

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MEETING

June 7, 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 6:01 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 – Ms. Dickerson thanked the organizers and participants of the Youth Summit.

PRESENTATION OF PROCLAMATION

- a. **Employee Safety Week Proclamation** – Mr. Rush presented a proclamation to Ms. Hoyle and Ms. Rodriguez in honor of Employee Safety Week.
- b. **Capital City/Lake Murray Country Resolution** – Mr. Malinowski, Ms. Dixon, Ms. Dickerson, and Mr. Manning presented a resolution to Capital City/Lake Murray Country on their 35th Anniversary.

APPROVAL OF MINUTES

Regular Session: May 17, 2016 – Mr. Manning moved, seconded by Mr. Jeter, to defer approval of the portion of the minutes related to the following items: (1) “A Resolution Authorizing the execution and delivery of a Memorandum of Understanding by and among Richland County, South Carolina, the State of South Carolina, and a company known as Project Giant and other matters related thereto” and (2) “Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for special source revenue credits to Haven Campus Communities – Columbia, LLC, and other related matters”.



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

Others Present:

Tony McDonald
Kimberly Roberts
Daniel Driggers
Kevin Bronson
Larry Smith
Beverly Harris
Warren Harley
Rob Perry
Ismail Ozbek
Roxanne Ancheta
Michelle Onley
Tamara Rodriguez
Brittney Hoyle
Donald Woodward
Tracy Hegler
Tiffany Harrison
Hayden Davis
Laura Renwick
Tony Edwards
Dwight Hanna
Shahid Khan
Bill Peters

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FOR

Rose

Dixon

Jackson

Rush

Livingston

Dickerson

Manning

Jeter

AGAINST

Malinowski

Pearce

The vote was in favor.

Special Called Meeting: May 24, 2016 – Ms. Dixon moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: May 24, 2016 – Mr. Pearce moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Malinowski questioned why the Report of the Office of Small Business Opportunity Ad Hoc Committee was placed on the agenda since there was not a quorum present for the meeting on May 31st.

Mr. Manning stated he was instructed by the County Attorney that three (3) members of Council could request to have the items be pulled from the committee and placed on the Council agenda.

Mr. Jackson stated there was not a quorum at the meeting to take action, but the members that were present received information from staff.

Mr. Malinowski inquired as to which staff member received the three (3) names of the Council members and who the Council members were.

Mr. Manning stated he notified Ms. Ancheta that Councilmen Jackson, Jeter and himself wished to pull the items from the OSBO Ad Hoc Committee and place them on the Council agenda.

Mr. Malinowski quoted the following Council Rules regarding Committee meetings and placing committee items on Council agendas.

4.5 Meetings – ...No committee shall sit unless a quorum is present.

1.7 Agenda – b) ... (2) Any item defeated, tabled, or not acted on by committee within 90 days of that item that item having been placed on the committee's agenda may be placed on the Council agenda when the Clerk's Office has received a written request signed by three members of Council.

Mr. Jeter questioned how Council Rules apply to ad hoc committees.

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Mr. Smith stated Council Rules do not make a distinction between standing committees and ad hoc committees in how they function. The practice has been to place a report of the ad hoc committee on the Council agenda for the Council to accept or reject the committee's recommendation.

Mr. Rush ruled that the Report of the Office of Small Business Opportunity Ad Hoc Committee was not properly before Council.

Mr. Manning moved for unanimous consent to set aside the rules and proceed with the Report of the Office of Small Business Opportunity Ad Hoc Committee being added to the agenda, seconded by Mr. Jackson.

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

The motion failed.

Mr. Pearce moved, seconded by Ms. Dickerson, 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. Department of Revenue Update**
- b. Pinewood Lake**
- c. Personnel Matter**
- d. Item 25 - "Lower Richland Sanitary Sewer Service Project Land Acquisition/Purchase"**
- e. Items 32 - "Update on Dirt Road Management Contract"**

**CITIZENS' INPUT
(For Items on the Agenda Not Requiring a Public Hearing)**

Mr. Tony Mizzell spoke regarding the Dirt Road Management Contract.

REPORT OF THE COUNTY ADMINISTRATOR

No report was given.

REPORT OF THE CLERK OF COUNCIL

- a. **REMINDER: June 9th – 3rd Reading of Budget, 6:00 PM** – Ms. Onley reminded Council of 3rd Reading of the Budget on June 9th.

REPORT OF THE CHAIR

- a. **Personnel Matter** – This item was taken up in Executive Session.
- b. **Economic Development: China Jushi** – Mr. Rush congratulated the Economic Development Department, Economic Development Committee, Council and staff on a job well done.

OPEN/CLOSE PUBLIC HEARINGS

- **Authorizing the conversion of a 1996 Fee in Lieu of Ad Valorem taxes arrangement by and between Richland County, South Carolina and Bose Corporation and other matters related thereto** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (22), Radio, Television and Other Transmitting Towers; Subparagraph (c); Clause 1; so as to amend the setback requirements for towers abutting residentially zoned parcels [THIRD READING]**
- **16-13MA, George H. Reed, Jr., RS-MD to RU (3.21 Acres), 2127 Long Trail Drive, 24800-06-67 [SECOND READING]**
- **16-16MA, Wanda Morris, RU to GC (0.45 Acres), 413 Killian Rd., 17400-02-08 [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to modify the special requirements for “Bars and Other Drinking Places” [SECOND READING]**
- **Council Motion to Approve Homeowner Associations Pursuing the Creation of Special Tax Districts**
- **Removal of Lien off of Property**
- **Emergency Services Department – Fire Skid Units Purchase**

■ **Extension of the Fuelman Fleet Fuel Purchase Card Contract**

Ms. Dickerson moved, seconded by Ms. Dixon, to approve the consent item. The vote in favor was unanimous.

THIRD READING

Authorizing the conversion of a 1996 Fee in Lieu of ad valorem taxes arrangement by and between Richland County, South Carolina and Bose Corporation and other matters related thereto – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

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

The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Magistrates: Authorization of Purchase for 144 O'Neil Ct. – Mr. Pearce stated the committee recommended approval of this item.

Mr. Malinowski inquired as to who located the property.

Judge Simons stated the realtor that assisted with locating the property for the Blythewood Magistrate.

Mr. Malinowski inquired if there is a set of rules to be followed in procurement of property.

Mr. McDonald stated he is not aware of a formal set of rules for purchasing property. The purchases depend on the circumstances and/or parameters. The magistrate's offices have to be located within the magisterial district that it is going to serve.

Mr. Malinowski stated it was his understanding the County would work with a real estate agent to protect the County's interest.

Mr. McDonald stated Judge Simons did work with a real estate agent and Administration to procure this property.

Mr. Malinowski inquired about the asking price for the property.

Judge Simons, Mr. McDonald and Mr. Bronson all stated they were not aware of the asking price for the property, but the property appraised for the contract price.

Judge Simons stated Mr. Fosnight had the appraisal that was done by an independent appraiser.

Mr. Malinowski inquired why there is a need for an additional \$100,000 for building maintenance and upkeep.

Mr. Rush stated it is not uncommon to have a maintenance plan for a building even if the building is brand new.

Mr. Malinowski inquired about what the normal contingency is for a project.

Mr. McDonald stated it will depend on the type of contract, but usually it is between 5% - 10%.

Ms. Dickerson moved, seconded by Ms. Dixon, to call for the question. The vote in favor was unanimous.

The vote was in favor of purchasing 144 O'Neil Court.

Lower Richland Sanitary Sewer Service Project Land Acquisition/Purchase – This item was taken up in Executive Session.

RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. Accommodations Tax – 3 (One applicant must have a background in the Cultural Industry; other two applicants must have a background in the Lodging Industry)** – Mr. Malinowski stated the committee recommended advertising for the vacancies.
- b. Community Relations Council – 2** – Mr. Malinowski stated the committee recommended advertising for the vacancies.
- c. Hospitality Tax – 4 (Two [2] applicants must be from the Restaurant Industry; other two (2) positions are at-large seats)** – Mr. Malinowski stated the committee recommended advertising for the vacancies.
- d. Internal Audit Committee – 1 (Applicant must be a CPA)** – Mr. Malinowski stated the committee recommended advertising for the vacancy.
- e. Employee Grievance Committee – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy.
- f. Board of Assessment Appeals – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy.
- g. Business Service Center Appeals Board – 2 (Applicants must have a background in Business)** – Mr. Malinowski stated the committee recommended advertising for the vacancies.

II. NOTIFICATION OF APPOINTMENTS

- a. **Community Relations Council – 3** – Mr. Malinowski stated the committee recommended appointing Mr. Gardner L. Johnson.

III. ITEMS FOR ACTION FROM RULES AND APPOINTMENTS

- a. **All motions must be posted a minimum of 24 hours before a scheduled Council meeting. Note: When Council made this change it was to eliminate any surprise or intent of secrecy. It eliminated Chairs of committees adding motions to an agenda before the meeting without notice. The change was for all motions not some [JACKSON]** – This item was held in committee.
- b. **Based on Richland County guideline and grievance procedure move that after all grievance committee hearings are held within the required timeline that the Administrator update and notify Council at the next available Council meeting. This also includes any notices of lawsuits or legal matters. Note: Recently Council was notified of a ruling more than one year later. If there is a timeline for the employee, the chair of the grievance committee and the committee then there must be a timeline to notify Council [JACKSON and MALINOWSKI]** – This item was held in committee.

REPORT OF THE BLUE RIBBON COMMITTEE

- a. **Grant Funding Update [FOR INFORMATION]** – Mr. Rush stated the committee met on May 19th and received an update on the status of the Federal funds applied for through the two (2) agencies for various projects that will assist with the flood recovery. The Hazard Mitigation Grant Program and the Flood Mitigation Assistance status updates were given.
- b. **Adoption of the Project Category Priorities for the Community Development Block Grant- Disaster Recovery (CDBG-DR) Funding** – Mr. Rush stated the committee unanimously recommended that Council consider and approve the adoption of the following 11 project categories: (1) Residential/Non-Residential Reconstruction/Rehabilitation/Relocation; (2) Voluntary Residential Property Acquisition/Buyouts; (3) Storm Water Drainage Management; (4) Voluntary Non-Residential Property Acquisition/Buyouts; (5) Data/Offsite IT Infrastructure; (6) Flood Studies; (7) Economic Resiliency; (8) Mitigation of Flood Damage to Fire Suppression Water Capacity Systems; (9) Conservation Easements; (10) Public Outreach; and (11) Stream Restoration and Debris Removal.

The vote in favor was unanimous.

REPORT OF THE DECKER CENTER AD HOC COMMITTEE

Mr. Manning stated the Decker Center project is approximately \$2.66 million under budget. The expected move in date is mid-November.

- a. **Personnel Request** – Mr. Manning stated the committee reviewed the requested staffing for the Sheriff’s Department, Court Administration and Facility and Grounds. The County Administrator has included funding for the requested positions for 9 months in the FY17 Recommended Budget.

The committee forwarded this item to Council without a recommendation.

Mr. Manning moved, seconded by Mr. Pearce, to proceed with all of the positions for the Sheriff’s Department and Facilities and Grounds. In addition, to proceed with three (3) of the six (6) positions for Court Administration and allow them to determine the positions to be filled.

Mr. Livingston inquired about the differences in the salaries of the Law Clerks and the Data Entry positions.

Mr. Manning stated there is approximately \$37 dollars difference in salaries.

Mr. Jackson inquired if this is a larger facility with more courts that will necessitate additional staff.

Mr. Manning stated due to the layout of the new facility there is a need for additional staff to regulate the access points.

Mr. Manning withdrew his motion. This item will be taken up in 3rd Reading of the Budget.

- b. **Vehicle and Small Capital Request** – Mr. Manning stated the committee reviewed the request. The recommendation is to fund the items from the existing Decker Center bond funds.

Mr. Manning moved, seconded by Ms. Dickerson, to defer this item until 3rd Reading of the Budget. The vote in favor was unanimous.

REPORT OF THE DIRT ROAD AD HOC COMMITTEE

- a. **Update on Dirt Road Management Contract** – This item was taken up in Executive Session.

REPORT OF THE HEALTH INSURANCE AD HOC COMMITTEE

- a. **FY17 Health Insurance Recommendation** – This item was for information. This matter will be taken up at the 3rd Reading of the Budget.

**CITIZENS’ INPUT
(Must Pertain to Items Not on the Agenda)**

Mr. Toney Forrester continued his “story” from the previous Council meeting.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:20 p.m.
and came out at approximately 8:48 p.m.*

- a. **Pinewood Lake** – Mr. Jackson moved, seconded by Mr. Livingston, to approve the contract and direct staff to develop an Enterprise Fund model similar to the Township Auditorium. The vote was in favor.
- b. **Lower Richland Sanitary Sewer Service Project Land Acquisition/Purchase** – Ms. Dickerson moved, seconded by Mr. Jackson, to proceed as discussed in Executive Session. The vote was in favor.
- c. **Update on Dirt Road Management Contract** – Mr. Malinowski moved, seconded by Mr. Livingston, to direct staff to move forward on the Dirt Road Management Program as discussed in Executive Session. The vote was in favor.

MOTION PERIOD

- a. **Because of the natural disaster the 1000 year flood. I move that Richland County request engineering and construction assistance from the South Carolina National Guard [JACKSON]** – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:51 PM.

Torrey Rush, Chair

Greg Pearce, Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

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Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Seth Rose

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