



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

January 9, 2018 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Seth Rose, Chair; Yvonne McBride, Gwen Kennedy, Chip Jackson, and Dalhi Myers

OTHERS PRESENT: Brandon Madden, Michelle Onley, Ismail Ozbek, Tracy Hegler, Jamelle Ellis, Shane Kitchens, Kim Williams-Roberts, Dale Welch, Gerald Seals, Beverly Harris, Stacey Hamm, Sandra Yudice, Geo Price, Dwight Hanna, Brad Farrar and Quinton Epps

1. **CALL TO ORDER** – Mr. Rose called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. December 19, 2017 – Ms. McBride moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

In Favor: Rose, McBride, Kennedy, Myers, and C. Jackson

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Mr. Seals requested Item #4.d. "South East Sewer Service Project" be removed from the agenda.

Ms. Kennedy moved, seconded by Ms. Myers, to adopt the agenda as amended.

In Favor: Rose, McBride, Kennedy, Myers and C. Jackson

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**
 - a. Intergovernmental Agreement with the City of Columbia: Devil's Ditch – Ms. Williams, Stormwater Manager, stated the Devil's Ditch project is a project the Richland County Stormwater Dept. and the City of Columbia's Stormwater Dept. is partnering on. A grant was received from the City of Columbia in 2010 to do engineering design plans to stabilize Devil's Ditch. Due to the flood and subsequent storms it has eroded more since the original design plans were put together. The total project cost estimate is \$406,073.80; 67% of the cost will be covered by Richland County and 33% by the City of Columbia. Richland County's portion is in the current Stormwater Capital Project budget. Ms. Williams further stated the delay on the project was there was difficulty obtaining easements from the property owners. One of the last easements they need went up for tax sale and is now with

the Forfeited Land Commission. They are requesting the County to take ownership of the parcel, which would allow them to have future access to continue to do maintenance on the ditch long-term.

Ms. McBride moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to approve the agreement with the City of Columbia to share the costs for the Devil's Ditch Maintenance Project at a cost of \$272,069.44 from the Stormwater Management Division's Capital Drainage Projects account, and approve accepting TMS#13707-22-04 from the Forfeited Land Commission to ease future maintenance of the project.

Mr. Malinowski noted there was not an "Attachment B" in the agenda packet. He requested the document be provided prior to this item going to Council.

In Favor: Rose, McBride, Kennedy, Myers and C. Jackson

The vote in favor was unanimous.

- b. Quit Claim Portion of Pear Tree Road to Adjoining Property Owners – Mr. Ozbek stated this is a request from the citizen to quit claim a portion of Pear Tree Road. Included in the agenda packet was a map of the subdivision. The highlighted portion of map indicates there is a parcel that was left for future access to an adjacent phase of the subdivision; however, the subdivision plans have changed and that parcel is no longer useable and accessible. Therefore, the property owner requested to have the parcel given back to each of the property owners.

Mr. Malinowski requested the property value of the property.

Mr. Ozbek stated the property value will likely go up by approximately 20%.

Ms. Myers stated the parcel was set aside by the developer to be a public road and be deeded to Richland County for the public good. Essentially since the development is complete and that portion will not be developed we now have Richland County owning a piece of property in the middle of the development that we would have to maintain.

Ms. Myers moved, seconded by Ms. Kennedy, to forward to Council with a recommendation to approve the request to quit claim the 50' Right-of-Way to the adjoining property owners.

In Favor: Rose, McBride, Kennedy, Myers and C. Jackson

The vote in favor was unanimous.

- c. Council Motion: Revisit the 2002 Richland County Water Plan, and any updates, for providing water to unincorporated areas of Richland County and in conjunction with the future Lower Richland Sewer Project [MALINOWKI and MYERS] – Mr. Khan stated staff has looked at the requested master plan. The master plan was developed in 2002 by an outside consultant. There have been a lot of changes. The water service area by other providers has expanded. He stated he has come to a conclusion that Richland County is well positioned to supply water in certain areas where there is no existing water supply available. The map included in the agenda packet outlines the three (3) different areas where there is no water supply. A primary requirement is the designation of the water service area. If we not do so any study we do will be obsolete by the time we get to construction of the water system. Additionally, we need to look at the funding.

Ms. Myers stated for the record there has been some public dissemination of incorrect information. Her motion applied exclusively to water. It has nothing currently to do with sewer and any information to the contrary is false.

Ms. Myers moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to approve staff's recommendation to bring the process of undertaking the necessary steps to provide water service.

In Favor: McBride, Kennedy, Myers, and C. Jackson
Opposed: Rose

The vote was in favor.

- d. Council Motion: If an employee is in need of sick leave, any employee can donate that leave to a specific person and not just a sharing pool [MALINOWSKI] – Mr. Hanna stated staff has come up with a solution that addresses Mr. Malinowski's motion and some of the concerns expressed by department directors. Staff is proposing the motion by Mr. Malinowski be approved with the understanding that elected or appointed officials have the discretion to review each circumstance and make a determination in terms of whether they thought that was appropriate for approval.

Mr. Livingston stated for clarification upon retirement employees are paid for a portion of their sick leave.

Mr. Hanna stated if the employee has accumulated at least 150 hours the employee is paid for 25% of the leave.

Mr. Livingston requested clarification on how the leave will work.

Mr. Hanna stated the particular policy before the committee is for catastrophic leave. The County has annual leave, sick leave, and advanced sick leave which is basically a loan. The consistency, in terms of the policy, will address employees not taking advantage of the leave.

Ms. Dickerson asked for clarification if this policy will apply to only those that have exhausted their sick leave.

Mr. Hanna responded in the affirmative. The employee would have to use their accrued sick leave, annual leave and, if they are eligible, advance sick leave before they could apply for catastrophic leave.

Mr. N. Jackson stated he is concerned employees that never accrue any leave because they use it as soon as they earn it will rely on the leave pool if something does happen.

Mr. Hanna stated the respective departments will have the authority to do an analysis in those situations since the elected and appointed officials or department heads would have a better idea of who may be abusing the leave.

Ms. Myers requested Mr. Hanna to explain advance sick leave and how it works.

Mr. Hanna stated advance sick leave can only be used after an employee has exhausted their sick and annual leave. Then they can, in effect, borrow up to 24 days, which would equate to 2 years (i.e. 1 day per month). Once the employee comes back to work and they begin to accrue leave the leave is paid back to the County.

Ms. Myers stated this policy is for extreme cases where an employee would be out for a long period of time (i.e. hit by bus).

Mr. Hanna stated that is the purpose the catastrophic leave is designed for. If Council agrees to give the respective department heads the discretion to review and analysis the few case where an employee has not be as judicious in taking their leave. He believes the respective department heads can manage.

Ms. Myers stated this will be constantly monitored by department heads, so it is not as though they get the borrowed days and nobody knows what happens thereafter. She further stated some of the Council members are afraid of abuse of the policy and others not having enough time.

Mr. Hanna stated department heads would have an added incentive to monitor leave even closer.

Mr. C. Jackson inquired about how this policy meshes with short-term and long-term disability, which employees have to pay for. Does this incentivize employees to purchase short-term disability because now the employees will be able to go through the catastrophic leave pool for an extended period of time, free of charge instead of buying short-term disability? He stated it is his understanding short-term disability only pays a portion of the employee's salary and the catastrophic leave would pay the full salary.

Mr. Hanna stated the catastrophic leave would only a portion of the salary. Employees, without a doubt, will do an assessment and that would be a fact in whether they purchase short-term or long-term disability benefits. Some employers have a program where the employer pays for short-term and long-term benefits, but the County does not. He further stated the County's process is that the employee is not double paid. If they are out on worker's comp, they are not getting worker's comp and disability or sick leave at the same time.

Mr. C. Jackson inquired how long it is before short-term disability begins.

Mr. Hanna stated he believes it is 10 days.

Mr. C. Jackson stated after 10 days, if the employee does not have any more leave, the question becomes do I purchase short-term disability or do I utilize the leave pools in which I can draw down up to 30 days according to this policy, correct?

Mr. Hanna responded in the affirmative. Some protection the County has is that the option to purchase short-term disability is done during open enrollment; therefore, it is not under situation by situation basis.

Mr. C. Jackson inquired as to when the policy would go into effect.

Mr. Hanna stated it could go into effect as soon as the minutes are approved.

Mr. Livingston stated it is his understanding the basic issue before the committee is whether the employees are going to donate to a pool or to an individual.

Mr. Hanna stated responded in the affirmative.

Mr. Livingston stated there is a maximum of sick leave hours an employee can accumulate, correct?

Mr. Hanna stated that is correct. The maximum amount is 90 hours of sick leave.

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Mr. Livingston stated for clarification that if an employee reaches the maximum they do not accumulate any more leave going forward.

Mr. Hanna stated there is an annual cap, which is cut off by Finance. He stated he would not say that someone does not accrue 91 or 92 days before there is a cut off.

Mr. Livingston stated one way of not worrying about reaching that cap is to donate my hours to someone else.

Mr. Hanna stated if this item is approved the employees will be able to donate to a specific person. The current policy is an employee can donate to the pool.

Mr. Livingston expressed concern that employees can "sell" their hours to another employee.

Mr. Hanna stated it is possible that could happen, but staff is not proposing that situation.

Ms. Myers stated on p. 36 of the agenda packet Mr. Hanna states, "We occasionally have issues, but they're not insurmountable. It's always up to the department head whether or not to grant the donations. What helps in keeping it "honest" is that the employees have to be on an approved FMLA or extended medical leave." As it relates to this statement, if the employee is already on FMLA or extended medical leave there is a chance their short-term disability could have begun. She questioned whether we are in an area where there is a lot of fraud.

Mr. Hanna stated he is not aware of any fraud. The policy is written in such a way as to try to prevent that as best we can. The existing rules will be kept, but the option that an employee can donate to another employee will be added.

Ms. Myers stated there is not an unlimited amount of sick leave, even in a catastrophic pool. Therefore, it is prudent that if we are able to afford the benefit of short-term disability to take advantage of it.

Mr. C. Jackson stated his comments were driven by the potential pressure and equity of the system if he happened to be the employee that no one wants to donate to his personal pool and now people feel pressured. He inquired if there is a direct correlation between the amount of hours which can be withdrawn now from the leave pool that would be in line with the new policy? What is the maximum number of hours that can be withdrawn from the current leave pool?

Mr. Hanna stated they are not proposing to change the maximum number of hours an employee would be eligible for. The only thing being proposed is that an employee would be able to donate directly to another employee under the same criteria and conditions that currently exist.

Mr. C. Jackson stated for clarification that if an employee did not receive enough donated hours they would still be eligible for the same number of hours from the leave pool.

Mr. Hanna responded in the affirmative. In talking with other places that offer a leave pool, it was mentioned that sometimes an employee will lobby another employee to donate leave. In the County's case, we have had adequate leave in the leave pool and it has not run.

Mr. C. Jackson inquired if staff would prefer the employees go through the leave pool first. Once the leave has been exhausted then the employee could solicit donations. What is the benefit?

Mr. Hanna stated the intent was to encourage more employees to donate. The belief was that some employees that may not wish to donate to the general pool may wish to donate to a specific employee.

Ms. McBride inquired if an employee is employed for one day is the employee eligible for the leave system the County currently has.

Mr. Hanna stated the employee would not have accrued sick or annual leave. The employee would not be eligible for advance sick leave.

Ms. McBride inquired if we implement the new policy would the employee be eligible to receive leave from another employee.

Mr. Hanna stated not unless it was approved using the same procedure the County currently has or Council wanted to change it to make someone eligible on day one. The proposed change does not change the rules other than to permit an employee to donate directly to another employee.

Mr. Malinowski stated he has had employees mention to him if there was a direct donation to someone they would willing to donate sick leave, but they did not want to donate to a general pool. As Mr. Hanna said, the pool has never run out of hours, but the advantage is if someone is willing to give directly to another employee it allows the general pool to stay where it is or increase so we do not run the risk of running low on those hours.

Ms. Myers moved, seconded by Mr. Rose, to forward to Council with a recommendation to approve staff's recommendation.

Mr. C. Jackson stated Ms. McBride made an excellent point and the group of employees in the greatest need are the ones that have been with the County for such a short period of time they have not accrued leave to be able to address an unexpected or unplanned catastrophic illness and even with the policy we have discussed would not impact them. He feels the more critical need is for the employees that have only been here a short period time and even after the passing of this policy there will still remain no vehicle for them to be able to access leave in a critical situation until they have accrued it.

Ms. Myers stated she would be willing to accept as a friendly amendment the right of newly employed employees, who are not otherwise eligible, upon approval of their department heads to borrow from this pool.

Mr. Hanna stated they could draft some rules to accommodate the motion, as amended.

In Favor: Rose, McBride, Kenney, Myers and C. Jackson

The vote in favor was unanimous.

- e. Council Motion: I move that we re-allocate some of the funding we used to increase the general fund balance farther above the minimum policy amount than it already was, and given that the FY16-17 budget produced a surplus, to EMS [MANNING] – Mr. Rose stated for clarification there is already something in place in regards to the positions.

Mr. Seals stated there is a strategic plan the County is operating under. Also, the budget is scheduled to be amended as we move forward through the 2nd year of the Biennium budget. We do not have the annual financial report yet. He stated the intent of the motion is correct, but staff has been

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looking at the entire issues of Richland County government and how we can make sure all of those issues are met. We are planning for another 48 positions in EMS.

Ms. Myers moved, seconded by Mr. C. Jackson, to reject the motion, as at this point moot.

In Favor: Rose, McBride, Myers and C. Jackson

The vote in favor was unanimous.

- f. Council Motion: In future housing development or construction, houses built must be at a safe distance to prevent the transfer or being affected by fire. Fire retardant materials must be used or a safe distance must be developed separating the houses [N. JACKSON] – Ms. Hegler stated the County has adopted the 2015 SC Building Codes, which are based on the minimums set by the International Building Codes Council. It does require a separation of a certain distance or those walls need to be rated specifically for the prevention of fire transfer.

Mr. N. Jackson stated he is aware the distance exists and fire retardant material is supposed to be used; however, especially in his district he has seen so many fires where the houses built within the last few years still transfer to the next house and next house catches fire. The 10' to 15' is not enough to prevent the transfer. He would like staff or the Fire Marshal to investigate a realistic safe distance that if the next door neighbor's house catches fire his house does not burn as well.

Mr. C. Jackson stated he appreciates Mr. N. Jackson's motion expressing the concern he raised. He believes that if anything we should probably get verification from either the Builder's Association or any other independent group that indicates what the International Building Code requirements are so it does not sound like it is just some ordinance by the County making that determination. He would support having someone (i.e. Fire Marshal, official from the Builder's Association, etc.) to look into that and speak to the specific language that has been codified that indicates what the minimum distance has to be.

Ms. Hegler stated staff can provide more research on why the minimum was established. Mr. N. Jackson was encouraged to get with the fire department to discuss the specific instances he is speaking about. She stated the Fire Marshal's Office is aware of the minimums and were aware this item was coming forward. She further stated it is generally accepted practice, but that does not mean we should not investigate the problem. She was not aware of the instances referenced by Mr. N. Jackson.

Mr. N. Jackson stated there are certain practices where Richland County went above and beyond and increased distances because what is in the International Building Code does not work.

Ms. Myers requested Ms. Hegler apprise the committee of the national and regional best practices. We are operating on a minimum standards. What have counties done that adopted a better, higher standard? How far have they gone? Has it improved safety? Have the fires been less damaging? Have they not jumped from house to house?

Mr. Rose moved, seconded by Ms. Myers, to bring this back to the February committee and have staff bring back the requested information.

In Favor: Rose, McBride, Kennedy, Myers and C. Jackson

The vote in favor was unanimous.

- g. Council Motion: Move to review the existing “cat” ordinance and remove the last sentence of the ordinance [PEARCE] – Mr. Pearce stated Pawmetto Lifeline brought it to his attention, and Mr. Rose’s attention, that the way the existing ordinance is written there are still too many cats being euthanized. The concern is the part of the ordinance that say once the cat is neutered is placed back in the neighborhood where it was picked up. A lot of people are not wanting the cats back in the neighborhood; therefore, the County is not doing that. Pawmetto Lifeline requested Council ask Animal Care staff to give a report as to the effectiveness of the ordinance as it is written now.

Mr. Malinowski requested more specificity regarding the “last sentence”.

Mr. Pearce stated if you disregard the part that says last sentence, the issue is putting the cats back where they were picked up.

Ms. McBride stated she does not have the ordinance, but the last sentence states that if they pick up a cat from the community and spay or neuter it then they return the cat to the community. Less than 6 months ago, she amended the last sentence to state, “unless the residents do not want the cat returned to the community.” She stated why she did that is that she looked at Greenville County’s diversion program and they have the same amendment that she had. She is surprised and disappointed that we are here less than 6 months discussing this same issue. Unless we can come up with 6 months of data showing this does not work, but more importantly if you have the data, if a resident fears a cat, if the cat is a nuisance and that resident cannot say they do not want the cat back in the community something is wrong with that. She does not see the need for further discussion on this. Also, from her research, limited programs are able to provide scientific data this is an effective program. She is not sure what kind of data we are collecting, but she believes we did an excellent job of coming up with a compromise to assist those who say it is okay to bring the cats back. She would move to reject Mr. Pearce’s motion to remove the last sentence.

Ms. Myers stated she makes these comments in great fear of both Ms. Kennedy and Ms. McBride...she has been talking back and forth with Pawmetto Lifeline and what has happened is we are at the point, as opposed to last year, month by month, there are on average a 100 more cats at the City of Columbia shelter that are being euthanized, which is the total opposite of their mission. She suggests, as a delicate compromise, is that we look at taking the cats to places where they are welcome. According to what she has been told, there are feeders in the community and when a person calls and has the cat picked up, the cat disappears from its marked territory, which does not lead to an absence of cats, but more cats because the feeder remains. She suggested gathering or having Pawmetto Lifeline to come in and speak to Council.

Mr. Rose suggested holding this in committee and inviting Pawmetto Lifeline to speak to the committee.

Ms. McBride stated Pawmetto Lifeline needs to be bring data showing what has happened in Richland County.

Ms. Kennedy stated she agrees with Ms. McBride. She inquired about doing the same thing with dogs in the neighborhood.

Mr. Rose moved, seconded by Ms. Myers, to hold this in committee and request representatives from Pawmetto Lifeline attend the next committee meeting with any data and be available to answer questions.

In Favor: Rose, Myers, C. Jackson

Opposed: McBride

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The vote was in favor.

5. **ITEMS PENDING ANALYSIS**

- a. Council Motion: If Developers, Builders, etc. cause any hardship on any community due to poor workmanship or unapproved or unpermitted work of any kind that fails, all of their building permits should be pulled and the builder not allowed to build until they fix the problem(s). The homeowners, nor the citizens, should have to pay to fix poor workmanship [N. JACKSON] – No action was taken.
- b. Council Motion: HOA's operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [N. JACKSON] – No action was taken.
- c. Council Motion: Direct staff to research changing the ordinance relating to water runoff so in the future it will require environmental studies and not allow any runoff that exceeds the current runoff from the undeveloped property. This motion should be reviewed/completed and provided to the Planning Commission no later than their June meeting [MALINOWSKI] – No action was taken.
- d. Council Motion: That the Open Space Ordinance/Regulation be revisited and changed so that only true Open Space in a development is used for a density bonus. Currently any land not usable, such as ponds, wetlands, streams, ravines and the like are attributed to open space when they can't be built on anyway, so no credit should be given for these items [MALINOWSKI] – No action was taken.

6. **ADJOURNMENT** – The meeting adjourned at approximately 6:00 PM.