

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### SPECIAL CALLED MEETING MINUTES

July 28, 2015  
7:15 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 7:15 PM

#### INVOCATION

The Invocation was led by the Honorable Joyce Dickerson

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

#### APPROVAL OF MINUTES

**Regular Session: July 21, 2015** – Mr. Livingston moved, seconded by Ms. Dickerson, to reconsider the following item: “An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to add townhouses as a permitted use with special requirements in the RM-MD and RM-HD Zoning Districts”. The vote in favor was unanimous.

Mr. Livingston stated there was a scrivener’s error in the ordinance included in the July 21<sup>st</sup> agenda packet.

Mr. Livingston moved, seconded by Mr. Pearce, to approve the corrected ordinance language of 7 units instead of 6 units. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as amended. The vote in favor was unanimous.

#### ADOPTION OF THE AGENDA

Mr. Washington requested the removal of Item 2(a): Report of the Attorney for Executive Session Items: Sports Arena Project Contractual Matter

Ms. Dixon requested the removal of Item 9: Report of Development and Services Committee: Motion to request Legal Department assess potential liability of permitting



#### 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  
Michelle Onley  
Monique McDaniels  
Kimberly Roberts  
Amelia Linder  
Chad Fosnight  
Rob Perry  
Brandon Madden  
Roxanne Ancheta  
Cheryl Patrick  
Rudy Curtis  
Valeria Jackson  
Ashley Powell  
Monique McDaniels  
Tammy Brewer

human occupied watercraft in Pinewood Lake.

Mr. Rush requested to add "Consent Items" after the Report of the Chairman.

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

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

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

**a. Personnel Matter**

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

Ms. Helen Taylor Bradley spoke regarding Item 28(c): I move that Council record non-electronic roll call voting for all final votes that are not unanimous for third reading or one time votes; and which are merely procedural in nature.

Ms. Wendy Brawley spoke regarding Item 28(b): Changes to FOIA regarding Agenda

### **REPORT OF THE COUNTY ADMINISTRATOR**

Mr. McDonald stated Ms. Dickerson recently attended a NACo conference where the focus was on cybersecurity. The County is currently working on cybersecurity issues and plans.

### **REPORT OF THE CLERK OF COUNCIL**

**37<sup>th</sup> Annual Jubilee: Festival of Heritage, September 19<sup>th</sup>, Mann-Simons, 1403 Richland Street** – Ms. McDaniels stated Council received a sponsorship request for the 37<sup>th</sup> Annual Jubilee Festival.

Ms. Dickerson moved to forward this item to the September 8<sup>th</sup> Council meeting for action. The motion died for lack of a second.

Mr. Jeter moved, seconded by Mr. Pearce, to allow Council members that wish to donate to the festival to utilize their discretionary accounts. The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dixon thanked Richland County Staff for their assistance with the community festival.

### **REPORT OF THE CHAIRMAN**

**Personnel Matters** – This item was taken up in Executive Session.

**APPROVAL OF CONSENT ITEMS**

- **Creation of a new Chapter entitled “Vector Control” and creation of the Department of Vector Control [FIRST READING]**
- **Public Works – Intergovernmental Agreement with the Town of Eastover**
- **Building Codes & Inspections Department – Intergovernmental Agreement between Richland County and the Town of Eastover**
- **Approval of FY15-16 Budgets within the FY15-16 Annual Action for Community Development Federal Funds**
- **Authorization to Increase the FY15 Buck Consultants Purchase Order Over \$100,000**
- **Bond Issuance – 2015**
- **Candlewood – Catalyst 3 Neighborhood Park – Parcel Acquisition and Subsequent Deed to Richland County Recreation Commission for Park Maintenance**
- **Magistrate – Arcadia Lakes Intergovernmental Service Contract to Provide for Richland County Magistrate Caroline E. Streater to Serve as the Town of Arcadia Lakes’s Municipal Court Judge**
- **Magistrates, Authorization of Design/Build Policy for Dentsville, Hopkins, and Upper Township District Magistrate Offices**
- **Relocation of Sheriff Training Division**

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

Mr. McDonald stated any item that required minor amendments will be incorporated.

The vote in favor was unanimous.

Mr. Manning moved, seconded by Ms. Dixon, to reconsider all the Consent Items, as well as, Item #22: Magistrate – Town of Eastover Intergovernmental Service Contract to Provide for Eastover Magistrate Donald Simons to Serve as the Town of Eastover Municipal Court Judge.

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**FOR**

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

The motion to reconsider failed.

**THIRD READING ITEMS**

**An Ordinance Authorizing a lease to United Way of Midlands for 5178± square feet of space at 2000 Hampton Street, 3<sup>rd</sup> Floor and 2165± square feet of space at 2000 Hampton Street, 4<sup>th</sup> Floor**

– Ms. Dickerson moved, seconded by Mr. Pearce, to approve this item.

Mr. Manning requested to amend the ordinance as follows : “...2165± square feet...”

Ms. Dickerson accepted the amendment of the square feet.

**FOR**

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

The vote in favor was unanimous.

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

**FOR**

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

The motion to reconsider failed.

**SECOND READING ITEM**

**An Ordinance Authorizing a lease to Columbia Area Mental Health for \_\_\_\_\_ square feet of space at 2000 Hampton Street, 3<sup>rd</sup> Floor** – Mr. Washington moved, seconded by Mr. Jackson, to approve this item.

Mr. McDonald stated for the record staff is still in negotiations with Columbia Area Mental Health on the exact square footage.

**FOR**

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

The vote in favor was unanimous.

**REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

- a. **Magistrate – Town of Eastover Intergovernmental Service Contract to Provide for Eastover Magistrate Donald Simons to Serve as the Town of Eastover Municipal Court Judge** – Mr. Malinowski inquired about the difference in salary for the Arcadia Lakes Municipal Court Judge and the Town of Eastover Municipal Court Judge if the function of the jobs are the same.

Mr. McDonald stated the reason for the difference is the case load of the different municipalities.

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Mr. Malinowski moved, seconded by Mr. Manning, to approve this item. The vote in favor was unanimous.

- b. Lease Agreement: Warehouse for Richland Library during Capital Program** – Mr. Smith stated the changes requested by Council were accepted by the real estate company and the library; therefore, he recommended approval of the amended lease.

Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item as amended.

**FOR**

Dixon  
Malinowski  
Rose  
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.

**FOR**

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

The motion for reconsideration failed.

- c. Amending Section 2-261, Geographic Information System (GIS), so as to eliminate the fees for GIS data** – This item was deferred in Committee.
- d. Solid Waste Roll Carts Contract** – Mr. Pearce stated the committee recommended approval of this item.

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**FOR**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington

**AGAINST**

The vote in favor was unanimous.

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

**FOR**

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Jeter

The motion for reconsideration failed.

- e. **Richland County Sheriff's Department COPS Hiring Program Grant, 1 Full Time Employee; 25% Grant Match** – Mr. Pearce stated the committee recommended approval.

**FOR**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Jeter

**AGAINST**

The vote in favor was unanimous.

Mr. Jackson moved, seconded by Ms. Dixon, to reconsider this item.

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**FOR**

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Jeter

The motion for reconsideration failed.

- f. **General Contractor Services for New Coroner's Facility** – Mr. Pearce stated the committee recommended approval.

Mr. Malinowski stated for the record he did not have an opportunity to review the contract; therefore, he will not be voting in favor of this item.

**FOR**

**AGAINST**

Dixon  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Jeter

Malinowski  
Manning

The vote was in favor.

Mr. Pearce moved, seconded by Mr. Jackson, to reconsider this item.

**FOR**

**AGAINST**

Malinowski  
Manning

Dixon  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Jeter

The motion for reconsideration failed.

## **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. 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. The vote in favor was unanimous.
- c. Building Codes Board of Appeals – 1 (Applicant must be an Electrician)** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- d. Employee Grievance Committee – 1 (Applicant must be an employee of Richland County)** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- e. Hospitality Tax Committee – 3 (2 of the applicants must be from the Restaurant Industry)** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- f. Internal Audit Committee – 1 (Applicant must be a CPA)** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- g. Midlands Regional Convention Center Authority – 1 (Applicant must have a background in the Hotel Industry)** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- h. Procurement Review Panel – 2 (Applicant must be from the Service Industry)** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.

### **II. NOTIFICATION OF APPOINTMENTS**

- a. Richland Library Board – 4** – Mr. Malinowski stated the committee recommended appointing Ms. Betty L. Gregory, Mr. James “Jamie” Shadd, III, Ms. Katherine Swartz Hilton and Dr. Diana Pollard McCauley.

Mr. Washington moved, seconded by Mr. Rose, to divide the question. The vote was in favor.

Ms. Ray Border Gray – Mr. Rose, Mr. Jackson, Mr. Jeter, and Mr. Washington

Ms. Betty J. Hines – No one

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Ms. Betty L. Gregory – Ms. Dixon, Mr. Malinowski, Mr. Jackson, Mr. Rose, Mr. Pearce, Mr. Rush, Mr. Livingston, Ms. Dickerson, Mr. Washington, Mr. Manning, and Mr. Jeter

Mr. James “Jamie” Shadd, III – Ms. Dixon, Mr. Malinowski, Mr. Jackson, Mr. Rose, Mr. Pearce, Mr. Rush, Mr. Livingston, Ms. Dickerson, Mr. Washington, Mr. Manning, and Mr. Jeter

Mr. Jonathan P. Lee – Mr. Rose and Mr. Pearce

Ms. Katherine Swartz Hilton – Ms. Dixon, Mr. Malinowski, Mr. Rush, Mr. Livingston, Ms. Dickerson and Mr. Manning

Ms. Martina D. Mitchell – No one

Dr. Diana Pollard McCauley – Ms. Dixon, Mr. Malinowski, Mr. Livingston, and Mr. Manning

Ms. Cheryl English – Mr. Pearce, Mr. Jackson, Mr. Rush, Ms. Dickerson, Mr. Washington, and Mr. Jeter

Ms. Betty L. Gregory; Mr. James “Jamie” Shadd, III; Ms. Katherine Swartz Hilton and Ms. Cheryl English were appointed to the Richland Library Board.

- b. East Richland Public Service Commission – 2** – Mr. Malinowski stated the committee recommended re-appointing Mr. Yves Naar and defer for additional information the remaining appointment. The vote in favor was unanimous.

### **III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE**

- a. CMRTA Board Terms** – This item was held in committee.

Mr. Washington inquired if it was required for the structure of the Board has to be consistent for the City of Columbia and Richland County.

Mr. Smith stated the recommendation that came forward from the attorney that represents the CMRTA was that the terms would coincide for continuity sake.

- b. Changes to FOIA regarding Agenda** – Mr. Malinowski stated the committee recommended incorporating into Council Rules the following language:

- “(1) Each regularly scheduled and special called meeting must have an agenda.
- (2) The agenda must be published [24 hours in advance] on the County website as well as being posted on the bulletin board.
- (3) Once the agenda is posted, no items may be added without an additional 24 hour notice period.

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- (4) At the meeting, an item which requires action may only be added by a two-thirds vote of members present and voting. HOWEVER, if it is an item where final action may be taken at the meeting or there will be no further opportunity for public input, it may only be added by two-thirds vote and a finding that an emergency or exigent circumstance exists if the item is not added to the agenda.”

**FOR**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Jeter

**AGAINST**

The vote in favor was unanimous.

- c. **I move that Council record non-electronic roll call voting for all final votes that are not unanimous for third reading or one time votes; and which are not merely procedural in nature [MANNING, MALINOWSKI, DICKERSON, and JETER]** – Mr. Malinowski stated the language was amended in committee as follows: “I move that Council record non-electronic roll call voting for all votes that are not unanimous for second and third reading or one time votes; and which are not merely procedural in nature.”

Mr. Rose stated although the motion is not perfect because it does not call for roll call voting on each item; however, it is very close and he would be voting in favor of this item.

Mr. Jeter requested the staff to notate on the agenda which items should be voted on via the roll call method.

**FOR**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

**AGAINST**

The vote in favor was unanimous.

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Mr. Washington moved, seconded by Mr. Malinowski, to reconsider the Rules & Appointment Committee appointments.

**FOR**

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Jeter

The motion for reconsideration failed.

**OTHER ITEMS**

**REPORT OF DIRT ROAD AD HOC COMMITTEE:**

- a. **Connectivity Paving** – Ms. Dixon stated included in the agenda packet is a list of dirt roads staff recommends for paving to insure system connectivity. These roads are not funds for paving based on the Dirt Road Paving Ordinance formula, but would have to be crossed to access some of the dirt roads that will be paved. The committee recommends two options to fund the paving of these dirt roads considered vital for system connectivity. The two options are (1) CTC funding and (2) Fund balance. The committee recommends CTC Funding.

Mr. Washington requested clarification of the motion from committee.

Mr. McDonald stated it was his understanding the committee recommended CTC Funding and/or Road Maintenance Fund Balance.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to fund the paving of these dirt roads with CTC Funding and/or Road Maintenance Fund Balance.

Mr. Washington withdrew his motion.

**FOR**

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Manning

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The vote in favor was unanimous.

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

No one signed up to speak.

Mr. Washington moved, seconded by Mr. Malinowski, to reconsider the agenda.

**FOR**

Dixon  
Malinowski  
Jackson  
Rush  
Livingston  
Dickerson  
Washington  
Jeter

**AGAINST**

Rose  
Pearce

The vote was in favor of reconsidering the agenda.

Mr. Washington moved, seconded by Mr. Malinowski, to move Executive Session until after the Motion Period. The vote was in favor.

**MOTION PERIOD**

**80<sup>th</sup> Anniversary of Social Security Act [JACKSON]** – Mr. Washington moved, seconded by Ms. Dixon, to adopt a resolution in honor of the 80<sup>th</sup> Anniversary of the Social Security Act.

**FOR**

Dixon  
Malinowski  
Rose  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

**AGAINST**

The vote in favor was unanimous.

**Hunger Awareness and Action Month [DIXON]** – Mr. Pearce moved, seconded by Ms. Dixon, to adopt a resolution in honor of Hunger Awareness and Action Month. The vote in favor was unanimous.

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**Authorize the Administrator to negotiate and execute an extension of the agreement with Comprehensive Business Consultants, LLC, with services not to extend beyond December 31, 2015 [WASHINGTON]**

– Mr. McDonald stated the Comprehensive Business Consultants, LLC is the firm that is currently contracted with the County assisting the Procurement Department and SLBE Program. The County is at the end of the original contract period; therefore, the recommendation is to negotiate an extension of the contract. Ms. Tanner would be utilized on an as needed basis under the same terms in the current contract. As the positions in the OSBO Office are filled, the need for Ms. Tanner's assistance will be lessened.

Ms. Dickerson inquired if the need for continued services will be evaluated monthly.

Mr. McDonald stated all of the vacant positions in the OSBO Office have been advertised. As those positions are filled, the need for Ms. Tanner's services will decrease.

Mr. Livingston moved, seconded by Mr. Rose, to accept the Administrator's recommendation to move forward with negotiations with Comprehensive Business Consultants, LLC.

Mr. Malinowski inquired as to the end date of the current contract.

Mr. McDonald stated there was no end date. The amount the Administrator can approve has reached its limit; therefore, the extension of the contract is coming before Council.

Mr. McDonald stated the current contract has been in place for 5 months and the amount billed is just under \$100,000.

Ms. Patrick stated the hours that have currently been billed are as follows:

528.25 hours – Diversity Director/Compliance Manager  
58.50 hours – Technical Advisor

Mr. McDonald stated the majority of the funding set aside for the OSBO Office was not utilized since the positions the funding was set aside for were not filled.

**FOR**

Dixon  
Malinowski  
Rose  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Jeter

**AGAINST**

The vote in favor was unanimous.

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

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**FOR**

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington

The motion for reconsideration failed.

**EXECUTIVE SESSION**

*Council went into Executive Session at approximately 8:27 p.m.  
and came out at approximately 8:45 p.m.*

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

**ADJOURNMENT**

The meeting adjourned at approximately 8:45PM.

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Torrey Rush, Chair

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Greg Pearce, Vice-Chair

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Joyce Dickerson

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Julie-Ann Dixon

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Norman Jackson

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Damon Jeter

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Paul Livingston

---

Bill Malinowski

---

Jim Manning

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Seth Rose

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Kelvin E. Washington, Sr.

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