

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

September 8, 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 Jim Manning

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning

APPROVAL OF MINUTES

Special Called: July 28, 2015 – Mr. Livingston moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: September 28, 2015 – Mr. Pearce moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Malinowski requested that the Agenda Item Coversheet and ROA be included in future agendas.

Mr. Pearce moved, seconded by Ms. Dixon, to adopt the agenda as published. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Rose recognized Gray Grant was in the audience to observe the proceedings as a class assignment.



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
Kelvin E. Washington, Sr.

Others Present:

Tony McDonald
Daniel Driggers
Larry Smith
Geo Price
Sparty Hammett
Warren Harley
Dwight Hanna
Beverly Harris
Monique McDaniels
Kimberly Roberts
Amelia Linder
Chad Fosnight
Rob Perry
Brandon Madden
Roxanne Ancheta
Cheryl Patrick
Rudy Curtis
Valeria Jackson
Monique McDaniels
Tammy Brewer

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

Ms. Helen Taylor Bradley spoke against the Lower Richland Sewer Project.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

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

- a. **208 Plan Amendment**
- b. **Palmetto Health Contractual Matter**
- c. **Sellers vs. Richland County – Pending Litigation**
- d. **Threatened Litigation – Student Housing**
- e. **Sale of Curtiss-Wright Hangar**

EXECUTIVE SESSION

- a. **208 Plan Amendment** – No action was taken.
- b. **Threatened Litigation – Student Housing** – No action was taken.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Presentation of FY16 Budget Book** – Mr. McDonald stated the budget book will be presented at the October 6th Council meeting.
- b. **Economic Development Director Resignation** – Mr. McDonald stated Mr. Nelson Lindsay, Economic Development Director, has accepted a position with the Department of Commerce.

REPORT OF THE CLERK OF COUNCIL

REMINDER: 2015 Sickle Cell Walk, September 12th, St. Luke's Episcopal Church, 1300 Pine Street

– Ms. McDaniels reminded Council of the upcoming Sickle Cell Walk on September 12th at 10 a.m.

NAACP's 29th Annual Membership Appreciation Celebration Sponsorship Request – Ms. McDaniels stated the NAACP has requested Council's sponsorship of the 29th Annual Membership Appreciation Celebration. The request is for \$2,500, which is the amount given in previous years.

Mr. Washington moved, seconded by Mr. Jackson, to sponsor the NAACP's 29th Annual Membership Appreciation Celebration at \$2,500. The vote in favor was unanimous.

37th Annual Jubilee: Festival of Heritage Sponsorship Request – Ms. McDaniels stated a sponsorship request for \$1,000 was received in reference to the 37th Annual Jubilee Festival.

Mr. Pearce moved, seconded by Mr. Malinowski, to direct Council members that wish to sponsor the event to do so from their discretionary accounts. The vote in favor was unanimous.

Columbia Urban League's 48th Annual Fund Campaign and Equal Opportunity Day Dinner Sponsorship Request – Ms. McDaniels stated the Columbia Urban League has requested Council's sponsorship of the 48th Annual Fund Campaign and Equal Opportunity Day Dinner on November 3rd. The request is for \$2,000, which is the amount given in previous years.

Mr. Pearce requested the Columbia Urban League seat Council at a reasonable placing at the table and not near the exit.

The vote in favor of sponsoring the Columbia Urban League's 48th Annual Fund Campaign and Equal Opportunity Day Dinner for \$2,000 was unanimous.

Introduction of Interns – Ms. McDaniels introduced Ms. Shelly Price and Ms. Chardonay Ismail to Council.

REPORT OF THE CHAIRMAN

No report was given.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Richland County Code of Ordinances; so as to create a new chapter entitled "Chapter 8: Vector Control" – No one signed up to speak.**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 1A. Vector Control; so that a new department will be created – No one signed up to speak.**
- **An Ordinance Authorizing the issuance and sale of not to exceed \$15,000,000 General Obligation Bonds, Series 2015A, 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; and to adopt written procedures related to continuing disclosure – No one signed up to speak.**

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 1A. Vector Control; so that a new department will be created [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; so as to create a new chapter entitled "Chapter 8: Vector Control" [SECOND READING]**
- **An Ordinance Authorizing the issuance and sale of not to exceed \$15,000,000 General Obligation Bonds, Series 2015A, 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; and to adopt written procedures related to continuing disclosure [SECOND READING]

■ **15-32MA, Jake Conyers, RS-HD to NC (.70 Acres), 5433 Farrow Rd., 11612-05-13 [SECOND READING]**

■ **15-33MA, Homebody, LLC, OI to RM-HD (.36 Acres), 1652 Horseshoe Dr., 17012-01-04 [SECOND READING]**

Mr. Jeter moved, seconded by Ms. Dickerson, to approve the consent items.

Mr. Malinowski requested clarification of the items in the bond issuance.

Mr. McDonald items on the bond issue list were the Sheriff's Vehicles, EMS ambulances, Sheriff's Vehicle Equipment and Building Improvement Bond for a total of \$7.3 million.

Mr. Livingston requested the bond issue list be included in the agenda packet for Third Reading.

FOR

AGAINST

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Jeter

The vote in favor was unanimous.

THIRD READING ITEMS

Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to seven percent; and other related matters – Mr. Livingston moved, seconded by Mr. Jeter, to approve this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

- a. Land Option between Richland County and Boozer, et al** – Mr. Livingston stated the committee recommended approval of this item.

Mr. Lindsay stated the land will be utilized for the Pineview Industrial Park. There is approximately 160 useable acres and the remainder is either floodplain and/or wetlands.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- b. Longbranch Farms Post-Closing Agreement** – Mr. Livingston stated the committee recommended approval of this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson requested the record to reflect Council’s votes on the items that were not “show of hand” votes. Mr. Rush clarified that this matter had been taken up by the Rules and Appointments committee.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. Accommodations Tax - 1 (Applicant must have a background in the Cultural Industry)** – Mr. Malinowski stated the committee recommended advertising for the vacancy.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- b. Business Service Center - 1 (Applicant must be a CPA)** – Mr. Malinowski stated the committee recommended advertising for the vacancy.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- c. Hospitality Tax Committee - 3 (2 of the applicants must be from the Restaurant Industry)** – Mr. Malinowski stated the committee recommended advertising for the vacancies.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- d. Internal Audit Committee - 1 (Applicant must be a CPA)** – Mr. Malinowski stated the committee recommended advertising for the vacancy.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- e. Board of Zoning Appeals - 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- f. East Richland Public Service Commission - 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Employee Grievance Committee – 1** – Mr. Malinowski stated the committee recommended appointing Mr. Matthew Perkins.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

Mr. Malinowski stated those applicants not selected will be eligible for appointment pending a legal opinion from the Legal Department.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **CMRTA Board Terms** – This item was held in committee pending the Legal Department forwarding a letter to the City advising them the current IGA regarding the CMRTA needs to have the terms addressed.
- b. **During the Citizens' Input portion of Council meetings, the two (2) minute timer should not start until after the citizen has stated their name and address [PEARCE]** – Mr. Malinowski stated the committee recommended approval of this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning

AGAINST

The vote in favor was unanimous.

- c. Modify the Rules of Council to allow Council to respond to citizens during the Citizens' Input portion of Council meetings [PEARCE]** – This item was held in committee.

REPORT OF TRANSPORTATION AD HOC COMMITTEE

- a. Riverbanks Zoo Project: Bridge Construction over Railroad – Contractor Quote** – Mr. Livingston stated the committee recommended approval of this item.

Mr. Perry stated there is 17.7% SLBE participation on this project. Corley Construction and Orian are the SLBE firms on the project.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to defer this item.

FOR

Jackson
Washington
Jeter

AGAINST

Dixon
Malinowski
Rose
Pearce
Rush
Livingston
Manning

The substitute motion failed.

Mr. Washington stated Ms. Tanner's report stated Rodgers did not make a good faith effort in reference to SLBE participation. He further expressed his frustration with the lack of SLBE participation on the transportation projects.

Mr. Perry stated Rodgers's original bid was for 4 days and garnered 12% SLBE participation. The bid was re-opened for a two-week period and the prequalification requirements were relaxed. The SCDOT reviewed the information to determine if a good faith effort was made by Rodgers. The SCDOT made a determination that a good faith effort was made by Rodgers.

**Richland County Council
Regular Session
Tuesday, September 8, 2015
Page Eleven**

Mr. Jackson requested in the future the consultant's original report be provided to Council and not a report amended by staff.

Mr. McDonald stated staff speaks frequently about increasing the small and local business participation numbers up. In reference to this item, staff went back to the contractor 3 times to attempt to bring the numbers up toward the 20% goal.

Mr. Perry stated if Orian had been equipped to do all of the concrete work on this project it would have brought the SLBE participation up to 32%.

Mr. Malinowski stated the SLBEs were emailed and advised the plans were available, were reminded about the deadline, given 3 extensions to allow more time to respond and then sent a final reminder; therefore, he believes a good faith effort was made by Rodgers.

Mr. Perry stated there are 10 contractors in the Richland County SLBE directory and 17 on the SCDOT list that are qualified to do transportation style work. In addition, this project would be deemed a specialized project due to the railroad tracks and pedestrian bridge with elevators.

Ms. Dixon inquired as to why Richland County is funding 100% of the project when part of the zoo is in Lexington County.

Mr. Perry stated the project was a \$4 million listed project in the transportation penny.

FOR

Dixon
Malinowski
Rose
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

Jackson
Washington

The vote was in favor.

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

OTHER ITEMS

An Ordinance Authorizing a deed to Hanger Preservation Development, LLC, for approximately 2.29 acres of land, constituting a portion of Richland County TMS # 13702-09-01A [FIRST READING] – Mr. Manning moved, seconded by Mr. Malinowski, to defer this item until after Executive Session. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Rose, to approve First Reading of an ordinance authorizing a deed to Hanger Preservation Development, LLC. The vote was in favor.

A Resolution to appoint and commission Sidra Nelson as a Code Enforcement Office for the proper security, general welfare, and convenience of Richland County – Mr. Pearce moved, seconded Mr. Washington, to approve this item. The vote in favor was unanimous.

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

Ms. Margaret Sumter spoke about not being able to use the Pinewood Lake facility for a meeting on September 5th.

Ms. Carol Eaddy inquired about placing the name Hopkins on the water tower.

EXECUTIVE SESSION

- a. **Palmetto Health Contractual Matter** – No action was taken.
- b. **Sellers vs. Richland County – Pending Litigation** – Mr. Livingston moved, seconded by Mr. Manning, to proceed as directed in Executive Session. The vote in favor was unanimous.
- c. **Sale of Curtiss-Wright Hangar** – Mr. Pearce moved, seconded by Mr. Rose, to approve the sale of the Curtiss-Wright Hangar.

FOR

Dixon
Rose
Pearce
Rush
Livingston
Manning
Jeter

AGAINST

Malinowski
Jackson
Dickerson

The vote was in favor.

MOTION PERIOD

Any developer who does not fulfill their obligations regarding road construction or maintenance prior to turning roads over to Richland County, will have the name of the company and primary owners placed on a list in Richland County and will be prohibited from receiving approval for future developments until they have cured the original problems according to county requirements [MALINOWSKI] – This item was referred to the D&S Committee.

A Resolution declaring the week of September 28th “Active Aging Week” [ROSE, PEARCE, JETER, MANNING, DICKERSON and DIXON] – Mr. Manning moved, seconded by Mr. Livingston, to adopt a resolution declaring the week of September 28th as “Active Aging Week”. The vote in favor was unanimous.

Move for a resolution honoring Ada Harper James for her distinguished 21 years of service to the Honorable Judge Casey Manning at the Richland County Judicial Center [ROSE] – Mr. Pearce moved, seconded by Ms. Dixon, to adopt a resolution honoring Ada Harper James for her distinguished service to Judge Casey Manning. The vote in favor was unanimous.

Move Council to name courtroom 2b of the Richland County Judicial Center located at 1701 Main Street the Ada Harper James courtroom in honor of her distinguished 21 years of service to the Honorable Judge Casey Manning and Richland County – This item was referred to D&S Committee.

Move to have staff explore all options to provide County assistance with an important public housing project. The Columbia Housing Authority (CHA) completed its Choice Neighborhoods Plan in August, 2014. HUD awarded the Planning Grant to CHA in 2012 for this project. The CHA plans to demolish Gonzales Gardens (GG) and Allen-Benedict Court (ABC) public housing communities as soon as funding is available. In preparation for losing 520 units, the CHA is currently identifying housing to purchase so GG/ABC residents can be relocated. CHA purchased a 123 units at Village at Rivers Edge. CHA plans to acquire and/or construct an additional 127 units of housing in the near future, but that still leaves the need for 270 more units for relocation purposes [ROSE] – This item was referred to the D&S Committee.

Hire a Consultant to conduct a training class for all Council Members on the County Administrator form of government; Implement a Council rule reinforcing the requirement that all Council members adhere to the County Administrator form of government; and Direct the County Administrator to implement and enforce an aggressive disciplinary policy for employees who break the chain of command and take personnel issues directly to Council members [MALINOWSKI] – This item was referred to the A&F Committee.

Resolution honoring Robert Murphy for his years of service on the East Richland Public Service Commission [MANNING] – Mr. Malinowski moved, seconded by Ms. Dixon, to adopt a resolution honor Robert Murphy for his years of service on the East Richland Public Service Commission. The vote in favor was unanimous.

Resolution supporting the National Association of Counties (NACo) “Stepping Up” Initiative to reduce the number of people with mental illness in jails [PEARCE] – Mr. Pearce moved, seconded by Mr. Livingston, to adopt a resolution supporting NACo’s “Stepping Up” initiative to reduce the number of people with mental illness in jails. The vote in favor was unanimous.

Review HR policy on any subjection to violate employees civil rights. Example signing documents or be fired except memos. There should be other means showing employees receipt of documents such as witness noting refusal to sign [JACKSON] – This item was referred to the A&F Committee.

Review and pursue the closure of all businesses operating without Richland County business license also businesses operating as other type business than that was approved. All SOB’s that violate Richland County Ordinance and State laws [JACKSON] – This item was referred to the D&S Committee.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson stated the gentleman at Pinewood Lake Park reported the incident to the law enforcement and they are looking into it. It was explained to the lady why the room could not be rented. She did not agree with the reason and that is why she is upset.

Mr. Livingston requested Mr. McDonald forward to him a copy of the operational agreement that we agreed to as it relates to the park.

Ms. Dickerson requested a copy as well.

ADJOURNMENT

The meeting adjourned at approximately 8:45PM.

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