

RICHLAND COUNTY
DEVELOPMENT & SERVICES
COMMITTEE AGENDA



Tuesday, JULY 23, 2019

5:00 PM

COUNCIL CHAMBERS

The Honorable Gwen Kennedy, Chair

County Council District 7

The Honorable Allison Terracio

County Council District 5

The Honorable Jim Manning

County Council District 8

The Honorable Chip Jackson

County Council District 9

The Honorable Chakisse Newton

County Council District 11

RICHLAND COUNTY COUNCIL 2019



Bill Malinowski
District 1
2018-2022



Joyce Dickerson
District 2
2016-2020



Yvonne McBride
District 3
2016-2020



Paul Livingston
District 4
2018-2022



Allison Terracio
District 5
2018-2022



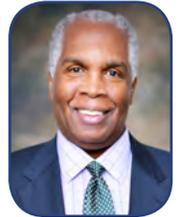
Joe Walker, III
District 6
2018-2022



Gwendolyn Kennedy
District 7
2016-2020



Jim Manning
District 8
2016-2020



Calvin "Chip" Jackson
District 9
2016-2020



Dalhi Myers
District 10
2016-2020



Chakisse Newton
District 11
2018-2022





Richland County Development & Services Committee

July 23, 2019 - 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Gwen Kennedy
 - a. Roll Call
2. **APPROVAL OF MINUTES** The Honorable Gwen Kennedy
 - a. June 25, 2019 [PAGES 7-13]
3. **ADOPTION OF AGENDA** The Honorable Gwen Kennedy
4. **ITEMS FOR ACTION** The Honorable Gwen Kennedy
 - a. I move, to further address blight and nuisances in Richland County, that we instruct the County’s lobbyists and legislative affairs personnel, in conjunction with the South Carolina Association of Counties, to request two changes to State law as follows: First, to allow counties to regulate hotels, restaurants, cafes and lunch counters to provide for public health, comfort and convenience, in the same manner as State law already allows municipalities to so regulate, pursuant to Title 45, Chapter 3 of the South Carolina Code of Laws, and; Second, to allow counties to “provide by ordinance that the owner of any lot or property” in the county shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly material or conditions which constitute a public nuisance, and to give counties the same authority municipalities already have in this area pursuant South Carolina Code of Laws Section 5-7-80 as amended, which has been a right of municipalities since at least the 1962 Code of Laws Supporting Information: County Council has recently passed a Public Nuisance ordinance and a “Health Massage, Body Work Therapists and Massage Establishment” to address the negative

secondary effects associated with businesses that fail to comply with County ordinances and that put the public in danger based on illegal and nuisance activities. This a significant step to address the issue of blight in our community, which is a tangible success in one of the core objectives of the Richland Renaissance initiative. [MANNING] [PAGES 14-15]

- b. I move that Richland County provide the approval to transfer the ownership interest related to the garbage collection from Capital Waste Services LLC (Currently operating in Areas 5a and 3) owned by Hawk Capital Partners selling its equity to the newly formed entity controlled by Kinderhook Industries. (Please understand the motion is conceptual by the maker, not technical legal terms as to structure.) [MANNING] [PAGES 16-28]

5. ADJOURNMENT



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

DEVELOPMENT AND SERVICES COMMITTEE

June 25, 2019 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Allison Terracio, Jim Manning, Calvin Jackson and Chakisse Newton

OTHER COUNCIL MEMBERS PRESENT: Bill Malinowski, Joyce Dickerson and Paul Livingston

OTHERS PRESENT: Michelle Onley, Larry Smith, Stacey Hamm, Clayton Voignier, John Thompson, Ismail Ozbek, Sandra Yudice, Ashiya Myers, Ashley Powell, Angela Weathersby, Stephen Staley, Jennifer Wladischkin, Dale Welch and Beverly Harris

1. **CALL TO ORDER** – Mr. Manning called the meeting to order at approximately 5:01 PM.

With unanimous consent of the committee, Ms. Terracio chaired the meeting.

2. **APPROVAL OF MINUTES**

- a. May 23, 2019 – Mr. Jackson moved, seconded by Ms. Newton, to approve the minutes as distributed

In Favor: Terracio, Jackson, Newton and Manning

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Newton moved, seconded by Mr. Manning, to adopt the agenda as published.

In Favor: Terracio, Jackson, Newton and Manning

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. Determine if there is any state/federal law that prohibits a county from creating an ordinance that will address the use of plastic bags by commercial entities. If not, create an ordinance that would prohibit the use of plastic bags for use in putting product purchases, with certain exceptions if deemed necessary. Example: many products already come prepackaged in plastic and could not come under these restrictions [MALINOWSKI and N. JACKSON] – Mr. Manning moved, seconded by Mr. Jackson, to forward to Council with a recommendation to approve the draft ordinance.

Mr. Jackson stated he thinks it is a great idea. He was recently in Charleston, and they have instituted it at all their stores. He stated that our language appears to be written relatively negatively, in terms of issuing a prohibition, as opposed to requiring non-plastic bags be used. He thinks, when we move it along, we may want to consider the language being more positive. The intent is to do it in a way that everyone buys into and recognizes how it will improve the environment. He suggested looking at the Charleston ordinance, and using it as a template for consideration.

Mr. Smith stated, as he recalls, they were directed to use this one as a guide, and Council would make changes as it went along. If it is the will of the committee to use another template, from another jurisdiction, they can certainly do so.

Ms. Newton stated she believes there is a lot of merit to the plastic bag ban, but she wants to make sure we have a comprehensive communications plan as part of it. She knows staff has done some research into how other communities have done it. For example, holding input sessions as the ordinance goes through the process. She is interested in hearing, from her colleagues, on how we might do that, within the 3 Readings and Public Hearing process, to make sure we are hearing from a citizen and business constituents.

Mr. Manning stated, because PIO does not report to Council, Council cannot direct them to conduct a public information campaign, but he does support promoting and engaging the citizens during the ordinance process. He also agrees with Mr. Jackson that we make the ordinance more positive, but not putting the proposed ordinance “on the shelf” and start over.

Mr. Smith requested, if there were any specific parts of the ordinance the committee felt needs to be reworded, that would help him to identify what changes need to be made.

Mr. Jackson stated he would offer his comments, at a later time.

Ms. Newton stated she reached out to the PIO Office and inquired, in the event that we did this type of activity, if it was something they felt would fall under their purview, and the answer she received was that it would. PIO was kind enough to put together some initial thoughts, which is happy to share. She wanted to make sure there was agreement among us that it was something had merit, and there may other things that we want to do as body (i.e. hosting meetings in our districts). She wants to make sure we have the opportunity to get that feedback.

Dr. Thompson stated, if you will direct Administration, they will be able work with PIO.

Ms. Terracio stated, as she read this, she could not help but think, as Richland County, we could hold ourselves to the same standard. She knows we use some plastics, and maybe we could make more of effort to “green up” our purchasing power.

Ms. Newton moved, seconded by Mr. Jackson, to amend the motion to direct staff to craft a communications plan related to the implementation of the ordinance.

In Favor: Terracio, Jackson and Newton

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Opposed: Manning

The vote was in favor.

- b. I move that Richland County Council secure the services of a public relations firm to, among other things, assist Council as a whole and its individual members in informing the media and general public of the body's collective work and activities and community engagements of individual members. A public relations contractor will complement the work of the Clerk's Office, as well as the Public Information Office, which promotes activities of the entire County organization; while a public relations firm will focus solely on Council and its members. The assistance of a contractor will ensure Council abides by state law in its interactions with staff, as the nature of public relations assistance can involve individual requests or directives to staff, which falls outside the authority of individual members [DICKERSON] – Ms. Newton moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve securing the services of a public relations firm.

Ms. Newton stated the RFP, in the packet, is an old RFP that was written as a draft, and is only here for informational purposes. It is not here to put forward, specifically, as a RFP for now.

Ms. Dickerson stated she appreciated Ms. Newton working on this and bringing it to this point.

Mr. Jackson stated he supports the idea, concept and intent, but he wants to reiterate that we have a vacancy in the Clerk's Office that the job description could be reshaped in order to conform to what Ms. Dickerson has suggested.

Ms. Newton stated one of the things she looked into, and found out, is that we have a current relationship with a PR vendor that we could try out. From her perspective, as a person who has managed marketing teams, she would feel most comfortable, if it was a position managed by marketers, as opposed to being managed by the Clerk's Office. She thinks we would get a better product. The thing about the current agreement we have with the vendor is it lets us define the scope of work we want, try it out and decide would we want to continue doing it with someone outside of the County, or bring it in-house with a better idea of how to structure the position.

Dr. Thompson inquired if we have identified the source of funding.

Ms. Newton stated this is the first time the committee is discussing it. The Clerk of Council mentioned that we had a relationship, so she went to Procurement to find out if it was a relationship that Council could avail itself of. She was told that it was. There has been no source of funding identified. This RFP is just for information, and not a recommendation that we proceed with this, as is.

Mr. Manning inquired who the vendor is, and the relationship we have with them.

Ms. Wladischkin stated the vendor is Flock and Rally. They were awarded the RFP from the Economic Development project last year.

Ms. Newton requested Ms. Wladischkin to address how the scope of work would allow it to be used for this purpose.

Ms. Wladischkin stated, while the scope of work was specific to Economic Development, the contract that was put in place was a "prime agreement", so it did not describe the specific functions. It says, "Richland County may engage the services of this contractor. We may..." The

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scope of work would have been defined by the Economic Development RFP; however, the contract allows us to do other work with the vendor, if we so choose.

Ms. Dickerson stated she and Ms. Newton discussed using this on a trial basis, so we know how to continue the program, if it works.

In Favor: Terracio, Newton and Manning

Opposed: Jackson

The vote was in favor.

- c. This is a request that the Utilities Department adheres to the policy established by Council as indicated below on May 15, 2007 and in an effort to achieve this Council policy, the following language is to be added: **The feasible reach in Section 24-48 for the Broad River Basin shall be limited to current boundaries/extremities of the sewer system and should limit the developments as infills/pockets within the service area currently enclosed by existing sewer lines terminals/end points.

**SECTION 24-48 – Refers to construction of facilities within the reach of a planned portion of a public sewer interceptor and provides in part.... “The developer shall, when the development involves construction of new sewer facilities within the feasible reach of a planned portion of public sewer interceptor participate in the cost of extending the public interceptor to serve his development and shall connect to such system. This developer shall participate in the cost of such extension in an amount not less than the cost of the line size necessary to serve his development [MALINOWSKI]

Mr. Manning inquired if the motion would be that the Utilities Department do what they were told to do in May 2007.

Mr. Manning moved, seconded by Mr. Jackson, to forward to Council with a recommendation to direct the Utilities Department to adhere to the policy established by Council in May 2007, and that all departments do everything that Council has told them to do in the last decade.

He stated he voted against the “Plastic Bag Ordinance” item because he thinks the PIO Office should do that work. And, now that we have made a motion for them to do it for that, it says to him, that we have green lighted them to not do any public relations on anything unless Council includes that in a motion. It is odd that he is making a motion, for just one thing, suggesting that staff do what Council told them to do. If we start picking out individual things, and he worked here, he would say, “Well they did not make a motion to tell me to do what I’m not doing, so until they make a motion like they did on this one, then I’m good to just cruise.”

Mr. Jackson inquired if Mr. Malinowski’s motion was in response to something that was not getting done being done.

Mr. Malinowski stated he was told by Mr. Khan the language in the motion passed in May 2007 did not conform, or the definitions were different as Council saw them, and what the professionals saw them. Nobody told Council, at the time, so the motion was passed. Nothing was said, until in conversation with Mr. Khan regarding a sewer extension, it came up. According to Mr. Khan, the definition passed was not what those in the professional field would called it; therefore, Council would need to go back and make sure Council’s intent is being covered, and to add the additional language to tighten up the ordinance.

Mr. Manning withdrew his motion.

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Mr. Manning moved, seconded by Mr. Jackson, to forward to Council with a recommendation to adopt the proposed language, so as to line up with the professional language, and the intent of Council in 2007.

Ms. Newton stated, for clarification, the proposed language came from Mr. Khan, and aligns with professional understanding.

Mr. Malinowski responded in the affirmative.

In Favor: Terracio, Jackson, Newton and Manning

The vote in favor was unanimous.

- d. Department of Public Works: Olympia Alleyway Quit Claim Deed – Mr. Manning moved, seconded by Ms. Newton, to forward to Council with a recommendation to approve the request to quit claim the alleyway located between 402 and 406 Florida Street in the Olympia neighborhood.

Mr. Malinowski inquired if we need EMS, the Sheriff and the Fire Chief to sign off on this before we take action.

Mr. Smith stated it is not a road closure. We are transferring, by quit claim deed, any interest we have in this alleyway.

In Favor: Terracio, Jackson, Newton and Manning

The vote in favor was unanimous.

- e. Department of Public Works: Pavement Preservation Program – Ms. Newton moved, seconded by Mr. Jackson, to forward to Council with a recommendation to direct the Department of Public Works (DPW) staff to develop and implement a Pavement Preservation Program for the County Road Maintenance System with an annual cost not-to-exceed \$500,000 in year one (FY-20) and \$500,000 in year two (FY-21). These funds will be provided from the Road Maintenance Fund Balance in addition to funds already appropriated as part of the Biennium Budget Process.

Mr. Jackson stated, after hearing in the Transportation Ad Hoc Committee meeting the tremendous costs, and the number of dirt roads that will never get paved, based upon the limited funding appropriated, his question is whether or not we are creating the same problem for the Public Works Department, or have we factored in the funding beyond the 2nd year. He imagines as years go on, the roads will get worse, not better. And, more will need resurfacing, not fewer.

Mr. Ozbek stated what is before the committee is to help the situation. As previously stated, there is not enough money in the Penny Program to pave all the roads. This is a pavement rejuvenation/preservation/extending the life program. Mr. Malinowski and Mr. N. Jackson jointly requested staff to do research. The County Engineer did research and training, and found out that was an outstanding recommendation. After discussions with the Budget Director, they would move the funding to FY21; however, they are requesting the go ahead to do the research. This is not just a sealant or one method. It is a huge program, which the County Engineer estimated is going to need about \$500,000/year for the first 2 years. For each dollar you spend, you are going to get about \$5 - \$6 back on extended life of the pavement. If Council approves Public Works continuing with the program, they will come back with more focused numbers, and exactly what will be needed. Then, they will ask for a budget transfer or the roads and drainage fund balance.

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Mr. Jackson inquired about how many roads are under consideration.

Mr. Ozbek stated the Transportation Department is in the process of providing that information. In 10 – 15 years, all these newly paved roads are going to need maintenance. This is a continuous maintenance program, which is going to have an annual cost. However, it is going to extend the useful life of the Penny.

Mr. Jackson stated, he is assuming, there is going to be an objective process for this, so that someone is deciding which roads are in the most urgent need. As he heard earlier today, it sounded to him like that is a role the Council is to make, and not staff, so he wants to make sure what we do over in the Penny Program, we are consistent over here. He inquired as to what the fund balance is for road maintenance.

Mr. Ozbek stated it is approximately \$12 million. In response to Mr. Jackson, he stated there is a graph, in the agenda, that addresses every year of the pavement.

Mr. Livingston stated, for clarification, the funds are to come from the road maintenance fund balance.

Mr. Ozbek responded, that is what they have requested.

Dr. Thompson inquired, if Council would like for staff to bring them the list of roads, and the framework and methodology that went into ranking these roads.

Dr. Yudice stated, if Council desires to include this \$500,000 in FY20 budget, it will require a budget amendment. If Council only wants it for FY21, it will require a motion during the 3rd Reading of the budget on July 18th.

Mr. Manning stated he had the opportunity to attend the Congress for New Urbanism, and one of the things they talked about was “Grayfields” and this is called “Pavement Preservation Program.” Pavement is not impervious, and we are trying to figure out in places like Columbia Mall how to have less pavement. He inquired if the “Pavement Preservation Program” is wording that we came up with, or is it technical jargon.

Mr. Ozbek stated it is a technical jargon. We are not trying to preserve the amount, size and width of the pavement. It should have said to “extend the life”.

Mr. Jackson stated this is an issue of sustainability. He understands fund balances being used, setting it up and getting it going, but as the number of roads grow, the cost to sustain this effort is going to grow. The last thing he wants to see happen, is us come up with a great idea, implement it, and it does a great job on 15 of the 150 roads that need it. Then, we have to explain why we no longer have the money to do the remaining 135 roads.

Mr. Ozbek stated this will be a part of their regular maintenance program, and will be in their regular annual budget.

Ms. Newton stated, looking at the motion we are currently discussing, if we wanted to include this in FY20, would we need to amend the motion to add the budget amendment, or is that a separate budget amendment process that would happen at a different time.

Dr. Yudice stated it needs to be separate because it requires 3 Readings and a Public Hearing.

Mr. Manning thinks the committee can add the budget amendment to the motion, as a recommendation from the committee, and Council could then give it First Reading at the next Council meeting.

Ms. Newton requested to amend the motion to do a budget amendment for the FY20 budget to allocate \$500,000 from the Road Maintenance Fund Balance. Mr. Manning seconded the motion, and also requested that Ms. Terracio, as Acting Chair of the Committee tonight, submit a motion to allocate \$500,000 from the Road Maintenance Fund Balance, and have it included on the FY21 Budget Motion's List for 3rd Reading.

In Favor: Terracio, Jackson, Newton and Manning

The vote in favor was unanimous.

- f. Petition to Close a Portion of Olin Sites Rd. – Mr. Manning moved, seconded by Ms. Newton, to forward to Council with a recommendation to approve petitioner's request to close the subject road and direct Legal to answer the lawsuit accordingly.

In Favor: Terracio, Jackson, Newton and Manning

The vote in favor was unanimous.

6. **ADJOURNMENT** – The meeting adjourned at approximately 5:44 PM.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

To: Committee Chair Gwendolyn Kennedy and Members of the Committee
Prepared by: Art Braswell, General Manager, Division of Solid Waste and Recycling
Department: Department of Public Works
Date Prepared: July 03, 2019 **Meeting Date:** July 23, 2019

Legal Review	Elizabeth McLean via email	Date:	July 15, 2019
Budget Review	James Hayes via email	Date:	July 15, 2019
Finance Review	Stacey Hamm via email	Date:	July 07, 2019
Other Review:	Jennifer Wladischkin, Manager, Procurement, via email	Date:	July 09, 2019
Approved for Council consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM	

Committee Development and Services
Subject: Assignment of Waste Collections Areas 3 and 5A

Recommended Action:

Staff recommends approval of the assignment of the solid waste collections contracts for Areas 3 and 5A to Kinderhook Industries.

Motion Requested:

Move to approve assignment of the Solid Waste Collection Areas 3 and 5A service contracts with Richland County from Capital Waste Services to Kinderhook Industries

Request for Council Reconsideration: Yes

Fiscal Impact:

There will be no fiscal impact to Richland County created by assignment of the solid waste collections contracts to Kinderhook Industries.

Motion of Origin:

“I move that Richland County provide the approval to transfer the ownership interest related to the garbage collection from Capital Waste Services LLC (Currently operating in Areas 5a and 3) owned by Hawk Capital Partners selling its equity to the newly formed entity controlled by Kinderhook Industries. (Please understand the motion is conceptual by the maker, not technical legal terms as to structure.)”

Council Member	Jim Manning, District 8
Meeting	Special Called
Date	July 09, 2019

Discussion:

The County received notification on June 28, 2019 of the intention of Kinderhook Industries to acquire the equity interest of Capital Waste Services (CWS). CWS currently holds the waste collections contracts for Areas 3 and 5A. CWS intends to assign the contracts to Kinderhook Industries, and per the contract, provided notice of the intended action. Section seven of our contract states:

“ASSIGNMENT OF AGREEMENT AND CONTRACT

This Agreement and Contract shall not be assigned or reassigned in any manner, including but not limited to by sale of stock or sale of company or sale of any controlling interest, given through inheritance, co-ownership or as a gift, divided, sublet, or transferred without prior written approval of Richland County Council.”

The acquisition is anticipated to occur on July 19, 2019. The staff of CWS has been advised that final Council consideration will not take place until September 2019.

Kinderhook Industries, LLC is a private investment firm that manages over \$2 Billion of committed capital. Kinderhook’s investment philosophy is “predicated on matching unique, growth-oriented investment opportunities with exceptional financial expertise and a proprietary network of operating partners. Kinderhook Industries focuses on middle market businesses with defensible niche market positioning in the healthcare services, environmental / business services and automotive / light manufacturing sectors.”

Kinderhook Industries intends to keep the current management staff of CWS intact and to provide excellent service to the citizens of Areas 3 and 5A.

Attachments:



Agenda Briefing

To: Committee Chair Gwendolyn Kennedy and Members of the Committee
Prepared by: Ashiya A. Myers, Assistant to the County Administrator
Department: Administration
Date Prepared: July 09, 2019 **Meeting Date:** July 23, 2019

Legal Review	Elizabeth McLean via email	Date:	July 15, 2019
Budget Review	James Hayes via email	Date:	July 15, 2019
Finance Review	Stacey Hamm via email	Date:	July 15, 2019
Approved for Council consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Committee	Development and Services		
Subject:	Recommended Changes to SC Code of Laws Relative to Blight and Nuisance		

Recommended Action:

This is a Council initiated request. Staff recommends following the process set forth by the South Carolina Association of Counties (SCAC) as described in the discussion to recommend the legislative issue for inclusion on its steering committee’s agenda as it affects the authority of all county governments in South Carolina.

Motion Requested:

Move to follow the process as set forth by the SCAC.

Request for Council Reconsideration: Yes

Fiscal Impact:

There is no associated fiscal impact.

Motion of Origin:

“I move, to further address blight and nuisances in Richland County, that we instruct the County’s lobbyists and legislative affairs personnel, in conjunction with the South Carolina Association of Counties, to request two changes to State law as follows:

First, to allow counties to regulate hotels, restaurants, cafes and lunch counters to provide for public health, comfort and convenience, in the same manner as State law already allows municipalities to so regulate, pursuant to Title 45, Chapter 3 of the South Carolina Code of Laws, and

Second, to allow counties to “provide by ordinance that the owner of any lot or property” in the county shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly material or conditions which constitute a public nuisance, and to give counties the same authority municipalities already have in this area pursuant to South Carolina Code of Laws Section 5-7-80 as amended, which has been a right of municipalities since at least the 1962 Code of Laws.

Supporting Information:

County Council has recently passed a Public Nuisance ordinance and a “Health Massage, BodyWork Therapists and Massage Establishment” to address the negative secondary effects associated with businesses that fail to comply with County ordinances and that put the public in danger based on illegal and nuisance activities.

This is a significant step to address the issue of blight in our community, which is a tangible success in one of the core objectives of the Richland Renaissance initiative.”

Council Member	Jim Manning, District 8
Meeting	Regular Session
Date	June 18, 2019

Discussion:

As a part of a larger effort to address concerns over blight and negative secondary effects from some businesses in the unincorporated portion of the County, Councilmember Manning has proposed amendments to the Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations.

The proposed amendment sought to prohibit the unlawful operation of some establishments that, though identified as health massage, bodywork therapists, or massage establishments, their use may be associated with certain negative secondary effects including, but not limited to their use as commercial sex operations, for prostitution, to spread disease, lewdness, public indecency, illicit sexual activity, sexual assault and exploitation, and human trafficking.

During its May 07, 2019 regular session meeting, County Council held a public hearing and gave third reading to “An Ordinance Amending Richland County Code of Ordinances Chapter 16, Licenses and Miscellaneous Business Regulations, by adding Section 16-23, “Health Massage, Bodywork Therapists, and Massage Establishments.” The amendment was approved unanimously.

Presently, there are no state efforts related to blight and nuisances. Somewhat similar legislation regarding dilapidated buildings, House Bill 3039, was pending in 2016; however, it was defeated on the House floor.

It is recommended that legislation that affects the authority of county governments be led by the South Carolina Association of Counties (SCAC). Per its website, the SCAC “as a systematic, consensus building legislative policy development process. The central goal in the process is to solicit and develop the expertise of county officials from all 46 counties on legislative issues affecting county government. Through participation in four legislative policy steering committees, county officials meet to discuss and identify issues to be considered by the Legislative Committee.”

The SCAC’s Legislative Committee is composed of the 29 members of its Board of Directors and the chair of the governing body of the county or his/her designee from each county. In late August, membership is notified of the meeting date of each of the SCAC’s four policy steering committees. County officials are then encouraged to provide their thoughts on issues to be included on the steering committee’s agenda.

Attachments:

1. Full text of Councilmember Jim Manning's motion with support documentation
2. SCAC Policy Development Process

June 18, 2019
(NOT ON PRINTED AGENDA):

I move, to further address blight and nuisances in Richland County, that we instruct the County's lobbyists and legislative affairs personnel, in conjunction with the South Carolina Association of Counties, to request two changes to State law as follows:

First, to allow counties to regulate hotels, restaurants, cafes and lunch counters to provide for public health, comfort and convenience, in the same manner as State law already allows municipalities to so regulate, pursuant to Title 45, Chapter 3 of the South Carolina Code of Laws, and

Second, to allow counties to "provide by ordinance that the owner of any lot or property" in the county shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly material or conditions which constitute a public nuisance, and to give counties the same authority municipalities already have in this area pursuant to South Carolina Code of Laws Section 5-7-80 as amended, which has been a right of municipalities since at least the 1962 Code of Laws.

Supporting Information:

County Council has recently passed a Public Nuisance ordinance and a "Health Massage, BodyWork Therapists and Massage Establishment" to address the negative secondary effects associated with businesses that fail to comply with County ordinances and that put the public in danger based on illegal and nuisance activities.

This is a significant step to address the issue of blight in our community, which is a tangible success in one of the core objectives of the Richland Renaissance initiative.

CHAPTER 9
County Government

ARTICLE 1
General Provisions

SECTION 4-9-30. Designation of powers under each alternative form of government except board of commissioners form.

Under each of the alternate forms of government listed in Section 4-9-20, except the board of commissioners form provided for in Article 11, each county government within the authority granted by the Constitution and subject to the general law of this State shall have the following enumerated powers which shall be exercised by the respective governing bodies thereof:

- (1) to adopt, use and revise a corporate seal;
- (2) to acquire real property by purchase or gift; to lease, sell or otherwise dispose of real and personal property; and to acquire tangible personal property and supplies;
- (3) to make and execute contracts;
- (4) to exercise powers of eminent domain for county purposes except where the land concerned is devoted to a public use; provided, however, the property of corporations not for profit organized under the provisions of Chapter 35 of Title 33 shall not be subject to condemnation unless the county in which their service area is located intends to make comparable water service available in such service area and such condemnation is for that purpose. After any such condemnation, the county shall assume all obligations of the corporation related to the property and the facilities thereon which were condemned;

(5)(a) to assess property and levy ad valorem property taxes and uniform service charges, including the power to tax different areas at different rates related to the nature and level of governmental services provided and make appropriations for functions and operations of the county, including, but not limited to, appropriations for general public works, including roads, drainage, street lighting, and other public works; water treatment and distribution; sewage collection and treatment; courts and criminal justice administration; correctional institutions; public health; social services; transportation; planning; economic development; recreation; public safety, including police and fire protection, disaster preparedness, regulatory code enforcement; hospital and medical care; sanitation, including solid waste collection and disposal; elections; libraries; and to provide for the regulation and enforcement of the above. However, prior to the creation of a special tax district for the purposes enumerated in this item, one of the following procedures is required:

(i) When fifteen percent of the electors in a proposed special tax district sign and present to the county council a petition requesting the creation of a special tax district, an election must be held in which a majority of the electors in that area voting in the election shall approve the creation of the special tax district, the nature of the services to be rendered and the maximum level of taxes or user service charges, or both, authorized to be levied and collected. The petition must contain a description of the proposed special tax district, the elector's signature and address. If the county council finds that the petition has been signed by fifteen percent or more of the electors resident within the area of the proposed special tax district, it may certify that fact to the county election commission. Upon receipt of a written resolution certifying that the petition meets the requirements of this section, the county election commission shall order an election to be held within the area of the proposed special tax district. The election ordered pursuant to this section is a special election and must be held, regulated, and conducted with the provisions prescribed by Chapters 13 and 17 of Title 7, except as otherwise provided in this section. The county election commission shall give at least thirty days' notice in a newspaper of general circulation within the proposed special tax district. The county election commission shall certify the result of the election to the county council and county council by written resolution shall publish the result of the election.

(ii) When a petition is submitted to the county council signed by seventy-five percent or more of the resident freeholders who own at least seventy-five percent of the assessed valuation of real property in the proposed special tax district, the county council upon certification of the petition may pass an ordinance establishing the special tax district. For the purposes of this item, “freeholder” has the same meaning as defined in Section 5-3-240. The petition must contain a designation of the boundaries of the proposed special tax district, the nature of the services to be rendered, and the maximum level of the taxes or user service charges, or both, authorized to be levied and collected.

(iii) When the area of the proposed special tax district consists of the entire unincorporated area of the county, county council may pass an ordinance establishing a special tax district. For the purposes of this item “unincorporated area” means the area not included within the corporate boundaries of a municipal corporation created pursuant to Chapter 1 of Title 5 or within a special purpose district created before March 7, 1973, to which has been committed the governmental service which the county council intends to provide through the proposed special taxing district unless the special purpose district has been dormant for five years or more. If, however, the same service intended to be rendered by the special taxing district is being rendered or is intended to be rendered within any portion of the territory of the special purpose district, then no such service may be rendered by the special taxing district without consent of the governing body of the special purpose district.

(b) In the ordinance establishing the special tax district, county council shall provide for the operation of the special tax district. The special tax district may be operated as an administrative division of the county, or county council may appoint a commission consisting of three to five members and provide for their terms of office.

(c) Notwithstanding any provision to the contrary, the county council shall not finance any service not being rendered by the county on March 7, 1973, by a countywide tax where the service is being provided by any municipality within that municipality or where the service has been budgeted or funds have been applied for as certified by the municipal governing body, except upon concurrence of the municipal governing body. For purposes of this subitem, “municipality” means a municipal corporation created pursuant to Chapter 1 of Title 5.

(d) Before the issuance of any general obligation bonds to provide a service in a special tax district and the levy of a tax to retire the bonds at rates different from those levied in the remainder of the county related to the nature and level of government services to be provided in the special tax district, the county council shall first approve the issuance of the general obligation bonds and the levy of the tax to retire the bonds by ordinance.

(e) County council may by ordinance diminish boundaries of or abolish a special tax district. It must first conduct a public hearing. Notice of the hearing must be given two weeks before it in a newspaper of general circulation in the tax district.

(f) After a special tax district is created, pursuant to the provisions of this item, the governing body of the county may, by ordinance, provide that the uniform service charge be collected on an annual, semiannual, quarterly, or monthly basis. The governing body by ordinance also may provide for monthly delinquency penalty charges by special tax notices.

(g) Any special taxing district created prior to the effective date of this act pursuant to this subsection, the creation of which would have been valid but for any inconsistency in or constitutional infirmity of this subsection as codified at the time of such creation, is hereby created and declared to be valid, and its existence is confirmed as of the date of its prior creation; provided, however, that any such special taxing district shall be subject to all provisions of this subsection as provided for in this act, including without limitation item (e).

(h) The creation of a street lighting system within a county may not disrupt the assignment of electric service rights by the Public Service Commission. The special tax district may not treat the street lighting system as one premises for the purchase of electric energy. Those lighting structures located in an area assigned by the South Carolina Public Service Commission to an electric supplier pursuant to Section 58-27-640, et seq., must be served by the designated electric supplier unless it consents to service by another supplier. Those light structures located in an unassigned area must be considered a single premises and may

be served by an electric supplier pursuant to the customer choice provisions of Section 58-27-620 or by an electrical utility pursuant to the certificate of public convenience and necessity provisions of Section 58-27-1230 to serve the lighting structures planned for the unassigned areas.

After a special tax district is created pursuant to this item, the governing body of the county by ordinance may provide that the uniform service charge be collected on an annual, semiannual, quarterly, or monthly basis.

(6) to establish such agencies, departments, boards, commissions and positions in the county as may be necessary and proper to provide services of local concern for public purposes, to prescribe the functions thereof and to regulate, modify, merge or abolish any such agencies, departments, boards, commissions and positions, except as otherwise provided for in this title. Any county governing body may by ordinance abolish a rural or other county police system established pursuant to Chapter 6 of Title 53 [of the Code of Laws, 1962] and devolve the powers and duties of the system upon the county sheriff; provided, however, that such an ordinance shall not become effective until the registered electors of the county shall first approve the ordinance by referendum called by the governing body;

(7) to develop personnel system policies and procedures for county employees by which all county employees are regulated except those elected directly by the people, and to be responsible for the employment and discharge of county personnel in those county departments in which the employment authority is vested in the county government. This employment and discharge authority does not extend to any personnel employed in departments or agencies under the direction of an elected official or an official appointed by an authority outside county government. Any employee discharged shall follow the grievance procedures as established by county council in those counties where the grievance procedures are operative, retaining all appellate rights provided for in the procedures. In those counties where a grievance procedure is not established, a county employee discharged by the chief administrative officer or designated department head must be granted a public hearing before the entire county council if he submits a request in writing to the clerk of the county council within five days of receipt of notice of discharge. The hearing must be held within fifteen days of receipt of the request. The employee must be relieved of his duties pending the hearing and if a majority of the county council sustains the discharge, it is final subject to judicial review, but if a majority of the county council reverses the dismissal, the employee must be reinstated and paid a salary for the time he was suspended from his employment.

The salary of those officials elected by the people may be increased but may not be reduced during the terms for which they are elected, except that salaries for members of council and supervisors under the council-supervisor form of government must be set as provided in this chapter;

(8) to provide for an accounting and reporting system whereby funds are received, safely kept, allocated and disbursed;

(9) to provide for land use and promulgate regulations pursuant thereto subject to the provisions of Chapter 7 of Title 6;

(10) to establish and implement policies and procedures for the issuance of revenue and general obligation bonds subject to the bonded debt limitation;

(11) to grant franchises and make charges in areas outside the corporate limits of municipalities within the county in the manner provided by law for municipalities and subject to the same limitations, to provide for the orderly control of services and utilities affected with the public interest; provided, however, that the provisions of this subsection shall not apply to persons or businesses acting in the capacity of telephone, telegraph, gas and electric utilities, or suppliers, nor shall it apply to utilities owned and operated by a municipality; provided, further, that the provisions of this subsection shall apply to the authority to grant franchises and contracts for the use of public beaches;

(12) to levy uniform license taxes upon persons and businesses engaged in or intending to engage in a business, occupation, or profession, in whole or in part, within the county but outside the corporate limits of a municipality except those persons who are engaged in the profession of teaching or who are ministers of the gospel and rabbis, except persons and businesses acting in the capacity of telephone, telegraph, gas and electric utilities, suppliers, or other utility regulated by the Public Service Commission and except an entity which is exempt from license tax under another law or a subsidiary or affiliate of any such exempt

entity. No county license fee or tax may be levied on insurance companies. The license tax must be graduated according to the gross income of the person or business taxed. A business engaged in making loans secured by real estate is subject to the license tax only if it has premises located in the county but outside the corporate limits of a municipality. If the person or business taxed pays a license tax to another county or to a municipality, the gross income for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other county or municipality.

(13) to participate in multi-county projects and programs authorized by the general law and appropriate funds therefor;

(14) to enact ordinances for the implementation and enforcement of the powers granted in this section and provide penalties for violations thereof not to exceed the penalty jurisdiction of magistrates' courts. Alleged violations of such ordinances shall be heard and disposed of in courts created by the general law including the magistrates' courts of the county. County officials are further empowered to seek and obtain compliance with ordinances and regulations issued pursuant thereto through injunctive relief in courts of competent jurisdiction. No ordinance including penalty provisions shall be enacted with regard to matters provided for by the general law, except as specifically authorized by such general law; and

(15) to undertake and carry out slum clearance and redevelopment work in areas which are predominantly slum or blighted, the preparation of such areas for reuse, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses and to that end the General Assembly delegates to any county the right to exercise the power of eminent domain as to any property essential to the plan of slum clearance and redevelopment. Any county may acquire air rights or subsurface rights, both as hereinafter defined, by any means permitted by law for acquisition of real estate, including eminent domain, and may dispose of air rights and subsurface rights regardless of how or for what purpose acquired for public use by lease, mortgage, sale, or otherwise. Air rights shall mean estates, rights, and interests in the space above the surface of the ground or the surface of streets, roads, or rights-of-way including access, support, and other appurtenant rights required for the utilization thereof;

(16) to conduct advisory referenda;

(16.1) to enact ordinances to regulate solicitation within the county by requiring permits therefor, establish criteria for issuing such permits and provide for a fine of one hundred dollars or thirty days' imprisonment for violations; and

(16.2) To obtain injunctive relief in the Court of Common Pleas to abate nuisances created by the operation of business establishments in an excessively noisy or disorderly manner which disturbs the peace in the community in which such establishments are located. Such injunctive relief shall be initiated by petition of the County Attorney in the name of the County Council not sooner than ten days following noncompliance with a written notice to the owner of the offending establishment or his agent to cease and desist in the conduct or practice which disturbs the peace and good order of the area. The provisions of this item are supplemental to Chapter 43 of Title 15.

(17) to exercise such other powers as may be authorized for counties by the general law. The governing body of any county shall not create a special tax district, other than watershed district, any portion of which falls within the corporate boundaries of a municipality, except upon the concurrence of the governing body of the municipality.

(18) **The regulation authority found in Title 45, Chapter 3 of the SC Code of Laws, and in S.C.Code of Laws Annotated Section 5-7-80 also applies to counties.**

Policy Development

 sccounties.org/policy-development

April 2,
2019

Legislative Policy Development Process

General Statement

The South Carolina Association of Counties has a systematic, consensus building legislative policy development process. The central goal in the process is to solicit and develop the expertise of county officials from all 46 counties on legislative issues affecting county government. Through participation in four legislative policy steering committees, county officials meet to discuss and identify issues to be considered by the Legislative Committee.

Legislative Committee and Steering Committee System

SCAC has four legislative policy committees:

- **County Government and Intergovernmental Relations Steering Committee;**
- **Land Use, Natural Resources and Transportation Steering Committee;**
- **Revenue, Finance and Economic Development Steering Committee; and**
- **Public Safety, Corrections and Judicial Steering Committee.**

It is the responsibility of each committee to study the issues and analyze information that is pertinent to its designated policy area. Each committee will develop recommendations in the form of policy statements. Each committee chair will present their committee's draft policy statements to the Legislative Committee during the Legislative Conference in December.

The Legislative Committee is composed of the 29 members of the SCAC Board of Directors and the chair of the governing body of the county or his/her designee from each of the 46 counties. The total membership of the Legislative Committee is 75 members.

It is the responsibility of the Legislative Committee to review each legislative policy steering committee's recommendations, resolve any conflicts and adopt the legislative policy positions for the association. The Legislative Committee is chaired by SCAC's first vice president and meets at the SCAC Legislative Conference in December. Once the formal policy statement has been approved by the Legislative Committee, it is the responsibility of the membership of the association and the association staff to advocate for its implementation.

During the course of a legislative session, the SCAC Board of Directors is responsible for any revision, modification, deletion or addition to the legislative policy positions adopted by the Legislative Committee.

Time Line for Development of Legislative Policy

- **Late August** – The membership is notified of the date of the meeting of the four policy steering committees. County officials receive a list of the steering committees and a description of their areas of responsibility. County officials are encouraged to provide their thoughts and ideas on legislative issues for inclusion on a steering committee's agenda. Staff collects this input and prepares it for the steering committee meeting.
- **Mid-September** – Each steering committee meets to discuss and analyze legislative policy issues and draft an initial report of proposed legislative policy recommendations.
- **Mid-September to Mid-November** – The County Council Coalition meets in October to review and discuss the initial draft of proposed legislative policy recommendations. Each steering committee chair presents the steering committee report to the coalition. During the fall, various groups of county official organizations meet and determine their group's legislative agenda for the coming session of the General Assembly. This information is collected and assigned to the steering committee responsible for that legislative area.
- **Mid-November** – Each steering committee meets for the second time to incorporate additional issues into their proposed recommendations. Each steering committee adopts a final proposed legislative policy recommendation.
- **Early December** – The SCAC Legislative Committee meets at the Legislative Conference to receive the reports of the four legislative policy steering committees. Each steering committee chair will present his/her committee report at a general session meeting of the Legislative Committee. The members of the Legislative Committee will discuss each proposed legislative policy position and then either amend, adopt or reject the recommendation. If adopted by the Legislative Committee, those policy positions will then be incorporated with the other steering committees' reports into an SCAC Consensus Legislative Report. Once the SCAC Consensus

Legislative Report has been adopted by the Legislative Committee, it is the responsibility of the membership and the SCAC staff to advocate for its implementation.

Rules and Operating Procedures

Legislative Committee

1. **Committee Membership** – The Legislative Committee shall be composed of the members of the SCAC Board of Directors and the chair of the governing body or his/her designee from each of the 46 counties. The chair of the Legislative Committee shall be the first vice president of the association.
2. **Voting Procedures** – At a Legislative Committee meeting, the chair shall call the meeting to order and carry out the committee meeting agenda. Each committee member has one vote. All matters coming before the committee shall be decided by a majority vote of those present and voting.
3. **Proposed Policies and Amendments** – Each steering committee chair shall present at the annual Legislative Conference the committee report for the steering committee. No legislative issue shall be considered at the Legislative Conference in December that does not appear in a steering committee report, unless two-thirds of those Legislative Committee members present and voting vote to place the issue on the Legislative Committee agenda for consideration.
4. **Procedural Rules** – The latest edition of Robert's Rules of Order shall be used to govern the conduct of Legislative Committee meetings.

Legislative Policy Steering Committees

1. **Committee Membership** – The Legislative Policy Steering Committees membership composition is as follows: (a) the SCAC Board of Directors; (b) the Legislative Committee members who are either the chair of the governing body of the county or his/her designee; and (c) not more than 25 county officials who shall be appointed by the president based on the expertise of the county official in the subject matter of the particular steering committee. The president shall make steering committee

assignments on an annual basis. The president shall designate a chair for each of the four steering committees. Steering committee meetings will be held on the call of the president.

2. **Voting Procedures** – At each steering committee meeting, the committee chair shall call the meeting to order and carry out the committee meeting agenda. Each committee member has one vote. All matters coming before the committee shall be decided by majority vote of the committee members present and voting.

3. **Proposed Policies and Amendments** – Any committee member may offer a proposed policy or an amendment to an existing association policy. Any county official may propose a policy issue by submitting it to the association and asking that it be included on the committee's meeting agenda. The chair of the committee will call upon members to discuss the proposal as it has been offered. At the conclusion of the discussion, the chair will call for a vote on the proposal.

4. **Procedural Rules** – The latest edition of Robert's Rules of Order shall be used to govern the conduct of steering committee meetings.