

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MEETING

April 5, 2016
6:00 PM
County Council Chambers

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:00 PM

INVOCATION

The Invocation was led by the Honorable Julie-Ann Dixon

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Julie-Ann Dixon

APPROVAL OF MINUTES

- a. **Regular Session: March 15, 2016** – Ms. Dixon moved, seconded by Mr. Pearce, to approve the minutes as distributed.

Mr. Malinowski requested the Clerk's Office to update p. 4 of the minutes to clarify the Council vote on "An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-172, Density and Dimensional Standards; Subsection (B), Required Setbacks; Allowable Encroachment into Required Setbacks; Paragraph (5), Projections into Required Yards; Subparagraph C., Screening and Retaining Walls and Fences; so as to allow fences and walls not over seven (7) feet in height in side and rear yards".

The minutes were unanimously approved as amended.

- b. **Special Called Meeting: March 22, 2016** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.
- c. **Zoning Public Hearing: March 22, 2016** – Ms. Dixon moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.



Committee Members Present

Torrey Rush, Chair
Greg Pearce, Vice Chair
Joyce Dickerson
Julie-Ann Dixon
Norman Jackson
Damon Jeter
Paul Livingston
Bill Malinowski
Jim Manning

Others Present:

Tony McDonald
Kimberly Roberts
Daniel Driggers
Kevin Bronson
Larry Smith
Brandon Madden
Quinton Epps
Brad Farrar
Dwight Hanna
Chad Fosnight
Tracy Hegler
Lillian McBride
Beverly Harris
Samuel Selph
Roxanne Ancheta
Amelia Linder
Chris Gossett
Jeff Ruble
Jocelyn Jennings
Nancy Stone-Collum

ADOPTION OF AGENDA

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

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

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

- a. Department of Revenue Update**
- b. Pending Litigation: Jones vs. Richland County**
- c. Personnel Matter**
- d. Conservation Department: Purchase of Parcel**
- e. Council Motion Regarding Adherence to County Policies**

POINT OF PERSONAL PRIVILEGE – Mr. Manning recognized Mr. David Shealy, a resident in Mr. Rose’s district, was attending the Council meeting tonight. Mr. Shealy is working on his merit badge for the Boy Scouts.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized Mr. Rush’s children were in the audience.

CITIZENS’ INPUT

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

No one signed up to speak.

OPEN/CLOSE PUBLIC HEARINGS

- a. An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate \$10,000.00 of General Fund Unassigned Balance to be used for expenses generated for the 2016 Army Ball and Official 100th Anniversary Kick-Off Event** – No one signed up to speak.
- b. An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate Two Hundred Twenty-Nine Thousand, Two Hundred Eight Dollars and Ninety Cents (\$229,208.90) to increase funding to the Board of Voter Registration & Elections Department Plans to conducted scheduled elections, operating equipment and inc. staffing** – No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Civil Rights: It Still Matters, April 8-9, 2016** – Ms. Jocelyn Jennings, Community Development Department, gave a brief overview of the Civil Rights: It Still Matters event scheduled for April 8-9, 2016
- b. Staff Recognition** – Mr. McDonald announced Ms. Amelia Linder’s retirement from her position with Richland County and commended her service to the County.

- c. **Richland County Fire Service ISO Rating** – Mr. McDonald announced the City of Columbia and Richland County Fire Service’s ISO rating has improved. The County’s rating improved from a four (4) to a two (2).

POINT OF PERSONAL PRIVILEGE – Ms. Dixon requested Council and the County’s support of the “Walk a Mile in Her Shoes” event on April 14th from 5:30 – 8:00 p.m. Richland County is also encouraged to participate in “Denim Day” on April 27th. Both events are in support of Sexual Trauma Awareness.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIR

- a. **Personnel Matter** – This item was taken up in Executive Session.

APPROVAL OF CONSENT ITEMS

- **Amendment to FY 14-15 Annual Action Plan**
- **Motion Regarding Future Neighborhood Master Plans**
- **Electronics Recycling – Authorization to Increase Purchase Order Over \$100,000**
- **Council Motion Regarding Outside Agencies using a Fiscal Agent when Receiving Hospitality Grant Funds**
- **Department of Natural Resources – Letter of Support**
- **Conservation Department: Transfer of Grant Funds**
- **Conservation Department: Purchase of Parcel [Executive Session]**

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

THIRD READING

16-03MA, D. R. Horton-Crown, LLC, RU to RS-MD (25.34 Acres), Hollingshed Rd. & Kennerly Rd., 05200-01-13 & 18 – Mr. Malinowski stated for the record, “There have been a lot of questions and concerns about transportation and stormwater runoff as it relates to the rezoning. Those particular items will be addressed at the time of development per County and State regulations. There have also been questions regarding lot size. While the lot sizes can be varied, if the open space code is used the developer cannot build any more units than what would be allowed under the zoning requested. The Planning Commission and staff supported this as being consistent with the objectives of the Comprehensive Plan and in character with the existing residential patterns of development in this area. The rezoning offers an opportunity for infield development, which is supported by the Comprehensive Plan.”

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Mr. Malinowski moved, seconded by Ms. Dixon to approve this item.

Ms. Dickerson expressed concern with this item; therefore, she cannot support the motion.

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

The vote was in favor.

An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate \$10,000.00 of General Fund Unassigned Balance to be used for expenses generated for the 2016 Army Ball and the Official 100th Anniversary Kick-Off Event – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item.

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

The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate Two Hundred Twenty-Nine Thousand, Two Hundred Eight Dollars and Ninety Cents (\$229,208.90) to increase funding to the Board of Voter Registration & Elections Department Plans to conduct scheduled elections, operating equipment and inc. staffing – Mr. Livingston moved, seconded by Mr. Jackson, to approve this item.

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

The motion failed.

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Mr. Jeter inquired as to what the \$229,208.90 was to cover.

Mr. McDonald stated it was to cover the recurring costs (i.e. maintenance and license fees) and non-recurring costs (i.e. motherboard batteries, phones, printers, curbside signage, polling location supplies, and related equipment/supplies).

Mr. Jackson inquired as to what will happen since the motion failed.

Mr. McDonald stated the department will likely run a deficit at the end of the year.

Mr. Jeter moved, seconded by Mr. Manning, to reconsider this item.

Mr. Malinowski stated Mr. Jeter was not on the prevailing side; therefore, he could not make a motion for reconsideration.

Mr. Rush ruled the motion for reconsideration out of order.

Mr. Manning moved, seconded by Ms. Dickerson, to reconsider this item.

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

The vote was in favor of reconsideration.

Mr. Jeter inquired if the license fee is not approved would we be operating machines without licenses.

Mr. Rush inquired if the license fee would not have been a part of the original budget.

Mr. McDonald stated generally machines and software have to be licensed. If the software is not licensed, you would be in violation.

Mr. Selph stated he believes they would not be able to utilize the machines because the preventative maintenance would not be conducted on them.

Mr. Livingston stated the request originally was for \$1.84 million. He made a motion to extract the request presently before Council because he felt those were essential items to conduct the election.

Mr. Manning moved, seconded by Mr. Jeter, to fund the request at 60% of the \$229,208.90, which would be \$137,524.00.

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Mr. Jackson stated at the end of the day the request is to insure that the public is not underserved due to the election process not being run properly. Therefore, he supports the request.

Ms. Dickerson made a substitute motion, seconded by Mr. Jackson, to fund the request at \$229,000.

Mr. Malinowski stated Council cannot continue to “run scared” because of something that happened four years ago. The other elections held since then have run smoothly with minor problems.

Mr. Selph stated the maintenance and license agreement are due at the beginning of the fiscal year. The amount approved for the licensing fee in the current fiscal year was \$27,000.

Mr. Rush inquired if line items or overall budgets are approved.

Mr. McDonald stated both are in front of Council, but typically overall budgets are approved.

Mr. Pearce inquired about the present amount in the Elections and Voter Registration Department account.

Mr. Selph stated approximately \$200,000 is available in the personnel account and \$2,000 in office supplies, etc.

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

The substitute motion failed.

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

The motion for \$137,524.00 failed.

An Ordinance Authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between Richland County and Arum Composites, LLC [f/k/a Project Oro], whereby Richland County will enter into a fee-in-lieu of tax arrangement with Arum Composites, LLC [f/k/a Project Oro], and providing for payment by Arum Composites, LLC [f/k/a Project Oro] of certain fees-in-lieu of ad valorem taxes; providing for the allocation of fees-in-lieu of taxes payable under the agreement for the establishment of

a multi-county industrial/business park; and other matters relating thereto – Mr. Livingston moved, seconded by Mr. Jeter, to approve this item.

Mr. Malinowski stated the supporting documents for this item does not identify the company and has conflicting information regarding the amount of investment.

Mr. Livingston moved, seconded by Mr. Malinowski, to add this item to the Executive Session. The vote in favor was unanimous.

SECOND READING

An Ordinance Amending the Richland County Code of Ordinances: Chapter 26, Land Development; so as to add cigar bars as a permitted use with special requirements in the NC, GC, M-1 and LI Zoning Districts

– Mr. Jeter moved, seconded by Mr. Jackson, to approve this item.

FOR

Rose
Malinowski
Dixon
Jackson
Pearce
Rush
Livingston
Dickerson
Jeter

AGAINST

The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Intergovernmental Agreement (IGA) between City of Columbia and Richland County for the Hollywood Hills Sewer Project – Ms. Dixon stated the committee forwarded this item to Council without a recommendation.

Mr. Rush moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Council Motion Regarding the Allocation of Funding to Organizations for Multiple Years – Mr. Livingston clarified that this only applies to Discretionary Grants.

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

Bus Shelter Easement Request – Mr. Malinowski stated he believed the agreement needed to be amended to clarify that the easement is in place as long as the transit system is publicly operated.

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Ms. Dickerson stated the bench is already in place at the bus stop. The request is for the County to grant an easement in order to construct a shelter at the same location to provide cover for the citizens during inclement weather conditions.

Mr. Malinowski moved, seconded by Mr. Pearce, to grant the easement and if the bus service is sold to a private company the easement would need to be renegotiated with the County at that time.

Mr. Jackson stated the easement would be a part of the negotiations if the transit system were to be sold in the future.

Mr. Livingston inquired if the agreement could simply state that the easement would not automatically transfer with the purchase of the transit system.

The vote in favor was unanimous.

Council Motion Regarding the Utilization of a Special Tax District – Mr. Pearce stated this item is in regard to utilization of a special tax district for the purpose of dam restoration in Richland County. The committee recommended approval of this item.

Ms. Dixon requested Mr. Pearce and/or Mr. McDonald to explain how this will benefit the citizens of Richland County.

Mr. McDonald stated in a special tax district, a set area of the County (i.e. neighborhood, community) is designated as the special tax district. Those who live or own property in the special tax district have to vote to apply to themselves a higher assessment for their properties. The higher incremental assessment, if approved in a referendum, would be utilized to make improvements the district was set up for (i.e. dam repair/restoration).

Ms. Dixon inquired if this will be open to the entire district or only the portions that were affected by the flood.

Mr. McDonald stated it would apply however the district was designated.

Mr. Pearce stated in this particular case there were 61 parcels. In order to request the referendum, they needed 15% of the 61 parcels to sign the petition for a special tax district.

Ms. Dickerson stated she wants to be sure those affected by the flooding event has the opportunity to participate.

Ms. Dickerson inquired about the length of time the special tax district would be in place.

Mr. Farrar stated the duration of the special tax district is the life of the thing that is being financed (i.e. dam repair/restoration).

The designated parcels will sign the petition for the referendum vote. Then only those designated parcels will be eligible to vote on the referendum. If the referendum is approved the amount of the project will be divided equally among the parcels to be paid for through the special tax district.

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Mr. Jeter clarified that by supporting this endeavor the County is not taking ownership and/or responsibility for the maintenance and repair of the private dams.

There would be an agreement between the HOA and the County for the cost of the election. The costs would typically be payable to the County within 30 days of invoicing.

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

The vote was in favor.

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

The motion failed.

Council Motion Regarding Adherence to County Policies – This item was taken up in Executive Session.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

A Second Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Tax Revenue Bonds, Taxable Series 2015, or such other appropriate series designation, in the principal amount of not exceeding \$13,500,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto [FIRST READING BY TITLE ONLY] – Mr. Livingston stated the details regarding the timeline of the water park was included in the agenda packet. Also included is an overview of the operations agreement and construction contract.

Mr. Malinowski inquired who is legally responsible if something should occur at the water park since it will be managed, operated and maintained by the consultant.

Mr. Smith stated if there is something that happens related to the operation of the park, the consultant would be responsible.

Mr. Malinowski inquired if the \$170,000 base management fee for the consultant is based on income or will the consultant be paid that amount even if the park does not earn that amount.

Mr. Fosnight stated the consultant will be paid \$170,000 annually regardless of revenue earned.

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Mr. Malinowski also inquired about the annual fee increase based on CPI.

Mr. Fosnight stated that was the way the contract was negotiated and was a request of the consultant.

Mr. Malinowski inquired if the incentive management fee of 20% of the net operating income will be implemented immediately or after the debt service has been paid.

Mr. Fosnight stated the debt service would be paid before the incentive management fee is paid.

Ms. Dickerson inquired how revenue will be generated with only a waterpark, which is seasonal, on this piece of property.

Mr. Jackson questioned this item being properly placed on the agenda.

Mr. Jackson made a substitute motion, seconded by Ms. Dickerson, to deny this item.

Mr. Livingston stated the project was never intended to utilize any more than 25 acres of the property. The remaining property was to be utilized for an additional project. An adventure park was discussed, but was cut from the original proposal due to the cost. The adventure park portion is proposed to be phased in at a later time.

Mr. Livingston further stated this item was deferred at the March 15th Council meeting in order for additional information to be provided to Council. The additional information was obtained and the item was placed on the agenda for action.

In Mr. Livingston's opinion, there is no better use of Hospitality Tax funds whereby there is a project that will significantly generate individuals from outside of the community and will pay for itself.

Mr. Manning inquired about what State Senate District the project is in.

Ms. Dickerson stated she also questioned if this item was properly before Council.

Mr. Smith gave an overview of how items are placed on committee agendas.

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

The vote was in favor of denial.

RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES:

- a. Community Relations – 3** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- b. Employee Grievance – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- c. Board of Assessment Appeals – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- d. Hospitality Tax – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- e. Accommodations Tax – 1 (Applicant must have a background in the Lodging Industry)** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- f. Township Auditorium Board – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- g. Board of Zoning Appeals – 2** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS:

- a. Transportation Penny Advisory Committee (TPAC) – 2** – Mr. Malinowski stated this item was tabled in committee.
- b. Board of Zoning Appeals – 1** – Mr. Malinowski stated the committee recommended appointing Ms. LaTonya B. Derrick. The vote in favor was unanimous.
- c. Music Festival Commission – 1** – Mr. Malinowski stated the committee recommended appointing Mr. Derek Riley. The vote in favor was unanimous.

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. 2016 Bikeway and Sidewalk Projects: PDT Project Development Recommendations** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

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

Mr. Fred Ange spoke regarding deceptive Planning and Zoning provisions.

Ms. Sabrina Todd spoke regarding updating those individuals that were substantially affected by the flooding event and making it easier to find information.

POINT OF PERSONAL PRIVILEGE – Mr. Manning commended Ms. Todd and Ms. Larratt for attending the Council and flood-related meetings.

Mr. Toney Forrester thanked the County for their assistance with cleaning up his community.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson recognized the Elevations Group from Lower Richland.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:54 p.m.
and came out at approximately 9:11 p.m.*

- a. **Department of Revenue Update** – No action was taken.
- b. **Pending Litigation: Jones vs. Richland County** – No action was taken.
- c. **Personnel Matter** – No action was taken.
- d. **Council Motion Regarding Adherence to County Policies** – No action was taken.
- e. **An Agreement Authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between Richland County and Arum Composites, LLC [f/k/a Project Oro], whereby Richland County will enter into a fee-in-lieu of tax arrangement with Arum Composites, LLC [f/k/a Project Oro], and providing for payment by Arum Composites, LLC [f/k/a Project Oro] of certain fees-in-lieu of ad valorem taxes; providing for the allocation of fees-in-lieu of taxes payable under the agreement for the establishment of a multi-county industrial/business park; and other matters relating thereto** – This item was given Third Reading approval.

MOTION PERIOD

- a. **All motion must be posted a minimum of 24 hours before a scheduled Council meeting. Note: When Council made this change it was to eliminate any surprise or intent of secrecy. It eliminated Chairs of committees adding motions to an agenda before the meeting without notice. The change was for all motions not some [JACKSON]** – This item was referred to the Rules & Appointments Committee.
- b. **Based on Richland County guideline and grievance procedure I move that after all grievance committee hearings are held within the required timeline that the Administrator update and notify**

Council at the next available Council meeting. This also include any notices of lawsuits or legal matters. Note: Recently Council was notified of a ruling more than one year later. If there is a timeline for the employee, the chair of the grievance committee and the committee then there must be a timeline to notify Council [JACKSON and MALINOWSKI] – This item was referred to the Rules and Appointments Committee.

- c. I move that Council approve the release of funds being held in the Stormwater fund balance previously allocated for the dredging of silt from Lake Katherine. The City of Columbia has agreed to fudn the balance of this project. [PEARCE] – This item was referred to the A&F Committee.**

ADJOURNMENT

The meeting adjourned at approximately 9:13 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

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