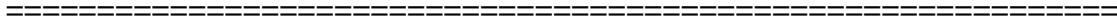


MINUTES OF



**RICHLAND COUNTY COUNCIL
REGULAR SESSION
TUESDAY, MARCH 5, 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 | Norman Jackson |
| Member | Damon Jeter |
| Member | Bill Malinowski |
| Member | Jim Manning |
| Member | Paul Livingston |
| Member | Seth Rose |
| Member | Torrey Rush |
| | |
| Absent | Joyce Dickerson |
| | Julie-Ann Dixon |

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Justine Jones, Stephany Snowden, Amelia Linder, John Hixon, Daniel Driggers, Sara Salley, David Hoops, Rodolfo Callwood, Andy Metts, Quinton Epps, Ismail Ozbek, Dale Welch, Buddy Atkins, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

INVOCATION

The Invocation was given by the Honorable Bill Malinowski

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bill Malinowski

POINT OF PERSONAL PRIVILEGE – Mr. Pearce stated that Ms. Dickerson and Ms. Dixon were in Washington, DC attending the NACo Conference.

APPROVAL OF MINUTES

Regular Session: February 19, 2013 – Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

Special Called: February 26, 2013 – Mr. Malinowski moved, seconded by Mr. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: February 26, 2013 – Mr. Jackson moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Pearce moved, seconded by Mr. Manning, to adopt the agenda as published. 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. Singley vs. Norfolk Southern
- c. Hospitality Bonds
- d. ASGDC Personnel Matter

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Council went into Executive Session at approximately 6:03 p.m. and came out at approximately 6:26 p.m.
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- a. **Hospitality Bonds** – Mr. Malinowski moved, seconded by Mr. Livingston, to direct staff to proceed as directed in Executive Session. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

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

Introduction of County Engineer – Mr. McDonald introduced Mr. Ismail Ozbek, County Engineer, to Council.

REPORT OF THE CLERK OF COUNCIL

County Council Photograph Re-Shoot, March 19th, 5:40 p.m., Council Chambers – Ms. Onley stated that a re-shoot of the Council Photograph will be held March 19th at 5:40 p.m. in Council Chambers.

CASA Quarterback Celebration, March 14th, 5:30 p.m., Dogwood Pond, 3800 Elberta Street – Ms. Onley stated that CASA Quarterbacks were awarded the 2013 National Promising Practices Award and they will be holding a fish fry to celebrate on March 14th, 5:30 p.m. at Dogwood Pond.

REPORT OF THE CHAIRMAN

Councilwoman Dickerson's Swearing-In Ceremony – Mr. Washington stated that Ms. Dickerson's swearing-in will be held March 7th and asked those attending to please RSVP.

2013 Legislators Exchange Program Funding Request – Mr. Washington referred this item to the A&F Committee. Mr. Jeter requested the minutes from the previous year regarding this item.

Town of Eastover's 35th Annual Barbeque Festival Funding Request – Mr. Washington referred this item to the A&F Committee.

Columbia's First HipHop Family Day: Love, Peace & HipHop Funding Request – Mr. Washington referred this item to the A&F Committee.

Barbara Scott's Death – Mr. Pearce stated that Barbara Scott, former Clerk of Court and Richland One School Board Member, passed away this afternoon.

Consistency in Leadership Breakfast, March 13, 2013 – Mr. Washington stated that the Consistency in Leadership Breakfast honoring City Manager Teresa Wilson and Mr. McDonald will be held Wednesday, March 13th, 7:30-9:00 a.m. at Seawell's.

OPEN/CLOSE PUBLIC HEARINGS

- 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 – No one signed up to speak.
- 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 – No one signed up to speak.
- 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. Kim Murphy spoke against this item.
- An Ordinance Authorizing the issuance and sale of not to exceed \$6,000,000 General Obligation Bonds and General Obligation Refunding 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 – No one signed up to speak.

APPROVAL OF CONSENT ITEM

- 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 [THIRD 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 [THIRD 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 [SECOND READING]
- Purchase of Parcels for Devil's Ditch Enhancement

- **Review Change of Use Requirements for Small Businesses on Existing Property [TO TABLE]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2, Building Codes and Inspections Director; Section 6-31, Power and Duties; Subsection (E), Determination of Alternate Materials and Alternate Methods of Construction; and Subsection (F), Reports; so as to properly reference the Building Codes Board of Appeals rather than the “Building Codes Board of Adjustment” [FIRST READING]**
- **Modification of Kershaw County WWTP Settlement**
- **Acceptance of Loan Assistance Funds for Construction of Albene Park Water Distribution System**
- **Hospitality Tax Ordinance Distribution**

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

THIRD 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 – Mr. Malinowski moved, seconded by Mr. Jeter, to approve this item with the following language added: “the funding shall be allocated to the Conservation Commission to be used for appearance projects in Richland County.” A discussion took place.

Mr. Rose made a substitute motion, seconded by Mr. Malinowski, to defer this item until the First Reading of the budget. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Purchase of Building and Lot for the Columbia Magistrate District Office Relocation – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

Policy on Use of Outside Legal Counsel – Mr. Malinowski moved, seconded by Mr. Jeter, to approve Administration recommendation: “Approval with the inclusion of the provision that the policy can be overridden by the Council when in the best interest of the County, as suggested by the Legal Department.” The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Council create an ad hoc committee to study the procurement evaluation process – Mr. Livingston stated that the committee recommended tabling this item. The vote in favor was unanimous.

OTHER ITEMS

Report of Caughman Pond/Pinewood Lake Ad Hoc Committee – Mr. Jackson stated that a “Meet & Greet” has been scheduled for March 23rd, 10:00 a.m.-1:00 p.m. The vote in favor was unanimous.

Report of the Decker Center Ad Hoc Committee – Mr. Manning stated that the committee recommended negotiation and award of a contract to Brownstone Construction Group to assist the County with managing the remodeling of Decker Center. The vote in favor was unanimous.

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

Report of the Joint Transportation Committee

- a. **Criteria for Prioritization of Transportation Penny Projects**
- b. **Small, Local Business Enterprise Program**
- c. **Council Motion**
- d. **Transportation Penny Advisory Committee (TPAC) Update**
- e. **TPAC Terms**

Mr. Jackson moved, seconded by Mr. Malinowski, to hold a work session on the items under the Report of the Joint Transportation Committee.

Mr. Manning requested that the TPAC Terms not be included in the work session, so that he may be taken up.

Mr. Manning moved, seconded by Mr. Livingston, to appoint Mr. Elise Bidwell and Mr. Derrick E. Huggins for 5 years; to appoint Mr. Melvin Hayes Mizell, Mr. James T. McLawhorn and Ms. Dorothy A. Sumter for 4 years; and to appoint Ms. Natalie C. Britt and Ms. Jennifer D. Bishop for 3 years. 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 7:25 p.m. and came out at approximately 7:44 p.m.
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- a. **Land Development Code Update** – Mr. Pearce moved, seconded by Mr. Jackson, to proceed as directed in Executive Session.
- b. **Singley vs. Norfolk Southern** – No action was taken.
- c. **ASGDC Personnel Matter** – No action was taken.

MOTION PERIOD

The East Richland County Public Service District is planning to replace 5.5 miles of 24-inch force main which has been in service for approximately 50 years. The 24-inch force main is at the end of its useful life, and the District proposes to replace it with 5.5 miles of 42-inch force main which will be adequate to serve the District for its anticipated service life of 30 years. Replacing the 24-inch force main would serve to protect the environment while serving the District's rate payers. The District is also planning to install an additional 2.5 miles of force main. The anticipated total cost of this project is \$24.5 million; however, the District's general obligation capacity permits it to finance up to \$10 million through the issuance of general obligation bond. I MOVE to authorize the East Richland County Public Service District to be permitted to issue up to \$10 million in general obligation bond funding for the purpose of replacing 8.0 miles of force main. Further details of this proposal will be made available to staff for review and discussion prior to Committee review. [PEARCE] – This item was referred to the A&F Committee.

Under our present lease with Palmetto Health, a portion of the lease payment to Richland County has been earmarked to support indigent care programs in the county. The current distribution of these funds is as follows: \$100,000 to Richland Primary Care; \$100,000 to Eau Claire Health Cooperative; and \$50,000 to the Free Medical Clinic. Changes in Federal reimbursement to local primary care agencies has resulted in the closing of Richland Primary Care and the shifting to their patient load to the Eau Claire Health Cooperative. Due to the fact that Richland Primary Care is specifically mentioned in the lease agreement, transferring the funds to follow the patients cannot be accomplished without the lease agreement being modified on an action by Council. This Motion requests that Council initiate a change in the lease agreement to transfer these funds upon advice and counsel from the Legal Department. [PEARCE] – This item was referred to the A&F Committee.

Under the terms of a 2004 Memorandum of Understanding (MOU) between Richland County and Palmetto Health, Palmetto Health is required to make an annual report to County Council as to the activities of the health care system. The MOU specifies that

several levels of Board and Palmetto Health management personnel will personally appear before Council in public session to present this report. Due to Council rules limiting presentations to five (5) minutes, the ability to present any type of comprehensive report has been significantly compromised and, in my opinion, serves no useful purpose other than to fulfill the requirement of the MOU. Recognizing the need to keep County Council fully informed as to Palmetto Health activities, the fall luncheon meeting held in November or December for the past several years has been created to provide a forum for presentation of more detailed information and interactive dialog between Palmetto Health management and Council members. This Motion requests that Council consider eliminating the requirement for Palmetto Health to make a presentation during a Council meeting. Additional information regarding information sharing opportunities between Palmetto Health and County Council will be provided to the Committee – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 7:46 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