

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MEETING

October 18, 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 Dalhi Myers

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Dalhi Myers

PRESENTATION OF RESOLUTION

Resolution Designating October 2016 as Community Planning Month in Richland County [RUSH] – Mr. Pearce presented a resolution to Mr. Stephen Gilchrist and Ms. Hegler designating October 2016 as Community Planning Month in Richland County

Resolution Recognizing “End Childhood Hunger SC Week” – Mr. Rush presented a resolution recognizing the week of October 22 – 29 as “End Childhood Hunger SC Week” in Richland County.

APPROVAL OF MINUTES

- a. **May 17, 2016 (Deferred at June 7, 2016 Council Meeting)** – Mr. Pearce moved, seconded by Mr. Livingston, to approve the minutes as distributed. The vote in favor was unanimous.
- b. **Regular Session: October 4, 2016** – Mr. Manning moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Dixon moved, seconded by Mr. Malinowski, to adopt the agenda as published. 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
Dalhi Myers
Seth Rose

Others Present:

Gerald Seals
Kimberly Roberts
Daniel Driggers
Kevin Bronson
Michelle Onley
Tracy Hegler
Jeff Ruble
Quinton Epps
Geo Price
Brandon Madden
Larry Smith
Brad Farrar
Christy Swofford
Ismail Ozbek
Dwight Hanna
Beverly Harris
Laura Renwick
Rob Perry
Janelle Ellis
Donald Woodward
Cheryl Johnson
Latoisha Green

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

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

- a. Employee Grievance**
- b. Item #24: “An Agreement by and between Richland County and the University of South Carolina whereby the County and USC desire to agree herein for the prepayment by USC to County of the estimated future County net parking revenue payments”**

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

Mr. Pearce moved, seconded by Ms. Dickerson, to waive the rules and allow the citizens to speak to Item #21: “An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate Seven Hundred Sixteen Thousand Four Hundred Forty Six Dollars (\$716,446) to fund officer safety equipment and service agreement – body worn cameras”, which will require a public hearing. The vote in favor was unanimous.

Mr. E. C. Nelson, Mr. Simeon Miles, Ms. Diane Wiley, Mr. Wilbert Lewis, Mr. Seth Stoughton, Ms. Katie Bolden, and Mr. Lavar Jones spoke in favor of the item.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Recognition of Transportation Program Interns** – The interns for the Transportation Program introduced themselves to County Council.
- b. Employee Grievance** – This item was taken up in Executive Session.

REPORT OF THE CLERK OF COUNCIL

- a. Midlands Technical College Oyster Roast & Shrimp Boil, October 27, 6:00 p.m., MTC Northeast Campus** – Ms. Onley reminded Council of the upcoming Midlands Technical College Oyster Roast & Shrimp Boil on October 27th.

POINT OF PERSONAL PRIVILEGE – Ms. Dixon thanked Council and Richland County employees for wearing pink and/or purple in honor of Breast Cancer Awareness Month and Domestic Violence Awareness Month.

REPORT OF THE CHAIR

- a. Customer Service Competition** – Mr. Rush stated the Ombudsman’s Office has requested Council judge a Customer Service Competition among County Departments. Mr. Manning, Ms. Myers, Ms. Dickerson and Ms. Dixon volunteered to judge the competition.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate Thirty Eight Thousand Seven Hundred Forty Dollars (\$38,740) to increase funding to the Board of Voter Registration & Elections Department to cover the cost of legal bill(s) – No one signed up to speak.**

APPROVAL OF CONSENT ITEMS

- **16-024MA, Mark Taylor, RU to GC (14 Acres), 219 Rabon Road, 19903-06-01 [THIRD READING]**
- **16-025MA, Ashley Chason, RU to GC (1.2 Acres), 1640 Dutch Fork Rd., 02412-01-04 [THIRD READING]**
- **An Ordinance Authorizing deed to the City of Columbia for certain water lines to serve the Decker Center; Richland County TMS # 16911-03-09 [SECOND READING]**

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

THIRD READING

16-023MA, Debbie Nix, RS-MD to OI (3.17 Acres), 806 Universal Drive, 19106-06-01 – Mr. Jackson stated at the Zoning Public Hearing he requested the Zoning Administrator to contact the applicant to arrange a meeting to discuss the re-zoning.

Mr. Jackson moved, seconded by Ms. Dixon, to defer until a meeting can be held with the applicant. The vote in favor was unanimous.

16-026MA, David Tuttle, M-1/RS-LD to PDD (33.88 Acres), Roseberry Lane, 22807-01-04 – Mr. Malinowski requested input from the Conservation Commission on this re-zoning prior to going forward with Third Reading.

Ms. Dixon moved, seconded by Mr. Jackson, to defer until the November 1st Council meeting. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to add duets as a use in the RM-MD and RM-HD Zoning Districts with Special Requirements – Mr. Livingston moved, seconded by Ms. Dixon, to approve this item.

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

The vote in favor was unanimous.

An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate Thirty Eight Thousand Seven Hundred Forty Six Dollars (\$38,740) to increase funding to the Board of Voter Registration & Elections Department to cover the costs of legal bill(s) – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item.

Mr. Pearce inquired what the status of the additional attorney's fees.

Mr. Smith stated at the last hearing Judge Strickland indicated his intent to award additional attorney's fees and costs for the hearing, but to date the County has not been informed of an Order being issued regarding the amount he intends to award. At this time Council can potentially do two (2) things: wait until an Order from the Court is received or approve the item tonight.

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

The vote was in favor.

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

SECOND READING

An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate Seven Hundred Sixteen Thousand Four Hundred Forty Six Dollars (\$716,446) to fund officer safety

equipment and service agreement – born worn cameras – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item.

Mr. Pearce stated the proceeds from the sale of the parking garage to USC would reimburse the General Fund for the upfront costs of purchasing the body cameras, which was brought up on First Reading.

Ms. Myers reiterated her concern with protecting citizens' 4th Amendment rights.

Mr. Livingston reiterated the County's exploration of reimbursement from the State for the costs of the cameras. Additionally, he reminded Council this matter will need to be addressed during the budget process for the upcoming years.

Ms. Myers requested clarification regarding the contract being in the County's name and not the Sheriff's Department.

Mr. Seals stated the contract will be with County government for a 5-year period.

Mr. Rose inquired if the Sheriff's Department was aware of what other local law enforcement agencies are doing to implement the body camera program.

Deputy Chief Cowan stated many of the other agencies have cameras in place.

Mr. Rush requested clarification on the exact amount needed to implement the body camera program.

Mr. Seals stated the first year, start-up costs is \$646,000. Deputy Chief Cowan stated the exact figure \$646,428.

Mr. Pearce amended his motion to include the new total provided by the Sheriff's Department and Administration.

The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Future Management of the Pinewood Lake Property – Mr. Pearce stated the committee recommended approval to allow the Conservation Commission to manage Pinewood Lake.

Mr. Jackson stated in the documentation it referenced moving the Conservation Commission to the Pinewood Lake property, specifically the house on the property. The house is not commercialized and designed to be used as an office.

Mr. Seals stated operationally, if approved, the Conservation Commission will not move to this location. It will continue to be in the Administration building. Any equipment needs will be addressed during the upcoming budget process.

Mr. Malinowski requested an updated proposal before the next meeting.

Mr. Malinowski made a substitute motion, seconded by Mr. Livingston, to defer this item.

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

The substitute motion failed.

Mr. Seals stated he will forward an email to Council within 36 hours with operational clarity on this item.

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

The vote in favor was unanimous.

Mr. Rose moved, seconded by Ms. Dixon, for reconsideration of this item. The motion failed.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

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 [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski inquired if the developers had received millions of dollars in tax incentives.

Mr. Livingston stated he was not aware of any incentives from the County.

Mr. Ruble stated any incentives would have come from the City of Columbia and he was not privy to the details on the incentives.

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Mr. Pearce stated this was before Council previously and was denied on a vote of 6-3. Due to parliamentary procedures implemented it has been placed before Council for a new vote. He further stated with the large influx of the student housing community, the County's non-supported student housing projects are going to suffer.

Mr. Jeter stated he had requested during the committee meeting a fiscal impact report regarding this project and inquired if the report was ever developed.

Mr. Seals stated it had not, but that staff could provide the report before Second Reading of this item.

Mr. Livingston stated the Economic Development discussed why Richland County was not getting projects like Charleston and Greenville is receiving. The conclusion was because Richland County was not utilizing the resources available (i.e. USC, Benedict College, Allen University, Engenuity, etc.) After speaking with Mayor Benjamin, it was determined to look at increasing student housing from a private prospective.

Mr. Malinowski stated this item will set a precedent wherein taxpayers will have to pay twice for incentives for the developers.

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

A discussion took place regarding Ms. Myers wishing to abstain from voting on this item. Mr. Rush ruled that Ms. Myers could not abstain from voting; therefore, Ms. Myers voted against this item.

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

The motion failed.

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

An Agreement by and between Richland County and the University of South Carolina whereby the County and USC desire to agree herein for the prepayment by USC to County of the estimated future County net parking revenue payments - This item was taken up during Executive Session.

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the

execution and delivery of a credit agreement to provide for special source revenue credits to [Project Alimex]; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski requested all of the pertinent information for this item be provided prior to Second Reading and clarification if the 22 jobs offered will be filled with Midland residents or if they will be transferring employees from an existing location.

The vote was in favor.

A Resolution consenting to and ratifying the assignment by University Residences Columbia, LLC to Trea Greene Crossing, LLC of certain property tax incentive agreements and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

REPORT OF THE TRANSPORTATION AS HOC COMMITTEE

- a. Sidewalk Package S-3 (Sheltered Market): Construction Award** – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

- b. Sidewalk Package S-5 (Sheltered Market): Construction Award** – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

- c. Bluff Road Phase I Widening Project: Construction Award** – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

- d. Shop Road Phase I Extension Project: Construction Award** – Mr. Livingston stated the committee recommended deferral of this item. The vote in favor was unanimous.

- e. Mitigation Bank Excess Credit Sales**
 - 1. SCDOT: I-20 Widening Project**
 - 2. SCDOT: I-77 Widening Project**
 - 3. SCDOT: Hardscrabble Road Widening Project**
 - 4. JR Lex II, LLC: Dollar General**

5. Big Red Box, LLC: Pineview Drive Site

Mr. Livingston stated the committee recommended approval of this item.

Mr. Pearce reiterated for the public's benefit that the funds to purchase this property were provided by the taxpayers. This land is now being utilized as a mitigation bank and the County is now selling these credits and will eventually be able to offset the purchase price.

Ms. Myers stated she feels the credits should be utilized to provide development for the Lower Richland area.

Ms. Myers requested a friendly amendment to table the discussion of where the proceeds to go. The motion died for lack of a second.

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

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Livingston, to reconsider this item.

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

Mr. Toney Forrester continued his "story" from previous Council meetings.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 8:02 p.m.
and came out at approximately 8:16 p.m.*

- a. **Employee Grievance** – Council upheld the Administrator's recommendation.
- b. **An Agreement by and between Richland County and the University of South Carolina whereby the County and USC desire to agree herein for the prepayment by USC to County of the estimated future County net parking revenue payments** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

MOTION PERIOD

- a. **Move to pass a resolution in honor of the life of the late Richland County Conservation Commission member Ann Furr [ROSE]** – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.
- b. **In his letter of October 4, 2016 addressed to Chairman Rush and copied to Council members Senator John Scott, Chairman of the Richland County Legislative delegation cites a 1989 Attorney General's "opinion" which concludes: "...since the Board of Election and Registration is a county office, McCormick County would have the same responsibility for providing legal advice or paying for legal representation for the Board as it would for any other county agency or office." I move that the Richland County Attorney's office review this opinion and provide recommendations to County Council as the feasibility of challenging this "opinion" via legal action [PEARCE, RUSH, MALINOWSKI, and DICKERSON]** – This item was referred to the County Attorney's Office.
- c. **I move to direct the County Attorney to engage the services of an attorney associated with the October 1997 Weaver vs. Richland County Recreation Commission to advise Council as to the legal actions available to determine if Act 397 Section 4. (Codified as Section 6-11-2971) of 1998 "cured" the taxing authority question found in the decision of the Supreme Court in the Weaver case [PEARCE]** – This item was referred to the County Attorney's Office.
- d. **Resolution honoring Greg Sinkler of Lower Richland an employee of SCE&G and his crew who went above and beyond tirelessly 20 hours daily helping the citizens of Lower Richland during and after Hurricane Matthew restoring power in an expeditious manner. With the work he performed his presence was requested in the Low Country to help our State [JACKSON]** – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous. The vote in favor was unanimous.
- e. **Motion to explore the reopening of Wild Cat Road a 12 mile length of road from Leesburg Road to Percival Road improving the Level of Service (LOS) on Garners Ferry Road, I-77 and I-20 to Northeast Columbia. Note: In 2013 the Garrison Commander supported the reopening if the entire length was secured with protective fence. Additionally a minimum of two bridges were designed in the reopening so as not to affect the flow of traffic on Fort Jackson. The reopening would also provide multiple access to the National Cemetery and access to McCrady McEntire Airbase and Shaw Air Force Base [JACKSON and DIXON]** – This item was referred to the D&S Committee.
- f. **Resolution in support of the 70th anniversary of the Southern Negro Youth Council [LIVINGSTON, JETER, DIXON, ROSE, JACKSON, MANNING, PEARCE and MYERS]** – Mr. Livingston moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:19 PM.

Torrey Rush, Chair

Greg Pearce, Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Dalhi Myers

Seth Rose

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