

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

November 17, 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 Kelvin E. Washington, Sr.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Kelvin E. Washington, Sr.

PRESENTATION OF PROCLAMATION

World AID Day Proclamation – Mr. Rose, Mr. Manning and Ms. Dickerson presented a proclamation honoring World AIDS Day.

APPROVAL OF MINUTES

Regular Session: November 3, 2015 – Ms. Dickerson moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Dickerson moved, seconded by Ms. Dixon, to adopt the agenda as published.

Mr. Malinowski moved, seconded by Mr. Washington, to add the following item to the agenda: "Determine if an act that amended Section 27-2-105, Code of Laws of South Carolina, 1976, approved in June 2014, is a violation of Home Rule". The vote in favor was unanimous.

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



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
Monique McDaniels
Kimberly Roberts
Brandon Madden
Roxanne Ancheta
Michelle Onley
Michael King
Ismail Ozbek
Larry Smith
Brad Farrar
Rudy Curtis
Geo Price
Laura Renwick
Will Simon
Liz McDonald
Rob Perry
Chris Gossett
Sparty Hammett
Jeff Ruble

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

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

- a. **Sayad vs. Richland County – Pending Litigation**
- b. **State and Subrecipient Public Assistance Funding Agreement Severe Storm and Flooding (FEMA-4241-DR-SC) – Contractual Matter**

EXECUTIVE SESSION

*Council went into Executive Session at approximately 6:08 p.m.
and came out at approximately 6:30 p.m.*

- a. **Sayad vs. Richland County – Pending Litigation** – Mr. Manning moved, seconded by Ms. Dickerson, to direct Legal to proceed as directed in Executive Session. The vote in favor was unanimous.

CITIZENS' INPUT

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

Ms. Helen Taylor Bradley, Ms. Wendy Brawley, Ms. Sabrina Todd and Ms. Rachel Larratt spoke regarding the recent flood event.

Mr. McDonald stated the concerns/questions addressed by Ms. Todd and Ms. Larratt will be discussed at the upcoming Flood Strategic Planning Meeting.

Mr. Malinowski stated he did not realize the County decided if someone could rebuild, but that FEMA and DHEC regulated this matter.

Mr. McDonald stated the County and FEMA both play a part in the decision regarding rebuilding. The County has codes that regulate construction in the floodplains and floodways. The codes are governed by FEMA regulations.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized that Judge Strickland was in the audience.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Introduction of Employees** – Mr. McDonald introduced Ms. Liz McDonald, County Assessor and Mr. Jeff Ruble, Economic Development Director, to Council.

Mr. McDonald further stated this would be Mr. Hammett's last Regular Session Council meeting.

REPORT OF THE CLERK OF COUNCIL

Flood Strategic Planning Meeting – Ms. McDaniels reminded Council of the Flood Strategic Planning Meeting on Monday, November 23rd, 9:00 a.m. – 4:00 p.m. in the 4th Floor Conference Room.

December Meeting Dates: December 1, 8, and 15 – Ms. McDaniels reminded Council of the December Council meeting dates and requested any motions or items for the December 1st Council meeting be forwarded to the Clerk's Office no later than 10 a.m. on November 25th.

REPORT OF THE CHAIRMAN

Vulcan Materials Presentation – Mr. Elliott Botzis, VP and General Manager of Vulcan Materials – South Carolina Operations, thanked Council for their support and celebrate the public/private sector success between the County Landfill and Vulcan.

Mr. Botzis stated, over the last two years, Vulcan has moved and placed 3 million tons of overburdened material at the County Landfill. It is estimated this saved the County approximately \$6.5 million.

Vulcan Materials presented a \$5,000 check to the Richland County Salvation Army.

SECOND READING ITEMS

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. Jackson, to approve this item.

FOR

Dixon
Jackson
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

Malinowski
Rose
Pearce
Rush

The vote was in favor.

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 s to enlarge the Park (Seibels Service Group, Inc.) – Ms. Dickerson moved, seconded by Mr. Livingston, to approve this item.

Mr. Malinowski inquired about the benefits to Richland County of this agreement.

Mr. Livingston stated in order for Seibels Service Group to be included in the Industrial Park the County has to approve the agreement.

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. **Accept the roads and storm drainage “as-is” in Hunter Run Subdivision (Phase I) into the County inventory for ownership and maintenance** – Ms. Dixon stated the committee recommended that Council approve the request to accept the roads and storm drainage “as is” in Hunters Run Subdivision (Phase 1) into the County’s inventory for ownership and maintenance, contingent upon the Bond on the Hunters Run Subdivision being satisfied,

Mr. Washington inquired about the policy on the length of time the County holds the bond.

Mr. Hammett stated there is no policy at this time. Mr. Malinowski has a motion that will be taken up at the Council Retreat regarding this matter.

Mr. Washington stated it was his understanding Council had previously discussed putting a 5-year bond on the developers.

Mr. Hammett stated to his knowledge there was never a discussion of putting a time limit in place.

Mr. Washington inquired if the owner received approval from the County to make repairs.

Mr. Hammett stated the new owner did receive the County’s approval to make some repairs, although he was not legally required to do so.

Mr. Hammett further stated the roads still need additional repairs, but this is a unique situation. The original owner, which is now deceased, maintained the bond in place and the new owner came in and made repairs even though he did not have to do so.

Mr. Washington stated his concern was the original bond was for \$1 million in 2007 and it has been reduced down to \$100,000.

Mr. Hammett stated that is the way most jurisdiction handle bonds. The bond is taken out in the amount of the original construction cost and then the amount is reduced down. These particular roads were almost completed at the time and therefore, the bond was reduced.

Mr. Jackson inquired what the life of a road is if it is constructed to County's standards.

Mr. Hammett stated the average life would be 10-15 years.

The vote was in favor.

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

REPORT OF THE ADMINISTRATION & FINANCE COMMITTEE

- a. Creation of Three New CASA Caseworker Positions** – Mr. Pearce stated the committee recommended Council refer this item to the FY17 budgetary process.

Mr. Pearce stated additional information has come to light stressing the imperative nature of CASA receiving some assistance. CASA's caseload has increased significantly and Ms. Green has had to pull supervisory personnel and place them in the field. The dilemma was how to fund the needed positions. After speaking with staff, CASA has a grant that will allow them to borrow money and fund 2 of the 3 positions now. During the FY17 budget, the matter will be taken up to provide CASA a more permanent solution. Additionally, the money borrowed from the grant would need to be replaced in the FY17 budget.

Mr. Pearce made a substitute motion, seconded by Ms. Dickerson, to fund 2 of the 3 requested positions utilizing money from the CASA grant.

Mr. Malinowski inquired if other funding sources had been explored.

Mr. Harley stated available resources were discussed with Ms. Green and that is when the grant funds were identified that could be utilized.

Mr. Pearce stated the other option discussed was utilizing unfilled positions, but those positions had been earmarked for another program; therefore, that avenue was unavailable.

Mr. Livingston inquired if the grant required the positions to be picked up.

Mr. Harley stated the grant does not require the positions to be picked up.

Mr. Manning inquired if anyone was addressing the issue of why the caseloads are growing.

Ms. Green stated the surge of children that have entered foster care are a direct result of the change in administration at DSS. On average CASA served 500 children per day and now they are serving approximately 900 children per day.

Mr. Manning inquired if CASA receives any State funding.

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Ms. Green stated the County has an MOU with SCDSS to receive reimbursement from Federal 4E funds.

Mr. Manning inquired what the increase in those funds has been.

Ms. Green stated there is no increase. It is based on a formula based upon the personnel budget (i.e. Personnel Budget – 50% and then 75% of that amount).

Ms. Dixon inquired how the closing of foster homes will affect CASA.

Ms. Green stated CASA has been significantly impacted by the closing of foster homes already. There are Richland County children being housed in Beaufort, Charleston and Rock Hill, which puts a significant amount of stress on personnel that have to visit these children monthly. There are approximately 10-15 children housed outside of the State that receive telephone monitoring instead of monthly visits.

Ms. Dickerson requested Ms. Green research reimbursement from the State.

Mr. Jackson inquired of Mr. McDonald if the Local Government Fund was fully funded would it assist with funding these programs.

Mr. McDonald stated if the County received full funding of the Local Government Fund many of the issues being brought to Council would not be necessary.

Mr. Jackson stated the State has an excess of over a \$1 billion and yet they have not fully funded the Local Government Fund.

Mr. Manning thanked Mr. Jackson for his comments.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

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

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

- a. **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 [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

- b. **Economic Development Set Aside Grant from the Department of Commerce** – Mr. Livingston stated this is a pass through grant from the Department of Commerce on behalf of General Information Services, Inc.

Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

- c. **FY16 State Appropriation Act for Richland County Economic Development** – Mr. Livingston stated the County received \$100,000 pass through grant the State of South Carolina to Midlands Development Corporation. The grant will be utilized to alleviate unfair education and economic barriers in the Lower Richland community and surrounding areas.

Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

Mr. Malinowski inquired where the Midlands Development Corporation located.

Mr. Livingston stated he was not familiar with its physical location.

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

- d. **Palmetto Health JEDA Bond Issuance** – Mr. Livingston stated this item requires a public hearing. Therefore, the recommendation is to defer action until the Council meeting in which the public hearing is held.

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

REPORT OF TRANSPORTATION AD HOC COMMITTEE

- a. **Bluff Road Widening Project, On-Call Engineering Team Service Agreement** – Mr. Livingston stated the committee recommended approval of the agreement with Parrish & Partners, LLC for \$1,376,760.00, which includes a 10% contingency. It also includes a 82% SLBE participation and a 22% DBE participation.

Mr. Malinowski inquired how the Services Not Provided by the consultant are provided.

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Mr. Perry stated those services would be provided by the Program Development Team and/or Richland County staff.

Mr. Malinowski inquired if the "lighting feasibility study" to be conducted by the consultant is different than the "Lighting plans" listed under Services Not Provided.

Mr. Perry stated the consultant is to research the feasibility of lighting, but not come back with a full plan since it has not been decided if that will be a part of the projects.

Mr. Perry stated "Exhibit B" (p. 109 in agenda) depicts where the subsurface utilities may be placed with the intersecting roads that are needed to "chase" the utilities.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning

AGAINST

The vote in favor was unanimous.

- b. Atlas Road Widening Project, Executive Summary and Proposed Typical Section**
- c. Bluff Road Widening Project, Executive Summary and Proposed Typical Section**
- d. Clemson Road Widening Project, Executive Summary Proposed Typical Section – Mr. Livingston stated Items b, c, and d are related in the sense they are all typical sections.**

Mr. Pearce made a substitute motion, seconded by Ms. Dickerson, to approved Items b, c, and d.

Mr. Perry stated "Exhibit C" for Items b, c, and d depict the typical for each section.

Mr. Jackson expressed concern that there were no bike lanes on the Bluff Road Widening Project typical.

Mr. Perry stated based on the comments from the citizens, the City of Columbia and USC at the Bluff Road Widening public information meeting the recommendation was "Exhibit C".

FOR

Dixon
Malinowski
Rose
Pearce
Rush
Livingston
Dickerson
Washington
Manning

AGAINST

Jackson

The vote was in favor.

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

Ms. Helen Taylor Bradley spoke regarding the Lower Richland Sewer petition.

Ms. Rachel Larratt spoke regarding the Lower Richland Operations Center.

OTHER ITEMS

- a. **State and Subrecipient Public Assistance Funding Agreement Sever Storm and Flood (FEMA-4241-DR-SC)** – This item was deferred until after Executive Session.
- b. **Determine if an act that amended Section 27-2-105, Code of Laws of South Carolina, 1976, approved in June 2014, is a violation of Home Rule** – Mr. Malinowski stated in June 2014, the State Legislature passed a law that the SC Geodetic Survey (SCGS) could change county boundaries lines. If there were disputes the SCGS would resolve them. If you were not pleased with the outcome then you could appeal the decision, which would incur court costs for the citizens, agencies and counties.

Section 7 of SC Law states “Where the General Assembly shall have the power to alter county lines at any time provided that before any existing county lines are altered it must first submitted to the qualified electors of the territory proposed to be altered and pass with a 2/3 majority vote.” Therefore, it would appear the law passed in 2014 is in direct conflict with Section 7.

Mr. Malinowski further stated if the Geodetic Survey is allowed to change county lines, every county stands to lose property values. This would directly impact the bonding impact and tax revenues.

Mr. Malinowski moved, seconded by Mr. Washington, to request an AG opinion regarding the above-referenced matter. The vote in favor was unanimous.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:37 p.m.
and came out at approximately 7:46 p.m.*

- a. **State and Subrecipient Public Assistance Funding Agreement Severe Storm and Flooding (FEMA-4241-DR-SC)** – Ms. Dixon moved, seconded by Mr. Malinowski, to enter into the agreement as discussed in Executive Session. The vote in favor was unanimous.

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

MOTION PERIOD

- a. **Motion to increase the daily inmate per diem for applicable jurisdictions at the Alvin S. Glenn Detention Center from \$25/day to \$35/day beginning July 1, 2016, and increasing \$10 each July 1 thereafter until reaching at least 95% of the current average daily cost per inmate. Once the rate has stabilized to reflect at least 95% of the actual daily costs, the per diem will automatically increase annually by the Consumer Price Index (CPI), as do other applicable Richland County taxes and fees.**

The current average daily cost per inmate is \$67.72. The current per diem provides only 37% of the daily cost, while increasing the per diem to \$35 in FY17 would provide 52% of the daily cost.

As a comparison, the County currently pays the City of Columbia a daily animal per diem of \$14 for animals housed at the animal shelter. [MALINOWSKI] – This item was referred to the A&F Committee.

- b. **Amendment of setbacks for telecommunication towers: Section 26-152(22)(c)(1) of the Richland County Land Development Code requires a minimum setback of one (1) foot for each foot of height of the tower when the tower abuts a residentially zoned parcel. Currently, the standards of this section do not take into consideration the fall zone of the tower. In lieu of 1:1 setbacks, I propose that the tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties and street right-of-ways. The standards of Section 26-152(c) shall require a letter from a licensed engineer that includes the engineer's original signature and seal certifying the fall zones are designed so as to prevent the encroachments.** [RUSH] – This item was referred to the Ordinance Review Ad Hoc Committee.
- c. **In an attempt to stop this unethical behavior of certain council members leaking confidential information to the media and other sources I move that Richland County Council develop a policy to address these unethical behaviors. Executive session items, confidential items and FOIA requests must be handled by the proper channels. As for staff, any staff member caught misrepresenting the agency of the Administrator shall be fired immediately. As for council members misbehavior even though we have the Ethics**

Commission, Council should develop some rules. This is becoming a common practice and it damages the integrity of this body. [JACKSON] – This item was deferred to Legal for review.

ADJOURNMENT

The meeting adjourned at approximately 7:49 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