the audience.

Ms. Dixon moved, seconded by Mr. Jackson, to approve the entire plan for the paving dirt roads as presented by staff. The vote in favor was unanimous.

Recommended Plan for Paving Dirt Roads:

1. Roads with Dedicated Right of Way – There are 50 roads with dedicated right of way. Screening of these roads for eligibility in accordance with County ordinances identified 27 that qualify for paving. The following steps shall be taken to advance these roads to construction:
 - a. Eligible Roads: Enter into a contract for the design and plan preparation, receive construction bids, and award construction contracts. Roads will be designed in accordance with the Richland County Low Volume Traffic Design Manual (LVT Manual).
 - b. Ineligible Roads: Review ineligible roads for possible adjustments or corrective actions that they qualify the roads for paving. It is anticipated that several additional roads may be determined to be eligible for paving.
2. Roads with Prescriptive Right of Way – Roads that have been maintained as a public way for a number of years are deemed to have prescriptive right of way for the width actually maintained. Usually the maintained width of dirt road is not sufficient to allow paving for appropriate land widths and drainage. The following steps will be taken to advance these roads to paving:
 - a. Screen roads for sufficient width for paving in accordance with the LVT Manual. The screening will be done in order of priority ranking within each Council District. Roads found to have sufficient width will be designed and bid for construction.
 - b. For roads without sufficient prescriptive right of way, the County will request property owners to grant right of way to the County by deed or easement. A community outreach program will be initiated to accomplish this. The outreach program will

educate the public and property owners along the unpaved roads regarding the paving program. The elements of the outreach program will include:

1. Send letters to property owners,
 2. Conduct community meetings to meet with property owners to explain the paving program,
 3. Request property owners to sign a statement expressing their willingness to grant the right of way needed for paving their road, and
 4. Make personal contact and/or visit to property owners not willing to grant right of way.
- c. Roads for which all property owners have indicated in writing their willingness to grant right of way will be advanced to design in accordance with the LVT Manual and construction based on the priority ranking within each Council district. If all property owners along a road have not expressed their willingness to grant right of way within 120 days of receiving the initial letter, the road will be removed from consideration for paving. If in the future all property owners agree, the road will be placed in its original priority order for paving.

Order of Project Advancement: As it is not possible to advance all roads to design and paving concurrently, the paving of dirt roads will be advanced in groups totaling three miles in length per Council district. The groups shall include roads with and without dedicated right of way. Roads will be pursued in priority order within each Council district group. In order to pursue the work in an efficient and expedient manner, the projects may be grouped into logical contract packages.

ADOPTION OF THE AGENDA

Mr. Jackson moved, seconded by Mr. Rush, to approve the agenda as distributed. The vote in favor was unanimous.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

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

- a. **Darrell's H-Tax Settlement**
- b. **Contractual Matter: IT**
- c. **Contractual Matter: Potential Purchase of Property – Airport**
- d. **Economic Development Land Acquisition**

EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:08 p.m. and came out at approximately 6:24 p.m.
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CITIZENS INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **3rd Reading of Budget: Wednesday, June 19, 6:00 PM** – Mr. McDonald reminded Council members of the 3rd Reading of the Budget and stated that Council members should have received the updated motions list last week.
- b. **Transportation Penny Director Update** – Mr. McDonald stated that Administration is close to making an offer regarding this position.
- c. **Public Information Director Update** – Mr. McDonald stated that Administration is close to making an offer regarding this position.
- d. **Recycle Day Update** – Mr. McDonald stated that Recycle Day was held on May 20th at the State Fairgrounds and more than 100 tons of items including: Household Hazardous Waste, Electronics, Metals, and Tires. Several local schools participated as an educational event to learn about all manner of environmental issues from storm water to sustainability. A special thanks to the Solid Waste Department for organizing this event.

REPORT OF THE CLERK OF COUNCIL

- a. **REMINDER: July Meeting Schedule** –Ms. Onley stated that the July meeting dates were July 2, 16 and 23rd.

Ms. Dickerson moved, seconded by Mr. Malinowski, to approve the July meeting schedule as announced by the Clerk.
- b. **2nd Annual Owing, Maintaining & Gardening (OMG) of Homeownership, June 22nd 8:00 AM-10:00 AM, Midland Technical College, NE Campus** – Ms. Onley stated that Council received an invitation to the 2nd Annual Owing, Maintaining and Gardening (OMG) of Homeownership, June 22nd from 8-10 AM at Midlands Technical College, NE Campus.

REPORT OF THE CHAIR

- a. **High Speed Rail Coalition** – Mr. Washington stated that a High Speed Scoping Meeting was held in Charlotte, NC. Ms. Dixon, Mr. Rush and Mr. Washington attended the meeting. A Multi-County High Speed Rail Coalition is to be formulated with Fairfield County, Lexington County, and Aiken County with the assistance of the COG and the Chamber of Commerce.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce stated that B. B. King will be appearing at the Township Auditorium on July 18th.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that former Council member Tony Mizzell was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized that the Mayor of Eastover, Geraldene Robinson and Eastover Councilwoman Rhudine Robinson were in the audience.

- b. **SLBE Work Session** – Mr. Washington stated that staff is working to schedule a work session with Franklin Lee prior to the July 2nd Council meeting.

PRESENTATIONS

Voterheads Update, Mike Switzer – Mr. Switzer have brief update regarding the Voterheads website.

POINT OF PERSONAL PRIVILEGE – Ms. Dixon thanked staff for their hard work on the new County website.

OPEN/CLOSE PUBLIC HEARINGS

- a. **An Ordinance Providing for the Issuance and Sale of General Obligation Bonds (for the benefit of the Richland Library) of Richland County, South Carolina, in an aggregate principal amount of not exceeding fifty nine million three hundred twenty one thousand nine hundred dollars (\$59,321,900); delegating to the County Administrator certain authority related to the bonds; providing for the payment of said bonds; and other matters relating thereto** – Ms. Elaine Finney, Mr. Jerry Jewler, Mr. John Bradley, Ms. Helen King, Mr. Nancy Flowers, Ms. Ashley Wilkerson and Ms. Pat Campbell spoke in favor of this item.
- b. **An Ordinance Authorizing the Conversion of a Fee in Lieu of Tax Arrangement between Richland County, South Carolina and PCO Carolina Pines LP under Title 4, Chapter 12 of the Code of Laws of South Carolina, 1976, as amended, to an Arrangement under Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended; consenting to the transfer of the Fee in Lieu of Tax Arrangement to Project Packaging and extension of the term thereof upon certain**

conditions as provided herein; and other matters related thereto – No one signed up to spoke.

- c. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article I, Regulations Regarding County-Owned or Leased Property; Section 17-2, Parking on County Office Property; Subsection (a) and (b); and Section 17-3, Sheriff's Deputies assigned as Security Officers to issue tickets; Subsection (a); so as to limit public parking to two hours and to delete the provisions for parking meters – No one signed up to speak.**
- d. **An Ordinance Authorizing a Deed to CW Hangar Partners, LLC, for approximately 2.29 acres of land, constituting a portion of Richland County TMS # 13702-09-01A – No one signed up to speak.**
- e. **Small Local Business Enterprise ("SLBE") Program –No one signed up to speak.**

APPROVAL OF CONSENT ITEMS

- ❖ **13-12MA, Wayne Huggins, RU to OI (1.79 Acres), 9711 Garners Ferry Road, 24700-01-07 [THIRD READING]**
- ❖ **13-14MA, Boyce Haigler, HI to GC (1.03 Acres), 1051 Market St., 11206-04-05 [THIRD READING]**
- ❖ **13-16MA, Ryan Slattery, Killian's Crossing, PDD to PDD Amendment (398.66 Acres), 17400-02-04, 12, 14 & 16 [THIRD READING]**
- ❖ **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-52, Amendments; Subsection (b), Initiation of Proposals; Paragraph (2), Zoning Map Amendments; Subparagraph (b), Minimum Area of Zoning Map Amendment Application; so as to allow LI (Light Industrial) District Zoning contiguous to an existing Industrial District for a parcel with less than two (2) acres [THIRD READING]**
- ❖ **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements and Special Exceptions; Subsection (f), Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements listed by Zoning District; Paragraph (30), Dwellings, Single Family, Zero Lot Line, Common and Parallel; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (30) Dwellings, Single Family, Zero Lot Line, Common and Parallel; so as to remove**

certain permitted uses from the Office and Institutional Zoning District [THIRD READING]

- ❖ **An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, in general; Section 21-13, Emergency Maintenance of Roads; so as to delete subsection (c) in its entirety [SECOND READING]**

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

THIRD READING

An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article I, Regulations Regarding County Owned or Leased Property; Section 17-2, Parking on County Office Property; Subsections (a) and (b); and Section 17-3, Sheriff's Deputies assigned as Security Officers to issue tickets; Subsection (a); so as to limit public parking to two hours and to delete the provisions for parking meters – Mr. Rose moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

An Ordinance Authorizing a Deed to CW Hangar Partners, LLC, for approximately 2.29 acres of land, constituting a portion of Richland County TMS # 13702-09-01A – Mr. Jackson moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

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

An Ordinance Authorizing the Conversion of a Fee in Lieu of Tax Arrangement between Richland County, South Carolina and PCO Carolina Pines LP under Title 4, Chapter 12 of the Code of Laws of South Carolina, 1976, as amended, to an Arrangement under Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended; consenting to the transfer of the Fee in Lieu of Tax Arrangement to Project Packaging and extension of the term thereto – This item was approved under the Consent Agenda.

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

13-15MA, Gary Morris, M-1 to HI (33.5 Acres), 1091 Carolina Pines Dr., 17600-01-17 & 24 – Ms. Dickerson moved, seconded by Mr. Rush, to approve this item. The vote in favor was unanimous.

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

An Ordinance Approving a budget for and the distribution of the revenues from the one percent (1%) sales and use tax for transportation projects for Fiscal Year 2013-2014 and other matters related thereto – Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until the July 2nd Council meeting. The vote in favor was unanimous.

SECOND READING

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to approve and appropriate \$300,000 of General Fund Unassigned Balance for legally obligated claims for the Richland County Risk Management Department – Mr. Pearce moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

An Ordinance Providing for the Issuance and Sale of General Obligation Bonds (for the benefit of the Richland Library) of Richland County, South Carolina, in an aggregate principal amount of not exceeding fifty nine million three hundred twenty one thousand nine hundred dollars (\$59,321,900); delegating to the County Administrator certain authority related to the bonds; providing for the payment of said bonds; and other matters relating thereto – Ms. Dickerson moved, seconded by Mr. Jackson, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Ordinance Authorizing the Execution and Delivery of a Fee Agreement by and between Richland County, South Carolina and Intertape Polymer Corp. providing for a payment of a Fee in Lieu of Taxes and other matters related thereto [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the committee recommended approval of this item. The vote was in favor.

Authorizing the Execution and Delivery of a First Amendment to the Infrastructure Credit Agreement by and among Richland County, South Carolina and Project PT, to provide for an extension of the Special Revenue Credit and to apply it to an additional investment commitment and additional job commitment by Project PT; and other matters thereto related [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the committee recommended approval of this item. The vote was in favor.

Authorizing the Execution and Delivery of a Fee in Lieu of Tax Agreement by and among Richland County, South Carolina, a sponsor and a sponsor affiliate collectively known as Project Sweetbay, to provide for a Fee-in-Lieu of Ad Valorem Taxes; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the committee recommended approval of this item. The vote was in favor.

A Resolution Authorizing the Execution and Delivery of a Memorandum of Understanding by and between Richland County, South Carolina and the South Carolina Research Authority and other matters related thereto – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Economic Development Land Acquisition – Mr. Livingston moved, seconded by Mr. Jackson, to proceed as directed in Executive Session. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **East Richland Public Service Commission—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- b. **Midlands Workforce Development Board—7** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.
 1. **Private Sector (Business Representative)—3**
 2. **Youth Council Representative—2**
 3. **Youth Program Representative—1**
 4. **Job Corps Representative—1**

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. **Board of Assessment Appeals—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote was in favor.
- c. **Community Relations—3** – Mr. Malinowski stated that the committee recommended appointing Mr. Henry Counts, Ms. Kerry Feduk and Mr. Colie L. (Josh) Lorick.

Mr. Jackson requested that the applicants be voted on individually.

Ms. Dixon, Mr. Malinowski, Mr. Jackson, Mr. Pearce, Mr. Washington, Mr. Livingston, Ms. Dickerson, Mr. Rush, Mr. Manning and Mr. Jeter voted for Mr. Henry Counts.

Mr. Jackson, Mr. Rose, Mr. Washington, Mr. Livingston, Mr. Rush, Mr. Manning, and Mr. Jeter voted for Mr. David Edmond.

Ms. Dixon, Mr. Malinowski, Mr. Rose, Mr. Pearce, Mr. Washington, and Ms. Dickerson voted for Ms. Kerry Feduk.

Mr. Jeter voted for Ms. Kimberly Kennedy Gooden.

Ms. Dixon, Mr. Malinowski, Mr. Jackson, Mr. Rose, Mr. Pearce, Mr. Livingston, Ms. Dickerson, Mr. Rush and Mr. Manning voted for Mr. Colie L. (Josh) Lorick.

Mr. Henry Counts, Mr. David Edmond and Mr. Colie L. (Josh) Lorick were appointed.

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

- d. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended appointing Ms. Sonia Fells and re-advertising for the remaining vacancy. The vote in favor was unanimous.
- e. **Hospitality Tax Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **All applicants for Richland County Boards, Commissions, or Committees will be telephonically notified within 48 hours of Council's decision relating to that appointment and a follow-up letter will be mailed within 5 work days to same [MALINOWSKI]** – Mr. Malinowski stated that the committee recommended approving this item. A discussion took place.

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

- b. **Community Relations Council** – Mr. Malinowski stated that the committee recommended tabling this item and any questions by Council members about this organization should be made through the motion process.

Ms. Dickerson made a substitute motion, seconded by Mr. Manning, to defer this item

OTHER ITEMS

Report of the Airport Commission:

- a. **Potential Purchase of Property** – This item was taken up in Executive Session.

Report of the Transportation Penny Advisory Committee:

- a. **An Ordinance Authorizing the Issuance and Sale of not to exceed \$250,000,000 General Obligation Bonds and \$50,000,000 General Obligation Bond Anticipation Notes, in one or more series, in one or more years, with appropriate series designations, of Richland County, South Carolina; fixing the form and details of the bond and the notes; delegating to the County Administrator certain authority related to the bonds and the notes; providing for the payment of the bonds and**

the notes and the disposition of the proceeds thereof; and other matters relating thereto [FIRST READING] – Ms. Dickerson moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

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

The vote was in favor of approval.

A Resolution Approving the updated 2012 Assessment Roll for the Village at Sandhill Improvement District, Richland County, South Carolina – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

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 7:42 p.m. and came out at approximately 7:59 p.m.
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- a. **Darrell's H-Tax Settlement** – Mr. Pearce moved, seconded by Mr. Livingston, to direct the County Attorney to move forward with settlement as directed in Executive Session. The vote in favor was unanimous.
- b. **Contractual Matter: IT** – No action was taken.
- c. **Contractual Matter: Potential Purchase of Property – Airport** – Mr. Pearce moved, seconded by Mr. Livingston, to approve the purchase of the subject property parcels, as outlined in the letter of intent to sell of February 25, 2013, conditional upon FAA participation in the funding process. The vote was in favor.

MOTION PERIOD

- a. **Resolution Honoring Anna Wimberly, Richland School District Two Bus Driver, for her heroic action and judgment on keeping the children safe until assistance arrived [DIXON]** – Ms. Dixon moved, seconded by Mr. Pearce, to adopt the resolution honoring Anna Wimberly. The vote in favor was unanimous.

- b. **Resolution honoring the Richland County Wellness Program and the impact it has on the lives and wellbeing of County staff and the citizens of Richland County [DIXON]** – Mr. Jackson moved, seconded by Mr. Malinowski, to adopt the resolution honoring the Richland County Wellness Program. The vote in favor was unanimous.
- c. **Richland County explore providing water to the unincorporated areas of the County [JACKSON]** – This item was referred to the D&S Committee.
- d. **I move to direct the Legal Department to identify those outside law firms or lawyers retained to represent Richland County in any matter that also have represented Flow Control/Solid Waste companies, firms, entities or individuals and report back with that information to Council whether in open session or in executive session, if any of that information falls within a permissible executive session, such as but not limited to the receipt of legal advice or contractual matters [WASHINGTON]** – This item was referred to the A&F Committee.
- e. **Resolution recognizing Miriam Atria on her appointment as President of the SC Association of Tourism Regions Board of Directors [DICKERSON]** – Mr. Jackson moved to unanimously adopt the resolution recognizing Miriam Atria for her appointment as President of the SC Association of Tourism Regions Board of Directors. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:02 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