



**RICHLAND COUNTY  
GOVERNMENT**  
Office of the County Administrator

**Council Actions Report  
Special Called Council Meeting  
October 12, 2015  
6:00PM**

**Call to Order:** Rush

**Invocation:** Jackson

**Pledge of Allegiance:** Jackson

**Presentation of Resolutions**

- a. A Proclamation recognizing Pregnancy and Infant Loss Awareness Month [RUSH]:** Mr. Rush presented a Proclamation to Christy Bolder and City of Columbia Councilwoman Tameka Devine, recognizing October 2015 as Pregnancy and Infant Loss Awareness Month.
- b. National Community Planning Month Proclamation [MANNING and RUSH]:** Mr. Manning presented a Proclamation to representatives of the Richland County Planning Commission & the Richland County Planning Department, proclaiming October 2015 as National Community Planning Month.

**Approval of Minutes**

- a. Regular Session: September 15, 2015:** Approved as published.
- b. Zoning Public Hearing: September 22, 2015:** Approved as published.
- c. Special Called Meeting: October 6, 2015:** Approved as published.

**Adoption of Agenda:** Adopted as amended. A Resolution from Mr. Washington was added to the motion period. The DOT Contractor List and Inclement Weather Days were added as agenda items under the Report of the County Administrator.

**Move to authorize a blanket approval of all incorporated municipalities in Richland County, excluding the City of Columbia, who may request assistance from the County in their flood recovery efforts. This authorization includes any applicable FEMA requirements needed to assist the incorporated municipalities in Richland County in their flood recovery and reimbursement efforts [PEARCE]:** Council approved this



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motion. **ACTION: ADMINISTRATION, EMERGENCY SERVICES, FINANCE, LEGAL, PUBLIC WORKS, SOLID WASTE**

## Report of the Attorney for Executive Sessions Items:

- a. "Motion to request Legal Department assess potential liability of permitting human occupied watercraft at Pinewood Lake"
- b. Elm Abode Drainage
- c. 1033 Law Enforcement Support Office (LESO) Program - Litigation Update
- d. Flooding/Disaster Response - Contractual/Legal

**Citizen's Input:** Three people spoke.

## Report of the County Administrator:

- a. **Stormwater Management Plan Update:** Mr. McDonald deferred the Stormwater Management Plan update to a future Council meeting.
- b. **Presentation of FY 16 Budget Book:** Mr. McDonald presented the FY16 Budget Book to Council.
- c. **DOT Contractor List:** Council authorized utilizing the South Carolina Department of Transportation's approved contractor list in addition to any other lawful procurement processes that the County undertakes in selecting contractors to conduct road, and other transportation-related repairs. **ACTION: PROCUREMENT, FINANCE, ADMINISTRATION, PUBLIC WORKS, TRANSPORTATION, LEGAL**
- d. **Inclement Weather Days:** Council authorized Mr. McDonald to utilize his discretion as it pertains to addressing personnel and payroll matters associated with the inclement weather days related to the recent flooding events. **ACTION: ADMINISTRATION, FINANCE, HUMAN RESOURCES**

## Report of the Clerk of Council:

- a. **2016 County Council Meeting Dates:** Ms. McDaniels will bring this item back to a future Council meeting for Council's consideration.



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- b. **2016 Council Retreat:** Ms. McDaniels will bring this item back for Council's consideration at the October 20<sup>th</sup>, 2015 Council meeting.

## Report of the Chairman:

- a. **Personnel Matter:** This item was deferred to the October 20<sup>th</sup>, 2015 Council meeting.
- b. **Richland County VC Summer Exercise Review:** Mr. Rush updated Council on the VC Summer Exercise review. Mr. Rush commended the EOC Office on their efforts during the exercise and the recent flood disaster.
- c. **Delay of Tax Payment Penalties:** Council approved delaying the first penalties of all tax payments, outside of automobile tax payments, by thirty (30) days or February 16<sup>th</sup>, 2015. **ACTION: ADMINISTRATION, FINANCE, TREASURER, AUDITOR, LEGAL**
- d. **Richland County Strategic Planning Session:** Mr. Rush suggested that Council consider having a one day retreat to examine strategic plans for addressing the impact of the recent flood disaster experienced by the County.

## Open/Close Public Hearings

- a. **An Ordinance Authorizing a deed to Hangar Preservation Development, LLC, for approximately 2.29 Acres of land, constituting a portion of Richland County TMS # 13702-09-01A:** No one spoke.

## 1. Approval of Consent Items

- a. [Removed from Consent] **Department of Public Works: Private Pond Policy:** Council deferred this item to a future Council meeting. **ACTION: CLERK OF COUNCIL, PUBLIC WORKS**
- b. **Conservation Department: Conservation Easement on Back Swamp Road:** Council approved the request to place a conservation easement on 251 acres on Back Swamp Road, and to purchase the development rights of the property for a total sum of \$125,500 to be paid in three (3) equal payments over three (3) years from the Richland County Conservation Commission Capital Acquisition Fund. **ACTION: LEGAL, CONSERVATION, FINANCE, SUPPORT SERVICES, CLERK OF COUNCIL**
- c. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V., County Departments; Division 8, Information**



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**Technology; Section 2-261, Geographic Information System (GIS); so as to eliminate the fees for GIS data:** Council denied this request.

- d. **Accommodations Tax Grant Reallocation for a Book Festival:** Council approved reallocating an Accommodations Tax Grant in the amount of \$9,800, awarded to the Humanities Council SC for the South Carolina Book Festival, to One Columbia for Arts and History for their Deckle Edge literary festival. **ACTION: FINANCE, GRANTS**
- e. **Richland County Conservation Department Request to Negotiate Property Purchase/Donation:** Council approved staff's request to negotiate the purchase of several acres and the acceptance of a donation of 40 to 60 acres adjacent to the existing County-owned Cabin Branch property for conservation, mitigation and recreational purposes. Staff will bring back a separate request of action to Council for the purchase of the property once the negotiation process is complete. **ACTION: LEGAL, CONSERVATION, FINANCE**
- f. **Conservation Department: Reallocation of Grant Funds:** Council approved the request to reallocate \$26,916 in FY15 funds to the Wiley Kennedy Foundation for pond dam stabilization and trail construction at the Bethlehem Nature Wildlife Area. **ACTION: GRANTS, CONSERVATION, FINANCE**
- g. [Removed from Consent] **Solid Waste - Award of Contract for Solid Waste Engineering Services:** Council approved staff's request to negotiate and award the on-call engineering contract to Civil & Environmental Consultants, Inc. for solid waste permitting and environmental monitoring services for the County's Landfill complex. The vote to reconsider failed. **ACTION: FINANCE, PROCUREMENT, SOLID WASTE, LEGAL, CLERK OF COUNCIL**
- h. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 19, Parks and Recreation; so as to delete the entire Chapter:** Council gave first reading approval to the ordinance amendment. **ACTION: LEGAL, CLERK OF COUNCIL, ADMINISTRATION**
- i. [Removed from Consent] **Human Resources - Domestic Violence Policy:** Council approved the domestic violence policy, contingent upon Legal review and potential amendment of the policy prior to being instituted into the County's Employee Handbook. **ACTION: HUMAN RESOURCES, SHERIFF, ADMINISTRATION, LEGAL, SOLICITOR**

## 2. Third Reading Items



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- a. **An Ordinance Authorizing a deed to Hanger Preservation Development, LLC, for approximately 2.29 acres of land, constituting a portion of Richland County TMS # 13702-09-01A.** Council gave third reading approval to the ordinance. The vote to reconsider failed. **ACTION: LEGAL, ADMINISTRATION, CLERK OF COUNCIL, ECONOMIC DEVELOPMENT, FINANCE**

### 3. Second Reading Items

- a. **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.** Council gave second reading approval to the ordinance amendment. Council directed staff to revise the amended ordinance prior to third reading to increase the road length limit for design exceptions for paved roadway width from 500 feet to 1,000 feet in maximum length. Council also directed staff to add language that staff shall consider traffic calming measures for any design exceptions for roads longer than 500'. **ACTION: LEGAL, ADMINISTRATION, CLERK OF COUNCIL, TRANSPORTATION, PUBLIC WORKS**

### 4. Report of the Development & Services Committee

- a. **Motion to request Legal Department assess potential liability of permitting human occupied watercraft at Pinewood Lake:** Executive Session item.
- b. **Motion to Name Courtroom 2b in the Judicial Center The Ada Harper James Courtroom:** Council denied this request.

### 5. Report of the Administration & Finance Committee

- a. **Sheriff's Department - Budget Amendment for the Purchase of Security Cameras:** Council approved the purchase and deployment of an additional 33 digital night vision capable cameras boxes (132 total cameras) from Statewide Security by the Sheriff's Department in the amount \$57,200. The funding will come from the Sheriff Department's budget. This item can be revisited later in the fiscal year if this purchase presents an issue with the Sheriff Department's budget. The vote to reconsider failed. **ACTION: LEGAL, CLERK OF COUNCIL, SHERIFF, FINANCE, ADMINISTRATION, PROCUREMENT**
- b. **Extension of Lease Agreement for the County Magistrate Office:** Council approved the request to extend the lease agreement for an additional two (2) years with Woodland



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Village, LLC for office space for the County's Waverly Magistrate Office located at 2712 Middleburg Drive. **ACTION: MAGISTRATES, FINANCE, LEGAL, CLERK OF COUNCIL**

## 6. Report of Rules and Appointments Committee

### a. Notification Of Appointments

#### i. Board of Zoning Appeals - 1

This item was held in Committee.

#### ii. Accommodations Tax – 1

This item was held in Committee.

### b. Notification of Vacancies

#### i. Building Codes Board of Adjustment & Appeal – 3

Council voted to advertise or re-advertise these vacancies. **ACTION: CLERK OF COUNCIL**

#### ii. East Richland Public Service Commission – 1

Council voted to advertise or re-advertise this vacancy. **ACTION: CLERK OF COUNCIL**

#### iii. Hospitality Tax Committee – 2

Council voted to advertise or re-advertise these vacancies. **ACTION: CLERK OF COUNCIL**

#### iv. Accommodations Tax Committee – 1

Council voted to advertise or re-advertise this vacancy. **ACTION: CLERK OF COUNCIL**

#### v. Internal Audit Committee – 1



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Council voted to advertise or re-advertise this vacancy. **ACTION: CLERK OF COUNCIL**

**vi. Music Festival Commission – 1**

This item was held in Committee.

**c. Items for Action**

- i. 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 to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation 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.
- ii. Modify the Rules of Council to allow Council to respond to citizens during the Citizens' Input portion of Council meetings [PEARCE]:** This item was held in Committee.
- iii. Grievance Committee:** This item was held in Committee.
- iv. Council Rules of Richland County Updates:** Council approved the amendments to the Council Rules as presented in the agenda packet. **ACTION: CLERK OF COUNCIL, LEGAL**
- v. Citizens' Input and Public Hearing Sign-In Sheets:** Council sent this item to the Ordinance Review Committee. **ACTION: CLERK OF COUNCIL**

**7. Report of the Transportation Ad Hoc Committee**



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- a. **Supplemental Intergovernmental Agreement-Clemson Road Widening Project:** Council approved the Supplemental Intergovernmental Agreement. **ACTION: TRANSPORTATION, LEGAL, PROCUREMENT, FINANCE**
- b. **Construction Contract-Vista Greenway Phase II (Lincoln Tunnel):** Council approved the construction contract with AOS Specialty Contractors, Inc. to construct the Lincoln Tunnel Greenway. The total authorization of the contract is \$1,476,396.22, which includes a 10% construction contingency and a 10% utility relocation. The vote to reconsider failed. **ACTION: TRANSPORTATION, LEGAL, PROCUREMENT, FINANCE**

## 8. Other Items

- a. **A Resolution Authorizing the issuance and sale of not to exceed \$50,000,000 General Obligation Bond Anticipation Notes (Transportation Sales and Use Tax), Series 2015, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the notes; delegating to the County Administrator certain authority related to the notes; providing for the payment of the notes and the disposition of the proceeds thereof; and other matters relating thereto:** Council approved the Resolution. **ACTION: LEGAL, CLERK OF COUNCIL, TRANSPORTATION, FINANCE, ADMINISTRATION**

## 9. Citizen's Input: No one spoke.

## 10. Executive Session:

- a. **"Motion to request Legal Department assess potential liability of permitting human occupied watercraft at Pinewood Lake":** Council adopted the South Carolina Department of Natural Resources's guidelines for watercrafts on ponds. **ACTION: ADMINISTRATION, CAPITAL PROJECTS, SUPPORT SERVICES, LEGAL, CLERK OF COUNCIL**
- b. **Elm Abode Drainage:** Council directed staff to legally enforce an easement as discussed in Executive Session. **ACTION: PUBLIC WORKS, ADMINISTRATION, LEGAL**
- c. **1033 Law Enforcement Support Office (LESO) Program - Litigation Update:** We received a briefing on the National Defense Authorization Act 1033 Law Enforcement Support Office (LESO) program administered by the United States Department of Defense, and a lawsuit the Richland County Sheriff is a party to in federal court in



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Illinois involving some property available to law enforcement agencies through that program. The case name is Win Win Aviation vs. Richland County, South Carolina Sheriff's Department et al. No action was taken. Richland County is not a party to the lawsuit just mentioned, and County Council takes no position on the possible settlement of that case, whether it represents an appropriate resolution of the matter, or on the facts and circumstances of the lawsuit. Richland County is not paying the legal fees for the Sheriff or for any party involved in this lawsuit, nor has it been asked to do so. Richland County is not providing a legal defense to any parties involved in this case, nor has it been asked to do so. Richland County is not acquiring title to any property in connection with this case, nor has it been asked to acquire any property. The Sheriff has requested that County Council approve the expenditure of funds held on deposit for the Sheriff's Department's benefit pursuant to S.C.Code Ann. Section 44-53-520, "Forfeitures." These are monies law enforcement agencies such as RCSD take custody of through their law enforcement activities, such as drug seizures and the like. As provided for in Section 44-53-530(g): All forfeited monies and proceeds from the sale of forfeited property... must be retained by the governing body of the local law enforcement agency or prosecution agency and deposited in a separate, special account in the name of each appropriate agency. These accounts may be drawn on and used only by the law enforcement agency or prosecution agency for which the account was established. These accounts must not be used to supplant operating funds in the current or future budgets. Expenditures from these accounts for an item that would be a recurring expense must be approved by the governing body before purchase..." As the requested purchase is not a recurring expense, under this state law section there is no requirement for the County governing body to approve this expenditure. Subsection 44-53-530(i) provides, "An expenditure from these accounts must be made in accordance with the established procurement procedures of the jurisdiction where the account is established." Richland County Code of Ordinances Section 2-593. Contract authority, provides in part: Purchases in excess of thirty thousand dollars (\$30,000.00) shall be reviewed and approved by the county council prior to acceptance. The Sheriff is requesting to use seized funds to purchase a 2013 Cessna 206TC outfitted with extensive law enforcement avionics. The Sheriff advises that "fixed wing aircraft and avionics have been supporting narcotics and criminal interdiction and locating missing persons, murder suspects and seizing drugs and money successfully for the last two years; at no equipment costs to the County." He further advises that RCSD "continues to find innovative ways to reduce crime and capture criminals. Over the last two years the Sheriff's Department he has used a Cessna Aircraft that has led to countless drug seizures and the arrests of murder, assault and fugitives from justice. The use of this aircraft has assisted state, local and federal law enforcement in making the streets of Richland County safer." "The contract the Sheriff intends to enter into is to purchase a Cessna 206 for \$808,000. RCSD would make a \$108,000 down payment on October 1, 2015 and pay off the plane over 7 years using seizure funds accessed through our work on Federal Task Forces and local crime



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suppression efforts.” County Council is being asked to approve the expenditure of these funds that the Sheriff deems to be in the best interests of his Office in furtherance of his law enforcement mission. Other than the briefing we just received, and the ministerial release of funds that only the Sheriff may use under state law in furtherance of those law enforcement activities authorized in the forfeitures statute, Richland County has no role in this matter. All questions about the lawsuit, the 1033 program, the expenditure of forfeiture funds or any other aspect of this matter should be directed to the Sheriff. With this background and understanding Council’s limited role in the approval process for the use of forfeiture funds as provided for under state law, Council approved the Sheriff Department’s use of up to \$808,000 in furtherance of law enforcement activities as described in the State of South Carolina’s forfeiture statute. The vote to reconsider failed. **ACTION: LEGAL, ADMINISTRATION, SHERIFF, FINANCE, PROCUREMENT**

- d. **Flooding/Disaster Response - Contractual/Legal:** Council directed staff to proceed as discussed in Executive Session. The County Administrator will bring back a recommendation to Council at the October 20<sup>th</sup>, 2015 Council meeting. **ACTION: ADMINISTRATION, LEGAL, FINANCE**

## 11. Motion Period

- a. **To have Richland County remove the lien off of the property located at 1420 Joe Frazier Court contingent on the property owner donating the land to the Atlas Road Community Organization [WASHINGTON]:** Council sent this item to the D&S Committee. **ACTION: CLERK OF COUNCIL, ADMINISTRATION**
- b. **A resolution establishing October 25-31, 2015 as End Child Hunger SC Week in Richland County [RUSH]:** Council unanimously approved the Resolution. **ACTION: CLERK OF COUNCIL**
- c. **Move Council and Staff to create three new CASA caseworker positions. [JETER, DIXON, PEARCE, ROSE]:** Council sent this item to the A&F Committee. **ACTION: CLERK OF COUNCIL, ADMINISTRATION, CASA**
- d. **Move to fund the Governor's Cup Road Race in the amount of \$7,000, which is the amount the County funded this organization in FY 15. The funding is requested to come from the "Undesignated" Hospitality Tax line item." [ROSE AND DICKERSON]:** Council sent this item to the A&F Committee. **ACTION: CLERK OF COUNCIL, ADMINISTRATION**



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- e. **Request an additional \$89,000 for Famously Hot New Year [DIXON]:** Council sent this item to the A&F Committee. **ACTION: CLERK OF COUNCIL, ADMINISTRATION**
  
- f. **Move for a resolution honoring the life and heroism of Forest Acres Police Officer Gregory Alia and to declare December 14th Officer Gregory Alia day in Richland County. [ROSE, MANNING, PEARCE and JETER]:** Council unanimously approved the Resolution. **ACTION: CLERK OF COUNCIL**
  
- g. **In suburbs or subdivisions the maximum height for grass should be 12 inches similar to the City of Columbia. Richland County has one of the tallest height in the Midlands of 24 inches. [JACKSON]:** Council sent this item to the Ordinance Review Committee. **ACTION: CLERK OF COUNCIL, ADMINISTRATION**
  
- h. **Because of the time sensitiveness of this item, I make a motion to direct the County Administrator to perform a flood map impact study immediately where outcomes to be used to assist staff and guide the County in its role as flood plain manager and its potential obligation to correct any inconsistencies in the mapping to protect our Citizens. I propose the study be engaged immediately to meet the 90-day comment period. And the study outcome will identify inconsistencies in the mapping (if any) and will provide remedies and course of action to help us help the impacted property owners respond and preserve any rights they may have under the law. [WASHINGTON]:** Council approved the motion. The vote to reconsider failed. **ACTION: ADMINISTRATION, PUBLIC WORKS**
  
- i. **To change the way vehicles are taxed by Richland County to a more accurate/fair assessment value by using the current month “Black Book” value. Background: DMV furnishes the “Black Book” value to the tax office in January of each year. This means everyone is assessed a higher tax value on their conveyance due to the inaccurate value used with only one value used for the entire year. “Black Book” values are updated monthly so taxpayers are currently paying too much and need to pay the fair market value at the time of evaluation, not based on a January evaluation. [MALINOWSKI]:** Council sent this item to the A&F Committee. **ACTION: CLERK OF COUNCIL, ADMINISTRATION, AUDITOR**
  
- j. **Motion for the Guard to rebuild County roads through Innovative Readiness Training (IRT) Projects after they get off State active duty [JACKSON]:** Council sent this item to the D&S Committee. **ACTION: CLERK OF COUNCIL, ADMINISTRATION**



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- k. I move that Council review the bond on the Penny Tax program to increase the capacity if needed to prioritize roads and bridges to be rebuilt and repaired for emergency purposes if necessary [JACKSON]:** Council sent this item to the Transportation Ad Hoc Committee. **ACTION: CLERK OF COUNCIL, ADMINISTRATION**
  
- l. Honoring Hopeton Caven dedicating his life to public service and mentoring leaders to improve quality life [JACKSON]:** Council unanimously approved the Resolution. **ACTION: CLERK OF COUNCIL**
  
- m. Resolution honoring the railroad workers and SCDOT worker that lost their lives while assisting the Lower Richland area after the flooding event [WASHINGTON]:** Council unanimously approved the Resolution. **ACTION: CLERK OF COUNCIL**

**12. Adjournment:** Council adjourned at 9:08PM.