



## Richland County Council

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### Rules and Appointments November 03, 2015 - 4:00 PM Administration Conference Room

Julie-Ann Dixon	Bill Malinowski (Chair)	Jim Manning
District 9	District 1	District 8

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#### Call to Order

- 1 The Honorable Bill Malinowski

#### Approval of Minutes

- 2 October 20, 2015 [PAGES 4-6]

#### Adoption of Agenda

- 3

#### Interviews

- 4 Board of Zoning Appeals - 1 [PAGES 7-8]
  - a. Patrick E. Pinckney
- 5 East Richland Public Service Commission (Applicant must be a resident of Arcadia Lakes) - 1 [PAGES 9-10]
  - a. Catherine Schemel Cook
- 6 Building Codes Board of Appeals - 3 [PAGES 11-16]
  - a. Michael Lowman



## Richland County Council

- b. Greg Mackie
- c. Jesse S. Burke

### Notification of Vacancies

- 7
  - a. Airport Commission – 3
  - b. Lexington Richland Alcohol and Drug Abuse Council (LRADAC) – 2
  - c. Accommodations Tax Committee – 2 ( 1 at-large position and 1 position with a background in the Cultural Industry)
  - d. Richland Memorial Hospital Board – 2
  - e. Transportation Penny Advisory Committee - 1 (Unexpired Term) [PAGE 17]

### Items for Action

- 8 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] [PAGES 18-19]
- 9 Terms of Service - Eligibility Requirements after Two Consecutive Terms [PAGE 20]

### Adjournment



## Richland County Council



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

# RICHLAND COUNTY COUNCIL SOUTH CAROLINA



## RULES AND APPOINTMENTS COMMITTEE

October 20, 2015  
4:00 PM  
4<sup>th</sup> Floor Conference Room

*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. Malinowski called the meeting to order at approximately 4:02 PM

### APPROVAL OF MINUTES

**October 12, 2015** – Mr. Manning moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF THE AGENDA

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

### INTERVIEWS

**Board of Zoning Appeals – 1** – Mr. Shane Ousey was interviewed.

Mr. Patrick E. Pinckney's interview will be rescheduled for the next Rules and Appointments Committee meeting.

Ms. Onley informed the committee that Mr. Aaron Dupree withdrew his application.

Ms. Dixon moved, seconded by Mr. Malinowski, to hold in committee until all applicants have been interviewed. The vote in favor was unanimous.

### NOTIFICATION OF VACANCIES

- a. **Music Festival Commission – 1** – Ms. Dixon moved, seconded by Mr. Manning, to forward this item to the Ordinance Review Committee. The vote in favor was unanimous.
- b. **Accommodations Tax Committee – 1 (Applicant must have a background in the Cultural Industry)** – Mr. Manning moved, seconded by Ms. Dixon, to re-advertise for the vacancy. The vote in favor was unanimous.

#### Committee Members Present

Bill Malinowski, Chair  
Julie-Ann Dixon  
Jim Manning

#### Others Present:

Monique McDaniels  
Kimberly Roberts  
Michelle Onley  
Brad Farrar

Ms. McDaniels stated that Mr. David Edmonds has requested to provide additional background information that will verify his qualifications for the Accommodations Tax vacancy.

Mr. Malinowski inquired as to what qualifies as having a background in a particular industry (i.e. past or present).

Mr. Farrar stated his recommendation is to aspire to have someone with those qualifications, but allow some flexibility unless the requirements are outlined in State law.

Mr. Malinowski requested the Clerk's Office to research if the requirements are contained in State law or only in a County ordinance, which could be amended.

Mr. Manning moved, seconded by Ms. Dixon, to reconsider this item and to hold this item in committee to research the requirements for the Accommodations Tax Committee. The vote in favor was unanimous.

### ITEMS FOR ACTION

- a. **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 member 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]** – Mr. Manning moved, seconded by Ms. Dixon, to defer this item to obtain information from legal. The vote in favor was unanimous.
- b. **Modify the Rules of Council to allow Council to respond to citizens during the Citizens' Input portion of Council meetings [PEARCE]** – The committee re-affirmed their recommendation from the September 15<sup>th</sup> Rules and Appointments Committee meeting, which was as follows: (1) The Clerk's Office will have available for the public the Council's contact information, as listed on the County's website; and (2) to allow the Chair to advise citizens to speak with staff.
- c. **Employee Grievance Committee** – Mr. Farrar stated the way the Employee Grievance Committee was set up was as a "peer review" committee. There were no lawyers for either side. The policy is to encourage the matter to be resolved in on an informal level. If the County is represented by an attorney, then the other side should also have the opportunity to be represented by an attorney. If there are attorneys on both sides the County would basically be encouraging disgruntled employees to talk to lawyers.

Mr. Malinowski stated the Rules and Appointments Committee was concerned there was no oversight by Richland County Government of the Employee Grievance Committee.

Mr. Manning inquired how the other 45 counties handle their Employee Grievance Committees.

Mr. Farrar is not aware how the committee is handled by the other counties.

Mr. Farrar stated the committee was set up as an independent entity without a lot of oversight and influence. The procedure is once the Employee Grievance Committee has made a decision, then their decision goes through an appeal process by Administration and ultimately County Council.

Mr. Manning moved, seconded by Ms. Dixon, to table this item and maintain the current policy outlined in the Employee Handbook. The vote in favor was unanimous.

### **ADJOURNMENT**

The meeting adjourned at approximately 4:51 PM.

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Patrick E. Pinckney
Home Address: 1402 Brennen Rd., Columbia, SC 29206
Telephone: (home) (803) 960-2287 (work) (803) 754-8667
Office Address: 420 McNulty Ave., Blythewood, SC
Email Address: pat.pinckney@yahoo.com
Educational Background: Denmark Tech - 2 yr. degree
Professional Background: Barber

Male [checked] Female [ ] Age: 18-25 [ ] 26-50 [checked] Over 50 [ ]

Name of Committee in which interested: Board of Zoning Appeals, Service Center Appeals
Reason for interest: To become more involved in my community and to begin my political interests
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

interact well with people, good listener, honest, hard worker, dedicated, work to find solutions

Presently serve on any County Committee, Board or Commission? no

Any other information you wish to give? have been a business owner
Recommended by Council Member(s): Mary Lynn Kinley - Fairfield County Council
Hours willing to commit each month: as many as possible within work schedule

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

Yes  No

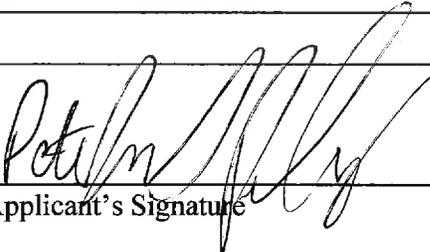
**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes  No

If so, describe: \_\_\_\_\_

\_\_\_\_\_

  
Applicant's Signature

7/8/15  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each Committee, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file

2



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Catherine Schemel Cook
Home Address: 6806 Pine Tree Circle 29206 Arcadia Lakes
Telephone: (home) 782-6806 cell (work) 331-6104
Office Address: retired
Email Address: cathyscook@aol.com
Educational Background: BA Education - University of Maryland
Professional Background: marketing, Xerox, So. Bell, teacher Eastminster Pres Heathwood Hall
Male [ ] Female [x] Age: 18-25 [ ] 26-50 [ ] Over 50 [x]
Name of Committee in which interested: East Richland County Public Service Commission
Reason for interest: I welcome the opportunity to serve this community re. environmental concerns; maintaining excellent service at a reasonable cost.
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:
I was a member of this commission 2002-2012, and past chair 2011-2012
Presently serve on any County Committee, Board or Commission? no
Any other information you wish to give? I am a member of the Gills Creek Watershed Association
Recommended by Council Member(s): Joyce Dickerson, Greg Pearce
Hours willing to commit each month: as needed

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*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

Yes \_\_\_\_\_ No  \_\_\_\_\_

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes \_\_\_\_\_ No  \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Catherine S. Cook  
Applicant's Signature

Sept. 24, 2015  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

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**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Michael Lowman

Home Address: 5 Overcup Ct, Irmo, SC 29063

Telephone: (home) 803-600-6254 (work) 803-227-8414

Office Address: 441 Western Lane, Irmo, SC 29063

Email Address: mikelowman760@gmail.com

Educational Background: BS in Business @ University of South Carolina

Professional Background: Licensed Home Builder & Real Estate Agent

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: Building Board of Adjustment & Appeals

Reason for interest: Have severed on Board and wish to continue serving

Your characteristics/qualifications, which would be an asset to Committee, Board or  
Commission:

Have served and Chaired the Board

Presently serve on any County Committee, Board or Commission? Yes

Any other information you wish to give? \_\_\_\_\_

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: As Required

**CONFLICT OF INTEREST POLICY**

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Yes \_\_\_\_\_ No X \_\_\_\_\_

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes X \_\_\_\_\_ No \_\_\_\_\_

If so, describe: I am an employee of Mungo Homes.

\_\_\_\_\_  
\_\_\_\_\_

  
Applicant's Signature

10/15/15  
Date

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**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Greg Mackie

Home Address: 61 Olde Springs Rd

Telephone: (home) 600-6808 (work) 736-9300

Office Address: 8551 Old Percival Rd

Email Address: greg@Aeroplumbing.com

Educational Background: High School Graduate

Professional Background: Master Plumber Master Gas Fitter

Male

Female

Age: 18-25

26-50

Over 50

Name of Committee in which interested: Building Codes Board of Appeals

Reason for interest: Wish To Continue To Serve

Your characteristics/qualifications, which would be an asset to Committee, Board or

Commission:

Strong understanding of code & how it  
applies as well as interpretation.

Presently serve on any County Committee, Board or Commission? Yes - This Board

Any other information you wish to give? \_\_\_\_\_

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: what ever is necessary

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Yes \_\_\_\_\_ No \_\_\_\_\_

#### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, describe: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Meg A Machie  
 Applicant's Signature

9-21-15  
 Date

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**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Jesse S. Burke, PE

Home Address: 216 South Maple Street, Columbia, SC 29205

Telephone: (home) 803-779-5544 (work) 803-733-9595

Office Address: 3112 Devine Street, Columbia, SC 29205

Email Address: jesse@BurkeEngr.com

Educational Background: 1988 - BS in Civil Engr; 1989 - Masters of Engineering

Professional Background: Over 25 years experience in design of buildings & other structures

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: Building Board of Adjustment and Appeal

Reason for interest: My knowledge of the Building Codes and building construction.

Your characteristics/qualifications, which would be an asset to Committee, Board or  
Commission:

Over 35 years experience in construction and design. Extensive knowledge of the  
building codes (commercial & residential). Licensed Professional Engineer in 3 states.

Presently serve on any County Committee, Board or Commission? South Carolina Building Code Council's  
Code Study Committee - currently serving  
my third 3-year term.

Any other information you wish to give? State Chapter President of the Structural Engineer's Association of SC

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: Whatever is necessary. I realize it will vary month to month.

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*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

Yes \_\_\_\_\_ No X \_\_\_\_\_

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes \_\_\_\_\_ No X \_\_\_\_\_

If so, describe: \_\_\_\_\_

\_\_\_\_\_

  
Applicant's Signature

18 September 2015  
Date

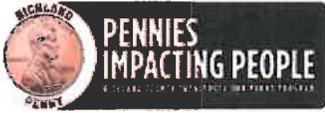
**Return to:**  
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Status of Application:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied <input type="checkbox"/> On file

2



P.O. Box 192  
Columbia, SC 29202  
Email: [PerryR@rcgov.us](mailto:PerryR@rcgov.us)  
Office Phone: (803) 576-1526  
[www.RichlandPenny.com](http://www.RichlandPenny.com)

**From:** Hayes Mizell [<mailto:hmizell@gmail.com>]  
**Sent:** Wednesday, September 23, 2015 3:46 PM  
**To:** Bill Wiseman; Bobby Williams; Carol Kososki; Derrick Huggins; Dorothy Sumter; Elise Bidwell; J.T. McLawhorn; Jennifer Bishop; Jim Faber; Natalie Cappuccio Britt; Todd Avant; Trevor Bowers; Virginia Sanders; Rob Perry; Chris Gossett  
**Subject:** Fwd: TPAC Reminder: Next Monday Meeting

----- Forwarded message -----  
From: **Bidwell, Elise T** <[Elise.Bidwell@edwardjones.com](mailto:Elise.Bidwell@edwardjones.com)>  
Date: Wed, Sep 23, 2015 at 3:33 PM  
Subject: RE: TPAC Reminder: Next Monday Meeting  
To: Hayes Mizell <[hmizell@gmail.com](mailto:hmizell@gmail.com)>

Hayes,

It is with great regret that I must step down from my responsibilities on TPAC. I have been given a new leadership role with Edward Jones that requires more of my personal time. Therefore, I must reorganize my responsibilities with the goal of giving my family and career priority. I thank Richland County Council for the opportunity and have enjoyed my 2 year tenure on the committee. Thank you so much, Hayes.

Yours with Personal Service,

*Elise Bidwell*

*"To create something exceptional, your mind set must be relentlessly focused on the **SMALLEST DETAIL.**"*

*- Giorgio Armani*

*Elise Bidwell, CFP®*

*Financial Advisor, Edward Jones*

*1020 Wildewood Centre Drive, Suite B*

## Council Liaison Motion

All Richland County Council members **appointed by the Council Chair** shall be considered as liaisons (hereafter, "~~Council liaisons~~") to any board, commission, committee, agency, entity or public body (hereafter, "public bodies") 1) created by an ordinance of Richland County, or 2) funded by Richland County, or 3) whose members are appointed by the governing body of Richland County. ~~Council liaisons~~ shall be permitted to attend all meetings of such public bodies, including any executive sessions held by such public bodies.

**Ordinance providing for the appointment of Ex Officio members to the public 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 Robert’s 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]

**SCAC Response:**

July 14, 2015

County Council is authorized by the state code to enact rules of procedure. There are no statutes in the state code that I can find that prohibit the council from enacting specific rules for the appointment of members ex officio to county boards/commissions.

While I found nothing in the code to prohibit the council rule you discussed, I would address this issue with your county attorney.

John K. DeLoache  
Staff Attorney  
SC Association of Counties  
PO Box 8207  
Columbia, SC 29202  
(803) 252-7255 toll free in SC 1-800-922-6081  
Fax (803) 252-0379

**Sec. 2-327. Terms of service.**

(a) The members of such boards, commissions and committees shall not serve more than two (2) consecutive terms; provided, however, that upon service of two (2) consecutive terms a member may be eligible for reappointment after one day of non- service. Provided, however, that an individual serving in an executive position on a county board, commission, or committee shall be allowed to complete the term for that position when the individual's term on the board, commission expires prior to the expiration of the executive appointment. Further provided, regional boards, commissions and committees are exempt from the two (2) consecutive term limits requirement whenever the other jurisdiction(s) appointing said members do not limit the number of terms held by their appointee(s).

(b) Notwithstanding any other provision of this Article, any member serving on a board, commission or committee may continue to serve until such time as an advertisement has appeared in the local newspaper and a successor has been duly appointed; provided, however, the term of an elected member (who is serving on a board, commission or committee) ends when such member is no longer serving in the capacity of an elected member.

(Ord. No. 015-11HR, § I, 3-1-11)