

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

SPECIAL CALLED MEETING MINUTES

December 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

Mr. Pearce moved, seconded by Mr. Malinowski, to broadcast the Special Called Meeting.
The vote in favor was unanimous.

INVOCATION

The Invocation was led by the Honorable Joyce Dickerson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

PRESENTATION

Outstanding Friend Acknowledgement – Mr. Rodney Odom and Ms. Jennifer Senn presented Ms. Dixon with the Outstanding Friend Award in honor of her dedication to the Safe Routes to Schools initiative.

APPROVAL OF MINUTES

Regular Session: December 1, 2015 – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

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

Mr. Pearce inquired is there was going to be a Special Called meeting on December 15th.

Mr. McDonald stated one had not been scheduled, but any time sensitive items that were not taken up at tonight's meeting would not be back before Council until the February 9th Council meeting.



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
Daniel Driggers
Warren Harley
Beverly Harris
Kimberly Roberts
Brandon Madden
Roxanne Ancheta
Michelle Onley
Michael King
Larry Smith
Geo Price
Laura Renwick
Jeff Ruble
Quinton Epps
Kevin Bronson
Tracy Hegler
Chad Fosnight
Dwight Hanna
John Hixon
Brad Farrar
Cheryl Patrick
Chris Gossett
Rob Perry
Monique McDaniels

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

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

- a. **Waterpark Contract(2)**
- b. **Sheriff's Department – Potential Purchase of Property**
- c. **Transportation Sales Tax Expenditures**
- d. **Project RS**
- e. **Personnel Matter**

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

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Annual Audit Presentation – Mr. Tom McNeish with Elliott Davis gave a brief overview of the annual audit.

Mr. Pearce inquired as to how much was in the fund balance.

Mr. McNeish stated the fund balance is \$30.3 million, which is an increase of \$2.8 million.

Mr. Pearce moved, seconded by Ms. Dixon, to schedule a work session in February to discuss the annual audit in more detail. The vote in favor was unanimous.

REPORT OF THE CLERK OF COUNCIL

REMINDER: Board, Commission, and Committee Appreciation Drop-In: January 14, 2016 – 4th Floor Conference Room – Ms. McDaniels reminded Council of the upcoming Board, Commission, and Committee Appreciation Drop-in on January 14th in the 4th Floor Conference Room. The drop-in will be held from 5:30 PM – 7:30 PM.

Benedict College's 29th Annual Black History Teleconference Funding Request – Ms. McDaniels stated Council received a sponsorship request from Benedict College for their 29th Annual Black History Teleconference. The teleconference is February 9th and 10th.

Mr. Jeter moved, seconded by Mr. Malinowski, to have individual Council members that wish to attend to purchase tickets from their discretionary account. The vote in favor was unanimous.

REPORT OF THE CHAIRMAN

Charters of Freedom – Site Recommendation – Ms. Ancheta stated the recommendation from Mr. Patterson and County staff was to place the monument at 2020 Hampton Street.

Mr. Manning moved, seconded by Ms. Dickerson, to approve placing the monument at 2020 Hampton Street.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

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

OPEN/CLOSE PUBLIC HEARINGS

- **Palmetto Health JEDA Bond Issuance** – No one signed up to speak.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 6:25 p.m.
and came out at approximately 7:04 p.m.*

- a. **Personnel Matter** – No action was taken.

OPEN/CLOSE PUBLIC HEARINGS

- **Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain additional real property located in Richland County; the execution and delivery of a First Amendment of that certain Credit Agreement between Richland County and CD/Park7 Columbia SC High Rise Owner LLC to include such additional property as part of the project site described therein; and other related matters** – No one signed up to speak.
- **Authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between Richland County and Project Oro whereby Richland County will enter into a fee-in-lieu of tax agreement**

with Project Oro and providing for payment by Project Oro of certain fees-in-lieu of ad valorem taxes; providing for the allocation of fees-in-lieu of taxes payable under the agreement for the establishment of a multi-county industrial/business park; and other matters relating thereto – No one signed up to speak.

- **An Ordinance Authorizing the execution and delivery of an Infrastructure Credit Agreement by and between Richland County, South Carolina and Dominion Carolinas Gas Transmission, LLC with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes, and such company will receive certain infrastructure credits in respect of investment in related infrastructure; and other matters related thereto – No one signed up to speak.**

APPROVAL OF CONSENT ITEMS

- **15-34MA, Tyson Reilly, RU to RS-E (202.56 Acres), Heins Rd., 23500-05-03 [THIRD READING]**
- **15-37MA, Jonathan Yates, RU to GC (19.69 Acres), 4600 Hardscrabble Rd., 20300-03-03 & 04 [THIRD READING]**
- **15-39MA, Nelson Lindsay, RU to LI (26.6 Acres), Baker Rd., 15100-03-02 & 03 [THIRD READING]**
- **15-42MA, David Brandes, RU to GC (8.52 Acres), Piney Grove Rd. & Piney Woods Rd., 04913-04-01/02/33/11/14 [THIRD READING]**
- **15-44MA, Sean Heideman, OI to GC (1 Acre), 5209 Two Notch Rd., 14108-09-12 [THIRD READING]**

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

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. Dixon, to reconsider this item. The motion failed.

THIRD READING ITEMS

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain additional real property located in Richland County; the execution and delivery of a First Amendment to that certain Credit Agreement between Richland County and CD/Park7 Columbia SC High Rise Owner LLC to include such additional property as part of the project site described therein; and other related matters – Ms. Dixon moved, seconded by Mr. Rose, to approve this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

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

An Ordinance Authorizing the execution and delivery of Infrastructure Credit Agreement by and between Richland County, South Carolina and Dominion Carolinas Gas Transmission, LLC with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes, and such company will receive certain infrastructure credits in respect of investment in related infrastructure; and other matters related thereto – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

Mr. Washington inquired if the fee structure had been established for this item.

Mr. Ruble stated this is not a fee-in-lieu of taxes. It is a special source credit.

Mr. Malinowski requested in the future complete information be provided to the public. (i.e. Project VA)

FOR

Dixon
Malinowski
Rose
Jackson
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Livingston
Dickerson
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Manning
Jeter

AGAINST

The vote in favor was unanimous.

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

15-35MA, Cynthia Weatherford, RS-HD to LI (1.27 Acres), 2610 Harlem St., 16204-08-01

Mr. Washington moved, seconded by Mr. Jackson, to approve this item.

Mr. Washington inquired if the property owner communicated with Zoning regarding the layout of the building.

Mr. Price stated Mr. Weatherford provided him with a sketch of the proposed location of the building.

Mr. Washington further inquired if the property owner followed-up with Mr. Price regarding the buffering.

Mr. Price responded they have not spoken with him.

Mr. Washington made a substitute motion, seconded by Mr. Malinowski, to defer this item until the next Council meeting. The vote in favor was unanimous.

SECOND READING ITEMS

Authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between Richland County and Project Oro whereby Richland County will enter into a fee-in-lieu of tax agreement with Project Oro and providing for payment by Project Oro of certain fees-in-lieu of ad valorem taxes; providing for the allocation of fees-in-lieu of taxes payable under the agreement for the establishment of a multi-county industrial/business park; and other matters relating thereto – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

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FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2015-2016 Court Appointed Special Advocates Training Grant Annual Budget to add two new CASA Case Worker positions – Ms. Dickerson moved, seconded by Ms. Dixon, to approve this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to prohibit the parking of motor vehicles in the front yard in certain Residential Zoning Districts – Mr. Jeter moved, seconded by Ms. Dickerson, to defer this item until the next Council meeting.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
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Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification – Ms. Dixon moved, seconded by Mr. Malinowski, 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 DEVELOPMENT & SERVICES COMMITTEE

- a. Removal of Lien off of Property** – Ms. Dixon stated the committee forwarded this item to Council with a recommendation for approval.

Mr. Malinowski stated this item was deferred at the last meeting Ms. Dixon requested additional information and the information was not included in the agenda packet.

Mr. Madden stated he conducted some research and was unable to find a specific policy that would prohibit Atlas Road Community Organization from applying for a federal grant. The organization

may run into a problem if they need to use the value of the property as a condition of the award of a grant since some organizations have their own criteria.

Mr. Malinowski inquired if the organization had indicated they planned to apply for a grant.

Mr. Madden stated it is his understanding they will not be seeking a grant at this time. The property will be utilized for future projects (i.e. a park or open space).

Mr. Livingston would like to research the possibility of putting a stipulation on the property that the lien be removed at this time, but if the organization were to sell the property the County would be reimbursed for the value of the lien.

Ms. Dickerson inquired about the quit claim deed of the property.

Mr. Smith stated the property was deeded to the Atlas Road Community Organization with a quit claim deed, which included the lien on the property, instead of a warranty deed.

The lien was placed on the property by the County to cover the cost of the County demolishing an unsafe structure on the property.

FOR

Dixon
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

Malinowski

The vote was in favor,

Mr. Washington moved, seconded by Mr. Pearce, to reconsider this item. The motion failed.

REPORT OF THE ADMINISTRATION & FINANCE COMMITTEE

- a. **Consulting and Representation Services—Disaster Recover RFP** – Mr. Pearce stated under the emergency procedures the County did an emergency procurement for disaster services. FEMA requires, however, that a RFP for services be put out. The process was not complete at the time of the committee meeting.

Ms. Patrick stated the proposal was published on October 29th and an amendment was issued November 6th. The proposals were due on November 16th. Thirteen proposals were received and

distributed to the evaluation committee on November 17th. The evaluators met with Ms. Patrick on December 3rd. The bid proposal by TetraTech was the most advantageous to the County.

Mr. Pearce moved, seconded by Mr. Jackson, to approve the evaluation committee's recommendation to award the contract to TetraTech.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dixon, to reconsider this item. The motion failed.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

- a. Palmetto Health JEDA Bond Issuance** – 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.

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

- b. Waterpark Contract(s)** – This item was taken up in Executive Session.

- c. **Project RS** – This item was taken up in Executive Session.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Lexington Richland Alcohol and Drug Abuse Council (LRADAC) – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- b. **Accommodations Tax Committee – 2 (One Applicant must have a background in the Cultural Industry; other applicant must have a background in the Lodging Industry)** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- c. **Hospitality Tax Committee – 3 (Two of the applicants must have a background in the Restaurant Industry; other position is at-large)** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- d. **Internal Audit – 1 (Applicant must be a CPA)** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- e. **Business Service Center – 1 (Applicant must be a CPA)** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- f. **Employee Grievance – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.

REPORT OF THE DIRT ROAD AD HOC COMMITTEE

- a. **Jouster Street Dirt Road Paving, Sheltered Market SLBE Construction Contract** – Ms. Dixon stated the committee recommended award of contract to Armstrong Contractors in the amount \$151,363.85, which includes a 10% contingency. The company is located in Blythewood.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

Ms. Dixon moved, seconded by Ms. Dickerson, to reconsider this item. The motion failed.

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. **Sidewalk Package S-1, Sheltered Market SLBE Construction Contract** – Mr. Livingston stated the committee recommended award of contract to Armstrong Contractors in the amount \$103,037.80, which includes a 10% contingency.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

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

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. **Destination Parks Funding Plan** – Mr. Washington stated the funding plan would be brought forward at the next meeting after First Reading approval of the waterpark bond ordinance.
1. **A Second Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Tax Revenue Bonds, taxable series 2016, or such other appropriate series designation, in the principal amount of not exceeding \$20,000,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto [FIRST READING]** – Mr. Washington moved, seconded by Mr. Malinowski, to defer action on this item until after Executive Session. The vote in favor was unanimous.

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

Ms. Helen Taylor Bradley and Ms. Carol Goodson Eaddy spoke regarding the Lower Richland Sewer Project.

Ms. Sabrina Todd, Ms. Rachel Larratt, Mr. Paul Truesdale, Ms. Teresa Schlosser spoke regarding the flooding event.

Ms. Donya Atwood and Ms. Petrina Green spoke regarding non-payment for services rendered at the Lower Richland Operations Center.

Mr. Livingston requested that Project Oro be added to the items to be discussed in Executive Session.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:57 p.m.
and came out at approximately 9:50 p.m.*

- a. **Waterpark Contract(s)** – Mr. Livingston moved, seconded by Ms. Dickerson, to proceed with waterpark contract as discussed in Executive Session.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

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

- b. **Sheriff's Department Potential Purchase of Property** – Mr. Pearce moved, seconded by Ms. Dixon, to proceed with Sheriff's Department request to purchase of property.

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FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dixon, to reconsider this item. The motion failed.

- c. **Transportation Sales Tax Expenditures** – No action was taken.
- d. **Project RS** – Mr. Livingston moved, seconded by Mr. Manning, to approve the waiver as discussed in Executive Session.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- e. **Personnel Matter** – Mr. Manning moved, seconded by Ms. Dickerson, to draft language mutually agreed upon between County Council and the County Administrator to extend the contract deadline to December 31, 2016.

Mr. Jackson made a substitute motion, seconded by Mr. Washington, to extend the contract until the first Council meeting after Council Retreat.

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FOR

Dixon
Jackson
Washington

AGAINST

Malinowski
Rose
Pearce
Rush
Livingston
Dickerson
Manning

The substitute motion failed.

Mr. Washington made a substitute motion to add to the original motion a succession plan and an assessment of administration operations.

The substitute motion died for lack of a second.

Mr. Jackson stated he had no problem with moving forward with the Administrator. He is concerned with awarding a contract and then discuss with the Administrator the terms and expectations. He further stated he has concerns with procedures and processes with the Administrator and his staff.

Mr. Washington stated his concern with moving forward is that Council has not had a comprehensive conversation with the Administrator regarding expectations and plans for the future.

Ms. Dixon stated her concerns include discrimination among employees and bias among Council members. She further stated Council members were elected by the citizens in their districts and everyone should be treated fairly.

FOR

Malinowski
Rose
Pearce
Rush
Livingston
Dickerson
Washington
Manning

AGAINST

Dixon
Jackson

The vote was in favor.

Ms. Dickerson moved, seconded by Mr. Rose, to reconsider this item.

Mr. Rose stated he really appreciates the Administrator and under his leadership he does things in a honest way and acts in the best interest of the Council.

Ms. Dickerson stated she has been working with Mr. McDonald for approximately 12 years and they have developed a relationship wherein if she has a problem they sit down and discuss the problem.

Mr. Washington stated his concerns are about things falling through the cracks regarding his Council district, which was highlighted with the flooding event.

Mr. Jackson stated his concern is with the accountability of some of Administration's staff members.

The motion for reconsideration failed.

MOTION PERIOD

- a. **Richland County Resolution recognizing January as Human Trafficking Prevention Month [DIXON and MANNING]** –Mr. Pearce moved, seconded by Mr. Manning, to adopt a resolution recognizing January as Human Trafficking Prevention Month.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning

AGAINST

The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 10:12 PM.

Torrey Rush, Chair

Greg Pearce, Vice-Chair

Joyce Dickerson

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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