

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

March 17, 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 6:02 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.

POINT OF PERSONAL PRIVILEGE – Ms. Dixon recognized Ms. Paige Green, CASA, on being named Director of the Year and Mr. James Thomas on being named Volunteer of Year from the Sheriff's Department.

PRESENTATION OF RESOLUTION

Resolution Honoring Mary and Henry Peterson for their contribution of gifts to the children served by CASA at Christmastime [MALINOWSKI] – Mr. Malinowski presented a resolution to Ms. Mary Peterson, Register of Deeds Office, and her husband, Henry, for their contribution of gifts at Christmastime to children served by CASA.

APPROVAL OF MINUTES

Regular Session: March 3, 2015 – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Malinowski moved, seconded by Mr. Pearce, to adopt the agenda as published. 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
Monique Walters
Brandon Madden
Michelle Onley
Monique McDaniels
Rob Perry
Daniel Driggers
Larry Smith
Nelson Lindsay
Tracy Hegler
Beverly Harris
Amelia Linder
Chris Gossett
Johnnie Rose
Brenda Parnell
John Hopkins
Cheryl Patrick
Annie Caggiano
Valeria Jackson
Jocelyn Jennings
Ashley Powell
John Hixon
Justine Jones
Ray Peterson

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REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

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

- a. **Contractual Matter: 208 Plan**
- b. **Contractual Matter: Palmetto Utilities**
- c. **Contractual Matter: Palmetto Utilities -208 Plan Amendment**
- d. **Easement Acquisition Authority**

CITIZENS' INPUT

Ms. Helen Taylor Bradley, Ms. Wendy Brawley, Ms. Sara Prioleau, Ms. Mary Sims, Ms. Donzetta Taylor Lindsey, Mr. Tom Mancke, Ms. Jennifer Mancke, and Ms. Judy Phillips spoke in opposition of the Lower Richland Sewer Project.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Budget Update** – Mr. McDonald stated Finance, Budget and Administration staff have completed the initial meetings with the Department Directors to review their budget requests. Meetings with the “Budget Team” will begin tomorrow to compile the Administrator’s Recommended Budget.

The millage agencies have requested clarification on Council’s direction to submit (2) budgets: one flat dollar amount and the other up to the cap (i.e. flat dollar amount or flat millage).

Mr. Manning moved, seconded by Mr. Malinowski, to direct the millage agencies to submit their budget requests based on a dollar amount. The vote in favor was unanimous.

- b. **Local Government Fund Update** – Mr. McDonald stated there are (2) bills pending in the Senate Finance Committee.

H3374 will freeze for 2 years the amount that Counties will receive and after the second year would rewrite the formula. Staff has been communicating with the Legislative Delegation to voice opposition to the legislation.

S473 would return the LGF to full formula funding over a 3 year period. The Counties and the SC Association of Counties are supporting this legislation.

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Mr. Washington inquired if the lobbyist had communicated to staff why the members of the Legislative Delegation did not support the LGF.

Mr. Pearce inquired if any of the Legislative Delegation responded to the County's plea for assistance with the LGF.

Mr. McDonald stated that to his knowledge there had not been any communication from the lobbyist or Legislative Delegation.

Mr. Malinowski inquired as to which Legislative Delegation members voted against the LGF Funding Bill.

Mr. Madden stated that Representatives Howard, Finley, Bernstein, Bales and Neal voted against S473, which would assist the Counties with the LGF.

Mr. Manning moved that the County fire the lobbyist. The motion died for lack of a second.

Ms. Dickerson requested a report from the lobbyist.

- c. **SLBE Certification Update** – Mr. McDonald stated the report from the OSBO Office was included in the agenda packet, which updates Council on where the certification process is and where the SLBE Office is in general.

Mr. Livingston requested projections of what the office is expected to accomplish in the next 3 months, 6 months, etc.

Mr. Rush inquired if any benchmarks were put into place for the office.

Mr. McDonald stated that no benchmarks, as far as numbers of businesses to be certified. Although there was an expressed need to focus on getting businesses certified.

Mr. Malinowski inquired as to how businesses are located and contacted regarding the SLBE program.

Ms. Jones stated the office has been contacting firms by word of mouth and utilizing lists from various agencies, as well as, the Business Service Center and vendor registration.

Mr. Washington stated his understanding was within the ordinance there was a provision that the County did not have to adhere to just the low bid.

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Ms. Jones stated there are a number of affirmative procurement initiatives that can be implemented.

Mr. McDonald stated if the bid advertisement is for a straight bid you are more restricted in using the low bid. If the bid is structured differently to allow for alternatives or if it is a proposal where you build in the flexibility to give points for local and/or small business participation, then that is very different.

Mr. Washington moved, seconded by Mr. Jackson, to move forward with continuing the engagement with Franklin Lee to assist with further development of the SLBE/OSBO programs (i.e. the Quick Pay Program, Contract Sizing Program, and the Bonding and Insurance Program).

Mr. Livingston made a substitute motion, seconded by Ms. Dickerson, to direct staff to move forward in identifying different ways to improve our SLBE participation, including the possibility of retaining Mr. Lee and/or another consultant to assist with implementation of this program. If a consultant is retained then bring back a specific scope of services for said consultant.

Mr. Jeter requested a financial breakdown of the costs to setup the SLBE/OSBO Office, including Franklin Lee's consulting fees and the justification for hiring additional personnel.

Mr. Jackson requested a breakdown of the consultants and Program Development Team salaries.

The vote was in favor of the substitute motion.

REPORT OF THE CLERK OF COUNCIL

- a. **Council Retreat Directive: Community Relations Strategic Plan** – Ms. McDaniels stated that Council was provided the requested follow-up materials regarding this item. If Council would like to discuss this further, the item can be taken up during the budget process or a work session could be scheduled.
- b. **1st Annual Richland County Distinguished Women's Awards Luncheon** – Ms. McDaniels reminded Council members of the 1st Annual Distinguished Women's Award Luncheon on March 19th at Columbia College.

REPORT OF THE CHAIRMAN

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

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PRESENTATION

Central SC Alliance – Mr. Mike Briggs gave a brief overview and update on the Central SC Alliance.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Authorizing a lease to Richland County Family Entertainment, LLC, of 20± acres of land located on a portion of TMS # 17300-02-33, including all improvements which may be constructed thereon, for the operation of a water and adventure park – No one signed up to speak.**

APPROVAL OF CONSENT ITEM

- **14-41MA, PGM Retail, LLC, HI to GC (18.04 Acres), Mill Field Rd. 22905-02-02 [THIRD READING]**

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

THIRD READING

An Ordinance Updating the 2009 Comprehensive Plan through the adoption of a new plan for the County of Richland, pursuant to the State of South Carolina Comprehensive Planning Enabling Act of 1994 – Ms. Dickerson moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

SECOND READING

An Ordinance Amending the Fiscal Year 2014-2015 Road Maintenance Annual Budget to appropriate Nine Hundred Thousand Dollars (\$900,000) to supplement the low volume paving program – Mr. Washington moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Property Acquisition Assistance – Mr. Pearce stated the committee recommended approval of this item.

Mr. Malinowski stated the 5th “Whereas” in the agreement needs to be clarified to state that the Neighborhood Improvement funds are being utilized for the purchase.

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Mr. Malinowski further stated the language in Section (9) amended to clarify that the County would not be required to "purchase" the property back from CAP should they default on the agreement.

Mr. Livingston moved, seconded by Mr. Pearce, to approve this item pending legal review and incorporation of changes outlined by Mr. Malinowski. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

- a. **Land option between Richland County and Garners Ferry Development Company** – Mr. Livingston stated the Committee recommended approval of this item.

Mr. Malinowski requested that in the future the reason for property purchase be included in the agenda packet.

The vote in favor was unanimous.

- b. **Pineview Industrial Park Water and Sewer Engineering Contract** – Mr. Livingston stated the Committee recommended awarding the contract to Alliance Consulting Engineers in the amount of \$199,650.

The estimated cost will be \$3.5 Million and will be owned, operated and maintained by the City of Columbia Utility Department. A portion of the construction costs may be defrayed by a grant.

The vote was in favor.

Mr. Manning moved to reconsider the agenda to add Third Reading of "An Ordinance Authorizing a lease to Richland County Family Entertainment, LLC, of 20± acres of land located on a portion of TMS # 17300-02-33, including all improvements which may be constructed thereon, for the operation of a water and adventure park".

Mr. McDonald informed Council that the item was not ready to go forward for Third Reading at this time.

Mr. Manning stated for the record that he did not understand why a public hearing was held on this item.

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REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Board of Zoning Appeals – 2** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- b. **Richland County Airport Commission – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- c. **Hospitality Tax Committee – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee – 2** – Mr. Malinowski stated the committee recommended appointing Mr. Randy A. Hurtt and re-appoint Mr. Sam Agee. The vote in favor was unanimous.
- b. **Board of Zoning Appeals – 2** – Mr. Malinowski stated the committee recommended appointing Mr. Christopher Sullivan and re-advertise for the remaining vacancy. The vote in favor was unanimous.
- c. **Employee Grievance Committee – 3** – Mr. Malinowski stated the committee deferred action on these vacancies in order to allow employees not aware there is not a residency requirement to apply for this committee to apply utilizing the proper form. The vote in favor was unanimous.

OTHER ITEMS

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE:

- a. **Right of Way Policy Manual** – Mr. Livingston stated the committee recommended adoption of the right-of-way manual, as presented by staff. The adoption will also include the approval of the authority limits, as discussed in Executive Session.

Mr. Malinowski expressed concern regarding the “Relocation Assistance Program” (i.e. An analysis of the needs of residential displace based on: the

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number of occupants residing in the dwelling; family size, age and gender; occupancy status...)

Mr. Perry stated the "Relocation Assistance Program" is to assist residents with relocating to conditions as similar to those they were in as possible.

Mr. Malinowski inquired about the following: "Administrative Settlement authority is subject to the authority amounts established by the Richland County Commission." (This was discussed in Executive Session).

Mr. Malinowski inquired if there was a possibility of condemnations/evictions based on the current road lists.

Mr. Perry stated the rule of thumb is 5-10% of the tracts could possibly go through condemnation and this item will be discussed in more detail in Executive Session.

Mr. Washington inquired if the requirement to use SCDOT approved appraisers applied to roads that do not receive SCDOT funding.

The only roads this applies to are the roads included in the IGA with the SCDOT. Any roads not in that agreement, County approved appraisers can be utilized.

Mr. Washington inquired if the County is utilizing 100% of Penny Sales Tax funds on a SCDOT road, the County will still be required to utilize SCDOT listed appraiser? Also, has the County received any federal funds towards these projects?

Mr. Perry stated the County is required to utilize the SCDOT list of appraisers and federal funds have been received on several of the projects (i.e. North Main, Lincoln Tunnel, Bluff Road widening, and greenways).

Mr. Livingston stated action will be taken on this item after Executive Session.

After Executive Session, Mr. Livingston stated the committee recommended approval of the Right-of-Way Policy Manual as presented by staff. The vote in favor was unanimous.

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

- b. Greene Street Phase I Contract** – Mr. Livingston stated staff was directed to speak with the lowest bidder to increase the SLBE and DBE participation

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without increasing the bid amount. Staff was able to accomplish this with an 11.43% SLBE participation and 54.85% DBE participation. The recommendation is to approve the award of the contract to the lowest bidder.

Mr. Washington stated he still had concerns with the contract and therefore, made a substitute motion, seconded by Mr. Jackson, to re-bid the contract.

Ms. Dickerson inquired as to how the percentages of participation were increase so quickly.

Mr. Perry stated when they spoke with the lowest bidder they were already in negotiations with Premier, which is a Richland County SLBE certified company.

Mr. Rose moved, seconded by Mr. Pearce, to call for the question. The vote in favor was unanimous.

Mr. Washington clarified his motion to re-bid to include the language in the ordinance that allows not just for the lowest bid, but to include local preference.

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

The substitute motion failed.

The vote in favor of approval was unanimous.

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

- c. **Resurfacing Package C Contract** – Mr. Livingston stated the committee recommended award of the contract to Carolina Bridge in the amount of \$1,480,182.61. The vote was in favor of this item.

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

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- d. **Town of Blythewood Project Revision Request** – Mr. Livingston stated the committee recommended approval of the removing the Blythewood Widening Project and replacing it with the projects presented by the Town of Blythewood included in the Council agenda.

Mr. Malinowski asked if the resolution supporting the substitution of projects was approved unanimously and if citizen's input was allowed on this matter.

Mr. Perry will bring the answers back to Mr. Malinowski.

The vote in favor was unanimous.

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

- e. **TPAC Mission** – Mr. Livingston stated the committee recommended sending the TPAC members the mission statement with a survey asking if they intend to continue serving under the current mission statement. The vote in favor was unanimous.

REPORT OF THE SEWER AD HOC COMMITTEE

- a. **Future Direction of Utilities**

1. **Richland County should explore the option of having a private company promote water service to a portion of Richland County whereby Richland County will benefit financially [RUSH and MALINOWSKI]** – Mr. Washington stated the committee recommended to direct staff to hire a consultant to update the water and sewer master plans. The vote in favor was unanimous.

- b. **Lower Richland Sewer** – Mr. Washington stated the committee recommended to direct staff to move forward with the citizen survey and to identify funding in order to waive all tap and connections fees prior to construction.

Mr. Malinowski requested a copy of the FOIA request, as well as, when they were received; if the FOIA requests were not responded to, why not; and how long the tap fees will be waived for the citizens.

Mr. Hammett stated funds have been identified to waive tap fees and connect up to 224 households. If the number exceeds that there are potential options to use additional CDBG funds and/or additional loans funds.

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Mr. Manning inquired as to how the boundaries are being determined.

Mr. Hammett stated the GIS Department has mapped out the projected line and identify household within 200 ft. of each side of the lines. Those household will be the residents who receive the survey.

Mr. Malinowski requested a copy of the boundaries.

Mr. Manning inquired as to who has the final authorization of the survey content (i.e. staff, Council members, etc.)

Mr. Hammett stated the survey has been developed by staff and is ready to go to printing.

Mr. Manning made a friendly amendment to have Councilmen Washington and Jackson to give final approval to the survey before it is sent to the residents.

The vote in favor was unanimous to move forward with the citizen survey, with Councilmen Washington and Jackson having final approval of survey content, and to identify funding in order to waive all tap and connection fees prior to construction.

- c. **Contractual Matter: 208 Plan** – This item was taken up in Executive Session.
- d. **Contractual Matter: Palmetto Utilities** – This item was taken up in Executive Session.
- e. **Contractual Matter: Palmetto Utilities – 208 Plan Amendment** – This item was taken up in Executive Session.

CITIZENS' INPUT

Ms. Paul Brawley spoke regarding the Transportation Penny Projects and the Lower Richland Sewer Project.

EXECUTIVE SESSION

***Council went into Executive Session at approximately 8:20 p.m.
and came out at approximately 9:09 p.m.***

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- a. **Contractual Matter: 208 Plan** – Mr. Washington moved, Ms. Dickerson, to direct staff to proceed as discussed in Executive Session. The vote in favor was unanimous.
- b. **Contractual Matter: Palmetto Utilities** – Mr. Washington moved, Ms. Dickerson, to direct staff to proceed as discussed in Executive Session. The vote in favor was unanimous.
- c. **Contractual Matter: Palmetto Utilities – 208 Plan Amendment** – Mr. Washington moved, Ms. Dickerson, to direct staff to proceed as discussed in Executive Session. The vote in favor was unanimous.
- d. **Easement Acquisition Authority** – Mr. Livingston moved, seconded Mr. Washington, to move forward with the acquisition authority as discussed in Executive Session. The vote in favor was unanimous.
- e. **Personnel Matter** – No action was taken.

MOTION PERIOD

- a. **Move approval by unanimous consent for a Resolution honoring Aundrai Holloman, Executive Director of the Township Auditorium. The revitalization under his direction has resulted in the Township Auditorium being recognized as one of the top performance venues in the southeast [PEARCE, DIXON, MALINOWSKI, JACKSON, RUSH, LIVINGSTON, MANNING, ROSE, DICKERSON, JETER and WASHINGTON]** – Mr. Jackson moved, seconded by Mr. Malinowski, to adopt a resolution honoring Aundrai Holloman. The vote in favor was unanimous.
- b. **Direct the Administrator to move forward with a disparity study no later than April 1, 2015 [WASHINGTON]** – Mr. Washington moved, seconded by Mr. Jackson, to direct the Administrator to bring back the scope for the RFP by the April 7th Council meeting. The vote in favor was unanimous.

Mr. Malinowski inquired if a motion regarding a disparity study was previously submitted by Mr. Washington.

Mr. McDonald stated a similar motion was made, but did not move forward because the County was attempting to conduct a joint disparity study with the City of Columbia and also, Franklin Lee recommended waiting a year before a disparity study was initiated.

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The vote in favor was unanimous to have the County Administrator bring back the scope for the RFP to the April 7th Council meeting.

- c. **Council to establish "SLBE Program Goal Setting Committee"** [WASHINGTON] – This item was referred to the OSBO Ad Hoc Committee.
- d. **Resolution Honoring Tri-County Electric's 75th Anniversary** – Mr. Jackson moved, seconded by Mr. Malinowski, to adopt a resolution honoring Tri-County Electric's 75th Anniversary.
- e. **Develop a Mentor Protégé Program and a Monitoring Advisory Council to work with the SLBE and OSBO Office** [JACKSON] – This item was referred to the OSBO Ad Hoc Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:20 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