



## Richland County Council

### DEVELOPMENT AND SERVICES COMMITTEE

July 23, 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: Bill Malinowski, Joyce Dickerson and Yvonne McBride

OTHERS PRESENT: Michelle Onley, Larry Smith, Stacey Hamm, Clayton Voignier, John Thompson, Ismail Ozbek, Sandra Yudice, Ashiya Myers, Ashley Powell, Angela Weathersby, Jennifer Wladischkin, Dale Welch and Beverly Harris

1. **CALL TO ORDER** – Ms. Kennedy called the meeting to order at approximately 5:01 PM.
2. **APPROVAL OF MINUTES**
  - a. June 25, 2019 – Mr. Manning moved, seconded by Mr. Jackson, to approve the minutes as distributed  
  
In Favor: Terracio, Jackson, and Kennedy  
  
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Mr. Malinowski pointed out the numbers for the backup documentation were incorrectly listed on the agenda coversheet.  
  
Ms. Onley stated she will review the agenda and make appropriated changes.  
  
Mr. Manning moved, seconded by Mr. Jackson, to adopt the agenda as corrected.  
  
The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
  - a. I move, to further address blight and nuisance in Richland County, that we instruct the County's lobbyists and legislative affairs personnel, in conjunction with the South Carolina Association of Counties, to request two changes to State law as follows: First, to allow counties to regulate hotels, restaurants, cafes and lunch counters to provide for public health, comfort and convenience, in the same manner as State law already allows municipalities to so regulate, pursuant to Title 45, Chapter 3 of the South Carolina Code of Laws, and; Second, to allow counties to "provide by ordinance that the owner of any lot or property" in the county shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly

material or conditions which constitute a public nuisance, and to give counties the same authority municipalities already have in this area pursuant to South Carolina Code of Laws Section 5-7-80, as amended, which has been a right of municipalities since at least the 1962 Code of Laws. Supporting Information: County Council has recently passed a Public Nuisance ordinance and a "Health Massage, Body Work Therapists and Massage Establishment" to address the negative secondary effects associated with businesses that fail to comply with County ordinance and that put the public in danger based on illegal and nuisance activities. This is a significant step to address the issue of blight in our community, which is a tangible success in one of the core objectives of the Richland Renaissance initiative. [MANNING] – Mr. Manning moved, seconded by Ms. Terracio, to forward to Council with a recommendation to follow the process as set forth by the SCAC.

Mr. Manning stated, working with the County Attorney's Office, we had looked sometime back at ordinances with other counties and municipalities around the country, as it relates to efforts not to have people sexually and "labor-wise" trafficked in the County. There was an ordinance in Baton Rouge, Louisiana that allowed for business license related items, as we did with the massage parlor matter. When we looked at State law, interestingly enough it talks about the ability for a local government to pass such regulations, if they are a municipality. Counties were not listed in the State law, as a local government with authority to govern like towns and cities. No one seems to know why, but being a leader Richland County found it. He needed to do this motion in hopes that the committee would send it Council with a recommendation for approval. Then, it has to change State law, which is why the SCAC lobbyist is in the motion. He was at the State House and ran into the lobbyist from the Municipality Association and he did not seem to think they would have a problem with having counties included in the State law. All this is trying to do is to have us, as a committee, send to Council, and us as a Council look to have the State law, in 2 places, to add the words "and counties". Then, the County will need to officially make the request to begin the process to have the words "and counties" added to State law.

Ms. Terracio inquired if we have any indication whether the SCAC leadership has looked at the proposed changes, or have we just had discussions amongst staff.

Mr. Manning stated he did speak with their lobbyist, and they were in no position to speak on behalf the association. They did not give him any indication where there would be a problem with the County association working toward having counties being empowered, like municipalities, to pass things.

Mr. Malinowski stated, from what Mr. Manning is saying, this is just a matter of getting us the authority to act in the future, if we should want to.

Ms. Terracio wondered if these matters should be taken up separately.

Mr. Manning stated, for clarification, the motion is to pursue having the lobbyist efforts toward adding the words "and counties" in the 2 places in the State statute.

Ms. Terracio stated she is open to having a further discussion when the item goes before full Council instead of dividing the question, at this time.

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

The vote in favor was unanimous.

- b. I move that Richland County provide the approval to transfer the ownership interest related to the garbage collection from Capital Waste Services LLC (Currently operating in Areas 5a and 3) owned by Hawk Capital Partners selling its equity to the newly formed entity controlled by Kinderhook Industries. (Please understand the motion is conceptual by the maker, not technical legal terms as to structure.) [MANNING] – Mr. Manning moved, seconded by Ms. Terracio, to forward to Council to approve the assignment of the solid waste collection contracts for Areas 3 and 5A to Kinderhook Industries.

Mr. Jackson inquired what precipitated this request.

Mr. Manning stated the parent company, Hawk Capital Partners, is being bought out by Kinderhook Industries. Council had to take action to transfer the ownership interest from Hawk Capital Partners to Kinderhook Industries for the garbage collection in Areas 3 and 5A. Therefore, he made the motion to get it before Council.

Ms. Terracio inquired, if not approving this, would affect us being able to pay the vendor, and has this entity gone through our procurement process.

Mr. Manning stated not approving this would not affect the payment to the vendor. The “mother” company is simply becoming a newly named company, but they cannot legally do that without Council approving it.

Mr. Braswell stated Kinderhook will have 51% of the stock of the company, but it will still be operated as Capital Waste Services. They intend keeping the same management and staff in place, and providing the same service.

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

The vote in favor was unanimous.

5. **ADJOURNMENT** – The meeting adjourned at approximately 5:22 PM.