

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MEETING

April 19, 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 Joyce Dickerson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

PRESENTATION OF PROCLAMATION

- a. **Building Safety Month Proclamation [RUSH]**
- b. **“Denim Day” Proclamation [DIXON]**

The proclamation will be presented at a later date.

APPROVAL OF MINUTES

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

ADOPTION OF AGENDA

Mr. Manning 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. **Employee Grievance**



Committee Members Present

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

Others Present:

Tony McDonald
Kimberly Roberts
Daniel Driggers
Kevin Bronson
Larry Smith
Brandon Madden
Quinton Epps
Brad Farrar
Dwight Hanna
Beverly Harris
Warren Harley
Rob Perry
Ismail Ozbek
Tiffany Harrison
Shahid Khan
Christopher Roett

- b. Department of Revenue Update**
- c. Potential Litigation**
- d. Palmetto Utilities**
- e. Recreation Commission Update**

EXECUTIVE SESSION

*Council went into Executive Session at approximately 6:04 p.m.
and came out at approximately 6:24 p.m.*

CITIZENS' INPUT

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

Mr. Andy Yasinsac and Ms. Pamela Greenlaw spoke regarding the Palmetto Utilities agenda item.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Employee Grievance** – This item was taken up in Executive Session.
- b. Employee Recognition** – Mr. McDonald recognized Ms. Andrea Bolling, Floodplain Coordinator, on being named SC Floodplain Manager of the Year and elected Vice Chair of the SC Association of Hazard Mitigation.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce commended Ms. Bolling on the outstanding job she has done with assisting the County during and following the flood event in October.

- c. Employee Introduction** – Mr. McDonald introduced Ms. Tiffany Harrison, Assistant Economic Development Director, and Mr. Christopher Roett, Public Information Officer, to Council.
- d. Proposed agreement with Palmetto Utilities/Kershaw County/Richland County** – This item was taken up in Executive Session.

REPORT OF THE CLERK OF COUNCIL

- a. REMINDER: Decker Center Renovation Tour, April 21st, 9:00 – 11:00 a.m.** – Ms. Onley reminded Council of the Decker Center Renovation Tour.
- b. REMINDER: Sexual Assault Awareness “Denim Day”, April 27th** – Ms. Onley reminded everyone to wear denim on April 27th in honor of Sexual Assault Awareness.

REPORT OF THE CHAIR

Mr. Pearce requested that Council members fill out a survey regarding the County's health insurance.

THIRD 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

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

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

The vote in favor was unanimous.

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

SECOND READING

An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate Sixty-Two Thousand Seven Hundred Fifty One Dollars (\$62,751) to increase funding to the Board of Voter Registration & Elections Department Plans to conduct scheduled elections, operating equipment and inc. staffing – Ms. Dixon moved, seconded by Mr. Jackson, to approve this item.

Mr. McDonald stated an updated spreadsheet was sent to Council in the amended agenda. The spreadsheet indicates an updated amount of \$86,362 (\$45,896 – Primary; \$40,466 – Run Off) for the budget amendment. The \$40,466 would only be spent if the run off is necessary.

Mr. Malinowski stated after speaking with staff the ordinance will be amended to clarify that the budget amendment is to fund the special election for the vacated District 10 Council seat. In addition, he questioned the breakout of the number of employees needed to conduct the elections.

Mr. Malinowski questioned why there are 82 poll managers, to manage 15 poll clerks and 8 assistant clerks for the election.

Mr. Pearce inquired about the change in the amount needed to conduct the special election.

Mr. McDonald stated the updated information was provided by the Elections Director after First Reading.

Mr. Madden stated it is his understanding there were some calculation errors in the original spreadsheet provided to Council at First Reading.

Mr. Pearce inquired if it is clearly notated that any funding not utilized for the special election will be reimbursed to the County.

Mr. McDonald stated the \$40,466 appropriated for the run-off election, if not needed, cannot be used by the department for other purposes. The funding would be reimbursed to the General Fund.

Mr. Malinowski made a substitute motion, seconded by Mr. Manning, to approve \$62,751.

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

The vote was in favor of the substitute motion.

RULES AND APPOINTMENTS COMMITTEE

I. ITEMS FOR ACTION:

- a. **Terms of Service** – Mr. Malinowski stated the committee recommended approval of the following language for Section 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 year following such member’s term expiring. (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 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’s term expires.”*

The vote in favor was unanimous.

b. **Membership Requirements for Business Service Center Appeals Board**

1. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 2, Administration; Article VII. Boards, Commissions and Committees; Section 2-332. Boards, Commissions and Committees Created; Subsection (L), Richland County Business Service Center Appeals Board; Paragraph (2), Membership; so as to revise the membership requirements of the Business Service Center Appeals Board [FIRST READING]** – Mr. Malinowski stated the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF THE ORDINANCE REVIEW AD HOC COMMITTEE

- a. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (22), Radio, Television and Other Transmitting Towers; Subparagraph c.;**

Clause 1; so as to amend the setback requirements for towers abutting residentially zoned parcels [RUSH] [FIRST READING] – Ms. Dixon stated the committee recommended sending this item to Council without a recommendation.

Since the committee meeting, staff approached Ms. Dixon about amending the ordinance to include additional information. Therefore, this item would need to be deferred.

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

The vote was in favor of deferral.

OTHER ITEMS

- a. **A Resolution to appoint and commission James T. Harmon, Steve A. Huntley, and Elijah Cousar, Jr. as Code Enforcement Officers for the proper security, general welfare, and convenience of Richland County [Building Codes Department]** – Mr. Pearce moved, seconded by Mr. Manning, to approve this item. The vote in favor was unanimous.
- b. **Resurfacing Package H Construction Contract** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve this item.

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

Ms. Wendy Brawley spoke regarding the Lower Richland Sewer Project and the FY 2016-2017 Budget process.

Mr. Pearce moved, seconded by Mr. Jackson, to conduct a work session/budget meeting in Lower Richland.

Mr. Jackson stated he will make a recommendation to Council on a date for the Lower Richland work session/budget meeting.

Mr. Malinowski stated of the budget work sessions are held here in Council Chambers and open to the public. Therefore, instead of holding an additional meeting in Lower Richland, amend the rules to allow a representative to speak on behalf of the community during the work sessions.

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

The vote in favor of holding a work session/budget meeting in Lower Richland was unanimous.

Mr. Toney Forrester spoke to about his “story.”

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:01 p.m.
and came out at approximately 9:18 p.m.*

- a. Employee Grievance** – Mr. Malinowski moved, seconded by Ms. Dixon, to remove policy violation #7C-02-H-[13] (feigning illness, etc.) from the employee’s file, to remove policy violation #7C-02-H-[11] (disrespectful and subordinate behavior) from the employee’s file and the Director reinstate the employee to the Classification Division.

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

The vote in favor was unanimous.

- b. Recreation Commission Update** – Mr. Pearce moved, seconded by Ms. Dixon, to direct the Legal Department to request an Attorney General opinion on the effect of the decision of “*Weaver and Richland County Council v. Recreation District, Recreation Commission et al. [SC Supreme Court (1997)]*” as it relates to the Recreation Commission’s ability to levy taxes through the mill process.

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

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The vote in favor was unanimous.

- c. **Palmetto Utilities** – Mr. Manning moved, seconded by Mr. Pearce, to approve Palmetto Utilities to present their proposal to provide our citizens with the most cost effective services to Kershaw County where the plant is located for their consideration of approval of the plan to move on to SC DHEC where the citizens’ are represented by their elected SC House and Senate member; and where citizen input and public hearing is required to address the issues brought before this body during the citizen input this evening.

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

The vote in favor was unanimous.

MOTION PERIOD

- a. **The Coroner is reporting a large increase in the number of Hospice agency clients that pass away without funeral arrangements resulting in the County having to bear the expense of disposition of the individual’s remains. To combat this problem, the Coroner is requesting that Council consider an ordinance possibly directed toward Hospice agency business licenses that would require some type of escrow account for use at the time of the client’s death. This motion is for the County Administrator to determine which departments, working with the Coroner, need to craft such an ordinance and initiate necessary activity to bring an ordinance back to Council for consideration. [PEARCE]** – This item was referred to the A&F Committee.
- b. **To direct the Administrator to have the Dirt Road program audited to provide transparency, accuracy and accountability [DIXON]** – This item was referred to the County Administrator for action.
- c. **I move that in order to promote fairness in the Penny Tax program that Richland County approve another On-Call team in an attempt to promote diversity and be true to the referendum [JACKSON]** – This item was referred to the Transportation Ad Hoc Committee.
- d. **I move that the HR Department develop a career path for workers in the field in order for employees to have an opportunity to improve and earn better wages for an improved quality of life. Note: There should be no reason an employee in the field work for thirty (30) years and be in the same position when they started their career and only receiving a salary rate increase over the years. [JACKSON]** – This item was referred to the Administrator for action.

ADJOURNMENT

The meeting adjourned at approximately 9:27 PM.

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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