

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

April 7, 2015
6:00 PM
County Council Chambers

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:00 PM

INVOCATION

The Invocation was led by the Honorable Jim Manning.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning.

PRESENTATION OF RESOLUTION

Fair Housing Proclamation – Mr. Rush presented the Fair Housing Proclamation on behalf of County Council.

Resolution Honoring Anne Kelly, Chief Deputy Clerk of Court [JETER and DIXON] – Mr. Jeter and Ms. Dixon presented the resolution to Ms. Kelly's family, friends and co-workers on behalf of County Council.

Proclamation Honoring Kenny Mullis on being named South Carolina's Commissioner of the Year by the SC Association of Conservation Districts [DICKERSON] – Ms. Dickerson moved, seconded by Mr. Livingston, to defer this item until the April 21st Council meeting. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Manning recognized Ms. Leslie Richardson, one of his constituents, who is presently working toward her doctorate degree in Nursing at USC. Ms. Richardson will be shadowing Mr. Manning as a requirement for her Health Policy class.

POINT OF PERSONAL PRIVILEGE – Mr. Manning recognized April as Sexual Trauma Services Month.



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
Kelvin E. Washington, Sr.

Others Present:

Tony McDonald
Sparty Hammett
Warren Harley
Monique Walters
Brandon Madden
Michelle Onley
Monique McDaniels
Rob Perry
Larry Smith
Tracy Hegler
Beverly Harris
Amelia Linder
Cheryl Patrick
Valeria Jackson
Jocelyn Jennings
Rudy Curtis
Laura Renwick
Dwight Hanna
Ronaldo Myers
George Rice
Michael Byrd
Quinton Epps
Stacy Culbreath
Nancy Stone-Collum

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APPROVAL OF MINUTES

Regular Session: March 17, 2015 – Ms. Dickerson moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

Zoning Public Hearing: March 24, 2015 – Ms. Dickerson moved, seconded by Ms. Dixon, to approve the minute as submitted. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Pearce moved, seconded by Ms. Dickerson, to adopt the agenda as published.

Mr. Smith stated the following items under the Report of the Attorney for Executive Session Items need to be removed: (1) Contractual Matter: Conservation Commission and (2) Project LM.

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

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

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

- a. **Pending Litigation: Hopkins and Lower Richland Citizens United, Inc., and Wendy Brawley vs. Richland County**
- b. **Pending Litigation: SC Property Partners**
- c. **Library Lease**
- d. **Pending Litigation: Greene vs. Richland County and CCS**

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized the Clerk of Court, Jeannette McBride, was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Jeter recognized former House of Representative, Frank McBride, was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Malinowski recognized his son-in-law from West Virginia was in the audience.

The meeting was recessed at approximately 6:19 p.m. and reconvened at 6:21 p.m.

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CITIZENS' INPUT

Ms. Helen Taylor Bradley, Ms. Kate McInnis, Mr. Noah Adams, Mr. Arron Robertson, Ms. Delaney LeRoy, Mr. Tom Mancke, Mr. Aidan Gruner, and Ms. Jennifer Mancke spoke in opposition of the Lower Richland Sewer Project.

POINT OF PERSONAL PRIVILEGE – Mr. Washington requested the Planning Director, Tracy Hegler, to speak to the initiative she put forth regarding the rural character of the Lower Richland area.

Mr. Rush ruled the “Point of Personal Privilege” out of order.

Mr. Washington stated Ms. Hegler has helped to insure the area has remained rural. Furthermore, Mr. Washington thanked the Planning Department for putting forth the initiatives to retain the rural character of area.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Richland 101 Graduation** – Mr. McDonald stated the Richland 101 Graduation took place on April 6th. There were 16 graduates from this year’s Richland 101

Ms. Harris thanked Mr. Rush, Mr. Pearce and Mr. Manning for attending the Richland 101 sessions and addressing questions from the class.

Two of the class attendees, Ms. Eddie Morgan and Mr. Armond Turner, gave brief speeches regarding their experiences in the Richland 101 classes.

- b. **State Infrastructure Bank Update** – Mr. McDonald stated a presentation by Lexington County, City of Columbia, and Richland County staff and Council members was made to the State Infrastructure Bank in September 2014. The joint application was for approximately \$450 Million for three projects: (1) the Airport Connector, (2) Assembly Street improvements, and (3) Greene/Lincoln Street project.

The State Infrastructure Bank will be meeting on April 20th at 2:00 PM and the joint application is on the agenda.

Mr. Jeter requested that Mr. McDonald share the names of the State Infrastructure Bank members with Council.

- c. **Scope for Disparity Study** – Mr. McDonald stated the scope for the disparity study was included in the agenda packet and no action is being requested at this time.

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Mr. Washington suggested having Franklin Lee review the scope to insure what is needed is included in the document.

Mr. McDonald stated the next step, once Council is comfortable with the scope, would be to solicit responses. There is the issue of funding for the study, which could cost up to \$500,000. Discussions have taken place with the City of Columbia and USC to conduct a joint disparity study, but presently there have not shown any interest in participating.

Mr. Malinowski inquired if any minority individuals have expressed they were not able to participate or receive contracts with Richland County.

Mr. McDonald stated he was not aware of any feedback regarding matter. Before the County is able to identify a goal of what percentage of contracts should be awarded to minority and/or disadvantaged businesses, a baseline of businesses that meet the criteria have to be established.

Ms. Dickerson inquired of Ms. Patrick which resources were used in drafting the disparity study scope.

Ms. Patrick stated she utilized studies from the City of Columbia, the City of Orangeburg and one from the State of Maryland.

Mr. McDonald stated he had no problem with having Mr. Lee review the draft scope, but he was not aware of Mr. Lee preparing a scope for a disparity study. Mr. Lee did recommend conducting a disparity study after the SLBE program had been up and running for a year.

Mr. Washington requested that Ms. Tanner explain the purpose of the disparity study.

Ms. Tanner stated the purpose of a disparity study is to identify firms that are ready and able in specific areas to provide services. Without the basis of a disparity study the County will be open to challenges to the program.

Mr. Jackson stated that several people at the TPAC Committee meetings have expressed concern with minorities not being treated fairly by Richland County Procurement Department in the past.

Mr. Jeter stated the City of Columbia's disparity study, which Franklin Lee consulted on, was utilized by the Procurement Director draft the scope for the County's disparity study. In addition, Ms. Tanner was a sub-consultant of Mr. Lee's. Mr. Jeter further stated he felt the County was moving in the right

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direction and it was unnecessary to have Mr. Lee review the scope, but to move forward with the disparity study.

Mr. Pearce inquired as to why it would be a problem to have Mr. Lee to vet the RFP prior to it going public.

Mr. Jeter stated the problem is the additional costs, redundancy and holding up the process.

Mr. Malinowski inquired if the concerns expressed during the TPAC Committee meeting were reported to staff.

Mr. McDonald stated that he has not heard directly from TPAC members, but Mr. Perry may have more direct knowledge since he is the staff person for the TPAC Committee.

Mr. Pearce inquired as to what the County's contractual relationship is with Mr. Lee.

Mr. McDonald stated the scope of Mr. Lee's original contract has been completed and Mr. Lee has been compensated. There are no outstanding tasks at this point.

Mr. Pearce inquired as to what funding source would be utilized to pay for the disparity study.

Mr. McDonald stated there are two sources it could be taken from: (1) Transportation Penny Program, or (2) Fund Balance.

Mr. Livingston suggested having the County Administrator receive feedback from whomever necessary (i.e. County staff, Franklin Lee, etc.) and come back with recommendations, so the County can move forward with the disparity study.

Mr. Manning moved, seconded by Mr. Livingston, to accept the Administrator's report.

- d. **Cook's Mountain Update** – Mr. Epps stated the Sierra Club appeal delayed the permitting and transfer of property to DNR. The appeals were resolved and DNR will take title to the property in late April. DNR will hire staff to develop a MOA. The Conservation Commission will work with DNR on the MOA.

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- e. **OSBO/SLBE Update** – Mr. McDonald stated that Ms. Gloria Tanner has been retained as a consultant to assist with refocusing the SLBE program. Ms. Tanner was a sub-contractor with Mr. Franklin Lee.

Ms. Dickerson inquired if Ms. Tanner reports to Ms. Patrick or Mr. McDonald.

Mr. McDonald stated that Ms. Tanner will be working with Ms. Patrick.

REPORT OF THE CLERK OF COUNCIL

- a. **“Walk A Mile In A Child’s Shoes”, April 10th, 9:00 AM – 2:00 PM, 3220 Two Notch Road {Sponsored by CASA and DSS}** – Ms. McDaniels reminded Council of the “Walk A Mile In A Child’s Shoes” event on Friday, April 10th at 9:00 AM.

REPORT OF THE CHAIRMAN

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

OPEN/CLOSE PUBLIC HEARINGS

- **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** – No one signed up to speak.

APPROVAL OF CONSENT ITEM

- **2014 Dust Suppression Contract Increase**
- **Intergovernmental Agreement between Richland County and the City of Columbia for the proposed Olympia Neighborhood Master Plan**
- **Interstate Interchange Lighting Project**
- **Extension of EMS Billing Contract**
- **Distribution of Mulch and Compost**
- **Neighborhood Improvement Program Property Purchase – Candlewood**
- **Motion to amend certain Council Districts to At-Large Districts instead of Single Member Districts**

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- **Renewal of Operating Agreement between Richland County and Columbia Rowing**
- **15-03MA, John Cooper, RU to RS-MD (7.03 Acres), Riding Grove Rd., 28900-01-30 [SECOND READING]**

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

THIRD 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 Mr. Pearce, to approve this item.

Mr. Washington requested a copy of the list of roads included in the paving program. Mr. Ozbek will forward the list to full Council.

The vote was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 24, Utilities; Article II, Water and Sewer Service Generally; Sections 24-7 and 24-8; and Amending Chapter 24.5, Special Sewer Assessment District; Article III, Financing Improvements; Rates and Charges; Sections 24.5-42, 24.5-43 and 24.5-44; so as to delete the references to liens as a collection method for unpaid bills [FIRST READING] – Ms. Dixon stated the committee recommended approval of this item.

Mr. Malinowski inquired as to how much revenue is received from sewer fees.

Mr. McDonald stated he would forward that information to Mr. Malinowski.

Mr. Malinowski inquired to what presently happens if a resident does not pay their sewer bill.

Mr. Hammett stated there are penalties assessed and after approximately two months service will be disconnected.

Mr. Smith stated when staff reviewed the most effective way to collect unpaid bills, it was recommended to utilize the Debt Setoff Program.

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Mr. Hammett stated counties can place liens on property for overgrown lots, but not for sewer bills.

Mr. Malinowski stated he is not debating which method (i.e. liens or Debt Setoff) is more successful, but he wants to keep as many options open as possible.

Mr. Livingston made a substitute motion, seconded by Mr. Malinowski, to direct staff to bring back the option of GEAR/Debt Setoff policy before removing the lien option.

Mr. Livingston withdrew his substitution motion.

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

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Alcohol on County Property: Palmetto Tasty Tomato Festival: Development of Process Moving Forward – Mr. Pearce moved, seconded by Mr. Manning, to refer this item back to the Administration & Finance Committee. The vote in favor was unanimous.

PPACA (Patient Protection and Affordable Care Act) Compliance: Part Time and Temporary Employees, Determination Periods, and Development of a Second Health Plan with Lower Benefits – Mr. Pearce stated the committee recommended approval of item.

Ms. Dixon inquired about the number of hours currently worked by part-time employees.

Mr. Hanna stated part-time employees work approximately 20-25 hours per week.

Ms. Dixon inquired about the length of time worked by seasonal/temporary employees.

Mr. Hanna stated there is currently not a policy on temporary employees.

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

Financial Contribution to SC Slave Dwelling Survey – Mr. Pearce stated the committee recommended approval of this item. The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2014-2015 Road Maintenance Annual Budget to appropriate Eight Hundred Thousand Dollars (\$800,000) to supplement paved road repair [FIRST READING] – Mr. Pearce stated the committee recommended approval of this item.

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Mr. Malinowski inquired if these were the roads Council agreed to accept on a one-time basis because developers did not complete the roads.

Mr. Hammett stated the roads were accepted at the February 5, 2013 Council meeting.

Mr. Malinowski inquired if the County had implemented a policy that would preclude these developers from receiving future County contracts.

Mr. Hammett stated the bulk of these developers or LLCs that are out of business.

Mr. Washington inquired if there was a policy that required the developers to provide a bond for roads.

Mr. Hammett stated there is a policy, but there was a period of time when the bonds were not monitored and some of the bonds lapsed.

Ms. Dixon inquired as what needs to be done to implement a "black list" for developers who may have gone out of business and/or changed their company name to prevent them from received future contracts with the County.

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

Audit of Intergovernmental Fire Agreement (IGA) with the City of Columbia – Mr. Pearce stated the committee forwarded this item to Council without a recommendation.

Mr. Washington moved, seconded by Mr. Jackson, to approve this item.

Mr. Washington inquired about the length of the current contract and how far into the contract is the County presently.

Mr. Harley stated the County is currently into the third year of the five year contract. The time/attendance portion was implemented on July 1, 2014 and the inventory control portion was recently implemented.

Mr. Washington inquired if the items identified in the first audit have been addressed.

Mr. Harley stated the City of Columbia has been implementing the items identified in the audit, although there were some delays. The issue of overtime is being tracked with the new time/attendance system. A report regarding the time/attendance portion will be available after June 30, 2015. The inventory control data will not be available until later in the year since it has just been implemented.

Mr. Washington inquired if the linkage between the software and the County's system has been completed.

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Mr. Byrd stated the two systems do not cross; therefore, the data will be provided by the City of Columbia.

Mr. Washington made a substitute motion, seconded by Mr. Livingston, to table this item.

Mr. Pearce made a second substitute motion, seconded by Ms. Dixon, to refer this item to the Fire Ad Hoc Committee. The vote was in favor.

Emergency Services Department – Fire Truck Purchase – Mr. Pearce stated the committee forwarded this item to Council without a recommendation.

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

Mr. Malinowski inquired about Smeal's failure to comply.

Mr. Byrd stated their failure was significant. When Smeal was challenged by Procurement, they withdrew their bid.

The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE.

I. COUNCIL RULES

- a. After discussion between the Rules Committee Chair and Clerk to Council it has been determined that the rules of Richland County Council are effective and outline the duties and responsibilities of each Council member. Therefore, it is recommended that the committee review the current policies/procedures for any additional input/changes.**
 - 1. Allow members to electronically participate in standing committee meetings – This item was held in committee.**
 - 2. Allow members to electronically participate during Executive Session – This item was held in committee.**
- b. Re-activate the Richland County Youth Commission. The youth commission has been inactive since 1998 and there are currently no existing or active members. This commission identifies youth-related problems or potential problems; implement programs to increase the awareness of the general population and elect officials of the needs and problems facing youth and their**

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families; and they seek and administer federal, state and private funding for commission operations and for projects proposed by the commission pursuant to the powers enumerated herein [ROSE] – This item was held in committee.

- c. **Richland County Government also reviews the election of the Chair's rule which states that the chair should be elected yearly, with two-thirds of its members. In conjunction with Councilman Jackson and Manning previous motions to having meaningful representation that the citizens have the opportunity to elect the chair like the citizens in Horry County. This will remove the responsibility of council members. If the Legislative Delegation would support the election of the chair by the citizens. Our current process is apparently flawed and personal; therefore, the people of Richland County deserve to have an adequate transparent representation [DICKERSON]** – Mr. Malinowski stated the committee recommended denial of this item. The vote in favor was unanimous.
- d. **In the event that a Standing Committee of Council (Administration & Finance, Development & Services, Economic Development, Rules & Appointments) should fail to have a quorum of its members present either at the beginning of the meeting or after the meeting has begun, any item or items that are reported on Committee Agendas deemed "time sensitive" by a committee member or County staff will be referred to the Chair of the Committee, the Chair of Council and County Administrator. A determination will be then made by this group as to whether the "time sensitive" designation is valid. This determination may require consultation with a Department Head, Procurement, Legal, et al. If a determination of time sensitivity is made in the affirmative, the Chair of Council may add the item to the next regularly scheduled Council meeting for review, debate and action [PEARCE and MANNING]** – This item was held in committee.
- e. **Review the terms of days missed per annum to continue to serve on the Planning Commission. Reason: With a nine member Commission and the importance of the body, as applications are time sensitive, there should not be any reason the Planning Commission cannot meet a quorum [JACKSON and MALINOWSKI]** – This item was held in committee.

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CITIZENS' INPUT

Ms. Wendy Brawley spoke regarding voting on record.

Tom Mancke spoke regarding the Rules of Order and Rural vs. Urban mindsets.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 8:10 p.m.
and came out at approximately 9:56 p.m.*

- a. **Pending Litigation: Hopkins and Lower Richland Citizens United, Inc., and Wendy Brawley vs. Richland County** – No action was taken.
- b. **Pending Litigation: SC Property Partners** – Mr. Pearce moved, seconded by Mr. Livingston, to direct the County Attorney to proceed as discussed in Executive Session. The vote in favor was unanimous.
- c. **Library Lease** – No action was taken.
- d. **Pending Litigation: Greene vs. Richland County and CCS** – Mr. Washington moved, seconded by Ms. Dixon, to direct staff to move forward with the settlement as discussed in Executive Session.
- e. **Personnel Matter** – No action was taken.

MOTION PERIOD

- a. **Move for a resolution to honor State Highway Patrolman Thomas M. White for receiving the 2014 Richland County Trooper of the Year award [JACKSON AND ROSE]** – Mr. Washington moved, seconded by Ms. Dixon, to adopt the resolution honoring State Highway Patrolman Thomas M. White. The vote in favor was unanimous.
- b. **A Resolution supporting State efforts to find solutions to the funding needs for State maintained and operated roads and bridges without transferring the burden to Local Governments and opposing any actions taken by the General Assembly that through lack of State funding will lead to increased taxes on the citizens of Richland County [PEARCE]** – Mr. Pearce moved, seconded by Mr. Livingston, to adopt the resolution. The vote in favor was unanimous.
- c. **To have Richland County remove the lien off of the property located at 2045 Smith St., (Parcel # R13516-03-21) contingent on the property**

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owner donating the land to the Atlas Road Community Organization [WASHINGTON] – This item was referred to the D&S Committee.

- d. **Prescribed Fire Council Resolution [PEARCE]** – Mr. Manning moved, seconded by Ms. Dixon, to adopt the resolution. The vote in favor was unanimous.
- e. **Pawmetto Lifeline has requested that Council consider a revision to their existing contract that would significantly move Richland and Lexington Counties toward becoming “No Kill” communities and reduce the cost managing the counties stray dog and cat population. The plan is contingent upon the City of Columbia and Lexington County permitting Pawmetto Lifeline management authority of their respective animal shelters. In addition, several policy changes in the Richland County contract with Pawmetto Lifeline would be required. This Motion requests that the D&S Committee evaluate the details of Pawmetto Lifeline’s request and make a recommendation to Council [PEARCE]** – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 10:00 PM.

Torrey Rush, Chair

Greg Pearce, Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

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Seth Rose

Kelvin E. Washington, Sr.

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

