

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MEETING

June 21, 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 6:01 PM

#### INVOCATION

The Invocation was led by the Honorable Norman Jackson

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce stated that Mr. Bob Murphy who had served on the East Richland Public Service Commission for many years had passed away.

#### APPROVAL OF MINUTES

**Regular Session: May 17, 2016** – Mr. Jackson moved, seconded by Mr. Manning, to defer approval of the portion of the minutes related to the following item: “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”. The vote was in favor.

**Regular Session: June 7, 2016** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

#### ADOPTION OF AGENDA

Mr. Rush stated a “Personnel Matter” needed to be added under the Report of the Chair.

Ms. Dixon moved, seconded by Ms. Dickerson, to adopt the agenda as amended. 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  
Seth Rose

#### Others Present:

Tony McDonald  
Kimberly Roberts  
Daniel Driggers  
Kevin Bronson  
Larry Smith  
Beverly Harris  
Warren Harley  
Rob Perry  
Ismail Ozbek  
Roxanne Ancheta  
Michelle Onley  
Tracy Hegler  
Jeff Ruble  
Nancy Stone-Collum  
Chanda Cooper  
Brandon Madden  
Charlie Fisher  
Quinton Epps

**REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION**

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

- a. Department of Revenue Update**
- b. Library Lease Agreement**
- c. Item 23(a) – “Design-Build Intersection Project: Right-of-Way Acquisition”**
- d. Items 23(b) – “Bluff Road Widening Phase I Project: Right-of-Way Acquisition”**
- e. Personnel Matter**

Mr. Pearce inquired about which lawsuit would be discussed under the Department of Revenue Update.

Mr. Smith stated the action that was taken by the Department of Revenue is in response to the County’s lawsuit; therefore, there is only one ongoing lawsuit.

**EXECUTIVE SESSION**

*Council went into Executive Session at approximately 6:08 p.m.  
and came out at approximately 6:14 p.m.*

**CITIZENS’ INPUT**

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

Mr. Andy Yassinsac and Ms. Pamela Greenlaw spoke in opposition of the Palmetto Utilities item.

**REPORT OF THE COUNTY ADMINISTRATOR**

- a. Introduction of Transportation Penny Program Interns** – The Transportation Penny Program Summer interns introduced themselves to Council.
- b. Palmetto Utilities** – Mr. Harley stated included in the agenda packet is a revised agreement to be considered by Council. The significant changes are: (a) The discharge of 3 MGD into Spears Creek would be for a maximum of 10 years. Previously it was a discharge of 3 MGD in perpetuity. (b) Palmetto Utilities would construct the Wateree Pipeline, at such time as it is deemed appropriate.

Mr. Pearce stated this agreement would limit on the amount of discharge and moves the pipeline to more of a priority.

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Mr. Pearce moved, seconded by Mr. Jackson, to authorize Richland County Administration to pursue the amendment of the 2006 Agreement and any other agreements appropriate to effectuate the above plan, in conjunction with Palmetto, Kershaw County, DHEC and any other appropriate parties.

Ms. Dixon inquired about the water seepage Mr. Yassinsac referred to in his comments.

Mr. Harley stated Palmetto Utilities has been working with DHEC to address the concerns regarding the "Rapid Infiltration Basins" located in Kershaw County.

Mr. Malinowski inquired if Palmetto Utilities has a permit to discharge into Spears Creek.

Mr. Stone with Palmetto Utilities stated they are in the process of applying and obtaining the permit.

**FOR                      AGAINST**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Manning  
Jeter

The vote in favor was unanimous.

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

**Employee Recognition** – Ms. Dixon recognized Ms. Chanda Cooper on being awarded the 2016 SC Project Learning Tree "Jerry L. Shrum Outstanding Educator of the Year".

- c. **Retirement** – Mr. McDonald updated Council on the transition plan. Council members expressed their appreciation on Mr. McDonald's dedication to the County over the years.

**REPORT OF THE CLERK OF COUNCIL**

- a. **Community Relations Council Annual Luncheon and Awards Presentation, June 22<sup>nd</sup>, 12 noon, Columbia Metropolitan Convention Center** – Ms. Onley reminded Council of the Community Relations Council Annual Luncheon.
- b. **July Schedule: Regular Session – July 12<sup>th</sup>; Committee and Zoning Public Hearing – July 26<sup>th</sup>** – Ms. Onley reminded Council of the July meeting schedule.

### REPORT OF THE CHAIR

- a. **Personnel Matter** – This item was taken up in Executive Session.
- b. **No Tie July** – Mr. Rush reminded Council of the “No Tie July” tradition.

### OPEN/CLOSE PUBLIC HEARINGS

- **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** – No one signed up to speak.

### APPROVAL OF CONSENT ITEMS

- **16-13MA, George H. Reed, Jr., RS-MD to RU (3.21 Acres), 2127 Long Trail Drive, 24800-06-67 [THIRD READING]**
- **16-16MA, Wand Morris, RU to GC (0.45 Acres), 413 Killian Road, 17400-02-08 [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to modify the special requirements for “Bars and Other Drinking Places” [THIRD READING]**

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

### THIRD READING

**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. Livingston moved, seconded by Mr. Jeter, to approve this item.

**FOR**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Manning  
Jeter

**AGAINST**

The vote in favor was unanimous.

## REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**A Resolution consenting to and ratifying the assignment by Navistar, Inc. and Navistar Component Holdings, LLC to Pure Power Technologies, Inc. of certain property tax incentive agreements and other matters related thereto** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

## RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF APPOINTMENTS

- a. **Employee Grievance – 1** – Mr. Malinowski stated the committee recommended appointing Mr. James Hill. The vote in favor was unanimous.

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

- a. **Based on Richland County guideline and grievance procedure 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 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 held in committee to allow Administration to draft language.

## REPORT OF THE BLUE RIBBON COMMITTEE

- a. **Approval of HMGP Eligible Projects** – Mr. Rush stated the committee met on June 9<sup>th</sup> and reviewed the draft outline of the implementation plan of Community Development Block Grant-Disaster Recovery (CDBG-DR) funding. The committee also reviewed HMGP Project List. The committee unanimously recommended Council consider and approve the adoption of the HMGP Projects. If approved, staff will proceed with developing the full application with the SCEMD.

The vote in favor of adoption of the HMGP Projects was unanimous.

- b. **An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate up to \$340,000 of General Fund Balance to be used as initial funding for projects related to the flood recovery. Funds used will be reimbursed as Federal, State or as funding is provided to the County on a reimbursable basis [FIRST READING]** – Mr. Bronson stated staff is requesting to pre-fund the staffing needs to complete the application for the HMGP projects. HMGP and CDBG-DR funds will be used to reimburse the expenses.

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

Ms. Dickerson inquired about how many positions staff is requesting.

Mr. Bronson stated the County would pay TetraTech to complete the activities. The County currently has three (3) Disaster Recovery Specialists that the State provided. The Disaster Recovery Specialists primarily do ground level work.

Mr. Jackson inquired if TetraTech was still hiring local businesses.

Mr. Bronson stated TetraTech typically hire local contractors to assist with the public input meetings.

Mr. Jackson inquired about how the \$1.5 million for TetraTech was spent.

Mr. Harley stated TetraTech assisted the County with assessing the damage, as well as, financial recovery services. To date, the County has been able to collect about \$1.2 million from FEMA.

The vote in favor was unanimous.

#### **REPORT OF THE DECKER CENTER AD HOC COMMITTEE**

- a. Recommendation to move forward on Furniture package** – Mr. Manning stated the committee recommended moving forward with the furniture package.

Mr. Malinowski inquired about why there is a need for a washing machine in the building.

Mr. Fosnight stated this item was left on the drawings in error.

Mr. Malinowski inquired if the State and City pay property taxes to the County.

Mr. McDonald stated government-owned properties are tax exempt.

Mr. Malinowski inquired then why does the County have to pay sales tax on the purchase of the furniture.

Mr. McDonald stated the County is not exempt from paying sales taxes.

#### **FOR                      AGAINST**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Manning  
Jeter

The vote in favor was unanimous.

**REPORT OF THE OFFICE OF SMALL BUSINESS OPPORTUNITY AD HOC COMMITTEE**

- a. **SLBE Ordinance Revision: Sheltered Market Cap (\$250k → \$500k)** – Mr. Manning stated the increase will provide SLBEs with an opportunity to bid on larger contracts, increase their profit margins and help them gain experience on larger projects. The committee unanimously recommended approval of the amended ordinance. The vote in favor was unanimous.

1. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Local Business Enterprise Procurement Requirements; Section 2-644, Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation; Subparagraph 5; so as to increase the contract value for sheltered markets [FIRST READING]**

- b. **County Annual Asphalt/Concrete Contracts** – Mr. Manning stated there exists an opportunity for the County to purchase asphalt and/or concrete in order to reduce the burden on small local contractors assuming upfront material purchase costs. This may save taxpayer dollars by reducing the risk on small local contractors and by establishing a fixed unit price between the County and the supplier. The committee unanimously recommended exploring a County contract to provide asphalt and/or concrete. Staff will bring back to Council once available.

Mr. Jeter inquired if the County currently has asphalt/concrete contracts in place.

Mr. McDonald stated the current contracts are through Public Works for County projects.

The vote in favor was unanimous.

- c. **SLBE Goals—Extend Countywide July 1, 2016** – Mr. Manning stated the funding for the OSBO Division was transferred from the Transportation Penny Program to the General Fund. The committee unanimously recommended directing SLBE Goals to extend Countywide to include Engineering, where applicable, as of July 1, 2016.

Mr. McDonald stated the concept of the SLBE goals was to engage as many small local businesses as possible in the Transportation Penny program. It was discussed from the beginning to eventually to expand the goals to all projects.

The vote in favor was unanimous.

- d. **On Call Maintenance Contract for Public Works** – Mr. Manning stated there exists an opportunity to implement and/or expand the SLBE participation in on-call maintenance contracts (i.e. sidewalk grinding, road striping and dust control). The committee unanimously recommends Public Works, as well as other applicable departments, research the implementation and/or expansion of on-call maintenance contracts. Staff will bring back to Council information once available. The vote in favor was unanimous.

## REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. **Design-Build Intersection Project: Right-of-Way Acquisition** – Mr. Livingston stated the committee recommended moving forward as discussed in Executive Session. The vote in favor was unanimous.

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

- b. **Bluff Road Widening Phase I Project: Right-of-Way Acquisition** – Mr. Livingston stated the committee recommended moving forward as discussed in Executive Session. The vote in favor was unanimous.

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

## OTHER ITEMS

- a. **A Resolution to appoint and commission Manolo Ibarra-Pineda as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {ANIMAL CARE}** – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

## 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 7:29 p.m.  
and came out at approximately 8:03 p.m.*

- a. **Department of Revenue Update** – No action was taken.
- b. **Library Lease Agreement** – Ms. Dickerson moved, seconded by Ms. Dixon, to proceed as discussed in Executive Session. The vote in favor was unanimous.

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

- c. **Personnel Matter** – No action was taken.

## MOTION PERIOD

- a. **Amend the Hospitality Tax Ordinance to provide for the establishment of individual Council District "Directed Accounts" on an annual basis, the funding for which will be determined after all Ordinance mandated accounts have been funded [PEARCE]** – This item was referred to the A&F Committee.



- b. Move that Council adopt a resolution commending Debee Early, Vice President of Community Services, LRADAC, for her service to the citizens of Richland County on the occasion of her retirement [PEARCE]** – Mr. Pearce moved, seconded by Ms. Dixon, to adopt a resolution commending Debee Early for her service to the citizens of Richland County. The vote in favor was unanimous.
- c. Move that Council direct the Economic Development Committee to begin discussions with the University of South Carolina as to the sale of the Innovista Parking Garage that USC is now interested in purchasing [PEARCE]** – This item was referred to the Economic Development Committee.
- d. A resolution recognizing Booker T. Washington High School on its 100-year anniversary for the significant contributions made to our community [LIVINGSTON]** – Mr. Livingston moved, seconded by Mr. Manning, to adopt a resolution recognizing Booker T. Washington High School on their 100-year anniversary. The vote in favor was unanimous.
- e. Move that the County Administrator assign a staff member to evaluate the possibility of either purchasing or leasing solar panels for all County owned buildings where the installation of this equipment would result in significant savings. This request is based on recent changes in State law that have resulted in a more competitive solar market in South Carolina. [PEARCE]** – This item was referred to Administration for staff to evaluate the matter.

**ADJOURNMENT**

The meeting adjourned at approximately 8:06 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

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