

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

May 19, 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 Greg Pearce

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Greg Pearce

PRESENTATION OF RESOLUTION

Building Safety Month Proclamation – Mr. Rush presented Mr. Phipps with a proclamation recognizing May as Building Safety Month.

APPROVAL OF MINUTES

Regular Session: May 5, 2015 – Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. McDonald stated an item entitled “Greene Street Phase I Utility Relocation Contingency” needs to be added under the Report of the Transportation Ad Hoc Committee.

Mr. Manning moved, seconded by Ms. Dickerson, to adopt the agenda as amended. 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
Brandon Madden
Michelle Onley
Monique McDaniels
Rob Perry
Chris Gossett
Larry Smith
Beverly Harris
Amelia Linder
Laura Renwick
Quinton Epps
Gloria Tanner
Ray Peterson
Nelson Lindsay
Tracy Hegler
Janet Claggett
Donny Phipps
Dale Welch
Cheryl Patrick
Andrea Bolling
Ismail Ozbek
Michael Byrd

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REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated the following item was a potential Executive Session Item:

a. **Library Lease**

CITIZENS' INPUT

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

No one signed up to speak.

POINT OF PERSONAL PRIVILEGE – Mr. Manning recognized Mr. Phil Bartlett, Richland County Riverbanks Zoo Board appointee and the Italian foreign exchange student he is sponsoring. The foreign exchange student is attending Richland Northeast High School this year.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Budget Work Session, May 21st at 4:00 PM and Budget Public Hearing, May 21st at 6:00 PM** – Mr. McDonald reminded Council about the upcoming budget work session and budget public hearing on Thursday, May 21st.
- b. **Budget Motion List** – Mr. McDonald reminded Council the budget motions are due to the Administrator's Office by Friday, May 22nd.

Mr. Pearce inquired if the draft budget had been published.

Mr. McDonald stated the draft budget has been provided to the public and media, but is not sure if the draft budget has been placed on the County website. In addition, any documents that were illegible in the budget book have been reprinted and will be provided to Council.

REPORT OF THE CLERK OF COUNCIL

Public Works Luncheon, May 20th at 11:30 AM – Ms. McDaniels reminded Council of the upcoming Public Works luncheon on May 20th.

REPORT OF THE CHAIRMAN

SC Connect Award – Mr. Rush congratulated IT staff on receiving the SC Connect Award, which designates Richland County as "America's First Certified Connected Capital Community."

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PRESENTATION

Epworth Children's Home, Rev. John Holler – Rev. John Holler gave a brief overview of the services provided by the Epworth Children's Home and thanked Council for their continued support.

OPEN/CLOSE PUBLIC HEARINGS

- **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**

Ms. Helen Taylor Bradley, Ms. Edna Sims, Ms. Sara Prioleau, Ms. Lottie P. Wesley, Mr. Peter Palmer, Ms. Donzetta Lindsey, Ms. Wendy Brawley, Ms. Jennifer Mancke, and Mr. Paul Brawley spoken in opposition of this item.

Mr. Bill Stangler spoke in favor of the item.

- **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 – no one signed up to speak.**

APPROVAL OF CONSENT ITEM

- **15-11MA, Mark & Cynthia Harrelson, RS-HD to RU (4.04 Acres), 4430 Old Leesburg Rd., 25002-03-03(p) [THIRD READING]**
- **15-16MA, Elias Dib, OI to RM-MD (3.25 Acres), Summer Valley Dr., 17216-10-24 [THIRD READING]**
- **15-17MA, Two Notch Commercial Development, MH/NC to GC (1.68 Acres), Two Notch Rd. & Aubrey St., 22914-02-03 & 09 [THIRD READING]**
- **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 [SECOND READING]**

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

THIRD READING

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. Pearce moved, seconded by Ms. Dixon, to approve this item.

Mr. Manning made a substitute motion, seconded by Mr. Pearce, to defer this item. The vote in favor 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. Livingston moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski requested that “new construction” be defined in the ordinance and further requested clarification of what is meant by “adjoining” in the DHEC sewer report (i.e. would it require tunneling across the road to hook into the sewer system?).

Mr. Hammett stated that “new construction” would be any newly constructed building or residence and does not include renovations. He further stated that “adjoining” would include require crossing the roadway if the sewer system were accessible.

Mr. Malinowski inquired if the Lower Richland citizens that were concerned about not receiving surveys had been contacted as previously requested.

Mr. Hammett stated the citizens identified in the minutes were contacted.

The vote was in favor of this item.

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 – Mr. Livingston moved, seconded by Mr. Malinowski, to approve this item.

Mr. Pearce made a substitute motion, seconded by Ms. Dixon, to approve the item with the caveat that a moratorium be placed on any future student housing projects until such time as the City of Columbia and/or the University of South Carolina provide the

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County with a long-range needs assessment plan as to future privately owned as to student housing in Richland County.

Mr. Washington inquired if the University of South Carolina periodically presented their strategic plan.

Mr. McDonald stated he does not recall the University doing that in the past.

Mr. Jackson inquired if the moratorium would only affect USC or would other institutions be affected as well. *{No response was given.}*

Mr. Pearce amended his motion as follows: "prior to any future student housing projects being approved by Richland County that we request a long-range needs assessment plan for future housing projects in Richland County."

Mr. Pearce withdrew his motion.

The vote was in favor of this item.

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 – Mr. Livingston moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Alcohol on County Property: Palmetto Tasty Tomato Festival: Development of Process Moving Forward – Mr. Pearce stated the Airport Commission vigorously debated the issue at their last meeting and decided not to take action on the request until next year.

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

Mr. Washington stated staff was to draft a policy for future events; therefore, this would table that part of the item as well.

Mr. Pearce withdrew his motion.

Mr. Pearce moved, seconded by Ms. Dickerson, to refer this item back to committee. The vote in favor was unanimous.

McCrady Training Center – Mr. Harley stated the request is to relocate an EMS unit. The cost of installation of the alerting system would be approximately \$6,000.

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Mr. Jackson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

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

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Planning Commission -1** – Mr. Malinowski stated the committee recommended advertising for the vacancy.

II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

a. VOTING

1. **I move that County Council amend its rules to require roll call voting on every vote taken**

A. Roll Call Voting Options

Mr. Malinowski stated the committee recommended to not amend the current Council Rules regarding voting.

Mr. Rose stated the City of Columbia, Lexington County and the State Legislature have adopted the practice of roll call voting. Roll call voting would insure accountability of each Council member and a record of how they vote on each item.

Mr. Rose made a substitute motion, seconded by Mr. Pearce, to defer this item and have staff bring back to Council alternatives and options for roll call voting.

FOR

Rose
Pearce

AGAINST

Dixon
Malinowski
Jackson
Rush
Livingston
Dickerson
Washington
Manning
Jeter

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The substitute motion failed.

FOR

Dixon
Malinowski
Jackson
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

Rose
Pearce

The vote was in favor of the committee's recommendation.

- b. After discussion between the Rules Committee Chair and Clerk of Council it has been determined that the rules of Richland County Council are efficient and outline the duties and responsibilities of each council member. Therefore, it is recommended that the committee review the current policies/procedures for any additional input/changes**
 - 1. Allow members to electronically participate during executive session**

Mr. Malinowski stated the committee recommended not amending the Council rules. The vote in favor was unanimous.

c. BOARD TERMS

- 1. Richland County Boards, Commissions, and Committees:**
 - a. Boards, Commissions, and Committees governed by Richland County Council**
 - b. Boards, Commissions, and Committees with specific criteria**
 - c. Boards, Commissions and Committees that involve other governing bodies**
- 2. Richland County Boards, Commissions and Committees that have been dissolved:**
 - a. Youth Commission**

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- b. Appearance Commission
- c. Economic Development Committee
- d. Disabilities and Special Needs Board
- e. Midlands Commission on Homelessness
- f. Complete Street Commission
- g. Building Board of Adjustment and Appeals
- h. Performing Arts Center Board
- i. Transportation Study Commission

This item was held in committee.

- 3. **MOTION: Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from “two, three years terms” to “three, three year terms” so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [PEARCE]**

This item was held in committee

REPORT OF TRANSPORTATION AD HOC COMMITTEE

- a. **Riverbanks Zoo Project: Bridge Construction over Railroad – Contractor Quote** – Mr. Livingston stated the committee recommended approaching the contractor presently under contract to the Riverbanks Zoo to negotiate a change order price to construct the bridge. Staff will bring back to Council the negotiated contract, as well as the SLBE participation, for approval. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Washington, to reconsider this item. The motion failed.
- b. **Bluff Road Widening Project: Partnering Opportunity with Central Midlands Council of Governments (CMCOG) and County Transportation Committee (CTC)** – Mr. Livingston stated the committee recommended moving forward with the partnership between CMCOG, CTC and SCDOT to include their sidewalk design on the Bluff Road and Rosewood Drive with the County’s Bluff Road Widening Project. This item will also be presented to the TPAC Committee. The vote in favor was unanimous.
- c. **Federal Funding for Major Projects: CMCOG** – Mr. Livingston stated the committee recommended formally requesting federal funds on major penny projects to develop them to federal standards. The vote in favor was unanimous.

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- d. **Encroachment Permit: Broad River Road Widening Project** – Mr. Livingston stated the committee recommended denial of the request. The vote in favor was unanimous.

Mr. Perry stated the request for the encroachment permit came to staff from a private business owner. Staff forwarded the request to committee for action.

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

- e. **Greene Street Phase I Utility Relocation Contingency** – Mr. Livingston stated the committee recommended adding a 5% contingency to the Greene Street Phase I project for utility relocation related to the project and moving forward to add a utility contingency to all major projects brought to Council.

Mr. Washington inquired what the contingency on this project equated to.

Mr. McDonald stated it equates to \$640,000.

The vote was in favor.

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

CITIZENS' INPUT

No one signed up to speak.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce stated the Palmetto Health Annual Report was distributed to Council.

EXECUTIVE SESSION

- a. **Richland Library Lease** – Ms. Dickerson moved, seconded by Mr. Livingston, to proceed as discussed in Executive Session and to give first reading by title only to the text amendment attached to this item.

MOTION PERIOD

Mr. Pearce moved, seconded by Mr. Jackson, for unanimous consent to add the following motion to the motion list:

- a. **Prior to the approval of any new financial incentives for privately owned student housing construction in Richland County, the City of Columbia**

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and/or the University of South Carolina and/or any other educational institution in need of additional student housing will be asked to provide the County with a long range needs assessment of student housing needs
- This item was referred to the A&F Committee.

- b. **Participation in Executive Sessions of public bodies created in whole or in part by Richland County: I move that any board, committee, agency, entity or public body created in whole or in part by ordinance or act of Richland County may adopt bylaws and rules of procedure for its operation not inconsistent with the ordinances of Richland County; provided, however, that any board, committee, agency, entity or public body created in whole or in part by an ordinance or act of Richland County shall develop permit any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session such board, committee, agency, entity or public body may hold.**

Should any board, committee, agency, entity or public body created in whole or in part by Richland County refuse to allow any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session described herein, such refusal shall be reported by either the Chair of County Council, or by any member thereof, at the next meeting of County Council after such refusal, or as soon thereafter as is practical. Further, the facts and circumstances of any denial of access to an executive session as provided for herein shall be briefed by or to County Council during the annual budget process.

The purpose of this motion is not to overly burden any public body subject to this motion, or to become involved in the day-to-day operations thereof, but instead to exercise appropriate oversight of public bodies created by, funded by, or created and funded by Richland County [WASHINGTON] - This item was referred to the Rules & Appointments Committee.

- c. **Request for financial, operational and management information from entities funded in whole or in part by Richland County: I move that..."any board, committee, commission, agency, entity or public body or private organization, regardless of size or membership, funded in whole or in part by Richland County provide financial, operational and management information to Richland County, care of its Administrator or the Administrator's designee, including, but not limited to: [list desired information here]**

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This information should be provided within a reasonable timeframe, but no later than ____, for the County to meaningfully consider the same during its annual budget process.

Any public body or private organization or entity that fails to timely provide the requested information, or that provides incomplete information, will be considered to have an incomplete budget request for the budget year to which the information sought pertains, and shall not be considered for County funding for the budget year to which the information sought pertains until all other organizations and entities which have completed budget submissions are considered for funding. In other words, organizations and entities with incomplete budget submissions will be considered for funding last during that budget cycle.

Any organization or entity may request a partial or full waiver to provide such information as is described herein, and if, in the opinion of the County's governing body, there is a valid justification for the failure to provide the information sought (such as an excessive administrative burden), the County's governing body may grant such a waiver and proceed with the budget funding request at the same point as the organization or entity may have fallen for consideration had such organization or entity filed a completed budget request.

For purposes of a "waiver" as described herein, the same are to be given only for one budget year at a time, and only on a case-by-case basis. [WASHINGTON] – This item was referred to the Rules & Appointments Committee.

- d. Ordinance clarifying Richland County's role in providing or paying for administrative, legal or other services for public bodies not created by Richland County: "I move that Council pass an ordinance providing that: Richland County shall not provide administrative or other services, or legal representation or funding for legal representation for any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act as codified at the date of the adoption of this ordinance for any public body that 1) was created or established by any authority other than the governing body of Richland County and 2) whose members are appointed by any authority other than the governing body of Richland County.**

For any such public body that is required by the United States of America, the State of South Carolina, or any other competent authority, to be funded by Richland County, the same in its budget request shall include requested funding amounts for all administrative, legal or other services it needs to carry out its mission and operations. In other words,

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if any such organization or entity anticipates the need for legal or other services, for example, that organization or entity should include a funding request for such services so the same may be paid for out of its budget.

The purpose of this motion is not to deprive any such organization or entity of services it may need, but to appropriately place the responsibility and authority for such services in the hands of the organization or entity over which Richland County has no role or responsibility other than to provide mandated funding [WASHINGTON] – This item was referred to the Rules & Appointments Committee.

- e. **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 Robert’s Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation 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 referred to the Rules & Appointments Committee.

- f. **In attending a meeting with small local businesses, questions came up about the County ordinance allowing franchise businesses participating in the County’s SLBE program. Motion to change the SLBE ordinance not to allow franchise businesses to qualify as SLBE [WASHINGTON] – This item was referred to the OSBO Committee.**
- g. **Richland County adopt FEMA standards [JACKSON] – This item was referred to the D&S Committee.**
- h. **Create a resolution to be forwarded to SCDOT showing Richland County support for placement of signs on I-77 and I-20 indicating the directions/exits for the Fort Jackson National Cemetery. This will assure**

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the fallen defenders of our freedom are not overlooked regarding their final resting place [MALINOWSKI] – Mr. Washington moved, Ms. Dixon, to adopt the resolution. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:00 PM.

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