



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

March 26, 2019 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Gwen Kennedy, Chair, Allison Terracio, Jim Manning, Calvin Jackson and Chakisse Newton

OTHER COUNCIL MEMBERS PRESENT: Paul Livingston, Bill Malinowski, Joyce Dickerson and Dalhi Myers

OTHERS PRESENT: Michelle Onley, Trenia Bowers, Sandra Yudice, Kimberly Williams-Roberts, Larry Smith, Stacey Hamm, Edward Gomeau, Ashiya Myers, Clayton Voignier, Dwight Hanna, Janet Claggett, Art Braswell, Brad Farrar, John Thompson, Ismail Ozbek, Geo Price, Ashley Powell

1. **CALL TO ORDER** – Ms. Kennedy called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. **February 26, 2018** – Mr. Jackson moved, seconded by Ms. Newton, to approve the minutes as distributed.

In Favor: Terracio, Jackson, Newton and Kennedy

Present but Not Voting: Manning

The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. Terracio moved, seconded by Mr. Jackson, to adopt the agenda as published.

In Favor: Terracio, Jackson, Newton and Kennedy

Present but Not Voting: Manning

The vote in favor was unanimous.

Mr. Manning inquired about who is doing analysis on Item 6(b).

Ms. A. Myers stated this item was assigned to the Clerk of Council's Office for further research.

Ms. Onley stated Ms. Roberts is presently working on this item, and will report back to the committee.

4. **ITEMS FOR ACTION**

- a. I move that all RC contracts must be reviewed & approved by the Office of the County Attorney & that notices under of modifications to RC contracts must be sent to the County Attorney, but may be copied to external counsel, as desired [MYERS] – Mr. Smith stated they were requested to comment on this motion by Ms. Myers. The comments are contained on p. 13 of the agenda packet. They wanted to make certain that the review did not include certain item such as: work orders; work authorizations; notice to proceed, where the master contract has already been reviewed; where Legal has created a template of documents to be used as a guide, as that would be repetitive; notice regarding contract performance because these items fall under the Procurement Manager; and contract renewable where there are no amendments and Legal has previously reviewed the contract. They also wanted to make certain, in terms of reviewing these contracts, their review was in addition to, and not in lieu of the department of Procurement's review of these documents. In certain instances, these contracts related to technical or operational issues, and obviously, they are not the subject matter experts in those areas. In those cases, where there are operational issues, or technical issues, that are a part of the contract, those matters need to be reviewed by those individuals that are involved in that.

Ms. Terracio inquired where this policy would be codified (i.e. Legal Department Policy and Procedures).

Mr. Smith stated the maker of the motion did not indicate one way or another. It simply says develop a policy. Unless someone decides to do otherwise, it will be a policy.

Mr. Livingston inquired if the Legal Department reviews the Sheriff, Solicitor, etc. contracts.

Mr. Smith stated, typically, they do not get contracts from departments that the County may be related to like the Elected and/or Appointed Officials. There are times when they get contracts related to the Sheriff's Department, but in most instances they do not. He stated he is not certain the maker of the motion intended to include Elected and Appointed, or just those departments that fall under the Administrator.

Mr. Manning stated he knows Council recently took up a concern with a contract, and there seemed to be a great deal of concern about the contract being lucrative. He inquired if this will include review for lucrativeness.

Mr. Smith stated, typically, when the Legal Department reviews contract, they are reviewing them to address specific issues. Most contracts that the County does, in terms of whether or not that contract is lucrative or not lucrative, would be subject to a process of competitive bid, and whatever the parameters were for the scope of work. So, when they review the document itself, it probably would not include those kinds of issues because that would have been determined by the solicitation process through the Procurement Department.

Ms. Newton inquired if approving this would be approving the staff recommendation to develop a policy.

Mr. Smith stated the recommendation is to develop a policy and mechanism to track the review of all contracts and amendments thereto. In terms of tracking, that was not a part of the initial motion that was made by Ms. Myers, which was that we simply review them. In terms of how they are going to be tracked, and developing a mechanism, he is not sure about that portion of the recommendation.

Ms. Terracio inquired if there will be a report back to Council about what policy is developed.

Mr. Smith stated they can certainly report back to Council, in terms of the policy, which will be consistent with what was stated in the briefing document, as well as addressing Mr. Livingston's question regarding the issue of what we mean by "all contracts". Does that include contract that fall outside of County government, as it relates to Elected and Appointed Officials?

Mr. Manning moved, seconded by Mr. Jackson, to defer this item to the April committee meeting, pending further input from the Legal Department.

In Favor: Terracio, Jackson, Kennedy and Manning

Present but Not Voting: Newton

The vote in favor was unanimous.

- b. Rural Zoning vs. Open Space Provision – Rural minimum lot size is 0.76 acre lots. Open space provision will allow high density lots with green space set aside. The uses for housing are similar but the capacity is different; therefore, there should be a zoning change from any current zoning to another defined use [N. JACKSON] – Ms. Newton stated her understanding is that this is inaccurate and it does not actually allow what is stated in this motion. Based on that, and the fact we are currently doing a comprehensive review of our zoning, she would suggest we table this item.

Mr. Malinowski stated, reading the information given to us on p. 15, it states, "...the densities for each district are not increased...", but when you go to p. 30, "(i) Density." it shows, based on the % of open space provided, there is a bonus density. So, he is seeing a conflict.

Mr. Price stated, within the Code, when you apply the open space, you are allowed a gross number of units. However, there is a provision that allows for what is deemed a density bonus. For example, if you are allowed a 100 homes, and you preserve a certain amount of open space, you may get a 10% density bonus, so you get 10 more units. They have deemed this not a major a change to the density, so overall the density it pretty much the same.

Mr. Malinowski stated the maker of the motion was correct that we are no longer keeping to the lot size required. He understands it is not a significant change, but it is a change and that is why the question becomes do we need another zoning category.

Mr. Price stated, it is his understanding, from the maker of the motion, the concern was that by applying the provision of the open space and allowing the lots to be reduced, it changes the character of the particular area. For example, in a Rural area the density is the same for the surrounding areas, but because the homes are more compacted in one particular area, the character seems to have changed from the surrounding properties.

Mr. Livingston stated that also changes the lot sizes.

Mr. Price stated the provision allows for the reduction of the lot sizes within these districts, but overall the actual density for that particular district does not change.

Ms. Newton moved, seconded by Ms. Terracio, to forward to Council with a recommendation to table this item.

In Favor: Terracio and Newton

Abstain: Kennedy

Present but Not Voting: Jackson and Manning

The vote in favor was unanimous with Ms. Kennedy abstaining from the vote.

- c. I move to amend Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations by adding Section 16-23, Health Massage, Bodywork Therapists, and Massage Establishments [MANNING] – Mr. Manning moved, seconded by Ms. Newton, to forward to Council with a recommendation for approval.

Mr. Livingston stated there is one concern when we get issues like this, and he recognizes that at times staff is going to say this is a Council initiated response; therefore, they may not have a recommendation, but it would be helpful if they do not have a recommendation to at least provide what may be the implications or concerns.

Ms. Dickerson stated when we start talking about these particular establishments it could affect the establishments we actually use. She has some serious concerns, and would like for them to be outlined, as to which ones, and how we describe these particular facilities.

Mr. Farrar stated, if you look back at the Renaissance, a part of that was an anti-blight component and worrying about some of places in the County that are problematic. As part of that overall program, you have the nuisance ordinance that Council is currently considering. You have the hotel/motel ordinance that we are looking at, and you have a massage ordinance. There are a lot of things that go into nuisance activity. There are a lot of legitimate business that do health massage. He stated you want input from the individuals from the industry that are doing this legitimately. This ordinance is to go more toward the things that are on the nuisance end of the spectrum. One of the biggest ones is human trafficking. That is something that is out there internationally and nationally, but what about Richland County. What are we doing here? That is the impetus for this. This is not intended to negatively impact legitimate businesses.

Mr. Manning stated when this was first published on Council's agenda, along with the motion, was the draft ordinance. So, the first opportunity for all of us to read the draft ordinance was several months ago because it was a part of the motion. The draft ordinance was based on an ordinance that has already been approved in Mecklenburg County. We are pretty confident that they were not looking at shutting down any legitimate businesses or massage therapy and body works. When this was on the agenda, as a motion, a gentleman named Rob McCue came and spoke during Citizens' Input. He spoke with Mr. McCue following that meeting, and Mr. McCue put him in touch with Jan Shaw, who chairs the LLR – SC Board that licenses and regulates massage therapists. He sent Ms. Shaw the draft ordinance. Ms. Shaw forwarded the ordinance to Debra Gallup, who is a government liaison for the SC Chapter of the American Massage Therapy Association and Holly Beeson, who is with the SC Licensing and Labor Regulation – Government Affairs Division. All of that got sent to Jason Richie, Program Manager, Government Relations with the American Massage Therapy Association. Mr. Richie reviewed the ordinance, did not

recommend any changes to the ordinance. However, Mr. Richie forwarded a 31-page ordinance from a town in Colorado, which could provide additional language.

Ms. Myers requested Legal review:

- Section 8 – Operation in connection with living or sleeping quarters prohibited; May exclude hotels that operate spas. She would suggest an exception for spas within hotels.
- Section 9 – Hours of Operation; Some hotels do have 24-hour spas and people take advantage of that.
- Section 13 – Access; right of entry; She would like to see some evidence that normal spas allow the Sheriff to come in. This right of inspection does not have limitations, which would mean that someone could be on a masseuse’s table and the Sheriff could want to come in and inspect. She thinks that might be intrusive, so there are privacy concerns she would like to see addressed.

Ms. Terracio stated there was a bill at the State House and the American Massage Therapy Association (AMTA) was concerned with striking and amending part of that bill. She is assuming that Mr. Manning’s conversations helped us to modify our ordinance to be more in alignment with the AMTA’s preferences.

Mr. Manning stated the State people kicked it up to the National. The National staff has read it, and did not send back any concern with our wording.

Ms. Newton inquired if Ms. Myers wanted her concerns addressed prior to this going forward to Council.

Mr. Manning stated he is happy to look at Ms. Myers’ concerns and consult with Charlotte regarding how they addressed the issue.

Mr. Malinowski inquired if the County currently regulates hours of operation for other businesses. The reason he inquired is, can we get into the business of regulating hours for businesses because it seems we could go on and on for a lot of businesses.

In Favor: Terracio, Jackson, Newton, Kennedy and Manning

The vote in favor was unanimous.

- d. Bulk Item Collection Procedure – Mr. Braswell stated this item came to you in February as an informational item. We are now bringing back to you for action. Currently, we pick up bulk items by appointment. Residents call in and schedule an appointment. What initiated this was that we were getting so many calls to the Ombudsman’s Office that the Administrator wanted us to look at other ways to possibly handle the bulk item collection. He put together a “Situation Team” and came up with the proposed process of the haulers collecting the items every other week, on the same day as yard waste collection. The number of bulk items would be limited to 4 per week for pick up, and the items must be handled and lifted by human power. The item was brought to Council in July 2018, and Council requested that we take it to the communities for feedback on the proposed changes. The Solid Waste Recycling Division, in conjunction with Public Information, set up a series of “Talking Trash” meetings around the County. There were 6 meetings at St. Andrews Park, Upper Richland Community Center, Doko Manor – Blythewood, Council Chambers, Hopkins Park Adult Community Activity Center, and Ballentine Library. The residents were asked to fill out a comment card on how bulk items should be handled. Based on the feedback, 95% of the community said they would prefer to keep the bulk item collection like it is. The reason they like the current method is they were concerned that if you put it out by the curb, without calling it in, if you put it out late and miss the pickup, then it would be on the curb

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for the next 2 weeks. One thing they have done since this initiative was proposed was to set up a dedicated line to take calls to help relieve some of the calls from the Ombudsman's Office. He stated they are taking about 1,000 calls a month. Staff's recommendation is to keep the current process in place.

Ms. Newton inquired if they are asking the residents that call for pickup what their preference would be.

Mr. Braswell stated they have not done so.

Ms. Newton stated it might be interested to get their opinions.

Mr. Braswell stated one advantage to the current process, and taking the calls directly, it cuts out one step in the process, so they are able to get to the haulers quicker to schedule an appointment for pickup.

Ms. Terracio inquired if Mr. Braswell had any insight into whether we could experience any energy savings by doing it on a regular basis.

Mr. Braswell stated the current process should save gas because if you picked up every 2 weeks the haulers would not know where the bulk items were so they would have to drive the entire route to get to the bulk items. This way they know the location and date the resident will put out the items, plus it gives Solid Waste a chance to educate the public on what they can and cannot put out.

Ms. Newton moved, seconded by Ms. Terracio, to forward to Council with a recommendation to approve staff's recommendation to maintain the status quo.

In Favor: Terracio, Newton and Kennedy

The vote in favor was unanimous.

- e. Petition to Close Portion of Old Percival Rd./Spears Creek Rd. – Mr. Smith stated this was a proposed petition, which was forwarded to the County by the law firm of Bernstein & Bernstein, who apparently represent Spears Creek Quadrant Partners. They have indicated their intent to file a petition to close a portion of Old Percival Road. Apparently, prior to the notice of this action, the other portion of Old Percival Road was closed. At that time, they came to the County and indicated their intent to close that portion of the road. The County had no objections to that, so now they are coming back indicating that they would like to close the other portion. As is our process, whenever these letters or petitions come in, we contact EMS, the Sheriff's Department and those departments that would have public response responsibility to see whether or not closing this road would impede their ability to get to someone in case of an emergency. In this particular case, none of the departments indicated that they had any concerns about closing this road. The Legal Department has no objection to it. It is a matter of what the committee wants to do at this point.

Ms. Myers stated she and Mr. Jackson represent the constituents in that area and they would like to hold a community meeting prior to this moving forward.

Mr. Manning moved, seconded by Mr. Jackson, to defer this item to the April committee meeting.

In Favor: Terracio, Jackson, Newton and Kennedy

The vote in favor was unanimous.

6. **ITEMS FOR INFORMATION/DISCUSSION**

- a. Determine if there is any state/federal law that prohibit a county from creating an ordinance that will address the use of plastic bags by commercial entities. If not, create an ordinance that would prohibit the use of plastic bags for use in putting product purchases, with certain exceptions if deemed necessary. Example: many products already come prepackaged in plastic and could not come under these restrictions [MALINOWSKI and N. JACKSON] – Mr. Malinowski stated there a great deal of discussion on this in the July 24, 2018 committee meeting. The final motion that came out of committee was made by Mr. Rose and seconded by Mr. Manning to bring back recommendations and options. The recommendation on p. 67 of the agenda packet says, “This is a Council initiated request.”, so we not further along than we were 8 months ago. He stated he would like to see recommendations and options brought back.

Ms. A. Myers requested clarity on the intent of the motion to ensure that staff gives Mr. Malinowski the recommendations and options he is looking for (i.e. ordinance language or what other municipalities have done, as far as their best practices).

Mr. Malinowski stated, his understanding is, the intent of the motion was to bring back recommendations and options for a potential ordinance.

Ms. Terracio stated she would like to see, in addition to options for this ordinance, would be some of the best practices about the ways that Councils have worked with the business community. For instance, going out and asking for input. She thinks some of the ordinances were put online with the opportunity to ask questions and make comments. This is something that is going to affect all of us. She is support in moving this along, and would like to know some of those best practices by other Councils.

Mr. Malinowski stated, for clarification, Attachment 20 is a comprehensive one that relates to what Ms. Terracio is asking for.

Mr. Manning stated, for future reference, there is no markings to clearly denote each attachment and their page numbers.

Mr. Manning moved, seconded by Ms. Terracio, to place this item on the April committee agenda for action.

Mr. Jackson stated he hopes a recommendation comes back with the best practices, and then present a plan instead of leaving that up to the committee.

In Favor: Terracio, Jackson, Newton, Kennedy and Manning

The vote in favor was unanimous.

7. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED:**

- a. I move to direct the County Administrator to solicit proposals for a survey to residents of Richland County. The purpose of the survey will be to help the County strategically plan for the future as they continue to grow and meet new challenges. The survey will also assist elected officials, as well as County administrators, in making critical decisions about prioritizing resources and helping set the direction for the future of the County. The survey will gather and analyze input and data from residents on service quality, priorities and overall performance and satisfaction with County services [WALKER] – Mr. Manning stated the status of this item was contained in the Administrator’s Report.

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Mr. Malinowski stated surveys were sent out to residents approximately 3 years ago. If someone could find those responses, and provide them to Councilmembers it would provide a benchmark, in terms of where we are now.

- b. I move that Richland County Council secure the services of a public relations firm to, among other things, assist Council as a whole and its individual members in informing the media and general public of the body's collective work and activities and community engagements of individual members. A public relations contractor will complement the work of the Clerk's Office, as well as the Public Information Office, which promotes activities of the entire County organization; while a public relations firm will focus solely on Council and its members. The assistance of a contractor will ensure Council abides by state law in its interactions with staff, as the nature of public relations assistance can involve individual requests or directives to staff, which falls outside the authority of individual members [DICKERSON] – The Clerk's Office is presently working on this item.
 - c. Request staff to consider a public/private partnership for ambulance services in Richland County. Private ambulance companies could be utilized at various sporting events or in response to situations that are not life and death with where immediate qualified EMT personnel are not needed. This would reduce the current incident responses for Richland County personnel [MALINOWSKI] – Mr. Byrd stated they are looking into this item and all of the implications that could come for it. He thinks when you look at a situation like that, you have to look at the quality of care that is being given to the public now and what the impact of that would be.
 - d. Revisit the bed and breakfast ordinance to increase the number of rooms up to 20, so the business can be profitable and flourish. This would be in line with keeping the rural character and allow opportunities for small businesses [N. JACKSON] – Mr. Farrar stated there is a State law on the Bed and Breakfast Act. Once you get above 10 rooms, it becomes something other than a bed and breakfast. The Community Planning and Development Committee will be providing input on this matter and will be brought back at the April committee meeting.
7. **ADJOURNMENT** – The meeting adjourned at approximately 5:56 PM.