

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

October 20, 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 Greg Pearce

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Greg Pearce

POINT OF PERSONAL PRIVILEGE – Ms. Dixon thanked staff and her fellow Council members for wearing pink in recognition of Breast Cancer Awareness Month and to remind everyone to wear pink/purple to next week's Committee meeting in honor of Domestic Violence and Breast Cancer Awareness.

PRESENTATION OF RESOLUTIONS/PROCLAMATIONS

A Resolution establishing October 25-31, 2015 as End Child Hunger SC Week in Richland County [RUSH] – Mr. Rush presented a resolution to Ms. Ashley Page, USC Childhood Hunger Community Organizer, with a resolution in honor of End Child Hunger SC Week in Richland County.

Ms. Page highlighted the events of October 25-31, 2015 being held in honor of End Child Hunger SC Week.

A Proclamation recognizing Disability Employment Awareness Month [MANNING] – Mr. Manning presented a proclamation to Able SC in honor of Disability Employment Awareness Month.

APPROVAL OF MINUTES

Special Called Meeting: October 12, 2015 – Mr. Pearce moved, seconded by Ms. Dixon, to approve the minutes as distributed.



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
Kelvin E. Washington, Sr.

Others Present:

Tony McDonald
Daniel Driggers
Sparty Hammett
Warren Harley
Dwight Hanna
Beverly Harris
Monique McDaniels
Kimberly Roberts
Rob Perry
Brandon Madden
Roxanne Ancheta
Cheryl Patrick
Michelle Onley
Quinton Epps
Michael Byrd
Tracy Hegler
Ismail Ozbek
Andrea Bolling
Synthia Williams
Larry Smith
Christy Swofford
Geo Price
Laura Renwick

**Richland County Council
Regular Session
Tuesday, October 20, 2015
Page Two**

Mr. Livingston made a substitute motion, seconded by Ms. Dickerson, to reconsider the portion of the minutes on p. 15 entitled: "Motion to name Courtroom 2b in the Judicial Center the Ada Harper James Courtroom."

FOR

Dixon
Rose
Jackson
Livingston
Dickerson
Washington

AGAINST

Malinowski
Pearce
Rush
Manning
Jeter

The motion for reconsideration passed.

Mr. Livingston moved, seconded by Ms. Dickerson, to approve naming courtroom 2b of the Richland County Judicial Center located at 1701 Main Street the Ada Harper James Courtroom.

Mr. Malinowski stated the Clerk of Court had reached out to all the counties regarding the policy on this type of situation and found this is not something that is routinely done. Courtrooms are generally renamed for judges and higher officials that have excelled in their duty during their tenure. In addition, Ms. McBride stated by doing this it would open "a can of worms" for all courts in the State.

Mr. Manning inquired as to what the statute Ms. McBride cited actually referenced.

Mr. Smith stated the statute referenced the duties and responsibilities of the Clerk of Court. The statute basically says the Clerk of Court has the responsibility of running the operations of the courthouse. It does not speak specifically to the issue before Council.

Ms. Dixon inquired if the County has an ordinance or policy that governs how courtrooms, buildings, etc. are named.

Mr. Smith stated the County does have an ordinance that relates to the naming of buildings, but it does not speak to this particular issue.

Ms. Dixon made a substitute motion, seconded by Mr. Malinowski, to defer this item and refer it to the Ordinance Review Committee to modify the existing ordinance for naming buildings to include rooms, space, etc.

FOR

Dixon
Malinowski
Pearce
Rush
Dickerson
Manning
Jeter

AGAINST

Rose
Jackson
Livingston
Washington

The vote was in favor of deferring action on this item and referring the ordinance regarding the naming of building to the Ordinance Review Committee.

Mr. Malinowski requested the minutes be corrected to include his question regarding Irmo receiving assistance through the County.

The vote in favor was unanimous to approve the minutes as amended.

ADOPTION OF AGENDA

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

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

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

a. AT Consulting Group – Contractual Matter

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

Mr. Bernard Wilson, Rev. Sammy Wade, Mr. Jerry Green, Ms. Sabrina Todd, Ms. Helen Spearman, Ms. Dorothy Sumter, Rev. James Durant, and Mr. Theodore Dowdy spoke regarding the Flooding and Disaster Response.

Mr. Marvin Williams inquired about the County water system.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Stormwater Management Plan Update** – A representative of Brown & Caldwell gave an overview of the Stormwater Management Plan that was completed in June 2015.
- The plan was drafted to help the Stormwater Department to become more proactive with how it makes decisions and its business operations.
 - Project databases and evaluation criteria were developed.
 - A steering committee was created that consists of internal personnel (i.e. Roads & Drainage, Engineering, etc.)
 - The evaluation criteria have different weighting associated with them and may be changed over time as the County determines the drivers are changing
 - Designed to develop business case evaluation project summary sheets
 - There are approximately 312 miles of pipe and 20,000 structures in the GIS database; worth approximately \$812 million.
 - Approximately \$63 million of repair and replacement costs in the next 25 years
 - Current department budget is \$3.5 million

Richland County Council
Regular Session
Tuesday, October 20, 2015
Page Four

- The short-term recommendation is to target the top tiered non-science CIP projects, as well as, the top 20 CIP projects that would fit within the budget
- The Stormwater Department needs \$7.5-8 million a year for the next 25 years

Mr. Washington requested the prioritization process and the matrix that was put together regarding what needs to be done first, second, etc.

Mr. Washington inquired as to the makeup of the committee making the recommendations.

There was a series of workshops held that involved Ismail Ozbek, Quinton Epps, Synithia Williams, Andrea Bolling, Carlton Hayden and Cynthia Kestner.

Mr. Washington inquired if the study looked at choke points (i.e. size of pipes) and overlaying of data that was previously collected for those areas the County are having problems with.

Brown & Caldwell's scope of work did not include any modeling, but to look at whether the existing assets could convey certain storm events.

Mr. Ozbek stated the purpose of the study was a long-term roadmap or master plan and breaking it down for the future. The report was broken down into layers and provides the County the methodology to use and evaluate in order to move forward. Watershed-based studies will be conducted based on the roadmap.

Mr. Washington inquired if the report would be published prior to receiving the data from the flooding event. It is his opinion the flood data will change the prioritization of what infrastructure needs to be put in place.

Mr. Ozbek stated the study is the next steps on where to go from here.

Mr. Pearce inquired if the study included all of Richland County, to include the City of Columbia.

The study included the watersheds within the entire County, but only included the assets the County owns.

Mr. Pearce stated one thing that was learned during the flood event is that if the two systems do not work together it will create havoc.

Mr. Pearce inquired if the water management in the various lakes throughout the County was considered in the plan.

Mr. Ozbek stated the plan did not include a detailed study, which will be the next step.

Mr. Rush suggested a work session to drill into the study in more detail.

Mr. Jackson requested the consultant to restate the scope for the study.

The scope of work involved a series of workshops and working with the Stormwater Division to look at how they currently operate and how they make decisions related to stormwater infrastructure, water quality improvements and floodplain management, as well as, how they operate. In addition, a series of workshops were held to look at the gaps and inefficiencies on how decisions were made, how projects were being developed, and how future studies were being identified. They went through the process to define better and improved processes and to identify a series of programs, policies, plans and technologies to improve efficiency of the job in the future.

Mr. Jackson stated the main concern he has had in the past is the maintenance of the system.

Mr. Malinowski stated rather than have this under the Report of the Administrator, Council should have been provided a copy of the study and a work session scheduled.

Ms. Dixon inquired how the plan is to be implemented in District 9 when there is not a Master Plan.

An answer will be brought back to Ms. Dixon's inquiry.

Mr. Ozbek stated County's traditionally are reactive. The study was an endeavor to be proactive for the future.

- b. Community Planning Month Spirit Week** – Ms. Hegler gave a brief overview of the upcoming events being held in honor of Community Planning Month.

REPORT OF THE CLERK OF COUNCIL

2016 Council Retreat – Ms. McDaniels stated included in the agenda packet were recommendations for next year's Annual Council Retreat.

Mr. Jeter inquired if funding is set aside each year in Council's budget for the Annual Retreat.

Ms. McDaniels stated the dollars are not specified, but the funding will come from wherever Council specifies.

Mr. Washington moved, seconded by Mr. Jeter, to hold the Annual Council Retreat at Embassy Suites in Charleston, SC on January 27-29, 2016.

Mr. Malinowski made a substitute motion, seconded by Ms. Dixon, to hold the Annual Council Retreat at the Richland County Administration Building, 4th Floor Conference Room.

**Richland County Council
Regular Session
Tuesday, October 20, 2015
Page Six**

FOR

Dixon
Malinowski
Rose

AGAINST

Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

The substitute motion failed.

FOR

Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

Dixon
Malinowski
Rose

The vote was in favor of holding the Annual Council Retreat at the Embassy Suites in Charleston, SC on January 27-29, 2016.

Mr. Manning inquired about why the 2016 Council Meeting Schedule was not included on the agenda.

Ms. McDaniels stated that item was deferred at the October 6th Special Called Meeting to the November 3rd Council meeting.

REPORT OF THE CHAIRMAN

Letter of Support – State’s Property Acquisition – Mr. Rush stated this item will be brought back at the November 3rd Council meeting.

Mr. Pearce stated it was his understanding this item was time-sensitive.

Ms. McDaniels stated she received a request for a letter of support from Council by Friday, October 16th. It was explained to Ms. DeJames that Council would not convene prior to October 16th; however, this item could be placed on the October 20th agenda for action. It is their opinion, this is a time-sensitive matter; however, this is not a requirement. They stated in other areas they have gotten County’s to provide a letter of support, but it is at the discretion of Council whether the matter is taken up today tonight or at a later date.

Richland County Council
Regular Session
Tuesday, October 20, 2015
Page Seven

Mr. Malinowski stated they should have allowed ample time for this matter to be properly placed on the agenda instead of it being placed on the agenda under the Report of the Chair. He further stated the backup documentation and maps not easily understood.

Mr. Washington requested an Executive Summary from the requestor.

Mr. Martin Moore with CBRE stated the request is for a letter of support from the State of South Carolina, Department of Administration. They took the property swap to the Joint Bond Review Council (JBRC) approximately 2 weeks ago. Because it is a property swap rather than a State acquisition they were not sure if a letter of support was needed per their guidelines. The JBRC approved the agreement the State has entered into with the private individual to swap the land. The property is Richland County property in the City and the State's property is in the County and the City. At the last moment, JBRC said to error on the side of caution to request a letter of support to insure the County knows what is going on.

The State's property being discussed is at the corner of Assembly and Pendleton, which is a parking lot with 37 spaces. The property being swapped is half the parking lot at the corner of Senate and Sumter behind the SC Human Affairs Commission Building.

The "Offeror" in the letter has agreed to purchase that lot. In an agreement with the State of South Carolina, they will buy the lot and swap half that lot for the property at Pendleton and Assembly. The offer was taken to JBRC and JBRC requested a letter of support from the County.

Richland County will benefit by increasing their taxable property with the agreement.

The Pendleton/Assembly property is currently off the tax rolls since it is owned by the State.

Generally, the Department of Administration would write a letter to the county informing them they are purchasing property and taking it off the tax rolls and request a letter of support. In this case, the State has agreed to swap property.

The State could move forward without the letter from the County, but it would be awkward.

Mr. Livingston stated a related item was taken up in Economic Development Committee. In the committee discussion, "squaring up" the property will make it much easier to develop; therefore, it's to the County benefit, as well as, the developer.

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

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Washington
Manning
Jeter

AGAINST

Dickerson

The vote was in favor.

Mr. Pearce moved, seconded by Mr. Jackson, to reconsider this item.

The motion failed for reconsideration.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-20, Road Paving Program; so as to add language regarding a design exception for paved surface width – No one spoke at the public hearing.**
- **In support of the re-issuance by the South Carolina Jobs Economic Development Authority of its variable rate demand Healthcare Facilities Revenue Bonds (Eau Claire Cooperative Health Center Project), Series 2006A, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the original principal amount of approximately \$4,262,536 – No one signed up to speak.**

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 19, Parks and Recreation; so as to delete the entire Chapter [SECOND READING]**

Mr. Jackson moved, seconded by Mr. Pearce, to approve the consent items.

Mr. Malinowski stated the Rules and Appointments Committee requested clarification on this item because there is a vacancy for the "Music Festival".

The vote in favor was unanimous.

THIRD READING ITEMS

An Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-20, Road Paving Program; so as to add language regarding a design exception for paved surface width – Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT & SERVICES COMMITTEE

- a. **Department of Public Works: Private Pond Policy** – Ms. Dixon stated the committee is recommended deferral. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

- a. **Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain additional real property located in Richland County; the execution and delivery of a First Amendment to that certain Credit Agreement between Richland County and CD/Park7 Columbia SC High Rise Owner LLC to include such additional property as part of the project site described therein; and other related matters [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. **Board of Zoning Appeals – 1** – This item was held in committee.

II. NOTIFICATION VACANCIES

- a. **Music Festival – 1** – This item was referred to the Ordinance Review Committee.
- b. **Accommodations Tax Committee – 1 (Applicant must have a background in the Cultural Industry)** – This item was held in committee for additional information.

III. ITEMS FOR ACTION

- a. **Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County. The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Roberts Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligations to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON]** – This item was held in committee for legal advice.
- b. **Modify the Rules of Council to allow Council to respond to citizens during the Citizens’ Input portion of Council meetings [PEARCE]** – Mr. Malinowski stated the committee recommended amending the language as follows: (1) The Clerk’s Office will have available for the public the Council’s contact information, as listed on the County’s website; and (2) to allow the Chair to advise citizens to speak with staff.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor as unanimous.

- c. **Grievance Committee** – The committee recommended following the current policy in the Employee Handbook.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- d. **Council Rule 1.4 Closed Meetings** – Mr. Malinowski stated the committee recommended adoption of the changes to the Council Rules as follows: “The Council may go into executive session as provided for in the South Carolina Freedom of Information Act, as amended.”

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

OTHER ITEMS

- a. **Eau Claire JEDA Bonds Resolution** – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

Mr. Jeter stated for the record that his wife is employed by Eau Claire Health Cooperative.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning

AGAINST

The vote in favor was unanimous.

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

No one signed up to speak.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:33 p.m.
and came out at approximately 9:13 p.m.*

- a. **AT Consulting Group – Contractual Matter** – Mr. Livingston moved, seconded by Ms. Dickerson, to move as discussed in Executive Session as outlined by the County Administrator. The vote in favor was unanimous.

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

MOTION PERIOD

- a. **Move to enact a resolution encouraging all utility companies that own and/or operate transmission line right of ways in Richland County to adopted Integrated Vegetation Management (IVM) techniques as set out by ANSI standard A300. Rationale: Per the Environmental Protection Agency, "IVM is generally defined as the practice of promoting desirable, stable, low-growing plant communities-that will resist invasion by tall-growing tree species-through the use of appropriate, environmentally sound, and cost-effective control methods." An added benefit to this technique is that it offers a protective environment for wildlife to flourish. The American National Standards Institute has been in existence since 1918. Its primary goal is the "enhancement of global competitiveness of U. S. business and the American quality of life by promoting and facilitating voluntary consensus standards and conformity assessment systems and promoting their integrity." While utilities in Richland County appear to maintain their transmission right of ways using some of the techniques set forth under the ANSI**

standard, none of them use them all, and none of them fully follow the standard. Standards are there for a reason: because they are best practices. Richland County has hundreds of square miles of transmission right of way, and it needs to be utilized to its full capacity to promote the health of our citizens and our wildlife habitat [ROSE] – This item was referred to the D&S Committee.

- b. **Move that Richland County support and assist private dams rebuild during this disaster. Requesting assistance from the National Guard and Army Corps of Engineer [JACKSON]** – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:14 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