



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

March 26, 2019 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Gwen Kennedy, Chair, Allison Terracio, Jim Manning, Calvin Jackson and Chakisse Newton

OTHER COUNCIL MEMBERS PRESENT: Bill Malinowski

OTHERS PRESENT: Michelle Onley, Trena Bowers, Kimberly Williams-Roberts, Larry Smith, Stacey Hamm, Ashiya Myers, Clayton Voignier, Brad Farrar, John Thompson, Geo Price, Ashley Powell, Brian Crooks, Donny Phipps, Michael Niermeier, Tommy DeLage, Quinton Epps, Dale Welch and John Hopkins

1. **CALL TO ORDER** – Ms. Kennedy called the meeting to order at approximately 5:00 PM.

2. **APPROVAL OF MINUTES**

a. **March 26, 2018**

In Favor: Terracio, Jackson and Kennedy

Present but Not Voting: Manning

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA**

In Favor: Terracio, Jackson and Kennedy

Present but Not Voting: Manning

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

a. **I move that all RC contracts must be reviewed & approved by the Office of the County Attorney & that notices under of modifications to RC contracts must be sent to the County Attorney, but may be copied to external counsel, as desired [MYERS]** – Mr. Smith stated, at the last committee meeting, the question was asked about what the maker of the motion meant by “all Richland County contracts”. He was directed to get with the maker of the motion to clarify what was meant by “all Richland County contracts”. The maker of the motion indicated she was talking about all contracts generated by the departments under the direction of the County

Administrator, and those contracts that may be entered into by elected/appointed officials, which was not initial understanding. She went on to say, if it is a situation where a claim or a lawsuit could result from the breach of that contract or the County could get involved with putting its faith and credit on the line, she wanted all those contracts to be reviewed as well. He wanted to be sure the committee was clear on what was meant by "all Richland County contracts". One of the things he wants to make sure we amend, in terms of fiscal impact, is that would mean the Legal Department would have to hire additional attorneys to accomplish that. There is no way the current staff could review all County contracts, including those that are entered into by elected/appointed officials.

Mr. Manning moved, seconded by Mr. Jackson, to send this item to the A&F Committee.

Mr. Jackson inquired, as a result of the discussion with the maker of the motion, did Mr. Smith suggest a process for screening, which may be the more appropriate contracts, and let others continue to follow whatever normal course they are following.

Mr. Smith stated they attempted to streamline this by putting in the briefing document that there would be certain things that would be excluded from the Legal Department's review (i.e. routine work orders, notice of contract performance, etc.), but the maker of the motion's intent was to expand this to include elected/appointed officials. At this point, they do not know what is out there, as it relates to the elected/appointed officials. He does not think there is any way to get around additional staff for that.

Ms. Terracio inquired if Mr. Smith would anticipate one full-time staff person, a part-time position, etc.

Mr. Smith stated he currently does not have anyone in his office that is solely dedicated to reviewing all contracts. They all have to be fairly proficient in multiple areas because of the size of his office. Part of the challenge of trying to respond to this is, if this is going to include elected/appointed officials, we do not know what is out there, as it relates to agreements that they may be currently entering into, and that they routinely enter into. He would have to do an assessment of what kinds of contracts are currently being entered into by the elected/appointed officials, in order to give you an informed answer. For example, the Sheriff's Department enters into a contract, and we do not get to review the contract. He does not know what contracts has been into by the Sheriff or the Sheriff's Department. At this point, he does not know whether or not we have other people that are entering into contracts, as well, so he will have to do an assessment about who is entering into contracts that do not come through the County's normal procurement process, and how frequently they are doing it, in order to do an assessment of the number of contract reviews we are talking about. The Sheriff's Department has their own in-house counsel, but there are matters which the Legal Department handles on behalf of them.

Ms. Newton inquired, if we are clear, or unclear, if the maker of the motion wanted to include the elected/appointed officials.

Mr. Smith stated, it is his understanding, she wants to include them. She also indicated she wanted someone to review the Economic Development agreements, as well.

Ms. Newton inquired if matters that traditionally have budgetary implications handled by A&F.

Mr. Manning responded in the affirmative.

In Favor: Terracio, Jackson, Kennedy and Manning

Present but Not Voting: Newton

The vote in favor was unanimous.

- b. Petition to Close Portion of Old Percival Rd./Spears Creek Rd. – Mr. Malinowski stated the minutes indicated Ms. Myers and Mr. Jackson represent this area and they wanted to hold a community meeting prior to this moving forward. He inquired if this meeting took place, and what comments were received.

Mr. Jackson stated the meeting has not taken place.

Mr. Jackson moved, seconded by Ms. Newton, to defer this until the community meeting is held.

In Favor: Terracio, Jackson, Newton, Kennedy and Manning

The vote in favor was unanimous.

- c. Revisit the bed and breakfast ordinance to increase the number of rooms up to 20, so the business can be profitable and flourish. This would be in line with keeping the rural character and allow opportunities for small businesses [N. JACKSON] – Mr. Farrar stated there is a State Law entitled the SC Bed and Breakfast Act. In Chapter 45 of the State Code, it states, “Bed and breakfast” means a residential type lodging facility having no more than ten guestrooms where transient guests are fed and lodged for pay.” He stated State law caps a bed and breakfast, by definition, at 10 rooms. We would be pre-empted by State law, if we are going to proceed under the bed and breakfast concept. If you look at a different type of use, there may be some additional analysis.

Mr. Manning moved, seconded by Ms. Terracio, to table this item.

In Favor: Terracio, Jackson, Newton, Kennedy and Manning

The vote in favor was unanimous.

- d. I move, based on my being horrified as I heard for the first time the week of March 4, 2019 of the need to address current critical needs for Administrative office space as the number of vacancies we currently have in our County administration is tremendous, but we are limited in filling these vacancies by physical office space; and that we don't have anywhere to put the people we need to hire and that addressing this need will also create a County level employment opportunity, that the Interim County Administrator commandeer the unneeded office formed and assigned to me, Richland County District 8 Councilman Jim Manning by the former County Administrator with no official input by the Richland County Council so as to create a currently funded Richland County employment opportunity, the ability to address to a degree the critical need for an Administrative office space, and the opportunity for citizens and stakeholders to have needs met that are going unmet or service enhancements because we did not have an Administrative office space for the unfilled vacant position [MANNING] – Mr. Jackson inquired if anyone had done an assessment to determine that we are 100% occupied, and there are zero vacancies, as it relates to office spaces in this building.

Dr. Thompson stated he will need to check with Operational Services to determine if we are at 100% capacity. In looking for additional space for Transportation, Operational Services has been gracious enough to find the team an office location.

Mr. Manning stated that information was sent out from the PIO Office on the week of March 4th. When he got that information, it seriously alarmed him. He had not seen, and there was not anything presented, in terms of those numbers. If Dr. Thompson is not aware of this situation, that was reported by the PIO Office, for a need to address tremendous critical needs that were going unmet, he was operating his motion based on inaccurate information, as reported, then he will be happy to remove his motion.

Mr. Manning moved, seconded by Ms. Terracio, to withdraw his motion.

In Favor: Terracio, Jackson, Newton, Kennedy and Manning

The vote in favor was unanimous.

6. ITEMS FOR INFORMATION/DISCUSSION

- a. Determine if there is any state/federal law that prohibit a county from creating an ordinance that will address the use of plastic bags by commercial entities. If not, create an ordinance that would prohibit the use of plastic bags for use in putting product purchases, with certain exceptions if deemed necessary. Example: many products already come prepackaged in plastic and could not come under these restrictions [MALINOWSKI and N. JACKSON] – Ms. A. Myers stated included in the agenda packet is information relative to best practices from municipalities, cities and counties that have already enacted plastic ban/fee hybrids, which according to industry is the best practice. Plastic bans only encourage the use of thicker plastic and still end up in the landfill. If you are looking to curb pollution and help waste management efforts, you do a ban/fee hybrid so that people can purchase other means of bags (i.e. reusable plastic bags or paper bags), which discourages them from disposing of those bags.

Mr. Malinowski stated, on the approved minutes for the last meeting, on p. 14, it specifically states that a motion was made, and unanimously approved, that this item was to be placed on the April committee agenda for action. He stated here we are again putting an item for information and discussion, when this committee said it should be there for action, which delays it for 30 more days. On p. 33, there is the start of a great deal of information that appears to be of ordinance language in nature, and he would hope that the department responsible for creating that ordinance would do so.

Ms. Newton stated, in addition to a sample ordinance provided by this organization, she knows there are other sample ordinances that Legal has. There was a lot of discussion about the need for public outreach, and information to have something like this to be successful. Whatever Council move forward with, in addition to the drafting of an ordinance, it would be important to have best practices and plans regarding public outreach so we do not have an ordinance that gets approved and we are not able to launch successfully because we have neglected a critical component.

Ms. Terracio moved, seconded by Mr. Manning, to direct the County Attorney's office to draft an ordinance based on the model ordinance included in the agenda packet, which includes the elements of a plastic ban/fee hybrid, and to include public outreach and information programming, when the ordinance becomes available for presentation to the public for their review and approval.

Mr. Smith stated, for clarification, Ms. Terracio wants them to basically duplicate the ordinance that is in the packet.

She stated she is not sure, since she is not an attorney.

Mr. Smith stated, all of the ones they have used, they considered to be legal, in that they had the appropriate language, but obviously some of them were a little bit different from the standpoint that you had law enforcement, in some cases, enforcing the ordinance, and in some cases, you did not.

Ms. Terracio stated, she wondered if we could start with the model, and then make adjustments.

In Favor: Terracio, Jackson, Newton, Kennedy and Manning

The vote in favor was unanimous.

- b. Request staff to consider a public/private partnership for ambulance services in Richland County. Private ambulance companies could be utilized at various sporting events or in response to situations that are not life and death with where immediate qualified EMT personnel are not needed. This would reduce the current incident responses for Richland County personnel [MALINOWSKI] – Mr. Malinowski stated staff provided quite a bit of information. Their recommendation was to receive this as information, and he is fine with that.

Mr. Manning moved, seconded by Mr. Jackson, to receive this as information.

Ms. Kennedy inquired if there is a shortage of EMTs.

Mr. Byrd stated, if you recall, over the last 1 ½ year we have been sending quarterly reports to Council addressing the shortage of paramedics at Richland County, and it does impact operations.

Ms. Kennedy stated she has noticed several private ambulance services around lately. She was concerned about why we had so many of them around now.

Mr. Byrd stated the medical care models have changed so much in the last 10 years that require patients being moved from facility to facility, as part of treatment protocols, insurance, or other issues. Richland County does not do non-emergency transports; therefore, we rely on private services to come in and do that.

Ms. Kennedy inquired if we pay them to do this.

Mr. Byrd responded that the County does not pay them.

Mr. Malinowski stated, it does say in the summary, Richland County may have to pay the costs of services to a private ambulance service, if the private services cannot cover their costs.

Mr. Byrd stated that would be if we allowed them to run emergency calls. Right now, we are not involved in that process. Private services make arrangements with nursing homes, doctor's offices, etc. They determine their financial arrangements.

Mr. Malinowski inquired about the section that says, "Richland County may also have to guarantee payment to private services dispatched by Richland County, as some emergency calls result in no one being transported."

Mr. Byrd stated that is if we entered into an agreement for them to handle 911 calls.

Ms. Kennedy inquired, if Mr. Byrd will inform Council, if they have to enter into an agreement with the private ambulance services.

Mr. Byrd stated the only agreements they have, right now, is they allow several ambulance services to operate in the County. The way the current ordinance is written, we have the ability to authorize private services to come in and respond to non-emergency calls.

7. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED:**

- a. I move to direct the County Administrator to solicit proposals for a survey to residents of Richland County. The purpose of the survey will be to help the County strategically plan for the future as they continue to grow and meet new challenges. The survey will also assist elected officials, as well as County administrators, in making critical decisions about prioritizing resources and helping set the direction for the future of the County. The survey will gather and analyze input and data from residents on service quality, priorities and overall performance and satisfaction with County services [WALKER] – Ms. Newton stated she was confused as to why this item is here under “Pending Analysis”, since the original motion was to direct the County Administrator to solicit proposals. Since it is a procurement action, it seems it would need action on the committee’s part. Her understanding is that staff had already begun investigating this process, so that it just requires action from the committee to start a solicitation process that would fall under the purview of the Administrator.

Ms. A. Myers requested clarification on Ms. Newton’s comments.

Ms. Newton stated her question is, if you require action. The motion was to direct the County Administrator. Was the Administrator directed? Is that process moving forward? Is there action you need from us?

Ms. A. Myers stated staff is researching, but beyond research there is very little they can do. You would have to direct us to perform any solicitation and request the County to procure said services.

Mr. Jackson stated one of the challenges he has, as a committee member, with several motions, is that when they have some vague ambiguity in the language, and the maker of motion is not present to be able to clarify, as we discussed earlier with the motion that Mr. Smith spoke, with regards to contracts. He stated he thinks it would be incumbent upon us, going forward, to ask the makers of those motion to attend the appropriate subcommittee meeting, and offer clarification and/or meet with the appropriate County staff. For example, in this motion, it is more than just going out and procuring a service provider who can do surveys. His questions would be around, when you say, for example, “helping them to make critical decisions about prioritizing resources.” There is a process by which we prioritize resources, and it is not necessarily driven by what the public thinks are the correct priority. There are some critical questions embedded in the motion that probably needs clarification. Then, an example of a survey should be brought back and shared with the committee, before we commit to doing it, with some explanation as to how that data will be collected, analyzed, and, as a result, how it would be presented

Mr. Jackson moved, seconded by Ms. Terracio, to direct the County Administrator meet with the maker of the motion to talk in detail about questions, and get clarification, to ensure they are moving forward appropriately, as the maker of the motion has suggested.

Ms. Newton stated Mr. Gomeau sent a sample survey, and she believes staff met with Mr. Walker.

Mr. Malinowski stated it was not that long ago that a survey was done by Richland County and several responses were received. He would think we would want to have that survey and results provided to the maker of the motion to see if what he is asking for was not previously covered.

Mr. Manning stated, for clarification, staff cannot move forward with procurement without action by committee and Council.

Ms. Powell stated they have begun looking into community surveys, what they might entail and how other jurisdictions have used them.

Mr. Manning stated this all came from Mr. Gomeau sending Council pages and pages from Mecklenburg County. There was a company that did it. It laid out what all they looked at. So, his thinking, when he first saw this motion, it looked like he had seen the packet, and tried to write in his motion about service quality, priorities, overall performance and satisfaction with County services because those were the areas that was reported out. We may need to circle back to see, if what he was really meaning was the company that did that for them, are available and we do something like that here. He thinks, when we do this, we want to do it right. Also, he is honing in on that it was direct the County Administrator. It will be close to a month before we can anything about this because of where it is on agenda, so we may want to consider doing this in conjunction with the new County Administrator.

Mr. Manning moved to defer this item, and ask the maker of the motion if they want to provide any clarity, in writing to the committee.

- b. I move that Richland County Council secure the services of a public relations firm to, among other things, assist Council as a whole and its individual members in informing the media and general public of the body's collective work and activities and community engagements of individual members. A public relations contractor will complement the work of the Clerk's Office, as well as the Public Information Office, which promotes activities of the entire County organization; while a public relations firm will focus solely on Council and its members. The assistance of a contractor will ensure Council abides by state law in its interactions with staff, as the nature of public relations assistance can involve individual requests or directives to staff, which falls outside the authority of individual members [DICKERSON] – Ms. Roberts stated she had an in depth conversation with the maker of the motion, in regards to the details of this motion. From that conversation, she derived that it might be better suited for a staff person to handle this versus a PR firm. She has since then had a conversation with Acting Administrator, Dr. Thompson, in regards to the possibility of staff. She also plans to have a conversation with the Chair regarding the vacant position in the Clerk's Office, to see if perhaps the needs of this motion could be fulfilled by that person.

Mr. Malinowski stated there may be the need for Council input, as well, to see if Council wants this take place, rather than spend all your time going through the motions and coming up with a potential solution for the maker of the motion, when it may be something that full Council does not want.

Mr. Jackson stated, by the time we have the next committee meeting, maybe those additional conversations and recommendations could be prepared, and this would be placed on the agenda as an action item, for us to make a decision.

Mr. Manning stated he is not sure what has changed, but it seems like we keep coming month after month, and things are floating somewhere. They are on the wrong place on the agenda. We

do not have the information we need. He feels like the whole committee process has drifted in the last year or 2. There is a whole lot less that we seem ready for, and are able to take action out of the committee.

Mr. Jackson stated, speaking as a Chair of another committee, one of the things that has been most helpful for him, is pre-meeting and pre-planning with the appropriate staff before the committee meetings. They talk about what was discussed at the last meeting that needs to be brought forward, or actions that need to be taken, based upon committee input. Secondly, items on the agenda, for the upcoming meeting, and what supporting documentation will be needed.

7. **ADJOURNMENT** – The meeting adjourned at approximately 5:52 PM.