

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MEETING

February 16, 2016  
6:00 PM  
County Council Chambers

*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*

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:00 PM

#### INVOCATION

The Invocation was led 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 recognized former Council member Kit Smith was in the audience.

#### PRESENTATIONS

- a. **Historic Columbia: Dawn Mills Campbell, County Council's Liaison** – Ms. Campbell thanked Council for their support of the Woodrow Wilson Family Home Rehabilitation Project. In addition, she presented the 2016 Preserving Our Places in History Project Award from the South Carolina African American Heritage Commission to Council.
- b. **Celebrate Freedom Foundation: Daniel Hennigan, Board Member** – Command Sergeant Major Marty Wells (Retired), Board Chair gave an overview of the Gateway to the Army Association's intent to recognize the 100<sup>th</sup> Anniversary of Fort Jackson. The Gateway to the Army Association requested Richland County to contribute \$500,000 for 2 to 3 years toward the proposed project.

#### PRESENTATION OF RESOLUTION

- a. **Resolution recognizing February as Teen Domestic Violence Awareness Month in Richland County [DIXON]** – Ms. Dixon presented a resolution recognizing National Teen Date and Violence Awareness and Prevention Month to Ms. Nicole Walker and students from Ridgeview High School.



#### Committee Members Present

Torrey Rush, Chair  
Greg Pearce, Vice Chair  
Joyce Dickerson  
Julie-Ann Dixon  
Norman Jackson  
Damon Jeter  
Paul Livingston  
Bill Malinowski  
Jim Manning  
Seth Rose  
Kelvin E. Washington, Sr.

#### Others Present:

Tony McDonald  
Warren Harley  
Monique McDaniels  
Kimberly Roberts  
Geo Price  
Roxanne Ancheta  
Daniel Driggers  
Kevin Bronson  
Larry Smith  
Beverly Harris  
Brandon Madden  
Rob Perry  
Quinton Epps  
Rudy Curtis  
Brad Farrar  
Dwight Hanna  
Valeria Jackson  
Ismail Ozbek  
Donny Phipps  
Wanda Kelly  
Chad Fosnight  
Tracy Hegler  
Jeff Ruble

### **APPROVAL OF MINUTES**

**Special Called Meeting: February 9, 2016** – Mr. Manning moved, seconded by Mr. Washington, to approve the minutes as distributed. The vote in favor was unanimous.

### **ADOPTION OF THE AGENDA**

Mr. Smith requested to add a legal update regarding DOR under the Report of the Attorney for Executive Session.

Mr. McDonald requested to add a Personnel Matter under the Report of the County Administrator.

Mr. Manning moved, seconded by Ms. Dixon, to add a DOR Legal Update and a Personnel Matter to the agenda. The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Malinowski, to adopt the agenda as amended. The vote in favor was unanimous.

### **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION**

Mr. Smith stated the following items were potential Executive Session Items:

- a. North Main Street Widening Project and Shop Road Extension Project Right-of-Way Acquisition**
- b. Department of Revenue Update**
- c. Personnel Matter**

#### *Council went into Executive Session*

- a. North Main Street Widening Project and Shop Road Extension Project Right-of-Way Acquisition** – Mr. Livingston moved, seconded by Mr. Pearce, to move forward as discussed in Executive Session. The vote in favor was unanimous.

### **CITIZENS' INPUT**

#### **(For Items on the Agenda Not Requiring a Public Hearing)**

Ms. Helen Taylor Bradley spoke regarding Item # 26 – “2016 Council Retreat Directives” as the directives pertain to the Lower Richland Sewer Project.

Ms. Kit Smith spoke regarding Item # 19 – “Consider Request from the Columbia Housing Authority to Waive Tipping Fees at the Richland County C&D Landfill for Demolition Debris from the Gonzales Gardens Apartment Complex”

### REPORT OF THE COUNTY ADMINISTRATOR

- a. **Employee Grievances (2)** – This item was taken up in Executive Session.
- b. **Introduction of Richland Penny Transportation Program Summer Interns** – The Transportation Program Summer Interns were presented to Council.
- c. **Personnel Matter** – This item was taken up in Executive Session.

### REPORT OF THE CLERK OF COUNCIL

- a. **Richland County Legislative Reception, March 2<sup>nd</sup>, 5:30-7:30 p.m., Columbia Metropolitan Convention Center** – Ms. McDaniels reminded Council of the upcoming Richland County Legislative Reception on March 2nd at Columbia Metropolitan Convention Center.

### REPORT OF THE CHAIR

- a. **Richland County Government Affairs Update** – Mr. Rush commended Mr. Madden, Richland County Research Manager, on doing an excellent job on his legislative work.

The lobbyist, Tetra Tech and staff met with the State Delegation. In addition, Mr. Rush, Mr. Pearce, Mr. McDonald met with individual State legislators concerning the LGF, flood recovery, and Richland County related issues. Additional meetings will be set up to meet with members of the delegation that are a part of the House Ways and Means Committee.

- b. **HUD Letter** – Mr. Rush stated a letter to HUD has been forwarded on behalf of the County requesting a direct allocation to assist with flood recovery. The County has also been communicating with HUD and the Chair and Vice Chair participated in a conference call last week.

### APPROVAL OF CONSENT ITEMS

- **15-45MA, I. S. Leevy Johnson, RU to GC (15+ Acres), Cushman Drive, 11616-01-04 [THIRD READING]**
- **15-46MA, Robert Burger, RU to NC (4.51 Acres), 4126 Hardscrabble Rd., 200200-03-29 [THIRD READING]**
- **An Ordinance Authorizing Quit Claim Deeds to Shelby King and William Short for parcels of land located in Richland County, known as the Olympia Alleyways, and abutting TMS # 11203-12-17 and 11203-12-13 [SECOND READING]**

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

**THIRD READING**

**15-35MA, Cynthia Weatherford, RS-HD to LI (1.27 Acres), 2610 Harlem St., 16204-08-01** – Mr. Washington moved, seconded by Ms. Dickerson, to defer this item. The vote in favor was unanimous.

**SECOND READING**

**An Ordinance Authorizing the First Amendment of that certain Inducement and Millage Rate Agreement and Lease Agreement by and between Richland County, South Carolina and Koyo Bearings North America, LLC (f/k/a Koyo Bearings USA, LLC), relating to, without limitation, the extension of the term of the project** – Mr. Livingston moved, seconded by Mr. Jeter, to approve this item.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Washington	
Manning	
Jeter	

The vote in favor was unanimous.

**An Ordinance allowing for the temporary waiver of building permit fees and plan review fees for homeowners, contractors, and "Volunteer Organizations Active in Disaster" (VOAD's), and allowing for the temporary waiver of business license fees for contractors and "Volunteer Organizations Active in Disaster" (VOAD's)** – Mr. Washington moved, seconded by Ms. Dickerson, to approve this item.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Washington	
Manning	
Jeter	

The vote in favor was unanimous.

**REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

**Consider Request from the Columbia Housing Authority to Waive Tipping Fees at the Richland County C&S Landfill for Demolition Debris from the Gonzales Gardens Apartment Complex** – Ms. Dixon stated the committee forwarded this item to Council without a recommendation.

Mr. McDonald stated the reason for forwarding this item to Council without a recommendation was because there was no IGA contained in the committee agenda packet. An IGA has now been drafted and is included in the Council agenda packet.

The IGA provides that any participation in the project would be contingent up the City of Columbia and City Council appropriating the \$1 million it indicated it would commit to the project.

Mr. Livingston moved, seconded by Mr. Washington, to approve the MOU.

Mr. Washington thanked Mr. Walker for his communication about the residents and the possibility of them moving back into the community.

Mr. Malinowski requested a friendly amendment to reiterate in Paragraph #5 of the MOU the amount of funding to be provided.

Mr. Malinowski stated that it was not pertinent to the IGA to include what the County will be doing with the demolition materials.

Mr. Livingston and Mr. Washington agreed to remove that the use of the demolition materials from the MOU.

Ms. Dickerson stated she was disturbed with the conditions of the homes managed by the Columbia Housing Authority that she entered after the flooding event and would suggest that all of the homes are inspected for mold, mildew, etc.

**FOR**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

**AGAINST**

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Dickerson, to reconsider this item. The motion for reconsideration failed.

## **RULES AND APPOINTMENTS COMMITTEE**

### **I. NOTIFICATION OF APPOINTMENTS**

- a. Lexington Richland Alcohol and Drug Abuse Council (LRADAC) – 2** – Mr. Malinowski stated the committee recommended appointing Mr. L. Levern (Buddy) Wilson, Jr. and Ms. LaTonya Derrick.

**FOR**                      **AGAINST**

Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Manning  
Jeter

The vote in favor was unanimous.

- b. Business Service Center Appeals Board – 1 (Applicant must be a CPA)** – This item was held in committee.
- c. Music Festival Commission – 1** – Mr. Malinowski stated the committee recommended appointing Ms. Delores Mosesel.

**FOR**                      **AGAINST**

Rose  
Malinowski  
Dixon  
Jackson  
Rush  
Livingston  
Dickerson  
Manning  
Jeter

The vote in favor was unanimous.

### **II. ITEMS FOR ACTION FROM RULES AND APPOINTMENTS**

**Terms of Service** – This item was held in committee.

Mr. Malinowski stated for Council's information the Rules and Appointments Committee, in an effort to be more systematic, has set aside the first Tuesday of each month for interview of applicants and the third Tuesday for other Council matters.

**REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

**Sidewalk Package S-2 (Sheltered Market): Construction Award** – Mr. Livingston stated the committee recommended approval of this item.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Manning	
Jeter	

The vote in favor was unanimous.

**Sidewalk Package S-4 (Sheltered Market): Construction Award** – Mr. Livingston stated the committee recommended approval of this item.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Manning	
Jeter	

The vote in favor was unanimous.

**REPORT OF THE BLUE RIBBON ADVISORY COMMITTEE**

Mr. Rush stated the committee met on February 11<sup>th</sup>. Staff updated the committee on various items: (1) Summary of the Flood Impact; (2) Status of Well Testing; (3) Phases of Flood Recovery – Short Term, Intermediate, and Long Term; (3) The Midlands Long-Term Recovery Group; and (4) Sources of Funding for Flood Recovery: (a) Hazard Mitigation Program and (b) CDBG-DR

**Richland County Council  
Regular Session Meeting  
Tuesday, February 16, 2016  
Page Eight**

- a. **Hazard Mitigation Grant Program Selection Criteria** – Mr. Rush stated the committee recommended approval of this item.

Mr. Washington inquired if this is the State's criteria.

Mr. Bronson stated the criteria was developed by staff and presented to the committee. The criteria were based off the State's rank criteria and how they are currently advertising to use the State mitigation funds. The State's criteria contain broader categories in how they intend to utilize the funds.

Mr. Washington inquired if weights have been assigned to any of the criteria.

Mr. Bronson stated the only weights assigned are that the committee recommended the criteria go in the order presented in the agenda packet. The next step would be presenting staff's recommendation for projects that fall within each one of the criteria.

Mr. Washington inquired if County would be required to have a plan to replace the Emergency Operations Center to receive the funding.

Mr. Bronson stated as the committee continues to meet the members will consider items that are more specific.

Mr. Washington inquired if the flood study is needed to address the other items on listed on the criteria.

Mr. Bronson stated the flood study is to study the watersheds and water flow, so that the County is better prepared to manage the water flow in the event of another flooding event.

Mr. Washington stated it is his belief the flood and hydrology study should be undertaken before addressing the items on the criteria list.

Mr. Bronson stated the homes/property that are eligible are known; therefore, they are not going to shift based on the flood study.

Mr. Malinowski inquired if more specifics for each of the ten criteria items will be provided to Council after the next Blue Ribbon Advisory Committee meeting.

Mr. Bronson answered in the affirmative.

Mr. Malinowski inquired if "Storm Water Drainage Management (including dams)" was regulated by DHEC.

Mr. Bronson stated dams are regulated by DHEC. The staff's recommendation did not include dams, but the committee members requested the dams be included.



**Richland County Council  
Regular Session Meeting  
Tuesday, February 16, 2016  
Page Nine**

<u>FOR</u>	<u>AGAINST</u>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Washington	

The vote in favor was unanimous.

- b. Voluntary Interest Form Distribution** – Mr. Rush stated the committee recommends Council approve staff to proceed with the distribution of the Notice of Volunteer Interest Forms. All buyouts are voluntary. A property owner must agree to have their eligible property purchased under this program.

Mr. Pearce moved, seconded by Mr. Livingston, to approve this item.

Mr. Pearce stated Ms. Scott has agreed to directly contact rural residents regarding the buyout program instead of sending letters to them.

Mr. Washington inquired what will be the trigger to contact residents about the buyouts.

Mr. Bronson stated it is the homes in the floodplain that have been deemed to have been substantially damaged. Staff knows there are homes that were damaged that will not meet the criteria for State mitigation funding. The homes that were damaged in a broader sense could be addressed through the Community Development Block Grant Disaster funding.

Ms. Bolling stated in order for a home to be deemed substantially damaged, the home would have to have sustained damages totaling more than 50% of the value of the home (i.e. \$100,000 home = \$51,000 in damages).

Mr. Jackson inquired about the homes that have to be elevated.

Ms. Bolling stated those homes would have been deemed substantially damaged. The recommendation was to move forward with acquisitions instead of the elevation of homes.

Mr. Washington inquired about the timetable for the funding.

Mr. Bronson stated the pre-application must be submitted by April 5<sup>th</sup>. He is not aware of a timeline of when the State will release the funds.

Mr. Washington stated the expectation of residents is that the funding will become available immediately.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Washington	
Manning	

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Rose, to reconsider this item. The motion for reconsideration failed.

### **OTHER ITEMS**

**2016 Council Retreat Directives** – Mr. McDonald stated Council requested an extra week to review the directives before finalizing. The items that were related to the flood were removed from the directives and forwarded to the Blue Ribbon Advisory Committee.

Mr. Livingston moved, seconded by Ms. Dixon, to approve the 2016 Council Retreat Directives.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Washington	
Manning	

The vote in favor was unanimous.

### **EXECUTIVE SESSION**

#### ***Council went into Executive Session***

- a. Department of Revenue Update** – Mr. Livingston moved, seconded by Mr. Pearce, to direct the TPAC Committee to move forward expediently to conduct an assessment of the Transportation Penny Program. The vote in favor was unanimous.

- b. **Employee Grievances – 2** -- Mr. Livingston moved, seconded by Mr. Malinowski, to uphold Administration's recommendation. The vote in favor was unanimous.
- c. **Personnel Matter** – No action was taken.

### **CITIZENS' INPUT**

Dr. Marie Assaad-Faltis spoke regarding future damage from flooding and storms and also the unequal treatment of immigrants.

### **MOTION PERIOD**

- a. **In the interest of fairness and consistency as it relates to the County's established policies and to ensure non-discrimination and disregard to County rules. I move that the Administrator abide by County policies and take the appropriate action up to and include termination against employees who committed these infractions to include but not limited to the following:**

1. Insubordination
2. Unauthorized use of County equipment or property
3. Working on personal jobs during work hours
4. Discourteous treatment to visitors, and/or customers
5. Fail to maintain satisfactory or harmonious working relationship with employees and supervisors, improper conduct and conduct unbecoming of a County Employee
6. Willful Violation of Written Rules, Regulations or Written Policies; and other violations

These policies should be applied equally regardless of race, gender, national origin, religious belief, or age. There is a belief that the Administrator is applying two different standards, one for Blacks and one for Whites when it comes to enforcement.

If the Administrator refuses to respect the rules then Council shall act immediately to address and abide by County Policies and terminate the Administrator and Note:

The Administrator approved the firing of a Black employee for failure to sign an evaluation not signed within the required time. This termination was never approved in the history of Richland County and Council was misinformed that the violation was termination instead of up to termination. The supervisor, White, has committed numerous violations to include several insubordination and numerous violations continuously and is yet to be disciplined. These continue behavior without action adhering to County policies set a bad precedence and threatens the integrity of the Agency. In this case the appropriate action of termination must be applied.

**Whenever a Council member has to step in and require enforcement of County policies causes great concern about the operation of the agency. When a Councilmember has to file a lawsuit of discrimination and malicious treatment against an employee causes great concern about the leadership especially if Council fails to act to correct the problem.**

**This failure to hold staff accountable for their actions has caused investigations from the Department of Revenue and State Law Enforcement Division. Richland County has suffered irreparable damages from failure from staff to inform Council properly and by amending reports and documents to Council. Senior staff members involved in misinforming or deceiving Council should be fired immediately also.**

**This motion is an attempt to address concerns of Public Corruption and illegal activities to the Penny Tax Program. To date there are no actions or attempt by the Administrator or the leadership of Richland County Council to address these accusations while the right rightfully demands action. I cannot and will not ignore any wrongdoings by keeping quiet as if everything is OK. \*\*\*In order to be fair and true to our policies and not discriminate\*\*\* [JACKSON] – This item was referred to the A&F Committee.**

- b. I move that the Human Resources Director reports to the County Administrator. This can be by ordinance or by policy. This allows the Human Resources Director to be able to express his or her opinion freely and without influence or pressure [JACKSON] – This item was referred to the A&F Committee.**
- c. Motion to approve emergency budget amendment in the amount of \$1,207,274 (minus any reimbursements) for the Board of Voter Registration & Elections Department for the purpose of funding the November 3, 2015 City of Columbia Election, Town of Blythewood and Town of Irmo; 2016 Republican Presidential Preference Primary, Democratic Presidential Preference Primary, June Primary and Runoff. To include: (a) Purchasing Mother Board Batteries, Repairing of Voting Equipment, (b) Purchasing Phones for Call Center, (c) Purchasing 4 Printers, (d) Approve Election Machine Technician I Position (Only), (e) Legal Fees [WASHINGTON] – This item was referred to the A&F Committee.**

### **ADJOURNMENT**

The meeting adjourned at approximately 9:21 PM.

---

Torrey Rush, Chair

**Richland County Council  
Regular Session Meeting  
Tuesday, February 16, 2016  
Page Thirteen**

\_\_\_\_\_  
Greg Pearce, Vice-Chair

\_\_\_\_\_  
Joyce Dickerson

\_\_\_\_\_  
Julie-Ann Dixon

\_\_\_\_\_  
Norman Jackson

\_\_\_\_\_  
Damon Jeter

\_\_\_\_\_  
Paul Livingston

\_\_\_\_\_  
Bill Malinowski

\_\_\_\_\_  
Jim Manning

\_\_\_\_\_  
Seth Rose

\_\_\_\_\_  
Kelvin E. Washington, Sr.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council