

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MEETING

May 17, 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 6:02 PM

#### INVOCATION

The Invocation was led by the Honorable Jim Manning

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning

#### APPROVAL OF MINUTES

**Regular Session: May 3, 2016** – Ms. Dixon moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

#### ADOPTION OF AGENDA

Mr. Smith stated a “DOR Update” needed to be added under the Report of the Attorney for Executive Session.

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

#### PRESENTATION

**Lower Richland STEM Program Update** – Ms. Meghan Hickman gave a brief update on the Lower Richland STEM Program. Dr. Craig Witherspoon, District One Superintendent; Commissioner Cheryl Harris, District One School Board Chair; a student from Lower Richland High School and a student from Southeast Middle School also provided remarks regarding the success of the program.



#### Committee Members Present

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

#### Others Present:

Tony McDonald  
Kimberly Roberts  
Daniel Driggers  
Kevin Bronson  
Larry Smith  
Brandon Madden  
Quinton Epps  
Beverly Harris  
Warren Harley  
Rob Perry  
Ismail Ozbek  
Roxanne Ancheta  
Jeff Ruble  
Donny Phipps  
Michelle Onley  
Tamara Rodriguez  
Kecia Lara  
Brittney Hoyle  
Samuel Selph  
Donald Woodward  
Michael Smith  
Bill Peters

**REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION**

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

- a. Contractual Matters: Solid Waste Services (2)**
- b. Department of Revenue Update**
- c. Personnel Matter**
- d. Item 16 – “Developing a Multi-County Park with Fairfield County; Authorizing the execution and delivery of an agreement governing the Multi-County Park; Authorizing the inclusion of certain property located in Richland County in the Multi-County Park; Authorizing the execution of an intergovernmental agreement; and other related matters”**
- e. Items 18(a) – “A Resolution Authorizing the execution and delivery of a Memorandum of Understanding by and among Richland County, South Carolina, the State of South Carolina, and a company known as Project Giant and other matters related thereto”**
- f. Item 18(b) – “Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for special source revenue credits to Haven Campus Communities – Columbia, LLC, and other related matters”**

**POINT OF PERSONAL PRIVILEGE** – Mr. Manning recognized Forest Acres Mayor Frank Bronson, Forest Acres Councilmen Roy Powell and Curt Rye, and City Manager Mark Williams were in the audience.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized former Lt. Governor Bob Peeler was in the audience.

**EXECUTIVE SESSION**

*Council went into Executive Session at approximately 6:14 p.m.  
and came out at approximately 7:00 p.m.*

No action was taken on the items discussed in Executive Session.

**CITIZENS' INPUT  
(For Items on the Agenda Not Requiring a Public Hearing)**

No one signed up to speak.

### REPORT OF THE COUNTY ADMINISTRATOR

- a. **Recognition of Employees** – Mr. McDonald congratulated Ms. Kecia Lara on being awarded the Building Official’s Association of South Carolina’s “Member of the Year”. In addition, Mr. Mike Smith received “Building Official of the Year” from the same organization.

Mr. McDonald congratulated Fleet Services on being named to the North American Fleet Association’s Top 100 Public Sector Fleets. Richland County’s fleet was 65<sup>th</sup> in the nation.

### REPORT OF THE CLERK OF COUNCIL

- a. **REMINDER: Public Works Luncheon, May 18<sup>th</sup>, 11:30 AM** – Ms. Onley reminded Council of the Public Works Luncheon at the Public Works facility.
- b. **REMINDER: Charters of Freedom Dedication Ceremony, May 26<sup>th</sup>, 2:00 PM (In front of Administration Building)** – Ms. reminded Council of the upcoming Charters of Freedom Dedication Ceremony on May 26<sup>th</sup>. In case of inclement weather, the dedication will be moved into Chambers.
- c. **REMINDER: Upcoming Budget Meetings** – Ms. Onley reminded Council of the upcoming budget meetings and informed Council there was an additional Budget Work Session added on May 24<sup>th</sup> at 4:00 p.m.
1. **May 19<sup>th</sup> – Budget Public Hearing**
  2. **May 26<sup>th</sup> – 2<sup>nd</sup> Reading [Grants Only]**
  3. **June 2<sup>nd</sup> – 2<sup>nd</sup> Reading [Non-Grant Items]**
  4. **May 24<sup>th</sup> – Follow-up Budget Work Session**

### REPORT OF THE CHAIR

- a. **Report of the Search Committee** – This item was held in committee.

### OPEN/CLOSE PUBLIC HEARINGS

- **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** – No one signed up to speak.

### APPROVAL OF CONSENT ITEMS

- **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 [THIRD READING]**

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

**FOR                      AGAINST**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Manning

The vote in favor was unanimous.

**THIRD READING**

**An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate \$62,751 of General Fund Balance to fund the costs for Board of Voter Registration & Elections Commission associated to conduct the Special Election(s) for the vacated District 10 Seat** – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item.

Mr. Malinowski inquired if it is the Election Commission's job to run elections for Richland County.

Mr. McDonald responded in the affirmative.

Mr. Malinowski inquired why the cost for running the upcoming special election is included in the cost estimate since Richland County is not an "other entity".

Mr. McDonald stated Mr. Malinowski had a valid point and asked Mr. Selph to respond in more detail.

Mr. Selph agreed the cost should not be included in the costs for the special election.

Mr. Malinowski inquired why a temp service is utilized.

Mr. Selph stated that is the term used, but it is actually temporary employees that work approximately 20 days during an upcoming election.

Mr. Malinowski inquired why the number of employees remained the same even though one of the polling sites was combined with another polling site.

Mr. Selph stated according to State law the number of poll managers assigned to a polling site is based upon the number of registered votes for that site.

Mr. Malinowski inquired why the Poll Manager's Assistant has to be 16 or 17 years of age.

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Mr. Selph stated the "job description" states one 16 or 17 year-old assistant *may* be appointed...but there are presently no 16 or 17 year-old poll manager's assistants.

Mr. Selph stated to run the primary (May 31<sup>st</sup>) the Elections Department will need approximately \$34,640.44. In the event there is a run-off, an additional \$29,210.00 will be needed.

Ms. Dickerson inquired if the funds are not needed for the run-off will the funding go back into the General Fund.

Mr. Selph stated the \$29,210.00 will go back into the General Fund if a run-off is not held.

Mr. Pearce inquired as to why the ordinance was not drafted in that manner to insure the funds are returned to the General Fund.

Mr. Pearce amended the original motion to have the ordinance to specify the funds for the primary election (\$34,640.44), and if necessary, the run-off election (\$29,210.00), not to exceed a total of \$62,751.00.

Mr. Livingston moved, seconded by Mr. Pearce, to call for the question. The vote in favor was unanimous.

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

The vote was in favor.

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

### **SECOND READING**

**An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate \$1,528,000.00 of unassigned fund balance to cover additional operating costs for General Fund departments** – Mr. Livingston moved, seconded by Mr. Jackson, to approve this item.

Mr. Pearce inquired as to what will happen if this item is not approved. Would it violate the law?

Mr. McDonald stated the County would not be in violation of the law. The General Fund cannot end the fiscal year end in a deficit, but if these items are not approved they would not cause the General Fund to run a deficit. At the end of the fiscal year when the audit is conducted, it will show that the Coroner's Office, the Detention Center and Council Services over spent their budget.

Ms. Dickerson stated she would support this item on Second Reading, but to have staff to research other funding mechanisms prior to Third Reading.

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Mr. McDonald stated no matter how the matter is dealt with it will ultimately affect the fund balance.

Mr. Manning moved, seconded by Mr. Malinowski, to divide the question into three (3) parts.

Mr. Malinowski stated the bond court revision caused a portion of the shortfall at the Detention Center.

Mr. McDonald stated the bond court revision was a pilot program that ultimately did not produce the savings anticipated when the program was implemented.

Mr. Malinowski inquired if there was an entity in Richland County that could assist with conducting polygraph tests for new hires at the Detention Center.

Mr. McDonald stated he was not sure, but he would imagine the Sheriff's Department does conduct polygraphs.

Mr. Malinowski inquired about the Council Services budget for District 10.

Mr. Driggers stated the Director of Council Services makes the decision on whether transfers in budgets are necessary and during this fiscal year funds were transferred to District 10's budget.

Mr. Livingston inquired if there were funds within the department budgets that could be re-appropriated to cover the shortfalls.

Mr. McDonald stated the overall budgets of the departments were taken into consideration when Finance projected the budget shortfalls.

The motion to divide the question failed.

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

The motion for approval failed.

**Developing a Multi-County Park with Fairfield County; Authorizing the execution and delivery of an agreement governing the Multi-County Park; Authorizing the inclusion of certain property located in Richland County in the Multi-County Park; Authorizing the execution of an intergovernmental agreement; and other related matters** – Mr. Pearce moved, seconded by Mr. Malinowski, to approve this item.

Mr. Manning requested a friendly amendment to include moving forward with the changes discussed in Executive Session. He stated as a citizen of Forest Acres, I am proud to support the town's effort to redevelop the former Cardinal Newman site on Forest Drive.

Mr. Pearce and Mr. Malinowski accepted the amendment.

The vote was in favor.

**Authorizing the conversion of a 1996 Fee in Lieu of ad valorem taxes arrangement by and between Richland County, South Carolina and Bose Corporation and other matters related thereto** – Ms. Dixon moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

## REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**A Resolution Authorizing the execution and delivery of a Memorandum of Understanding by and among Richland County, South Carolina, the State of South Carolina, and a company known as Project Giant and other matters related thereto** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous. *{Approval of this portion of the minutes was deferred until the June 21, 2016 Council meeting.}*

**Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for special source revenue credits to Haven Campus – Communities – Columbia, LL, and other related matters** – Mr. Livingston stated the committee recommended First Reading by Title Only. *{Approval of this portion of the minutes was deferred until the June 21, 2016 Council meeting.}*

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

The motion for approval failed.

## RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF APPOINTMENTS

- a. **Township Auditorium Board – 1** – Mr. Malinowski stated the committee recommended appointing Mr. Antjuan Orlando Seawright.

Mr. Rose requested to nominate Ms. Ray Borders Gray.

Mr. Pearce requested to nominate Jack M. Mills.

Mr. Pearce voted for Mr. Mills.

Mr. Rose voted for Ms. Gray.

Mr. Malinowski, Mr. Jackson, Mr. Livingston, Ms. Dickerson, Mr. Manning voted for Mr. Seawright.

Mr. Antjuan Orlando Seawright was appointed to the Township Auditorium Board.

## **II. ITEMS FOR ACTION FROM RULES AND APPOINTMENTS**

- a. All motions 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 held in 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 includes any notices of lawsuits of 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] – This item was held in committee.**

### **REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

- a. Atlas Road Widening Project – Norfolk Southern R. R. agreement – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.**
- b. Atlas Road Widening Project – CSXT R. R. agreement – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.**
- c. Bluff Road Widening Project – Tri-Party R. R. agreement – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.**
- d. Three Rivers Greenway Project – IGA with the City of Columbia – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.**
- e. Pineview Road Widening Project – Executive Summary and Proposed Typical Sections – Mr. Livingston stated the committee recommended approval of this item.**

Mr. Jackson expressed concern about the two-way center turn lane being removed from Bluff Road to Shop Road.

The vote in favor was unanimous.

- f. Shop Road Widening Project – Executive Summary and Proposed Typical Sections – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.**
- g. Shop Road Extension Phase I Project – Contract modification with CDM Smith – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.**



- h. Time sensitive projects due to federal funding – North Main Street Widening Project** – Mr. Livingston stated the committee recommended approval of this item.

Ms. Dickerson inquired about the match funding for this project.

Mr. Perry stated in order to receive the \$10 million TIGER Grant, you would need a \$2 million match. The overall project is \$45 million.

The vote in favor was unanimous.

- i. Mill Creek Mitigation Bank [FOR INFORMATION ONLY]** – No action required.
- j. Resurfacing Projects [FOR INFORMATION ONLY]** – No action required.
- k. TPAC: Roles and Responsibility [FOR INFORMATION ONLY]** – Mr. Livingston stated staff was directed to draft a job description for a part-time position to assist the TPAC Committee.
- l. Motion by Councilman Jackson: “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” [FOR INFORMATION ONLY]** – No action required.

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

Mr. Toney Forrester continued his “story” from the previous Council meeting.

**EXECUTIVE SESSION**

*Council went into Executive Session at approximately 8:09 p.m.  
and came out at approximately 8:35 p.m.*

- a. Contractual Matters: Solid Waste Services – 2**
1. Mr. Malinowski moved, seconded by Ms. Dixon, to authorize staff to submit a letter of objection to the South Carolina Department of Health and Environmental Control for the contemplated draft permit which requests a disposal rate increase at the Waste Management Richland County Class 3 Landfill at the intersection of Highway Church Road and Screaming Eagle Road for an additional annual tonnage increase of 150,000 tons on the grounds that this increase exceeds the annual cap of one million tons of needed disposal as adopted in the Richland County Solid Waste Management Plan. The vote in favor was unanimous.
  2. Mr. Pearce moved, seconded by Ms. Dixon, to (a) Issue a notice to Advanced Disposal for the cancellation of the Area 6 contract, effective December 31, 2016; (b) Issue a notice to Advanced Disposal that Richland County intends to let the Area 3 contract expire on December 31, 2016; and (3) Issue a Request

for Proposals for Solid Waste Services for Area 3 and Area 6 contracts, independently. The vote in favor was unanimous.

### **MOTION PERIOD**

- a. **Move that Council adopt rental regulations ordinance in Richland County [DICKERSON, JACKSON and ROSE]** – This item was referred to the D&S Committee.
- b. **Direct the County Administrator to prepare a comprehensive document suitable for release to the public detailing the impact of SCDOR’s action to withhold funds collected from the Transportation Penny [PEARCE]** – This item was referred to the County Administrator.
- c. **Direct the County Administrator to prepare a comprehensive document suitable for release to the public detailing the financial impact to the citizens of Richland County if the County is required to pay for portions of the Transportation Program from the County’s General Fund as demanded by the SCDOR [PEARCE]** – This item was referred to the County Administrator
- d. **Move that Council send a resolution to the Legislative Delegation that: whenever there is annexation the County continues to receive the Hospitality Tax for the annexed portion of the County. Property tax remains to the County and so should Hospitality Tax to sustain organizations and projects developed by the County** – Mr. Manning moved, seconded by Mr. Jackson, to adopt the resolution. The vote in favor was unanimous.

### **ADJOURNMENT**

The meeting adjourned at approximately 8:38 PM.

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Torrey Rush, Chair

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Greg Pearce, Vice-Chair

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Joyce Dickerson

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Julie-Ann Dixon

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Norman Jackson

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Jim Manning

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Seth Rose

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