

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

SPECIAL CALLED MEETING

January 12, 2016
4:45 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 4:46 PM

APPROVAL OF MINUTES

Special Called Meeting: December 15, 2015 – Ms. Dickerson moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing – Mr. Pearce moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

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

ELECTION OF THE CHAIR

Mr. Pearce moved, seconded by Mr. Livingston, to nominate Mr. Rush for the position of Council Chair.

Mr. Jackson moved, seconded by Ms. Dixon, to nominate Ms. Dickerson for the position of Council Chair.

Mr. Pearce moved, seconded by Mr. Washington, to close the floor for nominations. The vote in favor was unanimous.

FOR

Malinowski
Rose
Pearce
Rush
Livingston
Washington
Manning
Jeter

AGAINST

Dixon
Jackson
Dickerson



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
Warren Harley
Monique McDaniels
Kimberly Roberts
Michelle Onley
Geo Price
Roxanne Ancheta
Daniel Driggers
Kevin Bronson
Larry Smith
Beverly Harris
Brandon Madden
Chris Gossett
Rob Perry
Quinton Epps
Rudy Curtis
Brad Farrar
Dwight Hanna
Valeria Jackson
Ismail Ozbek

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Mr. Smith gave an overview of the duties of the Council Chair.

The vote was in favor of Mr. Rush for Council Chair.

ELECTION OF VICE CHAIR

Mr. Livingston moved, seconded by Mr. Rush, to nominate Mr. Pearce for the position of Vice Chair.

Ms. Dickerson moved, seconded by Mr. Jackson, to nominate Ms. Dixon for the position of Vice Chair.

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

The vote was in favor of Mr. Pearce for Vice Chair of Council.

SELECTION OF SEATS

Mr. Rush stated the next order of business was the selection of seats.

(The selection of seats was taken up by seniority and continued in alphabetical order.)

The seats were selected from left to right as follows:

1. Rose
2. Malinowski
3. Dixon
4. Jackson
5. Pearce
6. Rush
7. Livingston
8. Dickerson
9. Washington
10. Manning
11. Jeter

OTHER ITEM

Flood Recovery – No update was given. This item will be discussed at the Council Retreat.

Mr. Washington inquired about the status of the well testing.

Mr. McDonald stated staff could provide that information to Council.

Mr. Jeter inquired about whose responsibility it is to repair the private dams.

Mr. Jackson inquired about the National Guard working to assist with repairs to the dams and/or roads.

Mr. McDonald stated the information that has been provided to the County is the National Guard has not been approved to do any of the dam work.

MOTION PERIOD

- a. **Resolution in Support of "Stepping Up" to Reduce the Number of People with Mental Illness in Jails [WASHINGTON]** – Mr. Manning moved, seconded by Mr. Pearce, to adopt the resolution in support of "Stepping Up". The vote in favor was unanimous.
- b. **In light of recent events, it has become abundantly clear that changes need to be made related to the Transportation Penny. This Council has the duty, to the best of its ability, to procure, manage and oversee the Transportation Penny with transparency, fiscal responsibility and without even the appearance of impropriety. As such, I make the following motions:**
 1. **I move that the Significant Purchase Ordinance (Richland County Code Section 2-591) be immediately repealed in its entirety** – This item was referred to the Transportation Ad Hoc Committee.
 2. **I move that the Transportation Advisory Committee ("TPAC"), be renamed the Citizens' Transportation Advisory and Oversight Committee, that it be codified in the Richland County Code of Ordinances, that its Chair be an ex officio member of the Transportation Ad Hoc Committee, and that its purpose and duties be amended as follows:**

Purpose: To foster an objective and transparent oversight of the Transportation Penny program and expenditures, the Committee shall review expenditures to ensure the tax is being expended in accordance with projects list and Transportation Penny ordinance, and shall make recommendations regarding the Transportation Penny to Council.

Duties:

- a. **Advisory Duties:**
 - i. **The Committee shall provide a recommendation on any modification to the projects list not consistent with the generic description of the project(s) (i.e. the addition of new projects not currently on the projects list; etc.) Any modifications to the projects list consistent with the generic description of the project(s) shall not require a recommendation of the TPAC (i.e. minor revisions to a project on the projects list not impacting the overall scope of the project).**

- ii. The Committee shall recommend any reordering of the prioritization (if applicable) of the projects list.
- iii. The Committee shall annually review and make recommendations regarding the Comprehensive County Transportation Improvement Program ("CTIP").
- iv. The Committee shall review all Public Information Displays and Handouts and recommend changes, if applicable.
- v. The Committee Chair shall quarterly make a report/presentation to Council as to any findings and/or recommendations regarding the Transportation Penny.
- vi. Nothing herein shall give the Committee any right to direct staff, approve contracts or project lists, or define the scope of any project; such authority remains within the purview of the Council or professional staff.

b. Oversight and Reporting Duties:

- i. Receive and review monthly expenditure reports provided by the County and/or the PDT to ensure compliance with the Transportation Penny ordinance. The Committee may at any time request copies of all monthly invoices for Transportation Penny expenditures. The Committee further has the authority to refer any potential discrepancies to the Richland County Internal Audit Committee for review and report.
- ii. Receive and review all executed contracts to be paid from Transportation Penny money, and report any problems, issues, or discrepancies to the Richland County Internal Audit Committee, or Council, as applicable.
- iii. Prepare and present to Council an annual audit, or if the County has conducted an independent audit, review such audit and present its findings to Council. – This item was referred to the Transportation Ad Hoc Committee.

3. **Moving forward the SLBE program shall be funded from the Richland County General Fund, not the Transportation Penny tax, and all penny revenue already spent on the SLBE program shall be fully reimbursed to the Penny Transportation program [ROSE]** – This item was referred to the Transportation Ad Hoc Committee.

- c. **Motion that amends the Richland County Code of Ordinances to provide that no person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health and well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.**

Allow that unless the animal suffers great bodily injury, a first conviction for violation of this section is punishable by a fine not exceeding one hundred dollars (\$100) per animal. If the animal suffers great bodily injury, a violation of this section is punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and

imprisonment. Any subsequent violation of this section, regardless of injury to the animal, is also punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment.

To allow a law enforcement officer or an animal control officer to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

A law enforcement officer or animal control officer who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

A law enforcement officer or animal control officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.

A law enforcement officer or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.

This section does not affect in any way existing liabilities or immunities in current law, or create any new immunities or liabilities [MANNING] – This item was referred to the Ordinance Review Ad Hoc Committee.

- d. A resolution honoring The Honorable Chief Justice Jean Hoefler Toal for her dedicated services to the State of South Carolina [JACKSON, MANNING, LIVINGSTON, ROSE and DICKERSON] – Mr. Manning moved, seconded by Mr. Livingston, to adopt a resolution honoring The Honorable Chief Justice Jean Hoefler Toal. The vote in favor was unanimous.

- e. Richland County Council Regular Meeting Schedule for Calendar Year 2016:

County Council Rule 1.5(a) provides that "Regular meetings of County Council shall be held on the first and third Tuesday of each month at 6:00 PM, unless otherwise scheduled by the Chair for good cause, with the consent of the majority of the Council members present."

South Carolina Code of Laws Section 3-4-80, a part of the Freedom of Information Act, provides that "All public bodies...must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings."

Based on the Freedom of Information Act and Council's Rules, I move that County Council hold its regular meetings:

1. On the first and third Tuesday of each month except hereafter follows;

2. **There will be no regular Council meetings in August during Council's recess;**
 3. **Regular meetings scheduled for a day other than a Tuesday may be held and will be considered regular meetings provided they are listed among the dates below;**
 4. **The time of regular meetings of Council shall be 6:00 PM Eastern time; and**
 5. **The location of Council's regular meetings shall be 2020 Hampton Street in Columbia, South Carolina (the County Administration Building), in Council Chambers, unless there is an unexpected manmade or natural occurrence that necessitates moving the meeting to another location within the Administration Building. For example, if we gather in this room and the power malfunctions, or if the heating or air conditioning presents an unreasonable environment, or some common sense reason why we might need to pick up and move to, for example, the 4th Floor large conference room, the spirit and intent of this motion is to allow enough flexibility to not have to cancel, postpone or reschedule a Council meeting if we have to move to another room in the same building for a legitimate reason that is foreseeable but not known at the time of this motion; and**
 6. **Subject to the above, here are the dates of Council's regular meetings for 2016: February 16, 2016; March 1, 2016; March 15, 2016; April 5, 2016; April 19, 2016; May 3, 2016; May 17, 2016; June 7, 2016; June 21, 2016; July 12, 2016; September 13, 2016; September 20, 2016; October 4, 2016; October 18, 2016; November 1, 2016; November 15, 2016; December 6, 2016; and December 13, 2016 [MANNING] – This item was referred to the Rules & Appointments Committee.**
- f. **Motion to reconsider the role of the Transportation Penny Advisory Committee (TPAC), the Penny Tax Citizen Watchdog group [JACKSON] – This item was referred to the Transportation Ad Hoc Committee.**

EXECUTIVE SESSION

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

a. **Legal Briefing Update**

*Council went into Executive Session at approximately 5:28 p.m.
and came out at approximately 5:46 p.m.*

a. **Legal Briefing Update** – No action was taken.

ADJOURNMENT

The meeting adjourned at approximately 5:48 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