

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MEETING

May 3, 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 Damon Jeter

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Damon Jeter

#### APPROVAL OF MINUTES

- a. **Regular Session: April 19, 2016** – Ms. Dixon moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.
- b. **Zoning Public Hearing: April 26, 2016** – Ms. Dixon moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

#### ADOPTION OF AGENDA

Mr. Pearce moved, seconded by Ms. Dixon, to move Item #29 – “Finance Department: Departments Projected to be over budget for FY16”. The vote in favor was unanimous.

Mr. Rush added “Report of the Search Committee” under the Report of the Chair.

Mr. Malinowski stated the title for Item #24 needs to be amended as follows: “An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate \$62,751 of General Fund Balance to fund the costs for Board of Voter Registration & Elections Commission associated to conduct the Special Election(s) for the vacated District 10 Seat”.

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



#### 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  
Kimberly Roberts  
Daniel Driggers  
Kevin Bronson  
Larry Smith  
Brandon Madden  
Quinton Epps  
Dwight Hanna  
Beverly Harris  
Warren Harley  
Rob Perry  
Ismail Ozbek  
Chad Fosnight  
Nancy Stone-Collum  
Bill Peters  
Eva Prioleau  
Laura Renwick  
Leonard Bradley  
Roxanne Ancheta  
Jeff Ruble  
Donny Phipps  
Kathy Harrell

**REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION**

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

- a. Department of Revenue Update**
- b. Report of the Search Committee**

**EXECUTIVE SESSION**

*Council went into Executive Session at approximately 6:09 p.m.  
and came out at approximately 6:45 p.m.*

- a. Department of Revenue Update** – Mr. Malinowski moved, seconded by Ms. Dickerson, Ms. Dixon and Mr. Manning, to authorize the Richland County legal representative to take whatever steps are necessary, including litigation, to protect the Transportation Penny.

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

The vote in favor was unanimous.

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

Mr. Jackson moved that if the funds are withheld by the Department of Revenue, the County will set aside \$50.9 million from Transportation Penny funding to pay the bond anticipation note, seconded by Ms. Dixon.

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

The vote in favor was unanimous.

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

**CITIZENS' INPUT  
(For Items on the Agenda Not Requiring a Public Hearing)**

Mr. James Felder spoke regarding Items #7(a) – Department of Revenue Update.

**REPORT OF THE COUNTY ADMINISTRATOR**

- a. **Richland 101 Graduation** – Ms. Harris gave a brief overview of the Spring 2016 class. Ms. Suzanne Wright and Ms. Sabrina Todd, graduates of the program, provided their thoughts regarding the program.
- b. **Public Works Proclamation** – Mr. Rush presented a proclamation to Mr. Ozbek in honor of Public Works Week. Mr. Ozbek invited Council to the annual luncheon on May 18<sup>th</sup> at the Public Works Facility.

**REPORT OF THE CLERK OF COUNCIL**

- a. **REMINDER: Budget Work Sessions – May 5 (General Fund); May 12 – (Special Revenue, Enterprise, and Millage Agencies); and May 17 – (Grants)** – Ms. Onley reminded Council of the upcoming budget work sessions.
- b. **REMINDER: Lower Richland (District 10) Budget Input/Town Hall Meeting, May 11, 6:00 PM, Hopkins Park** – Ms. Onley reminded Council of the upcoming budget work session in Lower Richland.
- c. **Black Pages Funding Request** – Ms. Onley stated the Clerk's Office received a sponsorship request from Black Pages for a full page ad. The cost of the ad is \$3,450.00.

Mr. Jeter moved, seconded by Ms. Dickerson, to not support the purchase of the full page ad. The vote in favor was unanimous.

**REPORT OF THE CHAIR**

- a. **Report of the Search Committee** – This item was taken up in Executive Session.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dixon thanked everyone that participated in Denim Day and a short video was shown featuring the County employees that participated. In addition, she wished all the mothers a "Happy Mother's Day".

**OPEN/CLOSE PUBLIC HEARINGS**

- **An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate \$62,751 of General Fund Balance to fund the costs for Board of Voter Registration & Elections**

Commission associated to conduct the Special Election(s) for the vacated District 10 Seat – No one signed up to speak.

### APPROVAL OF CONSENT ITEMS

- An Ordinance Amending the Richland County Code of Ordinances; Chapter 2, Administration; Article VII. Boards, Commissions and Committees; Section 2-332. Boards, Commissions and Committees Created; Subsection (L), Richland County Business Service Center Appeals Board; Paragraph (2), Membership; so as to revise the membership requirements of the Business Service Center Appeals Board [SECOND READING]
- Sonoco Recycling Agreement for Professional Services
- Petition to Close Hastings Alley in Olympia
- Petition to Close Portion of Jilda Drive
- Memorandum of Understanding with the City of Forest Acres for Inspections of Commercial Structure
- Resolution Regarding the Assessment of Vehicles for Taxation Purposes
- Emergency Services Department – Fire Tanker Truck Purchase
- Conservation Department – Conservation Easement Acquisition Costs
- Conservation Department – County Acquisition of Forfeited Land Parcel
- County Administration Building and County Public Health Building Flooring Contract
- Council Motion Regarding the Human Resources Director reporting to the County Administrator

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

### THIRD READING

**An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate \$62,751 of General Fund Balance to fund the costs for Board of Voter Registration & Elections Commission associated to conduct the Special Election(s) for the vacated District 10 Seat** – Ms. Dixon moved, seconded by Mr. Jeter, to approve this item.

Mr. McDonald stated the costs for the primary and runoff will be \$86,362.

Mr. Malinowski requested a definition of a “poll manager”.

Mr. Jackson stated the definition can be found in the Voter Registration book provided by the State.

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Mr. Malinowski inquired why the Poll Manager's Assistant has to be 16 or 17 years of age.

Mr. Malinowski further stated he has additional questions regarding the documentation that was provided by Mr. Selph.

Mr. Livingston made a substitute motion, seconded by Mr. Jackson, to approve up to \$86,362 and request an itemized list of expenditures once the election(s) is held.

Mr. McDonald stated if a runoff is not needed, approximately half of the funds would be needed.

Mr. Rose inquired about the additional costs associated with the runoff election since there is an election already scheduled for that day.

Mr. McDonald stated that Mr. Selph indicated the primary and runoff have to be considered and treated as separate elections.

Mr. Pearce made a second substitute motion, seconded by Ms. Dickerson, to defer this item until the May 17<sup>th</sup> Council meeting. The vote was in favor of the second substitute motion.

**FIRST READING**

**An Ordinance Authorizing the issuance and sale of not to exceed \$29,000,000 General Obligation Bonds, Series 2016A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto** – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item.

Mr. Pearce stated it is his understanding this item relates to the bond for the capital projects approved in the FY15-16 budget.

Mr. McDonald stated this item relates to the annual capital bond issue based on the amount of capacity determined to exist for the upcoming fiscal year. A portion of the \$29,000,000 is recurring items (i.e. Sheriff's and Emergency Services vehicles, etc.)

The vote in favor was unanimous.

**An Ordinance Authorizing the issuance and sale of not to exceed \$15,500,000 Broad River Sewer System General Obligation Refunding Bonds, Series 2016B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto** – Mr. Livingston moved, seconded by Ms. Dixon, to approve this item.

Mr. Malinowski stated he has requested additional information from Mr. Harley.

The vote in was in favor.

**An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2016 and ending June 30, 2017 [BY TITLE ONLY]** – Mr. Pearce moved, seconded by Mr. Jackson, 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, 2016, will provide sufficient revenue for the operations of Richland County Government during the period from July 1, 2016, through June 30, 2017 [BY TITLE ONLY]** – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

### REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

**Finance Department: Departments Projected to be over budget for FY16** – Mr. Pearce stated this item was forwarded from committee without a recommendation. Mr. Myers, Detention Center Director, spoke at the committee meeting regarding his department's overage. Judge Simon was to provide additional information related to this item, but had a previous engagement and was not able to stay for the Council meeting.

Mr. Pearce stated staff's recommendation is to cover the overage.

Ms. Dickerson moved, seconded by Mr. Rose, to approve this item.

Ms. Dickerson would like additional information from Judge Simon regarding the expected savings from the 24-hour bond court prior to Second Reading of this item.

Mr. Rose inquired if this item refers to funds that have already been spent.

Staff responded in the affirmative.

Mr. Malinowski requested the water system at the Detention Center be investigated to see if there are any improvements that can be made to prevent the excess water bills in the future.

Mr. Pearce stated the Coroner's Office is consistently over budget due to the increase in the number of autopsies provided by his office.

The vote was in favor.

**Council Motion Regarding Hospitality Tax Revenue** – Mr. Pearce stated the committee recommended proceeding to work with the Legislative Delegation to widen the scope of allowable uses of Hospitality Tax revenues to provide the County with great flexibility, which could prove useful in funding other items not specifically outlined in the current legislation.

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**FOR**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Livingston  
Dickerson  
Manning  
Jeter

**AGAINST**

Rush

The vote was in favor.

**Conservation Department: Project Agreement with City of Columbia for Owens Field Park Construction** –

Mr. Pearce stated this item was previously approved by Council. At the committee meeting, Mr. Malinowski raised the question about the relationship between the City and County on the project and if the City did not pay their portion would the County then be responsible for the balance.

Mr. Rose moved, seconded by Mr. Pearce, to approve this item with the stipulation that the County is only responsible for their portion of the project.

Mr. Epps stated there are two (2) parts to the project. There is a City of Columbia part and a County part. Funding has been allocated from both entities. The County is not responsible for paying the City's portion and the City is not responsible for paying the County's portion. The County is not procuring the project, the City is.

Mr. Smith stated the Legal Department had some concerns and/or questions about the proposed agreement. He requested that legal be allowed to continuing working with Mr. Epps and the City of Columbia to make the appropriate changes to the agreement.

**FOR**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Manning

**AGAINST**

The vote in favor was unanimous.

**Council Motion Regarding the Release of Funds** – Mr. Pearce stated the funds will be used for the dredging of Lake Katherine. This item came before Council approximately 3 years ago. At that time, a study had been done of the silt build up and percentages of responsibility were assigned to various entities (the City of Columbia, the County, SCDOT and Forest Acres). Council took action and

appropriated funds for the County's portion, but the project did not move forward because one of the other entities opted not to provide their funding. During the interval the problem has continued to worsen and the flood event has exacerbated the problem. The City has agreed to fund the portion the other entity refused to pay. The County's percentage is 8%, which equates to \$62,400.

The request is to release the \$62,400 being held in the Stormwater fund balance to fund the dredging of Lake Katherine.

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

The vote was in favor.

## **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

**Developing a Multi-County Park with Fairfield County; Authorizing the execution and delivery of an agreement governing the Multi-County Park; Authorizing the inclusion of certain property located in Richland County in the Multi-County Park; Authorizing the execution of an intergovernmental agreement; and other related matters [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated the committee recommended approval of this item by title only. The vote in favor was unanimous.

**Authorizing the conversion of a 1996 Fee in Lieu of ad valorem taxes arrangement by and between Richland County, South Carolina and Bose Corporation and other matters related thereto [FIRST READING]** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

## **RULES AND APPOINTMENTS COMMITTEE**

### **I. NOTIFICATION OF APPOINTMENTS**

- a. **Animal Care Advisory Committee – 2** – Mr. Malinowski stated the committee recommended appointing Dr. Tracy Wales and Ms. Nicole Howland.



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

The vote in favor was unanimous with Mr. Manning recusing himself from the vote.

- b. Board of Assessment Appeals – 1** – Mr. Malinowski stated the committee recommended re-appointing Mr. John Kososki.

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

The vote in favor was unanimous.

- c. Board of Zoning Appeals – 2** – Mr. Malinowski stated the committee recommended re-appointing Mr. Frank Richardson and appointing Mr. Jason C. McLees.

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

The vote in favor was unanimous with Ms. Dixon recusing herself from the vote.

**REPORT OF THE ORDINANCE REVIEW AD HOC COMMITTEE**

- a. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (22), Radio, Television and Other Transmitting Towers; Subparagraph c.; Clause 1; so as to amend the setback requirements for towers abutting residentially zoned parcels [RUSH] [FIRST READING]** – Ms. Dixon stated the committee recommended approving this item for First Reading.

Mr. Livingston inquired if this item had gone before the Planning Commission.

The item went before the Planning Commission on May 2<sup>nd</sup>.

The vote in favor was unanimous.

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

Mr. Toney Forrester continued his “story” from the previous Council meeting.

**EXECUTIVE SESSION**

*Council went into Executive Session at approximately 8:08 p.m.  
and came out at approximately 8:15 p.m.*

- a. **Report of the Search Committee** – Mr. Pearce moved, seconded by Mr. Livingston, to engage the Mercer Group to conduct a search for a new County Administrator.

**FOR                      AGAINST**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Jeter

The vote in favor was unanimous.

### MOTION PERIOD

- a. **I move that Council consider approving the following HOAs: (1) Cary Lake [District 8]; (2) Beaver Dam [District 9]; (3) Lower Rocky Ford [District 6]; and (4) Lake Dogwood [District 11] to pursue the creation of special tax districts [PEARCE] – This item was referred to the D&S Committee.**
- b. **I move that administration put an immediate freeze on all the funding available for the penny tax program on all invoices that have not been paid. Only funding for operations for staff should be used. The SLBE office at this point should be fully staffed and be ready for full operations to ensure compliance from the PDT and any other company doing business under the program. All contracts pertaining to the Penny Tax Program should be frozen immediately. Failure from staff to carry out council's directive on hiring qualified staff immediately should be terminated. Note: Richland County cannot continue to run a penny tax program without an office fully staffed with professionals needed to ensure compliance. Council did give staff directive to fully staff that office and so far staff has refused to carry out council's wishes. [JACKSON] – This item was referred to the A&F Committee.**
- c. **Any Richland County Department that perceives a budget shortfall needs to advise Administrative staff immediately of that potential problem. When the item appears on a committee agenda it must do so with all backup/justification materials and a representative of that department must be present at every meeting to respond to questions that may be asked. [MALINOWSKI] – This item was referred to the A&F Committee.**
- d. **I am requesting a resolution be presented to the Capital City/Lake Murray Country Visitor group in recognition of their 35 years of serving Richland County and the Midlands [MALINOWSKI] – Mr. Manning moved, second by Ms. Dixon, to adopt a resolution commemorating the Capital City/Lake Murray Country Visitor's 35<sup>th</sup> Anniversary. The vote in favor was unanimous.**

### ADJOURNMENT

The meeting adjourned at approximately 8:21 PM.

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Torrey Rush, Chair

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Greg Pearce, Vice-Chair

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Joyce Dickerson

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Julie-Ann Dixon

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Norman Jackson

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Jim Manning

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Seth Rose

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