

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

SPECIAL CALLED MEETING MINUTES

October 12, 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 6:01 PM

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

INVOCATION

The Invocation was led by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

POINT OF PERSONAL PRIVILEGE – Ms. Dixon thanked staff and her fellow Council members for wearing purple in recognition of Domestic Violence Awareness Month and to remind everyone to wear pink to next week's Council meeting in honor of Breast Cancer awareness.

PRESENTATION OF PROCLAMATIONS

National Community Planning Month Proclamation [MANNING and RUSH] – Mr. Manning presented members of the Planning Commission and Planning Staff with a proclamation in honor of National Community Planning Month.

POINT OF PERSONAL PRIVILEGE – Mr. Rush recognized City Councilwoman Tameika Isaac Devine was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Rush thanked all the First Responders, Law Enforcement, County Staff and Council members for their service during the historic flooding event.

POINT PERSONAL PRIVILEGE – Ms. Dickerson recognized Chief Aubrey Jenkins and the Richland County Coroner, Gary Watts, were in the audience.



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
Sparty Hammett
Warren Harley
Dwight Hanna
Beverly Harris
Monique McDaniels
Kimberly Roberts
Rob Perry
Brandon Madden
Roxanne Ancheta
Cheryl Patrick
Rudy Curtis
Michelle Onley
Stacy Culbreath
Quinton Epps
Michael Byrd
Chris Gossett
Donny Phipps
Brad Farrar
Chris Eversmann
Tracy Hegler
Cheryl Johnson
Ashley Powell
Ismail Ozbek
Andrea Bolling
Synthia Williams

POINT OF PERSONAL PRIVILEGE – Mr. Rush recognized the Treasurer, Mr. David Adams, was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Manning recognized the Auditor, Mr. Paul Brawley, was in the audience.

APPROVAL OF MINUTES

Regular Session: September 15, 2015 – Ms. Dixon moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: September 22, 2015 – Mr. Pearce moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

Special Called Meeting: October 6, 2015 – Ms. Dickerson moved, seconded by Mr. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Washington moved, seconded by Mr. Livingston, for unanimous consent to add a motion to the agenda to adopt a resolution honoring the railroad workers and the SCDOT worker that lost their lives while assisting the Lower Richland area during the flooding event. The vote in favor was unanimous.

Mr. Pearce stated it was pointed out the incorporated municipalities of the County would need to request in writing (i.e. email, letter) if they wish for the County to assist them. In addition, County Council would also need to approve those requests. Since this is a time sensitive matter, Council should extend the help to the municipalities as soon as possible.

Mr. Pearce moved, seconded by Mr. Washington, to extend help to the municipalities that request the County's assistance, as soon as possible.

Mr. McDonald stated Mr. Pearce was correct that a request from the municipalities is needed if they wish the County to take them under their umbrella in recovery and FEMA reimbursement efforts. It is Mr. McDonald's suggestion that Council give blanket approval for the municipalities (i.e. Forest Acres, Eastover, Arcadia Lakes, and Blythewood) that wish the County to assist them.

Mr. Farrar stated if FEMA or the Federal government requires a written memorialization (i.e. MOU or IGA) the applicants need to understand that may be part of the request process and it is going to be pro forma.

Mr. Pearce clarified his motion as follows: "Whatever is required from FEMA in order for the County to extend services to incorporated municipalities that are not servicing themselves."

Mr. Washington inquired if the municipalities will be required to do a disaster declaration.

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Mr. Farrar stated it is his understanding the County's declaration pertains to the geographical area of the County.

Mr. McDonald stated the City of Columbia is pursuing their own recovery efforts and have contracted with a firm similar to the County.

Mr. Malinowski inquired if Irmo would be eligible to receive assistance.

Mr. McDonald stated if Irmo were to ask for assistance it would only be eligible for the Richland County portion.

The vote in favor was unanimous to extend services to the incorporated municipalities that request the County's assistance in writing.

Mr. McDonald requested the following items be added under the Report of the County Administrator: (1) SCDOT Contractor List: Road Repairs and (2) Inclement Weather Days for Employees.

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

A Proclamation recognizing Pregnancy and Infant Loss Awareness Month [RUSH] – Mr. Rush presented a proclamation to Ms. Christy Boulder in honor of Pregnancy and Infant Loss Awareness Month.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

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

- a. **“Motion to request Legal Department access potential liability of permitting human occupied watercraft at Pinewood Lake”**
- b. **Elm Abode Drainage**
- c. **1033 Law Enforcement Support Office (LESO) Program – Litigation Update**
- d. **Personnel Matter**
- e. **SCDOT Contractor List**

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized Elevations and thanked them for their assistance during the flood clean up. Mr. Washington also thanked his son for all of his hard work since the flooding.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson recognized the leader of Elevations.

POINT OF PERSONAL PRIVILEGE – Mr. Manning requested a photo of the Elevations group be taken by the PIO Office.

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

Ms. Minnie Green thanked Mr. Washington for his assistance during and after the flooding event.

Mr. Washington moved, seconded by Mr. Jackson, to extend Ms. Green's time past the 2 minutes allowed. The vote in favor was unanimous.

Mr. Jim McCauley thanked Council for the Pinewood Lake facility.

Ms. Brenda Miller thanked Mr. Washington and brought it to Council's attention the temporary barricades are too easily moved and there are residents that still need assistance with food and cleaning supplies.

Ms. Dickerson requested that anyone that knows citizens that are in need to let Council and/or staff know so that assistance can be arranged for them.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Stormwater Management Plan Update** – This item was deferred.
- b. Presentation of FY16 Budget Book**– Mr. McDonald presented the budget book to Council and thanked Finance staff. The budget document has also been placed on the County website.
- c. SCDOT Contractor List** – Mr. McDonald stated throughout the course of the last week, it has been discussed the potential of utilizing the SCDOT Contractor list. The list has been compiled and competitively procured; FEMA approved and meets the qualifications for doing construction work on DOT roads, which makes it eligible for FEMA reimbursement. Staff is requesting Council authorize the use of the SCDOT Contractor list instead of procuring a separate list. The County would focus on using local vendors to do the work. By utilizing the existing SCDOT Contractor list, construction and/or repairs could begin within 90-120 days. The County is committed to using local vendors to do the work.

Mr. McDonald further stated the County is responsible for contracting and repairing County roads and SCDOT is responsible for the DOT roads.

Mr. Washington requested staff research if the vendors on the County's SLBE/DBE list have to be certified by DOT to be on the County's list.

Mr. Jeter requested the SCDOT Contractor list be forwarded to Council.

Mr. Pearce moved, seconded by Ms. Dixon, to utilize the SCDOT approved contractor list in addition to, not in lieu of any lawful procurement processes the County may undertake. The vote in favor was unanimous.

- d. Inclement Weather Days for Employees** – Mr. McDonald stated it is his recommendation that Council forgive the inclement weather days and not charge the employees any leave time (i.e. annual, sick, etc.).

Mr. McDonald stated there is a policy in place to address compensation for those employees that were required to work during the County's closing. Furthermore, the County will be able to apply for reimbursement from FEMA for those costs.

Mr. Rose inquired if there was any kind of compensation for the exempt employees that worked during the inclement weather days.

Mr. McDonald stated staff will research this matter, but it may require a policy declaration by County Council.

The vote in favor was unanimous to forgive the inclement weather days for the employees.

REPORT OF THE CLERK OF COUNCIL

2016 County Council Meeting Dates – This item was deferred until the November 6th Council Meeting.

2016 Council Retreat – This item was deferred until the October 20th Council Meeting, per Mr. Manning's request.

POINT OF PERSONAL PRIVILEGE – Mr. Washington thanked his fellow Council members for supporting him during the flood event.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson thanked Mr. Washington for his tireless work during the flood event.

REPORT OF THE CHAIRMAN

Personnel Matter – This item was deferred.

Richland County VC Summer Exercise Review – Mr. Rush stated it was ironic that a few weeks ago an exercise was held with the EOC Office to simulate if the nuclear plant went down and then they were faced with a real disaster situation during the flood event. The EOC Office was commended by their Federal observers for their response during the VC Summer Exercise. Mr. Rush further commended the office for a job well done during the flood event.

Delay of Tax Payment Penalties – The Treasurer, David Adams, and the Auditor, Paul Brawley, outlined the possibility of delaying the tax payment penalties for 30 days for the citizens of Richland County to assist the citizens during the recovery process from the floods.

Ms. Dickerson inquired if the penalties could be delayed more than 30 days.

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Mr. Adams stated if the payments were delayed more than 30 days it could have an adverse effect on the County's finances.

Mr. Pearce inquired as to how the County plans to deal with the houses that have been decimated by the flooding.

Mr. Adams stated it is his understanding the Department of Revenue is attempting to write opinions about the appeal and assessment process for those citizens affected by the disaster.

Mr. Pearce then inquired about what citizens need to do that had their vehicles totaled due to the flood.

Mr. Brawley stated the first step is to contact their insurance company. If the taxes are due now or in the next month on those vehicles, they should pay the current tax bill and transfer the tag.

Mr. Manning inquired if a home burned down how would the County handle this matter?

Mr. Brawley stated the Assessor, according to State statute, has the ability to go in and reduce the value of the property.

Ms. Dixon requested the Auditor provide the information in writing to citizens regarding how to handle their totaled vehicles. Mr. Brawley is to provide the information the Public Information Office.

Mr. Livingston stated he would recommend moving forward with the recommendation from the Treasurer and Auditor and if there is some way to assist the citizens that were affected by the floods pursue those alternatives as well.

Mr. Adams stated he will follow-up with Department of Revenue to find out if there is more that can be done to assist the citizens on a more individual basis.

Mr. Manning stated maybe the lobbyist could work with the Legislative Delegation to draft a proviso to the State statute to address this matter.

Mr. Livingston moved, seconded by Mr. Pearce, to approve the recommendation of the Treasurer and Auditor. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce thanked the Treasurer for his personal relief efforts.

Richland County Strategic Planning Session – Mr. Rush stated last week there was an emergency session held where Council discussed first steps as it relates to the disaster. In the near future, a strategy planning session needs to be held to discuss long-term goals.

Mr. Washington stated he agreed with the Chair's recommendation. The consultant needs to be tasked with capturing the data points as soon as possible. The gathered data will be critical to the County moving forward.

The Clerk's Office will forward potential dates to Council.

POINT OF PERSONAL PRIVILEGE – Mr. Manning stated there a number of activities in recognition of Planning Month that are scheduled throughout the next few weeks.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce thanked the Chair, his family, Mr. McDonald and Ms. McDaniels for their tireless devotion to the County during the recent disaster.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Authorizing a deed to Hangar Preservation Development, LLC, for approximately 2.29 Acres of land, constituting a portion of Richland County TMS # 13702-09-01A – No one spoke at the public hearing.**

APPROVAL OF CONSENT ITEMS

- **Conservation Department: Conservation Easement on Back Swamp Road**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V., County Departments; Division 8, Information Technology; Section 2-261, Geographic Information System (GIS); so as to eliminate the fees for GIS data [DENIAL]**
- **Accommodations Tax Grant Reallocation for a Book Festival**
- **Richland County Conservation Department Request to Negotiate Property Purchase/Donation**
- **Conservation Department: Reallocation of Grant Funds**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 19, Parks and Recreation; so as to delete the entire Chapter [FIRST READING]**

Mr. Pearce moved, seconded by Mr. Jackson, to approve the consent items. The vote in favor was unanimous.

THIRD READING ITEMS

An Ordinance Authorizing a deed to Hangar Preservation Development, LLC, for approximately 2.29 acres of land, constituting a portion of Richland County TMS # 13702-0901A – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item.

Mr. Malinowski stated the ROA document contained inaccurate or missing information.

Mr. Eversmann, Airport Director, stated the reason staffing indications are not included is this was a recommendation directly from the Airport Commission to County Council. The Legal Department has reviewed and approved the document.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

The vote in favor was unanimous.

Mr. Rose moved, seconded by Mr. Malinowski, to reconsider this item. The motion for reconsideration failed.

SECOND READING

An Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-20, Road Paving Program; so as to add language regarding a design exception for paved surface width – Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item with the following amendment: “The dirt road must be equal to or less than 1,000 feet in total length”

Mr. Perry stated to clarify that doing a design exception is not to pave more roads or save money, but to find ways to get the roads that classified in the funded category paved.

The minimum pavement width on these roads would be 15 feet on these roads.

Mr. Malinowski amended his motion to include the provision that any road over 500 feet, staff will consider installing traffic calming methods.

Mr. Perry stated a joint meeting of Emergency Services, Public Works and the Legal Department was held to insure the 15 feet width would be adequate to provide service to the citizens of Richland County.

The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT & SERVICES COMMITTEE

- a. Department of Public Works: Private Pond Policy** – Mr. Jackson moved, seconded Ms. Dixon, to approve this item.

Mr. Malinowski stated he had submitted a recusal form to the Clerk's Office for this item.

Mr. McDonald stated the County has a private pond policy in place now. This item would tighten up the regulations and provides for those ponds that are owned by homeowner associations or individuals.

Mr. Washington made a substitute motion, seconded by Ms. Dixon, to defer this item. The vote in favor was unanimous with Mr. Malinowski recusing himself from the vote.

- b. Motion to request Legal Department assess potential liability of permitting human occupied watercraft at Pinewood Lake** – Mr. Pearce moved, seconded by Ms. Dixon, to defer action on this item until after Executive Session. The vote in favor was unanimous.
- c. Motion to name Courtroom 2b in the Judicial Center the Ada Harper James Courtroom** **{This item was reconsidered at the October 20, 2015 Council meeting}** – Mr. Rose moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski made a substitute motion, seconded by Ms. Dixon, to deny this item.

FOR

Dixon
Malinowski
Pearce
Rush
Livingston
Manning

AGAINST

Rose
Dickerson
Washington
Jeter
Jackson

The vote was in favor.

REPORT OF THE ADMINISTRATION & FINANCE COMMITTEE

- a. Solid Waste – Award of Contract for Solid Waste Engineering Services** – Mr. Washington moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

Mr. Jackson moved, seconded by Ms. Dixon, to reconsider this item. The motion for reconsideration failed.

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- b. Human Resources – Domestic Violence Policy** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve this item and any additional legal questions to be addressed prior to the policy being inserted into the handbook. The vote in favor was unanimous.
- c. Sheriff’s Department – Budget Amendment for the Purchase of Security Cameras** – Mr. Washington moved, seconded by Mr. Rose, to approve this item.

Mr. McDonald stated the committee did not ask for a funding recommendation, but his recommendation would be one of the following options: (1) Go forward with purchase from the Sheriff’s budget and watch the budget throughout the fiscal year. If a problem develops during the fiscal year, Administration will address it at that time; or (2) to appropriate funding from Fund Balance.

Mr. Livingston made a substitute motion, seconded by Ms. Dickerson, to support the Administrator’s recommendation. The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Mr. Pearce, to reconsider this item. The motion for reconsideration failed.

- d. Extension of Lease Agreement for the County Magistrate Office** – Mr. Pearce stated the committee recommendation was for approval.

Mr. Malinowski made a friendly amendment to have the Legal Department to review the lease for accuracy.

<u>FOR</u>	<u>AGAINST</u>
Dixon	
Malinowski	
Rose	
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Pearce	
Rush	
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Washington	
Manning	
Jeter	

The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. Board of Zoning Appeals – 1** – This item was held in committee.

- b. **Accommodations Tax - 1 (Applicant must have a background in the Cultural Industry)** – This item was held in committee.

II. NOTIFICATION VACANCIES

- a. **Building Codes Board of Adjustment & Appeal - 3** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- b. **East Richland Public Service Commission - 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- c. **Hospitality Tax Committee - 2** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- d. **Accommodations Tax Committee - 2 (One position is at large; the other applicant must have a background in lodging)** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- e. **Internal Audit Committee - 1 (Applicant Must be CPA)** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- f. **Music Festival Commission - 1** – This item was held in committee for additional clarification.

III. ITEMS FOR ACTION

- a. **Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County. The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Roberts Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligations to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON]** – This item was held in committee.
- b. **Modify the Rules of Council to allow Council to respond to citizens during the Citizens’ Input portion of Council meetings [PEARCE]** – This item was deferred.

- c. **Grievance Committee** – This item was deferred.
- d. **Council Rules of Richland County Updates** – Mr. Malinowski stated the committee recommended adoption of the changes to the Council Rules. The vote in favor was unanimous.
- e. **Citizens’ Input and Public Hearing Sign-In Sheets** – Mr. Malinowski stated this item was referred to the Ordinance Review committee.

REPORT OF TRANSPORTATION AD HOC COMMITTEE

- a. **Supplemental Intergovernmental Agreement-Clemson Road Widening Project** – 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.

- b. **Construction Contract – Vista Greenway Phase II (Lincoln Tunnel)** – Mr. Livingston stated the committee recommended approval of a contract in the amount of \$1,476,396.22 with AOS Specialty Contractors to construct the Lincoln Tunnel Greenway. The contract includes a total of 89% DBE participation.

Mr. Perry stated AOS Specialty Contractors is located in Lexington, South Carolina. Chao & Associates and Taylor Brothers, which are on the County’s DBE and SLBE lists, are listed as subs on the project. Lane Construction and Grant Electrical are also subs on the project, but are not listed as DBE or SLBE contractors.

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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 for reconsideration failed.

OTHER ITEM

A Resolution Authorizing the issuance and sale of not to exceed \$50,000,000 General Obligation Bond Anticipation Notes (Transportation Sales and Use Tax), Series 2015, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the notes; delegating to the County Administrator certain authority related to the notes; providing for the payment of the notes and the disposition of the proceeds thereof; and other matters relating thereto – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item.

Mr. McDonald stated the purpose of this item is to refund the original \$50 million bond issued for the Penny projects since the County has not reached that level as yet.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

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POINT OF PERSONAL PRIVILEGE – Mr. Pearce noted the property which was designated in 2002 as the “Green Diamond” property has been almost completely covered in water during the flood event.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson thanked Ms. Beverly Harris for her service.

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

No one signed up to speak.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 8:12 p.m.
and came out at approximately 8:39 p.m.*

- a. **“Motion to request Legal Department assess potential liability of permitting human occupied watercraft at Pinewood Lake** – Mr. Pearce moved, seconded by Mr. Manning, to adopt the Department of Natural Resources guidelines for watercraft on ponds.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- b. **Elm Abode Drainage** – Mr. Livingston moved, seconded by Ms. Dickerson, to direct staff to legally enforce an easement as discussed in Executive Session.

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FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- c. 1033 Law Enforcement Support Office (LESO) Program – Litigation Update** – Mr. Pearce moved, seconded by Mr. Jeter, to adopt the recommendation of the Legal Department as outlined below:

Richland County Council received a briefing on the National Defense Authorization Act 1033 Law Enforcement Support Office (LESO) program administered by the United States Department of Defense, and a lawsuit the Richland County Sheriff is a party to in federal court in Illinois involving some property available to law enforcement agencies through that program. The case name is Win Win Aviation vs. Richland County, South Carolina Sheriff's Department, et al.

Richland County is not a party to the lawsuit just mentioned, and County Council takes no position on the possible settlement of that case, whether it represents an appropriate resolution of the matter, or on the facts and circumstances of the lawsuit.

Richland County is not paying the legal fees for the Sheriff or for any party involved in this lawsuit, nor has it been asked to do so.

Richland County is not providing a legal defense to any parties involved in this case, nor has it been asked to do so.

Richland County is not acquiring title to any property in connection with this case, nor has it been asked to acquire any property.

The Sheriff has requested that County Council approve the expenditure of funds held on deposit for the Sheriff's Department's benefit pursuant to S. C. Code Ann. Section 44-53-520, "Forfeitures." These monies law enforcement agencies such as RCSD take custody of through their law enforcement activities, such as drug seizures and the like.

As provided for in Section 44-53-530(g):

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All forfeited monies and proceeds from the sale of forfeited property...must be retained by the governing body of the local law enforcement agency of prosecution agency and deposited in a separate, special account in the name of each appropriate agency. These accounts may be drawn on and used only by the law enforcement agency or prosecution agency for which the account was established.

These accounts must not be used to supplant operating funds in the current or future budgets. Expenditures from these accounts for an item that would be a recurring expense must be approved by the governing body before purchase..."

As the requested purchase is not a recurring expense, under this state law section there is no requirement for the County governing body to approve this expenditure.

Subsection 44-53-530(i) provides, "An expenditure from these accounts must be made in accordance with the established procurement procedures of the jurisdiction where the account is established."

Richland County Code of Ordinances Section 2-593. Contract authority, provides in part:

Purchases in excess of thirty thousand dollars (\$30,000.00) shall be reviewed and approved by the county council prior to acceptance.

The Sheriff is requesting to use seized funds to purchase a 2013 Cessna 206TC outfitted with extensive law enforcement avionics. The Sheriff advises that "fixed wing aircraft and avionics have been supporting narcotics and criminal interdiction and locating missing persons, murder suspects and seizing drugs and money successfully for the last two years; at no equipment costs to the County."

He further advises that RCSD "continues to find innovative ways to reduce crime and capture criminals. Over the last two years the Sheriff's Department has used a Cessna Aircraft that has led to countless drug seizures and the arrests of murder, assault and fugitives from justice. The use of this aircraft has assisted state, local and federal law enforcement in making the streets of Richland County safer."

"The contract the Sheriff intends to enter into is to purchase a Cessna 206 for \$808,000. RCSD would make a \$108,000 down payment on October 1, 2015 and pay off the plane over 7 years using seizure funds accessed through our work on Federal Task Forces and local crime suppression efforts."

County Council is being asked to approve the expenditure of these funds that the Sheriff deems to be in the best interests of his Office in furtherance of his law enforcement mission.

Other than the briefing we just received, and the ministerial release of funds that only the Sheriff may use under state law in furtherance of those law enforcement activities authorized in the forfeitures statute, Richland County has no role in this matter.

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All questions about the lawsuit, the 1033 program, the expenditure of forfeiture funds or any other aspect of this matter should be directed to the Sheriff.

With this background and understanding Council's limited role in the approval process for the use of forfeiture funds as provided for under state law, I move to approve the Sheriff Department's use of up to \$808,000 in furtherance of law enforcement activities as described in the State of South Carolina's forfeiture statute.

Mr. Malinowski inquired as to what would happen if the Sheriff's Department's fund plan falls short and the aircraft isn't paid off in the number of years specified in the above motion.

Mr. Farrar stated it has been confirmed with the Sheriff's Department and there are funds available to make the initial payment, as well as, some additional payments.

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

The vote was in favor.

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

- d. **Flooding/Disaster Response – Contractual/Legal** – Mr. Washington moved, seconded by Mr. Jackson, to direct the Administrator to bring back a recommendation to Council as directed in Executive Session. The vote in favor was unanimous.

MOTION PERIOD

- a. **To have Richland County remove the lien off of the property located at 1420 Joe Frazier Court contingent upon the property owner donating the land to the Atlas Road Community Organization [WASHINGTON]** – This item was referred to the D&S Committee.
- b. **A Resolution establishing October 25-31, 2015 as End Child Hunger SC Week in Richland County [RUSH]** – Mr. Manning moved, seconded by Ms. Dixon, to adopt a resolution establishing October 25-31, 2015 as End Child Hunger SC Week in Richland County. The vote in favor was unanimous.
- c. **Move Council and Staff to create three new CASA caseworker positions [JETER, DIXON, PEARCE, and ROSE]** – This item was referred to the A&F Committee.

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- d. **Move to fund the Governor's Cup Road Race in the amount of \$7,000, which is the amount the County funded this organization in FY15. The funding is requested to come from the "Undesignated" Hospitality Tax line item [ROSE and DICKERSON]** – This item was referred to the A&F Committee.
- e. **Request an additional \$89,000 for Famously Hot New Year [DIXON]** – This item was referred to the A&F Committee.
- f. **Move for a resolution honoring the life and heroism of Forest Acres Police Officer Gregory Alia and to declare December 14th as Officer Gregory Alia day in Richland County [ROSE, MANNING, PEARCE and JETER]** – Mr. Pearce moved, seconded by Mr. Rose, to adopt a resolution honoring the life and heroism of Forest Acres Police Officer Gregory Alia and to declare December 14th as Officer Gregory Alia day in Richland County. The vote in favor was unanimous.
- g. **In suburbs or subdivisions the maximum height for grass should be 12 inches similar to the City of Columbia. Richland County has one of the tallest height in the Midlands of 24 inches [JACKSON]** – This item was referred to the Ordinance Review Ad Hoc Committee.
- h. **Because of the time sensitiveness of this item, I make a motion to direct the County Administrator to perform a flood map impact study immediately where outcomes to be used to assist staff and guide the County in its role as flood plain manager and its potential obligation to correct any inconsistencies in the mapping to protect out Citizens. I propose the study be engaged immediately to meet the 90-day comment period. And the study outcome will identify inconsistencies in the mapping (if any) and will provide remedies and course of action to help us help the impacted property owners respond and preserve any rights they may have under the law [WASHINGTON]** – Mr. Washington requested that Motions (h) and (j) be combined.
- Mr. Washington moved, seconded by Mr. Jackson, to direct the County Administrator to report back to Council at the next meeting. The vote in favor was unanimous.
- Mr. Washington moved, seconded by Mr. Jackson, to reconsider this item. The motion for reconsideration failed.
- i. **To change the way vehicles are taxed by Richland County to a more accurate/fair assessment value by using the current month "Black Book" value. Background: DMV furnishes the "Black Book" value to the tax office in January of each year. This means everyone is assessed a higher tax value on their conveyance due to the inaccurate value used with only one value used for the entire year. "Black Book" values are updated monthly so taxpayers are currently paying too much and need to pay the fair market value at the time of evaluation, not based on a January evaluation [MALINOWSKI]** – This item was referred to the A&F Committee.
- j. **Direct the Administrator to perform a study through our Flood Disaster Contractor. In light of the historic flooding, this Council needs to be proactive in doing everything we**

possible can to restore our community from the ravages of the flooding. And restore the good faith of our County being a safe place to live, work and play—now and in the future. the starting point is to be smart, proactive and to understand the storm and its impacts on the rise of water in our creeks and streams. I propose a flood map impact and vulnerability study be immediately performed with study outcomes tailored to identify crucial flood level locations along all impacted areas—leading to recommendations with identification of capital improvements (using Federal dollars to maximum extent possible) and policies we can enact now to minimize future flood potential impacts. We need crews to methodically go out and measure high water marks as a start. It is my considered opinion the flood elevation flood-line high water mark survey task work would focus in the rural inaccessible areas—and be used as a calibration mark to correlate to the FEMA mapped floodways and flood zones. The survey is not a duplication of effort and can be combined, later with high water surveys being conducted by State and Federal agencies largely in the metropolitan areas
[WASHINGTON] – Mr. Washington requested that Motions (h) and (j) be combined.

Mr. Washington moved, seconded by Mr. Jackson, to direct the County Administrator to report back to Council at the next meeting. The vote in favor was unanimous.

Mr. Washington moved, seconded by Mr. Jackson, to reconsider this item. The motion for reconsideration failed.

- k. **Motion for the Guard to rebuild County roads through Innovative Readiness Training (IRT) Projects after they get off State active duty [JACKSON]** – This item was referred to the D&S Committee.
- l. **I move that Council review the bond on the Penny Tax program to increase the capacity if needed to prioritize roads and bridges to be rebuilt and repaired for emergency purposes if necessary [JACKSON]** – This item was referred to the Transportation Ad Hoc Committee.
- m. **Honoring Hopeton Caven dedicating his life to public service and mentoring leaders to improve quality of life [JACKSON]** – Mr. Pearce moved, seconded by Ms. Dixon, to adopt a resolution honoring Hopeton Caven for dedicating his life to public service and mentoring leaders to improve quality of life. The vote in favor was unanimous.
- n. **Resolution honoring the railroad workers and SCDOT worker that lost their lives while assisting the Lower Richland area after the flooding event** – Mr. Jackson moved, seconded by Ms. Dixon, to adopt a resolution honoring the railroad workers and SCDOT worker that lost their lives assisting in the Lower Richland area during the flood recovery. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 9:08 PM.

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Special Called Meeting
Tuesday, October 12, 2015
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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