

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

May 5, 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 Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson and Ms. Dixon presented Ms. McDaniels with an award in appreciation of her hard work on the Women’s Luncheon.

PRESENTATION OF RESOLUTION

National Public Works Week Proclamation – Mr. Rush presented Mr. Ozbek, Public Works Director, with a proclamation in honor of National Public Works Week.

Resolution Honoring State Highway Patrolman Thomas M. White on receiving the 2014 Richland County Trooper of the Year Award [ROSE] – Mr. Rose recognized State Highway Patrolman Thomas M. White on being awarded the 2014 Richland County Trooper of the Year Award.

APPROVAL OF MINUTES

Regular Session: April 21, 2015 – Mr. Malinowski inquired if Mr. Jeter’s request for staff to follow-up with the Lower Richland citizens that felt they should have received the Lower Richland Sewer survey had been completed.

Staff is to follow-up on this request by the May 19th Council meeting.

Ms. Dickerson moved, seconded by Ms. Dixon, to approve the minutes as submitted. The vote in favor was unanimous.



Council Members Present

Torrey Rush, Chair
Greg Pearce, Vice Chair
Joyce Dickerson
Julie-Ann Dixon
Norman Jackson
Damon Jeter
Paul Livingston
Bill Malinowski
Jim Manning
Seth Rose
Kelvin E. Washington, Sr.

Others Present:

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

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

Special Called Meeting: April 28, 2015 – Ms. Dickerson moved, seconded by Mr. Malinowski, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. McDonald stated the item entitled "Pending Litigation: Hopkins and Lower Richland Citizens United, Inc., and Wendy Brawley vs. Richland County" under the Report of the Attorney for Executive Session needed to be removed from the agenda.

Mr. Malinowski inquired if the re-zoning request that was denied at the April 28th Zoning Public Hearing needed to be included on the agenda.

It was determined that the denied re-zoning request did not need to be included on the agenda.

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

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

There was no report given.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that former Councilwoman Bernice Scott was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Jeter recognized that former Councilman Tony Mizzell was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Manning recognized the Mayor of Eastover was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Malinowski recognized that the Auditor Paul Brawley was in the audience.

CITIZENS' INPUT

{For Items on the Agenda Not Requiring a Public Hearing}

No one spoke.

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REPORT OF THE COUNTY ADMINISTRATOR

- a. **Budget Work Session, May 7th at 4:00 PM** – Mr. McDonald reminded Council about the upcoming budget work session on Thursday, May 7th at 4:00 PM. The Administrator's recommended budget will be presented at that time.
- b. **State Infrastructure Bank Update** – Mr. McDonald stated a follow-up meeting will be held on May 18th to answer questions of the board and to restructure the application. All Council members are encouraged to attend the meeting to show their support of the application.

REPORT OF THE CLERK OF COUNCIL

CONNECTIONS 2015 Conference, May 13th, Darla Moore School of Business – Ms. McDaniels reminded Council of the upcoming CONNECTIONS 2015 Conference on May 13th at the Darla Moore School of Business.

REPORT OF THE CHAIRMAN

Legislative Reception – Mr. Rush thanked his colleagues for attending the Legislative Reception on behalf of the County.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 24, Utilities; Article II, Water and Sewer Service Generally; Section 24-7 and 24-8; and Amending Chapter 24.5, Special Sewer Assessment District; Article III, Financing Improvements; Rates and Charges; Section 24.5-42, 24.5-43, and 24.5-44; so as to delete the references to liens as collection method for unpaid bills**

Mr. David Jackson, Ms. Lottie P. Wesley, Ms. Helen Taylor Bradley, Ms. Cynthia Wilson, Ms. Sara Prioleau, Ms. Ella McRant, Ms. Lillie Bates, and Mr. Warren Schurlock spoke against this item.

Mr. Melvin Henry, Ms. Bernice Scott, Mr. Sanders Aye, and Ms. Rehnette Green spoke in favor of the item.

- **An Ordinance Amending the Fiscal Year 2014-2015 Road Maintenance Annual Budget to appropriate Eight Hundred Thousand Dollars (\$800,000) to supplement paved road repair** – No one signed up to speak.

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APPROVAL OF CONSENT ITEM

- 15-11MA, Mark & Cynthia Harrelson, RS-HD to RU (4.04 Acres), 4430 Old Leesburg Rd., 25002-03-03(p) [SECOND READING]
- 15-16MA, Elias Dib, OI to RM-MD (3.25 Acres), Summer Valley Dr., 17216-10-24 [SECOND READING]
- 15-17MA, Two Notch Commercial Development, MH/NC to GC (1.68 Acres), Two Notch Rd. & Aubrey St., 22914-02-03 & 09 [SECOND READING]
- Conservation Department: Endorsement of Cabin Branch Conservation Corridor
- Removal of Lien off of Property
- Lease Agreements with Non-County Entities that are occupying and utilizing County owned property

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

THIRD READING

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

Mr. Livingston moved, seconded by Ms. Dixon, to approve this item.

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

Mr. Washington inquired about the outcome if this item was denied or failed.

Mr. McDonald stated the lien, as a collection method, would remain in the ordinance.

The vote in favor was unanimous.

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

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

Mr. Malinowski inquired if the community that expressed concern with their roads at a recent Council meeting were included in this item or would their concerns be addressed at a later time.

Mr. Hammett stated staff is presently working to resolve their concerns with the developer and if additional action is needed the matter would be brought back to Council in the future.

Mr. Washington inquired if staff had conducted an analysis of the bonds timing out.

Mr. Hammett stated the bonds are now tracked through the new information system.

The vote in favor of approval was unanimous.

SECOND READING

An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction – Mr. Malinowski moved, seconded by Ms. Dixon, to defer this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26; Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new flood insurance rate map – Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item.

Mr. Pearce inquired if a work session on the changes has been considered.

Ms. Bolling stated the changes will be reflected in the maps, the item before Council is the text amendments to stay in compliance once the maps are adopted.

Mr. Pearce requested the changes to the maps be provided to Council.

The vote in favor of approval was unanimous.

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FIRST READING

An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2015 and ending June 30, 2016 [BY TITLE ONLY] – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

An Ordinance Authorizing the levying of ad valorem property taxes, which, together with the prior year's carryover and other State levies and any additional amount appropriated by the Richland County Council prior to July 1, 2015, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2015 through June 30, 2016 [BY TITLE ONLY] – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee – Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Solid Waste Service Charge for Vacant Dwelling Units – Ms. Dixon stated the committee recommended that Council approve the process outlined by staff and presented in the Development & Services Committee agenda packet for removing the solid waste service charge from property with a vacant dwelling unit located on it.

Mr. Malinowski stated the overall recommendations by staff members were to deny removing the service charge and making exceptions. He further pointed out that residents pay for other services that they do not receive a benefit from (i.e. school taxes, library, zoo, and transportation penny).

Mr. Livingston stated his concern is Administration having trouble keeping up with when property is vacant and when it is not.

Mr. Harley stated staff has outlined the process if someone has moved out of a home and they want to certify they are no longer using the home.

Ms. Dickerson inquired if the solid waste containers would be removed from the property.

Mr. Harley stated it is his understanding the receptacles would be removed.

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Mr. Livingston pointed potential changes to the ordinance could be required and would affect multiple departments (Auditor, Treasurer, and Solid Waste).

Mr. Malinowski inquired if the County has an agreement with the utility company to inform the County when the residence's utilities are reinstated.

Mr. Harley stated to his knowledge no such agreement exists.

Mr. Manning inquired if staff has conducted a cost allocation to determine the fee increase needed to cover the costs of picking up and possibly reissuing solid waste containers utilizing this process.

FOR

Jackson

AGAINST

Dixon
Malinowski
Rose
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

The motion failed.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Judicial Center Flooring Contract – Mr. Pearce stated the committee expressed concern with the County's history of bidding carpet by using a particular brand name. Therefore, the recommendation for approval was not unanimous.

Mr. Jackson made a substitute motion, seconded by Mr. Malinowski, to re-bid the carpet contract and remove the brand name.

Ms. Dickerson inquired if everyone was afforded an opportunity to apply or if because of the specifics it caused companies not to apply.

Mr. McDonald stated when the bid was put out any company had an opportunity to bid; however, the bidders were instructed to either provide that brand or an equivalent in order to meet the qualifications.

The substitute motion failed.

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The vote was in favor of approving the request to enter into a contract with O'Neal Flooring in the amount of \$695,863 to provide the labor needed to remove the existing flooring and to replace with new flooring materials in the Judicial Center.

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

McCrary Training Center – Mr. Pearce stated the committee recommended deferral of this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC, previously identified as Project Sandy; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski requested this item not be placed on the consent agenda.

The vote in favor was unanimous.

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 five percent; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski requested this item not be placed on the consent agenda.

Mr. Pearce inquired if it was within the County's parameters to amend the percentage rates.

Mr. Livingston stated Council has the flexibility to amend the percentages.

Mr. Pearce inquired if changing the percentages would reduce the General Fund.

Mr. McDonald stated the impact to the General Fund would be minimal.

The vote in favor was unanimous.

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A Resolution Authorizing the execution of an Intergovernmental Agreement relating to the Pineview Industrial Park between Richland County, South Carolina and the City of Columbia, South Carolina and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski inquired about who provides water and sewer to the Pineview Industrial Park.

Mr. Lindsay stated the City of Columbia provides water to the boundaries of the park, but not within the park.

Mr. Malinowski inquired what the dollar amount of the City of Columbia's non-annexation payment.

Mr. Lindsay stated that is an unknown at this time.

The vote in favor of approval was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE.

I. NOTIFICATION OF APPOINTMENTS

- a. **Airport Commission** – Mr. Malinowski stated the committee recommended appointing Mr. D. Michael Kelly. The vote in favor was unanimous.
- b. **Building Board of Code of Appeals** – Mr. Malinowski stated the committee recommended re-appointing Mr. David Cook. The vote in favor was unanimous.
- c. **Accommodations Tax** – Mr. Malinowski stated the committee recommended appointing Ms. Amber Martin. The vote in favor was unanimous.
- d. **Hospitality Tax** – Mr. Malinowski stated the committee recommended appointing Mr. Craig Parks. The vote in favor was unanimous.
- e. **Midlands Workforce Development Board** – Mr. Malinowski stated the committee recommended appointing Mr. Bobby Cunningham, Ms. Barrie B. Kirk, and Mr. Patrick Thomas. The vote in favor was unanimous.

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- f. **Employee Grievance** – Mr. Malinowski stated the committee recommended appointing Mr. Joseph Scott Hallbick, Ms. Beverley Williams Leeper, and Ms. Suzie Haynes. The vote in favor was unanimous.
- g. **Planning Commission** – Mr. Malinowski stated the committee recommended re-appointing Mr. Wallace Brown, Sr., Mr. C. David Tuttle, Ms. Beverly Diane Frierson, and Mr. Patrick Palmer. The vote in favor was unanimous.

II. COUNCIL RULES

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

REPORT OF THE DIRT ROAD AD HOC COMMITTEE

Dirt Road Paving Team Contract – Ms. Dixon stated the committee directs staff to have the contract routed through legal. Once legal has reviewed and approved said contract, the contract will be placed on the agenda. The recommendation is to approve the base contract amount of \$3,890,567 and to include a 10% contingency of \$389,057, which will bring the contract to \$4,279,624. The vote in favor was unanimous with Mr. Washington abstaining.

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

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REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

On-Call Engineering Team – Cox and Dinkins Service Agreement #1 – Mr.

Livingston stated staff has completed the low bid negotiations with Cox and Dinkins for design service for Atlas Road Widening Project. The service agreement exceeds the approval limit for Administration; therefore, the service agreement in the amount of \$1,952,335.54 is being brought forward to Council.

Ms. Dickerson expressed concern about the percentage of DBE participation on this service agreement.

Mr. Washington inquired if these were the same firms who submitted from the beginning.

Mr. Perry stated these are the original team members from Cox and Dinkins.

The vote in favor of approval was unanimous.

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

REPORT OF THE HOSPITALITY TAX COMMITTEE

a. “Destination Facilities” Funding Options

- 1. Recommend removal of funding for the Columbia Museum of Art in FY16-17** – Mr. Washington stated the committee recommended removal of the funding for the Columbia Museum of Art in FY16-17.

Mr. Pearce made a substitute motion, seconded by Mr. Livingston, to table this item. The vote in favor was unanimous.

- 2. Explore the Tourism Development fund collected in the unincorporated portions of Richland County as an option for funding** – Mr. Washington stated the committee recommended exploring the Tourism Development fund collected in the unincorporated portions of Richland County as an option for funding. The vote in favor was unanimous.

b. Richland County Sports Arena

- 1. Move forward with negotiations to purchase property** – Mr. Washington stated the committee recommended moving forward with negotiations with the land owner to purchase property.

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Mr. Pearce stated he had received information regarding the appraisal and has questions.

Mr. Washington made as substitute motion, seconded by Ms. Dickerson, to refer back to committee in order to be more fully vetted. The vote in favor was unanimous.

CITIZENS' INPUT

{Must Pertain to Items Not on the Agenda}

Mr. Billy Bolyston spoke regarding his car taxes.

Ms. Wendy Brawley presented a FOIA Memo to the Clerk's Office on behalf of the Hopkins Lower Richland Citizens United.

Ms. Bernice Scott spoke about the sewer survey.

MOTION PERIOD

- a. **I move to amend County Code Section 2-261 – Geographic Information System, Item (d) 1-5 to eliminate the fees for GIS data [ROSE] – This item was referred to the A&F Committee.**
- b. **Septic tanks that are functioning properly should not be disallowed in Richland County. Direct staff to contact DHEC to determine why a septic that needs maintenance or repair is not allowed to be done if a public sewer is within 200 feet of the property. Property owners should not be forced to incur expenses that will burden them for years to come and a replacement septic system should be allowed provided it is shown the new system can function properly [MALINOWSKI] – This item was referred to the Sewer Ad Hoc Committee.**

ADJOURNMENT

The meeting adjourned at approximately 8:02 PM.

Torrey Rush, Chair

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