

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MEETING

December 6, 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 Greg Pearce

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Greg Pearce

#### PRESENTATIONS

- a. Director's Customer Service Competition Recognition/Award Presentation**  
– The following departments presented their Customer Service Competition entries to County Council: Register of Deeds, Community Development, Animal Care, Information Technology, Finance, Solid Waste, Building Inspections, Planning, Support Services, and Public Works.

#### APPROVAL OF MINUTES

**Regular Session: November 1, 2016** – Ms. Dixon moved, seconded by Mr. Pearce, 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.

#### REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

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

- a. Potential Contractual Matter: Palmetto Utilities, Inc.**  
**b. Pending Litigation Update: Richland County vs. SC Department of Revenue**



#### 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  
Michelle Onley  
Quinton Epps  
Brandon Madden  
Larry Smith  
Brad Farrar  
Ismail Ozbek  
Dwight Hanna  
Beverly Harris  
Rob Perry  
Judy Carter  
Kelly Cunningham  
Mike Smith  
Sandra Haynes  
Christy Swofford  
Meagan Douglas  
Bill Peters  
Hayden Davis  
Laura Renwick  
Tiffany Harrison  
John Hopkins  
Donny Phipps  
Kecia Lara  
Valeria Jackson  
Geo Price  
Dale Welch

- c. **Personnel Matter**
- d. **Item # 21.b. – Shop Road Extension Phase I Project: Construction contract award**

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

Ms. Kathleen McDaniel, Mr. R. Joseph Richardson and Mr. Robert M. Richardson spoke regarding Item #21.b. – Shop Road Extension Phase I Project.

**REPORT OF THE COUNTY ADMINISTRATOR**

No report was given.

**REPORT OF THE CLERK OF COUNCIL**

- a. **REMINDER: China Jushi Groundbreaking, Pineview Industrial Park, December 8<sup>th</sup>, 10:30 a.m.** – Ms. Onley reminded Council of the China Jushi Groundbreaking on December 8<sup>th</sup> at the Pineview Industrial Park.
- b. **Council Farewell Drop-In, December 13<sup>th</sup>, 4<sup>th</sup> Floor Conference Room, 4:45 p.m.** – Ms. Onley stated there will be a farewell drop-in for the departing Council members on Tuesday, December 13<sup>th</sup> in the 4<sup>th</sup> Floor Conference at 4:45 p.m.

**REPORT OF THE CHAIR**

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

**OPEN/CLOSE PUBLIC HEARINGS**

- **In Support of the issuance by the South Carolina Jobs Economic Development Authority of its Economic Development Revenue Bonds (Green Midlands, LLC Project), in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$13,875,000** – No one signed up to speak.
- **Resolution approving the issuance of not to exceed \$72,000,000 of tax-exempt bonds to be issued by the Public Finance Authority to finance and refinance certain costs of various projects on behalf of the Foundation for Affordable Housing** – Mr. Stephen Cox spoken in favor of this item.
- **An Ordinance Amending the Richland County Code of Ordinance, Chapter 2, Administration; so as to move the division known as the Office of Small Business Opportunity from Procurement so that this division directly reports to the County Administrator** – No one signed up to speak.

**APPROVAL OF CONSENT ITEMS**

■ **Support Services: Township Auditorium Safety Catwalk Upgrade**

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

**THIRD READING**

**An Ordinance Authorizing the First Amendment of that certain fee agreement by and between Richland County, South Carolina and Sensor Electronic Technology, Inc., relating to, without limitation, extension of the completion date to allow for continuing and further investment in the project and other related matters** – Mr. Livingston moved, seconded by Ms. Dixon, to approve this item.

Mr. Malinowski requested the Exhibit A to be provided prior to this item being filed with the court.

**FOR**                      **AGAINST**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Myers  
Manning  
Jeter

The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so s to move the division known as the Office of Small Business Opportunity from Procurement so that this division directly reports to the County Administrator** – Ms. Dixon moved, seconded by Mr. Manning, to approve 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 ADMINISTRATION AND FINANCE COMMITTEE

**Council Motion: Motion to Approve Ordinance that Prohibits the Payment of Legal Fees and/or Financial Judgments Created by any Department and/or Agency that does not Directly Report Administratively to Richland County Government** – Mr. Farrar stated the title for this item would be “Payment of Legal Fees or Settlement Amounts for Entities not created by County ordinance or whose members are not appointed by Richland County”. The following language is recommended by Legal to be added to the ordinance: “This ordinance only applies to boards, committees, commissions or similar entities, and does not apply to offices under the direction of County elected officials or offices under the direction of officials appointed by the Richland County Council or the Richland County Administrator.”

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

**Council Motion: Seed Funding for Commemorating Fort Jackson’s 100<sup>th</sup> Birthday** – Mr. Manning moved, seconded by Mr. Rose, to approve this item for First Reading in the amount of \$200,000 from the Hospitality Tax fund. Staff will provide further information at Second Reading.

Mr. Rose inquired if this was a time sensitive matter.

Mr. Manning stated it is time sensitive as the request is seed funding for an event that will take place in July 2017.

Mr. Malinowski expressed concern there was not more information provided to Council prior to a vote being taken on the item.

Mr. Livingston made a substitute motion, seconded by Mr. Pearce, to approve this item for First Reading in the amount of \$1.00.

Ms. Dixon inquired, on behalf of her constituent, if the park may be accessed by non-military persons.

The vote in favor of the substitute motion was unanimous.

**Freedom of Information Act Policy Revision** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item.

Mr. Smith stated the revisions are the rates for researching and copying of documents and process of obtaining information from various departments.

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

The vote in favor was unanimous. Mr. Rose and Ms. Myers were not present during the vote.

## **REPORT OF RULES AND APPOINTMENTS COMMITTEE**

### **I. NOTIFICATION OF APPOINTMENTS**

- a. **Planning Commission – 1** – Mr. Malinowski stated the committee recommended re-advertising for the vacancy. The vote was in favor.
- b. **Central Midlands Council of Governments (CMCOG) – 1** – Mr. Malinowski stated the committee recommended appointing Mr. E. W. Cromartie, II.

Mr. Malinowski made a substitute motion, seconded by Ms. Dickerson, to re-advertise for the vacancy to allow residents of the unincorporated area of the County an opportunity to apply and serve on the committee.

The vote was in favor.

Mr. Manning requested to reconsider Item #19: “Central Midlands Council of Governments (CMCOG) – 1”.

Mr. Rush ruled stated in order for Mr. Manning to move to reconsider the item he would have had to have voted on the prevailing side; therefore, the motion was not proper.

- c. **Hospitality Tax – 3 (Two applicants must be from the Restaurant Industry; other position is at-large seat)** – Mr. Malinowski stated the committee recommended appointing Mr. Micah Taylor Lybrand and re-advertising for the two (2) remaining vacancies. The vote in favor was unanimous.

**REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

- a. **North Main Street Widening Project: Construction contract award** – Mr. Livingston stated the committee recommended awarding the contract to L-J, Inc. in the amount of \$36,566,896.21 and to authorize a 10% construction contingency fee and to increase the utility reallocation to \$8.7 million.

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

The vote in favor was unanimous.

- b. **Shop Road Extension Phase I Project: Construction contract award** – This item was taken up in Executive Session.

**OTHER ITEMS**

**In Support of the issuance by the South Carolina Jobs Economic Development Authority of its Economic Development Revenue Bonds (Green Midlands, LLC Project), in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$13,875,000** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski requested a staff recommendation on these type items in the future.

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

The vote in favor was unanimous.

**Resolution approving the issuance of not to exceed \$72,000,000 of tax-exempt bonds to be issued by the Public Finance Authority to finance and refinance certain costs of various projects on behalf of the Foundation for Affordable Housing** – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item.

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

The vote in favor was unanimous.

Mr. Rose moved to reconsider Item #19: “Central Midlands Council of Governments (CMCOG) – 1”.

Mr. Smith ruled that he was not present at the time of the vote; therefore, he could not move for reconsideration.

**A Resolution to appoint and commission Jeffrey K. Osteen as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve this item.

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

The vote in favor was unanimous.

**A Resolution to appoint and commission Lou Dinkins as a Residential Building Inspector for the proper security, general welfare, and convenience of Richland County** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve this item.

**FOR**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Myers  
Jeter

**AGAINST**

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 meetings.

Ms. Helen Taylor Bradley spoke regarding the Lower Richland Sewer Project.

**EXECUTIVE SESSION**

*Council went into Executive Session at approximately 7:17 p.m.  
and came out at approximately 9:02 p.m.*

- a. Shop Road Extension Phase I Project: Construction contract award** – Mr. Livingston stated the committee recommended awarding the contract to McClam & Associates, Inc. in the amount of \$24,539,292.95 and to authorize a 10% construction contingency in the amount of \$2,453,928.30. It is further recommended to authorize 5% for utility relocation, which equates to \$1,226,964.15.

Mr. Pearce requested Mr. Smith to state the County's policy under review by the Procurement Review Panel.

Mr. Smith stated the ordinance reads as follows: "...an appeal to the Procurement Review Panel shall not stay issuance or execution of a contract."



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

The vote was in favor.

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

- b. Personnel Matter** – Mr. Jackson moved, seconded by Ms. Dixon, to offer the position of County Administrator to Gerald Seals under the same terms and conditions as the contract with the former County Administrator, contingent up on Mr. Seals signature on the contract.

Mr. Manning made a substitute motion, seconded by Mr. Pearce, to defer this item until the December 13<sup>th</sup> Council meeting.

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

The motion to defer this item failed.

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

The vote was in favor.

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

### **MOTION PERIOD**

- a. **Resolution supporting McEntire Joint National Guard Base's designation as the new home of the F-35 Program [JACKSON and MYERS]** – Mr. Pearce moved, seconded by Ms. Dixon, to adopt a resolution supporting McEntire Joint National Guard Base's designation as the new home of the F-35 program. The vote in favor was unanimous.
- b. **Resolution recognizing Stephanie Johnson as the 2017 Horace Mann Award of Teaching Excellence recipient [LIVINGSTON]** – Mr. Livingston moved, seconded by Ms. Dickerson, to adopt a resolution recognizing Ms. Stephanie Johnson. The vote in favor was unanimous.
- c. **Resolution recognizing January as Anti-Human Trafficking Month [MANNING and DIXON]** – Mr. Manning moved, seconded by Ms. Dickerson, to adopt a resolution to recognize January as Anti-Human Trafficking Month. The vote in favor was unanimous.
- d. **Move to direct the Administrator to review and propose a policy concerning the annual allocation and distribution of County funds to non-County entities for the consideration of County Council. This proposed policy can apply to the County's current promotional and community services-based funding initiatives, including the Hospitality Tax, Accommodations Tax, and Discretionary grant programs. A key understanding of this motion is that the Administrator will prepare a proposed policy by mid-January 2017 so that Council has ample time to consider and adopt an eventual policy well in advance of Council budget deliberations and in time to inform the public of the eventual adopted policy. Further, this motion is based on the assumption that the vetting of the details of the proposed policy will proceed through the Administration and Finance Committee of County Council [RUSH, ROSE, MYERS, DICKERSON, and DIXON]** – This item was referred to the County Administrator for action.
- e. **Direct staff to create a more detailed reporting method to assure complete transparency in how individuals/groups receiving Richland County funds spend them, to include Hospitality Tax and Accommodations Tax [MALINOWSKI]** – This item was combined with motion (d) and referred to the County Administrator for action.
- f. **Direct staff to research if it is legal to establish minimum starting salaries for newly elected officials so those newly elected persons do not start at their predecessor's salary that has increased greatly over several years due to being re-elected [MALINOWSKI]** – This item was referred to the County Administrator for action.

### **ADJOURNMENT**

The meeting adjourned at approximately 9:30 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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Dalhi Myers

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Seth Rose

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