

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

December 1, 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 Damon Jeter

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Damon Jeter

PRESENTATION OF RESOLUTION

Resolution Honoring the life and heroism of Forest Acres Police Officer Gregory Alia and to declare December 14th as Officer Gregory Alia day in Richland County [ROSE, JETER, MANNING and PEARCE] – Mr. Rose, Mr. Jeter, Mr. Manning, and Mr. Pearce presented a resolution and plaque to Ms. Alia, Officer Alia's family, the Forest Acres Police Chief, City of Columbia Police Chief and Major Cowan of the Richland County Sheriff's Department in honor of Officer Alia's life and heroism. In addition, Richland County declared December 14th as Officer Gregory Alia Day.

APPROVAL OF MINUTES

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

Zoning Public Hearing: November 24, 2015 – Mr. Pearce moved, seconded by Mr. Manning, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Rush requested a presentation by Carolina United be placed on the agenda under the Report of the Chairman.



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
Warren Harley
Beverly Harris
Kimberly Roberts
Brandon Madden
Roxanne Ancheta
Michelle Onley
Michael King
Ismail Ozbek
Larry Smith
Rudy Curtis
Geo Price
Laura Renwick
Jeff Ruble
Amelia Linder
Kecia Lara
Quinton Epps
Chanda Cooper
Kevin Bronson
Nancy Stone-Collum
Tracy Hegler
Chad Fosnight
Dwight Hanna

Mr. Malinowski stated Item #35(b): Notification of Vacancies – Richland Memorial Hospital Board needs to be amended to state there are 2 vacancies.

Mr. Pearce moved, seconded by Ms. Dixon, to adopt the agenda as amended. 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. **Consultant Contract** – This item was deferred
- b. **Personnel Matter**
- c. **Magistrates, Authorization of Negotiation of Purchase Contract for 144 O'Neil Ct and 4913 North Main St properties**

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

Ms. Rachel Larratt, Mr. Vince Osbourne, Ms. Sabrina Todd and Ms. Lynn Higgins spoke regarding the flood recovery efforts.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Introduction of Employees** – Mr. McDonald introduced Mr. Kevin Bronson, Assistant County Administrator to Council

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

Personnel Matter – This item was taken up in Executive Session.

Carolina United – Mr. Bruce Cannon spoke regarding the flood recovery counseling that Carolina United offers.

OPEN/CLOSE PUBLIC HEARINGS

- **Ordinance to amend the agreement for designation of the I-77 Corridor Regional Industrial Park dated April 15, 2003 by and between Fairfield and Richland Counties so as to enlarge the Park (Seibels Service Group, Inc.)** – No one signed up to speak.

- **An Ordinance Amending the Fiscal Year 2015-2016 Hospitality Tax Fund Annual Budget to appropriate \$75,000 of Hospitality Fund Balance to provide funding for Famously Hot New Year –**
No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **15-34MA, Tyson Reilly, RU to RS-E (202.56 Acres), Heins Rd., 23500-05-03 [SECOND READING]**
- **15-37MA, Jonathan Yates, RU to GC (19.69 Acres), 4600 Hardscrabble Rd., 20300-03-03 & 04 [SECOND READING]**
- **15-39MA, Nelson Lindsay, RU to LI (26.6 Acres), Baker Rd., 15100-03-02 & 03 [SECOND READING]**
- **15-42MA, David Brandes, RU to GC (8.52 Acres), Piney Grove Rd. & Piney Woods Rd., 04913-04-01/02/33/11/14 [SECOND READING]**
- **15-44MA, Sean Heideman, OI to GC (1 Acre), 5209 Two Notch Rd., 14108-09-12 [SECOND READING]**
- **Council member Jackson's Motion Regarding Unauthorized Business**
- **Conservation Department – Hopkins Conservation Easement on Lower Richland Blvd.**
- **Solid Waste – Award of Contract for a Comprehensive Audit and RFID RetroFit of All County Garbage and Recycling Roll Carts**
- **Council-Administrator Form of Government Training: Council Rule Amendment; Disciplinary Policy for Employees [ACCEPT AS INFORMATION]**
- **Richland County Sheriff's Department Victims of Crime Act Special Solicitation Grant; Equipment Only; 20% match**

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

THIRD READING ITEMS

Ordinance to amend the agreement for designation of the I-77 Corridor Regional Industrial Park dated April 15, 2003 by and between Fairfield and Richland Counties so as to enlarge the Park (Seibles Service Group, Inc.) – Mr. Livingston moved, seconded by Mr. Jeter, to approve this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2015-2016 Hospitality Tax Fund Annual Budget to appropriate \$75,000 of Hospitality Fund Balance to provide funding for Famously Hot New Year – Mr. Livingston moved, seconded by Mr. Jeter, to approve this item.

Mr. Malinowski stated there are inconsistencies and incorrect information regarding this item.

FOR

Dixon
Jackson
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

Malinowski
Rose
Pearce
Rush

The vote was in favor.

SECOND READING ITEMS

15-35MA, Cynthia Weatherford, RS-HD to LI (1.27 Acres), 2610 Harlem St., 16204-08-01 – Mr. McDonald stated at the November 24th Zoning Public Hearing the question was raised regarding the effect the widening of Shop Rd. would have on the placement of the additional building on this property. It was determined there would be no impact on the re-zoning.

Mr. Washington requested Planning staff to review the proposed buffering.

Mr. Washington moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

Authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between Richland County and Project Oro whereby Richland County will enter into a fee-in-lieu of tax agreement with Project Oro and providing for payment by Project Oro of certain fees-in-lieu of ad valorem taxes; providing for the

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allocation of fees-in-lieu of taxes payable under the agreement for the establishment of a multi-county industrial/business park; and other matters relating thereto – Mr. Livingston moved, seconded by Ms. Dickerson, to defer this item until the December 8th Council meeting.

FOR

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AGAINST

The vote in favor was unanimous.

An Ordinance Authorizing the execution and delivery of an Infrastructure Credit Agreement by and between Richland County, South Carolina and [Project VA] with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes, and such company will receive certain infrastructure credits in respect of investment in related infrastructure; and other matters related thereto – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

FOR

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AGAINST

The vote in favor was unanimous.

FIRST READING

An Ordinance Amending the Fiscal Year 2015-2016 Court Appointed Special Advocates Training Grant Annual Budget to add two new CASA Case Worker positions – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski stated it was his understanding the item before Council it to approve two positions with a grant and forward the third positions to the FY16-17 budget process.

Mr. McDonald answered in the affirmative.

The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT & SERVICES COMMITTEE

- a. Removal of Lien off of Property** – Ms. Dixon stated the committee forwarded this item to Council without a recommendation.

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

Mr. Malinowski stated this item is before Council due to a series of mistakes by two different parties. First, the property was purchased at a tax sale, but did not thoroughly research the matter. As a result the property they purchased has a lien on it. Secondly, the property was donated to a non-profit, which was accepted with the lien on the property. The lien does not impact the current owner, as stated in the ROA: "...there is no reason stated as to why the community organization desires to have the liens removed. As it stands, the organization is free to use the land in any way. The only time the County would collect the money, is if the organization tried to sell the land." Therefore, there is no reason to remove the lien. The organization can have and use the land. In the event the land is sold, the amount of the liens can be deducted from the sale price.

Ms. Dixon inquired if the organization would be barred from pursuing Federal funding without a clear title.

Mr. McDonald and Mr. Smith are not aware of the requirement. Staff will obtain an answer to Ms. Dixon's question.

Ms. Dixon made a substitute motion, seconded by Ms. Dickerson, to defer this item until the December 8th Council meeting.

FOR

Dixon
Malinowski
Rose
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Manning
Jeter

AGAINST

Jackson

The vote was in favor.

Mr. Washington requested the ROA for the property contiguous to this property.

REPORT OF THE ADMINISTRATION & FINANCE COMMITTEE

- a. **Decker Center Change Order #1** – Mr. Pearce stated the committee recommended approval of the change order in the amount of \$54,507.00.

Mr. Manning stated there is an overall contingency for the project, but there was not a specific contingency for the H. G. Reynolds contract; therefore, there may be further change orders in minor amounts.

Mr. Rush recommended Council and staff to be mindful of change orders.

Mr. Fosnight stated is a \$1 million contingency attached to the project.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
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Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

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

- b. **Magistrates. Authorization of Negotiation of Purchase Contract for 144 O'Neil Ct and 4913 North Main St properties** – Mr. Pearce stated the committee forwarded this item to Council without a recommendation.

Mr. McDonald stated Mr. Smith had indicated this item was appropriate for Executive Session. The background documentation for this item was forwarded to Council under separate cover due to the confidential information contained within the documentation. This item will be brought back to Council after the negotiations.

Mr. Malinowski inquired as to what type of negotiations are planned on being into.

Mr. McDonald stated the negotiations would be for the property and facility renovations.

Mr. Malinowski feels before the purchase of the property is negotiated staff should research the costs for renovations more thoroughly.

Mr. McDonald stated the costs of renovations would be a part of the negotiations. Unless an agreeable price for land and facility, then the negotiation would not be successful. This will be a design build process, which Council authorized previously in moving forward with the magistrate's offices.

Mr. Jeter moved, seconded by Mr. Jackson, to approve moving forward with negotiations.

Mr. Jeter inquired if the properties are a part of the original capital improvement plan.

Mr. McDonald stated the properties are a part of the original plan. Council decided several years ago to it would be best to get the magistrates out of leased space. A capital improvement program was set up at that time to issue \$1.6 million every other year as a part of the bond issuance.

Mr. Jackson stated out of the negotiations staff will know what is needed to move forward.

The vote in favor of moving forward with negotiations was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. Transportation Penny Advisory Committee – 1** – Mr. Malinowski stated the committee recommended appointing Mr. Murray Coleman.

FOR

Dixon
Malinowski
Rose
Pearce
Rush
Livingston
Washington
Manning
Jeter

AGAINST

Jackson
Dickerson

The vote was in favor.

- b. Lexington Richland Alcohol and Drug Abuse Council (LRADAC) – 2** – Mr. Malinowski stated the committee recommended re-appointing Mr. Roosevelt Garrick, Jr. and Mr. John Jacob Loveday.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
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Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- c. **Richland Memorial Hospital Board - 2** – Mr. Malinowski stated this item was held in committee for additional interviews.
- d. **Airport Commission - 3** – Mr. Malinowski stated this item was held in committee for additional interviews.

Ms. Dickerson inquired about applicants applying for multiple committees.

Mr. Malinowski clarified that applicant can apply for multiple committees, but if appointed would only be allowed to serve on one committee.

II. NOTIFICATION OF VACANCIES

- a. **Music Festival Commission - 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- b. **Richland Memorial Hospital Board - 2** – Mr. Malinowski stated the committee recommended advertising for these vacancies. The vote in favor was unanimous.

III. ITEMS FOR ACTION

- a. **Terms of Service – Eligibility Requirements after Two Consecutive Terms** – Mr. Malinowski stated this item was held in committee for legal input.

REPORT OF THE ORDINANCE REVIEW AD HOC COMMITTEE

- a. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to prohibit the parking of motor vehicles in the front yard in certain Residential Zoning Districts [FIRST READING]** – Ms. Dixon stated the committee recommended approval of this item.

Mr. Washington inquired what “certain Residential Zoning Districts” meant.

Mr. Price stated the ordinance would only apply to the Single Family, Single Family-Low Density, Single Family- Medium Density, and Single Family- High Density Districts. The ordinance does not apply to Rural or Multi-Family Districts.

Mr. Jackson stated when he was on the Planning Commission he expressed concern about the developers building narrow roads and the lots being so close to the road. When a family has 2 vehicles and no garage the citizens are made to park on the street or the front yard. Communities have covenants to address this issue and should not be governed by the County.

Ms. Dickerson stated she has been battling this matter for a long time. Fifty percent of her district says they do not want cars parked on the road and the other fifty percent say it is permissible. Most of the homes in her district have a minimum of 4 vehicles.

Mr. Malinowski made a substitute motion, seconded by Ms. Dickerson, to deny this item.

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

The motion for denial failed.

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

The vote for approval was in favor.

- b. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to decrease the maximum height of growth allowed [DENIAL] – Ms. Dixon stated the committee recommended denial of this item.**

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FOR

Dixon
Malinowski
Rose
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

Jackson

The vote was in favor of denial.

- c. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification [FIRST READING]** – Ms. Dixon stated the committee recommended approval of this item. The vote was in favor.
- d. Motion to name Courtroom 2b in the Judicial Center the Ada Harper James Courtroom [DENIAL]** – Ms. Dixon stated the committee recommended denial of this item.

Mr. Rose made a substitute motion, seconded by Mr. Livingston, to approve this item.

Mr. Malinowski stated if Council begins naming rooms in the various County buildings there are going to be an astronomical amount of different names on rooms. In addition, to begin a process of naming rooms because someone has been employed for a number of years in their position is not the proper way to go about it.

FOR

Rose
Jackson
Livingston
Dickerson
Washington
Jeter

AGAINST

Dixon
Malinowski
Pearce
Rush
Manning

The vote was in favor.

Mr. Rose moved, seconded by Mr. Livingston, to reconsider this item.

FOR

Dixon
Malinowski
Pearce
Rush

AGAINST

Rose
Jackson
Livingston
Dickerson
Washington
Jeter

The motion for reconsideration failed.

- e. An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions; Section 1-15, Naming of Buildings; so as to exclude naming of rooms [FIRST READING]** – Ms. Dixon stated the committee recommended approval of this item.

Mr. Jackson inquired if approving this item would contradict the previous item.

Mr. Smith stated what Council did on the previous motion is to approve the renaming of a room in a County building. The amendment to this ordinance would exclude the naming of rooms; therefore, once this ordinance received three readings Council would not be able to name a room in a County building.

Mr. Washington inquired if it is permissible to name buildings.

Mr. Smith responded in the affirmative.

Mr. Jackson stated it is his understanding if this ordinance is approved going forward Council will not be able to name rooms in County buildings. Therefore, only one person will have a room named after them, which is selfish to say we are going to do it for this person but no one else.

Mr. Washington made a substitute motion, seconded by Mr. Rose, to deny this item.

FOR

Rose
Jackson
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

Dixon
Malinowski
Pearce
Rush

The vote was in favor of the substitute motion.

Mr. Washington moved, seconded by Mr. Manning, to reconsider this item.

FOR

Dixon
Malinowski
Pearce
Rush

AGAINST

Rose
Jackson
Livingston
Dickerson
Washington
Manning
Jeter

The motion for reconsideration failed.

REPORT OF THE OFFICE OF SMALL BUSINESS OPPORUNITY AD HOC COMMITTEE

- a. **Compliance Process to track all contracts for SLBE Participation** – This item was held in committee.
- b. **Consultant Contract** – This item was held in committee.

REPORT FROM THE 1,000 YEAR FLOOD DISASTER RECOVERY WORK SESSION

- a. **Approval to Develop Long Term Recovery Plan (Goal Completion = 60-90 days)**
- b. **Establish Long Term Flood Recovery Blue Ribbon Advisory Committee** – Staff will work with the Chair and Vice Chair to decide what groups should be represented on the committee.
- c. **Establish County Staff Work Group** – The Administrator will appoint members of staff to this committee to work with the Blue Ribbon Advisory Committee.
- d. **Develop Outreach Plan** – Reach out to the community over the next several months.
- e. **Conduct Un-Met Needs Analysis**
- f. **Communicate to State/Congressional Delegation**

Mr. McDonald stated this item refers back to the work session held last week. The Clerk's Office distributed the PowerPoint presentation presented at the work session. At the end of the meeting, there were a series of recommendations on how to move forward with the long-term recovery efforts over the next several months, and even years. None of the recommendations commits the County to anything other than to begin to develop a long range plan.

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

Mr. Washington stated 700 wells were tested and 304 were deemed contaminated. Of the 304 contaminated wells only 8 were decontaminated. What is the status of this?

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Mr. Jonathan Burgiel, Tetra Tech, stated of the 300 wells approximately 90-100 wells have been tested. They are now going through the process of going back to DHEC. For the ones direct contact has not been able to be made, their phone numbers are being obtained and a statement will go through the County's automated telephone system to them. In addition, a certified letter will be sent to those addresses. The hope is they will be able to reach the remaining outstanding homes that have not responded to onsite visits.

Mr. Washington requested a weekly report regarding the status of the contaminated wells, as well as, the status of the flooded homes. In addition, address the buyout program.

Mr. Pearce inquired about the timeframe for establishing the County Staff Work Group.

Mr. McDonald stated the members of the group have been identified. The group will consist of staff members who have been involved since before the flood event.

Mr. Pearce stated the first thing the County Staff Work Group needs to work on is the "Un-Met Needs Analysis" because that is the critical need is at present.

Mr. McDonald stated staff has begun to work on these needs on a short-term basis with Tetra Tech. The analyses will be extended to a longer period with the assistance of the consultant.

Mr. Pearce inquired if it is the intent for staff to make a recommendation to Council regarding the Blue Ribbon Advisory Committee.

Mr. McDonald stated his intent is to work with the Chair and Vice Chair to determine the makeup of the advisory committee (i.e. faith-based, nonprofits, sustainability and conservation groups).

Ms. Dixon inquired if the "Un-Met Needs Analysis" will cover all affected residents in Richland County.

Mr. McDonald stated the intent is to identify any resident who has sustained damage, indirectly or directly, through infrastructure and gain the full understanding of the damage sustained.

Ms. Dickerson stated she has heard from residents that have the funds to begin the repairing process, but are not able to do so because of the building permitting process. She feels this is one of the most important pieces that needs to be worked on.

Mr. Washington inquired if models of other Blue Ribbon Advisory Committees have been identified and what their makeup was.

Mr. McDonald stated staff has examples of similar groups/committees.

Mr. Harley stated the examples of the advisory committees staff has looked at would include faith-based, nonprofits, and "boots on the ground" organizations.

Mr. Washington inquired about the interaction of staff with the Federal delegation with regards to the needs of Richland County.

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Mr. Harley stated he could not speak directly to who has been spoken with. There have been some conversations between the Chair and the County's lobbyist in Washington with the delegation.

Mr. Washington requested staff to communicate with the Federal delegation on a regular basis to enable the delegation to fight for funding for flood relief.

Mr. Malinowski stated during Citizens' Input there were citizens that expressed concerns about rebuilding until they know what is going to happen long-term.

Ms. Dickerson stated there are also citizens that are holding out on the buyouts.

FOR

Dixon
Malinowski
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Jackson
Pearce
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Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

OTHER ITEMS

A Resolution to appoint and commission James O. Ballentine, Marcus L. Glenn, and Rayford Brown as Code Enforcement Officers for the proper security, general welfare, and convenience of Richland County

– Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

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

Ms. Helen Taylor Bradley, Wendy Brawley, Laura Grant and Karen Irick spoke regarding the Lower Richland Sewer Project.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:44 p.m.
and came out at approximately 8:01 p.m.*

- a. **Personnel Matter** – No action was taken.

MOTION PERIOD

- a. **All organizations that use a fiscal agent to administer grant funded projects through the Hospitality Tax and/or Accommodations Tax grant programs can only do so for three fiscal years, after which they must have a 501(c)(3) tax exempt status to receive future Hospitality Tax and/or Accommodations Tax grant funds from the County [LIVINGSTON]** – Mr. Livingston withdrew this motion.
- b. **I move that Council develop an Ad Hoc Committee to facilitate the development of an after action report for the county emergency response during the 1,000 year flood [WASHINGTON and PEARCE]** – The Chair will appoint the members of the committee.

ADJOURNMENT

The meeting adjourned at approximately 8:04 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