

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

April 21, 2015
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

PRESENTATION OF RESOLUTION

Proclamation Recognizing the 85th Anniversary of the Jim Hamilton-LB Owens

Airport – Mr. Pearce presented the Executive Director, Chris Eversmann, and the Airport Commission members with a proclamation recognizing the Jim Hamilton-LB Owens Airport's 85th Anniversary.

Resolution Honoring Aundrai Holloman, Executive Director of the Township

Auditorium [COUNCIL] – Mr. Pearce and Mr. Rush presented a resolution to Aundrai Holloman recognizing him on the revitalization of the Township Auditorium.

Proclamation Honoring Kenny Mullis on being named South Carolina's Commissioner of the Year by the SC Association of Conservation Districts – Ms.

Dickerson presented Kenny Mullis with a proclamation recognizing him for being named South Carolina's Commissioner of the Year by the SC Association of Conservation Districts.

APPROVAL OF MINUTES

Regular Session: April 7, 2015 – Ms. Livingston moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.



Council 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
Sparty Hammett
Warren Harley
Monique Walters
Brandon Madden
Michelle Onley
Monique McDaniels
Rob Perry
Chris Gossett
Brad Farrar
Larry Smith
Beverly Harris
Amelia Linder
Christy Swofford
Laura Renwick
Dwight Hanna
Quinton Epps
John Hixon
Chad Fosnight
Chanda Cooper
Charlie Fisher
Chris Eversmann
Gloria Tanner
Nancy Stone-Collum

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Special Called Meeting: April 14, 2015 – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Smith requested to add an item under the Report of the Attorney for Executive Session. The item is entitled “SC Public Interest Foundation vs. Richland County Elections and Voter Registration”.

Mr. Pearce moved, seconded by Mr. Malinowski, to add “SC Public Interest Foundation vs. Richland County Elections and Voter Registration” to the agenda. The vote in favor was unanimous.

Mr. Malinowski stated that Item #13 “Richland County Airport Commission” should be replaced with “Building Codes Board of Appeals”.

Mr. Malinowski moved, seconded by Ms. Dixon, to approve the agenda as amended. The vote in favor was unanimous.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated that the following item was a potential Executive Session Item:

- a. Project LM Update**
- b. Library Lease Update**
- c. Waterpark Update**
- d. SC Public Interest Foundation vs. Richland County Elections and Voter Registration**

CITIZENS' INPUT

No one spoke.

REPORT OF THE COUNTY ADMINISTRATOR

- a. State Infrastructure Bank Update** – Mr. McDonald stated representatives from Richland and Lexington Counties, as well as, the City Columbia again presented their joint application for up \$350 million for area projects on April 20th to the State Infrastructure Bank. The Board had several questions and

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suggestions on how to amend the application to make it more viable for their consideration. The joint application will be resubmitted after working with the Board.

- b. **Budget Update** – Mr. McDonald stated First Reading by Title Only of the budget will be on the May 5th Council agenda. The first budget work session will be held on May 7th.
- c. **Cgov Award** – Mr. McDonald stated the Development Services Department won the Government Customer Service Community of Practice award in the category of Teamwork Excellence.
- d. **FY15-16 Budget Calendar** – Mr. McDonald stated the budget calendar has been amended to hold the Grants budget work session on May 12th and Special Revenue, Enterprise and Millage Agencies work session will now be held on May 14th.

REPORT OF THE CLERK OF COUNCIL

- a. **Legislative Reception** – Ms. McDaniels reminded Council of the Legislative Reception on April 29th at 701 Whaley.

REPORT OF THE CHAIRMAN

- a. **Midlands Workforce Development Area Interlocal Consortium Agreement** – Mr. Rush met with representatives from Midlands Workforce Development to discuss their recertification. At this time, Richland County is a member of the Midlands Regional Alliance with Lexington and Fairfield County. The County could opt out of the alliance, but there is no need based upon the information received.

The State receives funding from the Federal government for workforce development and the State in turns forwards the funding to the regional alliances. If we opted to move to another alliance the funding would go to the new alliance. The County does not have direct control over. The only control the County has is moving to another regional alliance.

Mr. Pearce moved, seconded by Ms. Dixon, to authorize the Chairman of Richland County Council to enter into and submit in his official capacity, by and behalf of Richland County, the Workforce Development Area Designation Petition and related documents to carry out the purpose and intent of the workforce Innovation and Opportunity Act (WIOA) programs in which the County may participate.

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Mr. Malinowski questioned the blank sections in the document in the agenda packet.

Ms. McDaniels stated the documents are the portions of the package the County would need to endorse, but Midlands Workforce Development has a full package that will be going to the Governor's Office, as well as, going out for public comment.

The vote in favor of authorizing the Chair to enter into and submit the petition was unanimous.

PRESENTATIONS

- a. **Midlands Mediation Center** – Ms. Sondra Stephenson, Program Manager, and Ms. Gladys Cole have a brief update on the Midland Mediation Center.
- b. **Lower Richland STEM Project** – Ms. Meghan Hughes Hickman, Executive Director of EngenuitySC, presented the following facts about the Lower Richland STEM Project:
 - EngenuitySC entered into a partnership with Lower Richland High School in June 2013
 - The program focused on re-energizing the students and teachers
 - AP Course participation has increased by 81% in the last 5 years
 - Expulsion rate has decreased by 99% in the last 3 years
 - Out of school suspension rate decreased by 19%
 - 2014 Senior Class doubled scholarship attainment rate (\$7 Million to \$18 Million)

Mr. Pearce moved, seconded by Ms. Dixon, to waive the rules and allow the presentation to exceed the five minute policy, which will allow the School Board Chair and Superintendent an opportunity to speak. The vote in favor was unanimous.

Additionally, Mr. Kelvin Wymbs, Lower Richland High School Principal; Cheryl Harris, Richland One School Board Chairwoman; Dr. Craig Witherspoon, Richland One Superintendent; and Mr. Damon Smith spoke regarding the importance of the STEM Project.

Ms. Hickman stated Council is invited to the public unveiling of the LifeCycle Innovation Project at Lower Richland High School on May 11th at 10:00 AM.

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POINT OF PERSONAL PRIVILEGE – Mr. Washington thanked EngenuitySC and Lower Richland High School for the success of the STEM program.

APPROVAL OF CONSENT ITEM

- **15-03MA, John Cooper, RU to RS-MD (7.03 Acres), Riding Grove Rd., 28900-01-30 [THIRD READING]**

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

THIRD READING

14-38MA, George Goff, HI to GC (15.39 Acres), 1117 & 1105 Sparkleberry Lane Ext., 22909-04-01 & 22905-06-10 – Ms. Dixon moved, seconded by Mr. Malinowski, to defer this item until June. The vote in favor was unanimous.

SECOND READING ITEMS

An Ordinance Amending the Richland County Code of Ordinances; Chapter 24. Utilities; Article II. Water and Sewer Service Generally; Sections 24-7 and 24-8; and Amending Chapter 24.5. Special Sewer Assessment District; Article III. Financing Improvements; Rates and Charges; Sections 24.5-42, 24.5-43 and 24.5-44; so as to delete the references to liens as a collection method for unpaid bills – Mr. Washington moved, seconded by Ms. Dickerson, to approve this item.

Mr. Livingston requested the GEAR/Debt SetOff program option be incorporated into the ordinance.

Mr. Malinowski stated the utilization of the GEAR/Debt SetOff program was a part of the committee's recommendation.

The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2014-2015 Road Maintenance Annual Budget to appropriate Eight Hundred Thousand Dollars (\$800,000) to supplement paved road repair – Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item.

Mr. Malinowski stated Ms. Dixon inquired at the last meeting about the implementation of a "black list" to prevent developers who may have gone out of business and/or changed their company name to from receiving contracts with the County in the future.

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He requested an answer to Ms. Dixon's question regarding a "black list" prior to Third Reading of this item.

REPORT OF RULES AND APPOINTMENTS COMMITTEE.

I. NOTIFICATION OF VACANCIES

- a. Accommodations Tax Committee - 2
- b. Business Service Center Appeals - 1
- c. Board of Zoning Appeals - 1
- d. Internal Audit Committee - 1
- e. Procurement Review Panel - 2

Mr. Malinowski stated the committee recommended advertising or re-advertising for the above-references vacancies. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Building Board of Code of Appeals** - Mr. Malinowski stated the committee recommended re-appointing William Bailey Kauric. The vote in favor was unanimous.

III. COUNCIL RULES

- a. **In the event that a Standing Committee of Council (Administration & Finance, Development & Services, Economic Development, Rules & Appointments) should fail to have a quorum of its members present either at the beginning of the meeting or after the meeting has begun, any item or items that are reported on Committee Agendas deemed "time sensitive" by a committee member or County staff will be referred to the Chair of the Committee, the Chair of Council and County Administrator. A determination will be then made by this group as to whether the "time sensitive" designation is valid. This determination may require consultation with a Department Head, Procurement, Legal, et al. If a determination of time sensitivity is made in the affirmative, the Chair of Council may add the item to the next regularly scheduled Council meeting for review, debate and action [PEARCE and MANNING] - This item was held in committee.**

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REPORT OF THE SEWER AD HOC COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction [FIRST READING] – Mr. Washington stated the committee recommended approval of this item. The vote was in favor.

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. **OET Contract Authorization** – Mr. Livingston stated the committee recommended approval of the individual service agreements and fees associated with the work assigned as follows:
1. All service agreements will be developed and assigned by the Richland County Director of Transportation. Each service agreement will be based on a negotiated scope and fee.
 2. For any service agreement where the negotiated fee is less than \$500,000, the Director of Transportation will approve the service agreement.
 3. For any service agreement where the negotiated fee is equal to or more than \$500,000, but less than \$1,000,000 the County Administrator will approve the service agreement.
 4. For any service agreement where the negotiated fee is \$1,000,000 or more, the Richland County Council will approve the service agreement.

Mr. Jeter inquired if the reports received would be shared with full Council, as well as, the Transportation Ad Hoc Committee.

Mr. Livingston stated all reports would be shared with the Transportation Ad Hoc Committee and full Council.

Mr. Washington inquired if the scope of the agreements would be brought to Council or would staff be developing them.

Mr. Livingston stated it was his understanding that staff would be developing the agreements.

Mr. Washington requested Mr. Perry to outline the process.

Mr. Perry stated the process is as follows: (1) The Transportation Department will assign On-Call Engineering firms projects based on the Transportation Improvement Program approved by Council on December 9, 2014; (2) Fee negotiations will be based on contract authorization

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levels; (3) all widenings and major projects will be brought back to Council.

Mr. Washington inquired if the DBE and SLBE participation will be tracked.

Mr. Perry answered in the affirmative.

The vote in favor of the committee's recommendation was unanimous.

- b. 2015 TIGER Grant Candidates** – Mr. Livingston stated on April 2, 2015 that \$500 million will be made available, with applications beginning April 3, 2015, for transportation projects across the country. The County wishes to participate in this application process. The Program Development Team proposed submitting applications for (1) Bluff Road and Rose Drive and (2) Clemson/Clemson & Sparkleberry, and Clemson to Percival.

The committee recommends approval of the Program Development Team's proposal. The vote in favor was unanimous.

REPORT OF THE DECKER CENTER AD HOC COMMITTEE

- a. General Contractor Bid** – Mr. Manning stated the committee recommends entering into a contract in the amount of \$22,237,000 with H. G. Reynolds for General Contractor services on the Decker Center. The vote in favor was unanimous.

CITIZENS' INPUT

Mr. Frank Mitchell spoke on behalf of the Minority Contractor Association of South Carolina regarding their participation in the Penny Sales Tax program.

Mr. James Whitmire spoke regarding neighborhood road repair requests that have not been addressed by the developer, Steve Lipscomb.

POINT OF PERSONAL PRIVILEGE – Mr. Manning thanked the community for appointing one spokesman to address the Council.

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized Mr. Nance from the Commerce Department was in the audience.

A discussion took place regarding the rules and procedures for allowing citizens to speak to an item that will have a public hearing at a future meeting.

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Ms. Sara Prioleau, Ms. Blanch McFadden, Ms. Lottie Wesley, Ms. Jennifer Mancke, Mr. Wayne Adams, Ms. Carletta Wilson, Mr. Tom Mancke, Ms. Helen Taylor Bradley, Ms. Wendy Brawley, Mr. Frankey House, Ms. Laura Grant, Mr. Ronald Palmer, Mr. Aiden Gruner, Ms. Donzetta Lindsey, and Ms. Mary Amanfo spoke against the Lower Richland Sewer Project.

Mr. Paul Brawley spoke about the attitudes of Council members toward the Lower Richland citizens.

Mr. Jeter requested staff follow-up with the Lower Richland citizens that felt they should have received the Lower Richland Sewer survey, but did not and were told they were not affected by the sewer project.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:55 p.m.
and came out at approximately 9:08 p.m.*

- a. **Project LM Update** – Mr. Manning moved, seconded by Mr. Malinowski, to direct staff to proceed as discussed in Executive Session. The vote in favor was unanimous.
- b. **Library Lease Update** – Mr. Livingston moved, seconded by Mr. Malinowski, to proceed as discussed in Executive Session. The vote in favor was unanimous.
- c. **Waterpark Update** – Mr. Manning moved, seconded by Mr. Livingston, to direct staff to proceed as discussed in Executive Session. The vote in favor was unanimous.
- d. **SC Public Interest Foundation vs. Richland County Elections and Voter Registration** – No action was taken.

MOTION PERIOD

- a. **I move that Council review all policies and guidelines [JACKSON]** – This item was referred to the Rules & Appointments Committee.
- b. **Richland County has a Non-Discrimination, Equal Opportunity Policy. Council shall develop an action plan that holds the Administrator and staff accountable for not following Council approved guidelines, policies and ordinances [JACKSON]** – This item was referred to the Rules & Appointments Committee.

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- c. **The Administrator and staff shall abide by all policies; directives; guidelines and ordinances set by Council. An action shall be developed to address violators' [JACKSON]** – This item was referred to the Administration & Finance Committee.

- d. **I move that the Administrator and Procurement Director do a workshop to present the differences between what the Consultant Franklin Lee provided to Council for the Disparity Study and what the Procurement Directors changes/differences are [JACKSON]** – This item was referred to the OSBO Ad Hoc Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:28 PM.

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.

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