

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MEETING

March 15, 2016
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/PROCLAMATIONS

- a. **A Resolution honoring the Honorable Chief Justice Jean Hoefler Toal for her dedicated service to the State of South Carolina [MANNING, JACKSON, LIVINGSTON, ROSE, PEARCE, and DICKERSON]** – Council presented Chief Justice Jean Hoefler Toal with a resolution on behalf of her retirement for her dedicated service to the State of South Carolina.
- b. **Proclamation recognizing Coach Ronnie Robinson [RUSH]** – Mr. Rush presented a proclamation to Coach Ronnie Robinson recognizing his accomplishments with the Lancaster High School Girls Basketball Team.
- c. **Purchasing Professionals Month Proclamation [RUSH]** – Mr. Rush presented a proclamation to the Procurement staff in honor of Purchasing Professionals Month.

APPROVAL OF MINUTES

- a. **Regular Session: March 1, 2016** – Ms. Dickerson moved, seconded by Ms. Dixon, to approve the minutes as distributed.

Mr. Malinowski brought to the Clerk's Office attention a scrivener's error on p. 13 of the minutes and requested it be corrected prior to the minutes being placed on the County's website.



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

Others Present:

Tony McDonald
Warren Harley
Kimberly Roberts
Daniel Driggers
Kevin Bronson
Larry Smith
Brandon Madden
Rob Perry
Quinton Epps
Brad Farrar
Dwight Hanna
Ismail Ozbek
Donny Phipps
Chad Fosnight
Tracy Hegler
Michelle Onley
Lillian McBride
Stephany Snowden
Beverly Harris
Samuel Selph
Jennifer Wladischkin
Christy Swofford
Roxanne Ancheta
Bill Peters
Hayden Davis
Brenda Parnell
Kristen Shealy
Valeria Jackson

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

ADOPTION OF AGENDA

Mr. Rush requested a Personnel Matter be added to the agenda under the Report of the Chair.

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

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

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

- a. **Department of Revenue Update**
- b. **North Main Street Widening Project: Right of Way Acquisition**
- c. **Personnel Matter**

EXECUTIVE SESSION

*Council went into Executive Session at approximately 6:20 p.m.
and came out at approximately 6:23 p.m.*

CITIZENS' INPUT

(For Items on the Agenda Not Requiring a Public Hearing)

Mr. Pearce moved, seconded by Mr. Rose, to waive the rules and give the citizens an opportunity to speak regarding the item(s) that will have a public hearing at a future meeting. Those citizens will not be allowed to speak when the public hearing for this item is held.

Ms. Marjorie Johnson, Mr. Jim Reid and Ms. Nancy Barksdale spoke regarding the Voter Registration and Elections Department budget amendment.

REPORT OF THE COUNTY ADMINISTRATOR

No report was given.

REPORT OF THE CLERK OF COUNCIL

- a. **2nd Annual Distinguished Women's Luncheon, March 24th, 11:30 a.m. - 2:30 p.m., 4th Floor Conference Room** – Ms. Onley reminded Council of the upcoming Distinguished Women's Luncheon on March 24th in the 4th Floor Conference Room.

REPORT OF THE CHAIR

- a. **Personnel Matter** – This item was taken up in Executive Session.

APPROVAL OF CONSENT ITEMS

- 15-47MA, Keith Moore, GC to LI (2.58 Acres), Leesburg Road and Pepper Street, 16407-08-04 & 09 [THIRD READING]
- 15-49MA, David Powlen, PDD to PDD (amended PDD) (8.11 Acres), Hardscrabble Rd. & Summit Parkway, 05200-03-12 [THIRD READING]

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

THIRD READING

15-35MA, Cynthia Weatherford, RS-HD to LI (1.27 Acres), 2610 Harlem St., 16204-08-01 – Mr. Jeter moved, seconded by Mr. Manning, to approve this item.

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

The vote in favor was unanimous.

16-03MA, D. R. Horton-Crown, LLC, RU to RS-MD (25.34 Acres), Hollingshed Rd. & Kennerly Rd., 05200-01-13 & 18 – Mr. Malinowski moved, seconded by Ms. Dickerson, to defer this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-172, Density and Dimensional Standards; Subsection (B), Required Setbacks; Allowable Encroachment into Required Setbacks; Paragraph (5), Projections into Required Yards; Subparagraph C., Screening and Retaining Walls and Fences; so as to allow fences and walls not over seven (7) feet in height in side and rear yards
– Ms. Dixon moved, seconded by Ms. Dickerson, to approve this item.

**Richland County Council
Regular Session Meeting
Tuesday, March 15, 2016
Page Four**

Ms. Dickerson inquired how this ordinance will be addressed when the HOA does not allow fences to be seven (7) feet in height.

Ms. Hegler stated the HOA's covenants would supersede the requirements and would be privately managed through those covenants.

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

The vote was in favor.

SECOND READING

An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate \$10,000.00 of General Fund Unassigned Balance to be used for expenses generated for the 2016 Army Ball and the Official 100th Anniversary Kick-Off Event – Ms. Dickerson moved, seconded by Ms. Dixon, to approve this item.

Mr. Malinowski inquired if this item was being forwarded to the budget process.

Mr. Pearce stated the original motion was to “front” them the money and pay it back in the upcoming budget process, but that motion failed. A subsequent motion was made to fully fund the event.

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

The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate General Fund Balance to be used for Board of Voter Registration & Elections Department operation, equipment and staffing – Mr. Jeter moved, seconded by Mr. Jackson, to approve this item.

Mr. McDonald there is revisions to the numbers that were previously presented. There were adjustments to the reimbursements and actual numbers. Included in the agenda packet are detailed budget documents regarding their budget request. Unfortunately, the amount the department requested was not appropriated due to budget constraints and budget cuts had to be made during the budget process.

Mr. Selph or his staff would be better able to address the need for the items the department has requested.

Mr. Jeter inquired if Voter Registration and Elections is included in the County's CAFR.

Mr. McDonald stated all departments, even those that are not direct report departments, are included in the audit if County funds are made available to them.

Mr. Rush inquired as to what the audit looks at.

Mr. McDonald stated the annual audit is a financial audit that looks at the County's own preparation of its own financial statements and makes a determination as to whether those statements/numbers are reported correctly. It does not make a judgment with respect to operations.

Mr. Pearce stated he does not understand how Greenville County conducts an election with more voters more efficiently. He also inquired how to conduct an election properly.

Mr. Selph stated the South Carolina State Election Commission conducts classes that teach election directors and election workers how to conduct elections. Mr. Selph stated he received his certification as an Election Director in October 2015.

Mr. Pearce stated all the County has is a financial audit; therefore, how can the elections department assure the County the funding is being spent correctly without a program audit.

Mr. Selph stated when Greenville County is reimbursed from the municipality the funding is placed in a separate line item. When they are reimbursed from the State Election Commission it is put in a separate line item. They use the revolving fund to pay their poll workers.

Mr. Pearce stated Council appropriated a certain amount of money for the department and this far into the fiscal year the department is requesting almost as much as was appropriated for the whole year.

Mr. Selph stated a number of the voting machines are not operational because they do not have functioning motherboard batteries. The call center to report problems on the day of the election needs phones. The printers are 10 years old and need to be replaced in order to print absentee ballots and voter registration cards. The curbside signage is needed in case the polling site is not operational and to inform the voters where the polling site has been moved to.

**Richland County Council
Regular Session Meeting
Tuesday, March 15, 2016
Page Six**

Every election that is conducted the results have to be sent to the State Election Commission. The Election Commission reports back to the County Elections Office that every vote has been counted. Since Mr. Selph has been with the department the audits have been clean.

Ms. Dickerson inquired how much funding is reimbursed from the State and will it offset the costs.

Mr. McDonald stated the estimated reimbursement from the State is \$702,000.00.

Mr. Selph stated his department needs \$229,208, the projected reimbursement from the State Election Commission and the amount received from the City of Columbia.

Ms. Dickerson inquired if the numbers have been professionally audited.

Mr. Selph stated the Finance Department has reviewed the numbers, but there has not been a professional audit.

Mr. Livingston inquired if the reimbursements have traditionally been placed in the General Fund.

Mr. McDonald responded in the affirmative.

Mr. Selph stated he has requested that henceforth to establish line items and have the reimbursements come directly to the department. This would negate the need for them to come to Council for funding.

Mr. Livingston inquired about the estimated total amount of reimbursements.

Mr. McDonald stated the estimated amount this year is \$855,203.00, but the amount will vary depending on the number of elections that are held.

Mr. Pearce made a substitute motion, seconded by Mr. Malinowski, to not fund the request and direct the County Administrator to expedite a program audit.

Mr. Jeter stated it was his understanding the department did not have adequate funding to conduct a program audit. In addition, is this to be a program and financial audit?

Mr. Pearce stated the audit would be paid for out of the General Fund and the program audit should determine the answer to Council's questions.

Mr. Malinowski inquired if Voter Registration and the Elections Department were funded at \$750,000 prior to being combined. When the two were joined they were funded at \$1.2 million.

Mr. McDonald stated those amounts seem to be what he recalls.

Mr. Malinowski inquired why it took over 9 months to request the replacement printers.

Mr. Selph stated the request for replacement printers were contained in last year's budget proposal.

**Richland County Council
Regular Session Meeting
Tuesday, March 15, 2016
Page Seven**

Mr. Malinowski inquired if the funding to run the elections for the municipalities is included in the department's budget at the beginning of the fiscal year.

Mr. McDonald stated the budget at the beginning of the budget year operates the department, and its services, including the elections. Any reimbursements have historically gone to the General Fund General Revenue stream to support the County's revenue and operations.

Mr. Livingston expressed his concern with the substitute motion since it may not address the non-recurring capital needs.

Ms. Dixon inquired how long the audit will take and the cost of the audit. Additionally, she inquired of Mr. Selph how often the equipment is serviced, the life of the motherboard batteries and how often the licensing fee has to be paid.

Mr. Selph responded the equipment is serviced after every election. The motherboard batteries last approximately 5 years. The licensing fee must be paid annually.

Mr. McDonald stated he would estimate that it would take 2-3 months to conduct the audit and based on other similar audit he would approximate the cost to be \$15,000 - \$20,000.

Ms. Dickerson suggested moving forward with the capital expenditures to prevent the issues experienced during the 2012 election, but to also move forward with the financial and program audit.

Mr. McDonald stated there is an additional request for \$25,000 to cover attorney's fees.

Mr. Rush inquired if the Election Commission had approached the legislature regarding the attorneys' fees, as well as, the capital needs expenses.

Mr. Selph stated the legislature has been approached and they referred him back to County Council.

Mr. Livingston made a second substitute motion, seconded by Ms. Dickerson, to move forward with a budget amendment in the amount of \$229,208.90 to cover the non-recurring capital costs, maintenance and licensing fees and to direct staff to move forward with a program and financial audit of the department.

Mr. Selph stated he is researching if he can charge the costs for the office personnel back to the municipalities when they are assisting with an election.

Mr. Manning inquired if the Parties Presidential Primaries are fully reimbursed.

Mr. Selph stated they are not fully reimbursed. The State has a formula for reimbursement and the County election offices have to abide by that formula. He believes the percentage that is reimbursable is approximately 85%.

**Richland County Council
Regular Session Meeting
Tuesday, March 15, 2016
Page Eight**

FOR

Dixon

Jackson

Livingston

Dickerson

Manning

Jeter

AGAINST

Rose

Malinowski

Pearce

Rush

The vote was in favor of the second substitute motion.

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

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Approve the Dock Donation from EZ Dock, Inc. For Use At The Richland County Rowing Center – Mr. Pearce stated EZ Dock, Inc. is wishing to donate a \$60,000 dock to the Rowing Center to replace the dock that was destroyed in the flood. The item was deferred to in order to draft a hold harmless agreement to be executed between the County and EZ Dock. The dock company does not wish to execute a hold harmless agreement.

Mr. Smith stated the hold harmless is not required, but was suggested by the Legal Department because the County had no involvement in the design, installation or construction of the dock.

Mr. Pearce stated if the dock is not accepted without the hold harmless agreement, the dock will not be constructed. The County does not have the funding to replace the dock; therefore, there will be no rowing at the Rowing Center until there is funding available.

Mr. Pearce moved, seconded by Mr. Livingston, to approve this item.

Mr. Malinowski inquired if the dock was submitted for reimbursement.

Mr. McDonald stated the FEMA packet for reimbursement has not been completed for all of the damages incurred. The dock could be submitted to see if there are any FEMA dollars available for reimbursement when the packet is submitted.

Mr. Livingston inquired if staff has reviewed the design and approved it.

Mr. McDonald stated staff has reviewed the design and approved it.

Ms. Dickerson inquired if there is any liability attached to acceptance of the dock.

Mr. Smith stated if the County were to be sued if someone were injured or property was damaged due to the construction of the dock, the hold harmless agreement would allow the County to be held harmless because the County did not construct/install the dock.

Mr. Livingston stated the County will be held liable if they construct the dock; therefore, the County should approve the donation since the County could be sued either way.

Mr. Jeter inquired about who has access to the dock.

Mr. McDonald stated the Rowing Club has been the primary user, but recently public access has been granted during daylight hours.

Ms. Ancheta stated the gate is open unless there is maintenance being conducted or there are flooding/safety issues to the public.

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

The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

A Second Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Tax Revenue Bonds, Taxable Series 2015, or such other appropriate series designation, in the principal amount of not exceeding \$13,500,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto [FIRST READING BY TITLE ONLY] – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski inquired about what the funding is to be used for.

Mr. McDonald stated the intended use for the funding is for the water park.

Mr. Jackson stated there were no details about the intended use of the funds; therefore, he cannot support this item. In the future, if the Economic Development Committee discusses a project at least attach a “false” name to it until the project can be publicly announced.

Ms. Dixon inquired about how many projects is a part of the bond. She stated that Kelly Mill Park was recently opened up, but the remaining phase has not been completed due to lack of funding.

Mr. McDonald responded it was his understanding the funding is intended for only the water park.

Mr. Livingston moved, seconded by Ms. Dickerson, to defer this item until the April 5th Council meeting. The vote was in favor.

RULES AND APPOINTMENTS COMMITTEE

I. ITEMS FOR ACTION FROM RULES AND APPOINTMENTS:

- a. **Terms of Service** – Mr. Malinowski stated this item was held in committee.
- b. **Determine if an act that amended Section 27-2-105, Code of Laws of South Carolina, 1976, approved in June 2014, is a violation of Home Rule.**

Background: The above amended bill gives the state the authority to change county boundaries with no input from the county/counties being affected. This could have a tremendous financial impact on a county by the transfer of millions of dollars of property from one county to another or even changing a county line to put property in a neighboring county to assist with economic incentives for a new business.

I also question why the Richland County Lobbyist did not make Richland County aware of this bill as it proceeded at the state level?

Currently the Richland County/Lexington County line is being looked into for change and neither county has requested this change or disputed the lines. – Mr. Malinowski stated this item was held in committee.

- c. **Membership Requirements for Business Service Center Appeals Board** – Mr. Malinowski stated this item was held in committee.
- d. **Add to Council Rules – All Regular and Special Called meetings will be broadcast** – Mr. Malinowski stated the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. **Bluff Road Widening Phase I: Supplemental IGA with SCDOT** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.
- b. **North Main Street Widening Project**
 - 1. **Four Party Railroad Agreement** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.
 - 2. **Supplemental IGA with SCDOT** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.
 - 3. **IGA with City of Columbia** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

- 4. Right of Way Acquisition [EXECUTIVE SESSION]** – Mr. Livingston stated the recommendation is to move forward as discussed in Executive Session. The vote in favor was unanimous.
- c. County Transportation Improvement Program (CTIP)** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.
- d. FY 2016 TIGER Discretionary Grant Program: Potential Candidates** – Mr. Livingston stated staff recommends submitting two (2) grant applications: Decker Boulevard Neighborhood Improvement Project and the Broad River Corridor Neighborhood Project. The committee’s recommendation is for approval. The vote in favor was unanimous.

REPORT OF THE BLUE RIBBON ADVISORY COMMITTEE

- a. A Resolution requesting the State of South Carolina to appropriate funding to Richland County in an amount that is commensurate with the level of damage Richland County incurred as a result of the 2015 Historic Flood Event** – Mr. Rush stated this resolution will be forwarded to all members of the Legislative Delegation. The committee’s recommendation is for approval. The vote in favor was unanimous.
- b. Blue Ribbon Recommendations from March 10th Meeting** – Mr. Rush stated the Intermediate Implementation Plan was presented to the committee. The plan is an internal County plan on how the County departments will conduct intermediate recovery operations within the State’s recovery timeline. It is designed to be a part of the SC Intermediate Recovery Implementation Plan and the Richland County Long-Term Recovery Plan. It outlines the County’s strategy for implementation and support of the intermediate recovery operation.

The committee’s recommendation is to approve the adoption of the Richland County Intermediate Implementation Plan and plan mission.

Mr. Malinowski stated one of the goals is to provide safe housing for all residents, but the majority of the funding is directed toward low-moderate income residents. Therefore, if the residents are not low-moderate income residents will they be excluded?

Mr. Bronson stated the plan will be amended to replace “low-moderate” to “all residents”.

Mr. Malinowski inquired if the locations for the public meetings chosen due to those areas incurring flood damage. He further stated there was not a public meeting location in the Northwest.

Mr. Bronson stated the meeting locations were developed by staff to address the areas that were most impacted by the flooding event. The Blue Ribbon Committee added three (3) additional locations.

Mr. Malinowski requested, if needed, a public meeting in the Northwest. (i.e. Dutch Fork Middle or High School).

Mr. Malinowski inquired why the school districts are not addressed in the listed tasks.

Mr. Bronson stated the school districts will be included in the County's assessment.

Mr. Jackson inquired if the locations were chosen based on claims or report of damages by the flood.

Mr. Bronson stated the starting point was the areas that had the greatest concentration. Then meetings were held with community leaders to determine the best locations to hold the meetings. Staff is currently working with the community leaders to determine the dates to hold the meetings.

The vote was in favor of adopting the Richland County Intermediate Implementation Plan and plan mission.

Mr. Rush stated the committee discussed a project entitled "Richland Restores". It is a pilot program developed by County staff and local non-profit organizations to utilize current Richland County CDBG funds for owner occupied housing rehabilitation. Up to 5 homes in unincorporated areas of Richland County will be selected for rehabilitation. The homes must be owner occupied and adversely impacted by the October floods. Work through Richland Restores would be completed through St. Bernard's Project. All work must be completed and all funds must be spent prior to July 31, 2016. The \$300,000 in funding for this pilot program will come from re-programmed CDBG funding and not CDBG-DR funding. The project may be expanded and funded by disaster recovery funds, such as the CDBG-DR Program.

The committee recommended approval of this pilot program.

Mr. Malinowski stated Council approved Item 22(b), which is outlined on pp. 241-305; therefore, he does not believe anything additional needs to be taken up.

Mr. Rose moved, seconded by Mr. Malinowski, to reconsider the items forwarded from the Blue Ribbon Advisory Committee. The motion failed.

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

Mr. Toney Forrester spoke regarding problems with drug dealers in his neighborhood and their abuse of his dog.

Ms. Helen Taylor Bradley spoke regarding the Lower Richland Sewer Project.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 8:20 p.m.
and came out at approximately 8:35 p.m.*

- a. **Department of Revenue Update** – No action was taken.
- b. **Personnel Matter** – No action was taken.

ADJOURNMENT

The meeting adjourned at approximately 8:39 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