

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

SPECIAL CALLED MEETING

July 12, 2016
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 – Mr. Rush introduced Mr. Gerald Seals, Interim County Administrator.

APPROVAL OF MINUTES

Regular Session: May 17, 2016 – Mr. Jackson moved, seconded by Mr. Manning, to defer approval of the portion of the minutes related to the following item: “Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for special source revenue credits to Haven Campus Communities – Columbia, LLC, and other related matters” until the September 13th Council meeting.

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

The vote was in favor.



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

Others Present:

Gerald Seals
Kimberly Roberts
Daniel Driggers
Kevin Bronson
Beverly Harris
Warren Harley
Roxanne Ancheta
Michelle Onley
Tracy Hegler
Jeff Ruble
Quinton Epps
Donny Phipps
John Hixon
Elizabeth McLean
Rudy Curtis
Pam Davis
Hayden Davis
Brenda Parnell
Geo Price
Dwight Hanna

**Richland County Council
Special Called Session Meeting
Tuesday, July 12, 2016
Page Two**

Regular Session: June 21, 2016 – Mr. Pearce moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

Special Called Meeting: June 28, 2016 – Ms. Dixon moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: June 28, 2016 – Ms. Dixon moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Rush stated a “Personnel Matter” needed to be added under the Report of the Chair.

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

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

Ms. McLean stated the following items were potential Executive Session Items:

- a. Department of Revenue Update**
- b. DHEC Appeal: Solid Waste Permit**
- c. Personnel Matter**

EXECUTIVE SESSION

*Council went into Executive Session at approximately 6:08 p.m.
and came out at approximately 6:26 p.m.*

- a. Department of Revenue Update** – No action was taken.

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

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

No report was given.

REPORT OF THE CLERK OF COUNCIL

- a. **Coroner's Office Dedication, July 14th, 4:00 PM, 6300 Shakespeare Road** – Ms. Onley reminded Council of the Coroner's Office Dedication.
- b. **Special Called Meeting: July 26th** – Ms. Onley stated there will be a Special Called "Wrap Up" Council meeting on July 26th. The time is yet to be determined. Once the time has been established an Outlook Calendar invite will be sent to Council.

REPORT OF THE CHAIR

- a. **Personnel Matter** – Mr. Rush stated a meeting has been scheduled for July 26th with Council and the Interim County Administrator. The time and place will be determined and Outlook Calendar invites will be sent out to Council.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate up to \$340,000 of General Fund Balance to be used as initial funding for projects related to the flood recovery. Funds used will be reimbursed as Federal, State or as funding is provided to the County on a reimbursable basis** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Local Business Enterprise Procurement Requirements; Section 2-644, Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation; Subparagraph 5; so as to increase the contract value for sheltered markets** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate up to \$340,000 of General Fund Balance to be used as initial funding for projects related to the flood recovery. Funds used will be reimbursed as Federal, State or as funding is provided to the County on a reimbursable basis [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Local Business Enterprise Procurement Requirements; Section 2-644, Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation; Subparagraph 5; so as to increase the contract value for sheltered markets [SECOND READING]**
- **16-11MA, Angel Lara, RU to GC (.51 Acres), 11214 Broad River Rd., 02600-04-20 [SECOND READING]**

- 16-14MA, Harold Johnson, RM-HD to OI (2.13 Acres), 3800 Elberta St., 06105-01-15 [SECOND READING]
- 16-19MA, Darshy Mehta, OI to GC (4.5 Acres), 1623 Barbara Drive, 17011-02-02 [SECOND READING]
- 16-20MA, Aaron Shealy, RU to GC (1.13 Acres), 1610 Dutch Fork Rd., 02411-02-04 [SECOND READING]
- Recycling Collection Agreements with Richland District One, Richland District Two and District 5 of Lexington and Richland Counties
- Council Motion Regarding Engineering and Construction Assistance from the South Carolina National Guard
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to codify the 2015 Editions of the International Residential Code, the International Building Code, the International Fire Code, the International Plumbing Code, the International Fuel Gas Code, the International Mechanical Code, the International Existing Building Code, the International Swimming Pool and Spa Code, the International Property Maintenance Code and the 2014 National Electrical Code; and to correctly reflect the 2015 International Residential Code and the 2015 International Building Code in other sections of Chapter 6 [FIRST READING]
- Emergency Services: Equipment Purchases for Remounting Ambulances, Stretcher & EKG Upgrades
- Community Development: Approval of FY16-17 Budgets within the FY16-17 Annual Action for Community Development Department Federal Funds

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

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

City of Columbia Request for Easement – Decker Blvd. – Ms. Dixon stated the committee recommended approval of this item.

Mr. Malinowski inquired as to why the letter from the City stated this is a “Second Attempt” and why the County did not respond to the first letter.

Mr. Harley stated the first letter was not received by staff. He received a call from the City regarding the letter and a letter was resent to his attention.

The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Support Services: Guidance for Maintenance of Non-County Owned Property between the Administration Facility and Hampton & Harden Streets – Mr. Malinowski requested clarification of the committee's recommendation.

Mr. Malinowski moved to direct staff to determine the legal basis for who owns the property. The motion died for lack of a second.

Mr. Pearce moved, seconded by Mr. Livingston, to approve the committee's recommendation. The vote was in favor.

Finance Department: Approval of Council Donations – Mr. Pearce moved, seconded by Mr. Livingston, to approve the committee's recommendation. The vote was in favor.

Council Motion Regarding the Development of a Business License Ordinance for Hospice Agencies – Ms. Dickerson moved, seconded by Ms. Dixon, to defer this item until the September 13th Council meeting. The vote in favor was unanimous.

Community Development: Allocation of HOME funds to the Columbia Housing Authority – Mr. Pearce stated the committee recommended approval of this item. The vote in favor was unanimous.

Conservation Department: RCCC purchase of Upper Mill Creek Tract – Mr. Pearce stated originally the Conservation Commission was going to borrow the funds from the General Fund and repay the funding. Administration then made a recommendation to take the funding from the Hospitality Tax Fund and not repay. The third recommendation was to borrow the funds from the Hospitality Tax Fund and repay the funding. Therefore, the committee forwarded the item without a recommendation to be vetted by full Council.

Mr. Pearce moved, seconded by Mr. Jackson, to permit the Conservation Commission to borrow the funds to purchase the Upper Mill Creek Tract from the General Fund and they be allowed to pay the funding back.

Mr. Livingston inquired about the payback plan.

Mr. Epps stated a down payment would be taken from the Conservation Commission's fund balance and the rest will be paid back out of the Conservation Commission budget for the next 15-17 years.

Mr. Malinowski expressed concern with the reasons stated for the purchase of this property (i.e. tourism, economic development, etc.).

Mr. Manning inquired about finance charges and/or cost allocations being a part of the payback plan.

Mr. Driggers stated that was taken into consideration when this item was discussed with the Conservation Commission and Administration staff.

FOR

Rose
Dixon
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

Malinowski

The vote was in favor.

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

RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Accommodations Tax Committee – 3 (One applicant must have a background in the Cultural Industry; other two applicants must have a background in the Lodging Industry)** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- b. **Community Relations Council – 3** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- c. **Hospitality Tax Committee – 3** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- d. **Internal Audit – 1 (Applicant must be a CPA)** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- e. **Business Service Center Appeals Board – 3 (Two applicants must have a background in business; other applicant must be a CPA)** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- f. **Board of Assessment Appeals – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- g. **Planning Commission – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- h. **CMRTA – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Employee Grievance - 1** – Mr. Malinowski stated the committee recommended appointing Ms. Tynika N. Legette. The vote in favor was unanimous.
- b. **Community Relations Council - 2** – Mr. Malinowski stated the committee recommended re-advertising for the vacancies. The vote in favor was unanimous.
- c. **Hospitality Tax Committee - 4** – Mr. Malinowski stated the committee recommended re-appointing Mr. Charles Aiken. The vote in favor was unanimous.

III. ITEMS FOR ACTION FROM RULES AND APPOINTMENTS

- a. **Based on Richland County guideline and grievance procedure move that after all grievance committee hearings are held within the required timeline that the Administrator update and notify Council at the next available Council meeting. This also includes any notices of lawsuits or legal matters. Note: Recently Council was notified of a ruling more than one year later. If there is a timeline for the employee, the chair of the grievance committee and the committee then there must be a timeline to notify Council [JACKSON and MALINOWSKI]** – This item was held in committee to allow Legal to provide draft language to the committee.

OTHER ITEMS

- a. **A Resolution to appoint and commission Caleb C. McBride as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {VECTOR CONTROL}** – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item. 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 6:50 p.m.
and came out at approximately 7:04 p.m.*

- a. **DHEC Appeal: Solid Waste Permit** – No action was taken.

MOTION PERIOD

- a. **Develop an ordinance that addresses the difference between Urban, Suburban and Rural as in certain land development codes one size does not fit all. Note: Building a shed in a field in a rural setting should not necessarily require developing parking ADA compliance, lighting and planting of trees and shrubbery in an existing open field currently and has been used for years for chosen**

**Richland County Council
Special Called Meeting
Tuesday, July 12, 2016
Page Eight**

activities. It creates expensive costs and places a burden on developing or improving rural communities. On a full scale development then all codes should be met but in this case only safety and building codes [JACKSON and DIXON] – This item was referred to the Ordinance Review Ad Hoc Committee.

Motion to rescind the action on the following item from the May 17, 2016 Council meeting:
“Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for special source revenue credits to Haven Campus – Communities – Columbia, LLC, and other related matters” [JACKSON] – Mr. Jackson moved, seconded by Mr. Manning, to move to rescind the previous action of Council at the May 17, 2016 meeting.

POINT OF ORDER – Mr. Pearce requested a ruling by the parliamentarian if the motion could be acted on at the present meeting or if it had to be forwarded to a committee for action.

Ms. McLean ruled the motion could be debated and acted on at the present meeting.

Mr. Rush ruled the motion was properly before Council for action.

Mr. Pearce moved, seconded by Ms. Dickerson, to appeal the Chair’s ruling.

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

The vote was in favor to appeal the Chair’s ruling.

This item was referred to the Economic Development Committee.

ADJOURNMENT

The meeting adjourned at approximately 7:11 PM.

Torrey Rush, Chair

**Richland County Council
Special Called Meeting
Tuesday, July 12, 2016
Page Nine**

Greg Pearce, Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Seth Rose

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