

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

March 3, 2015
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 a children's marital arts group from Pine Valley and Bonnie Forest.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by a children's martial arts group from Pine Valley and Bonnie Forest.

APPROVAL OF MINUTES

Regular Session: February 17, 2015 – Mr. Malinowski stated that the minutes needed to be amended to reflect the meeting being called to order by Mr. Rush.

Mr. Malinowski moved, seconded by Ms. Dickerson, to approve the minutes as amended. The vote in favor was unanimous.

Zoning Public Hearing: February 24, 2015 – Mr. Manning moved, seconded by Ms. Dickerson, to approve the minutes as submitted.

ADOPTION OF THE AGENDA

Mr. McDonald stated the following item "2014 Concrete Pavement Repair and Preservation Package C Contract" listed under the Report of the Attorney for Executive Session Items needed to be deferred.

Mr. Livingston moved, seconded by Mr. Malinowski, to adopt the agenda as amended. The vote in favor was unanimous.



Council 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
Kelvin E. Washington, Sr.

Others Present:

Tony McDonald
Sparty Hammett
Warren Harley
Monique Walters
Brandon Madden
Michelle Onley
Monique McDaniels
Rob Perry
Daniel Driggers
Quinton Epps
Larry Smith
Nelson Lindsay
Tracy Hegler
Beverly Harris
Amelia Linder
Chad Fosnight
Chris Gossett
LaToya Grate

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REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated that the following item was a potential Executive Session Item:

- a. **Project LM Land Purchase**
- b. **Richland County Conservation Commission (RCCC) Request to Negotiate Property Purchase**
- c. **Contractual Matter: 208 Plan**
- d. **Contractual Matter: Palmetto Utilities**
- e. **Pending Litigation: Bouknight vs. Richland County, et al.**
- f. **Caughman Pond Easement**
- g. **Richland County and City of Columbia, et al. vs. HotelGuides.Com, Inc.**

*Council went into Executive Session at approximately 6:05 p.m.
and came out at approximately 6:18 p.m.*

Richland County Conservation Commission (RCCC) Request to Negotiate Property Purchase – Mr. Washington moved, seconded by Ms. Dickerson, to direct staff to move forward as discussed in Executive Session. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Officer Safety Equipment Upgrade** – Mr. Pearce moved, seconded by Mr. Manning, to approve this item.

Mr. Malinowski made a substitute motion to purchase the tasers, but to discuss with Procurement and Sheriff's Department to possibility of purchasing the equipment for less. The motion died for lack of a second.

The vote in favor was unanimous.

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

- b. **Cgov—National Customer Service Award Finalist** – Mr. McDonald stated that the Development Services Department has been named by Cgov as a finalist for its annual teamwork excellence award.

REPORT OF THE CLERK OF COUNCIL

- a. **Richland 101** – Ms. McDaniels reminded Council of the Richland 101 meetings in the month of March.

REPORT OF THE CHAIRMAN

- a. **Contractual Matter: Palmetto Utilities** – Taken up in Executive Session.
- b. **Contractual Matter: 208 Plan** – Taken up in Executive Session.
- c. **“Save Our Fort” Update** – Mr. Rush stated that Mr. Pearce, Mr. Manning and himself attended the “Save Our Fort” rally. He thanked the Chamber of Commerce for hosting the program and their efforts.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce thanked Ms. McPherson for her hard work on this endeavor.

POINT OF PERSONAL PRIVILEGE – Mr. Rush stated that Ms. Dixon was absent from tonight’s meeting due to a death in her family.

POINT OF PERSONAL PRIVILEGE – Mr. Rush stated that this month is Women’s History Month. Ms. Dickerson recognized former Councilwoman Candy Waites as the first “Unsung Hero” honoree.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2014-2015 General Fund Annual Budget to appropriate \$839,350 of General Fund Restricted Fund Balance for Economic Development Projects** – No one signed up to speak.
- **An Ordinance Authorizing an easement to City of Columbia, South Carolina for a sanitary sewer line across land owned by Richland County; specifically a portion of TMS # 14900-01-02; and authorizing an easement to the City of Columbia, South Carolina for a water main across**

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land owned by Richland County; specifically a portion of TMS # 14900-01-02 – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Fiscal Year 2014-2015 General Fund Annual Budget to appropriate \$839,350 of General Fund Restricted Fund Balance for Economic Development Projects [THIRD READING]** – Mr. Livingston moved, seconded by Mr. Jackson, to reconsider this item. The motion failed.
- **14-41MA, PGM Retail, LLC, HI to GC (18.04 Acres), Mill Field Rd. 22905-02-02 [SECOND READING]**

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

THIRD READING

An Ordinance Authorizing an easement to City of Columbia, South Carolina for a sanitary sewer line across land owned by Richland County; specifically a portion of TMS # 14900-01-02; and authorizing an easement to the City of Columbia, South Carolina for a water main across land owned by Richland County; specifically a portion of TMS # 14900-01-02 – Mr. Manning moved, seconded by Mr. Malinowski, to defer until after Executive Session. The vote in favor was unanimous.

After Executive Session, Mr. Livingston moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

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

SECOND READING

An Ordinance Updating the 2009 Comprehensive Plan through the adoption of a new plan for the County of Richland, pursuant to the State of South Carolina Comprehensive Planning Enabling Act of 1994 – Ms. Dickerson moved, seconded by Mr. Malinowski, to approve this item.

Mr. Malinowski stated that after consulting with the Planning Department there will be “water safety quality” amendments made to the ordinance before Third Reading. Additionally, a link for the public to review the Comprehensive Plan needs to be included with the agenda packet and all changes to be plan be notated in red.

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The vote in favor was unanimous.

An Ordinance Authorizing a lease to Richland County Family Entertainment, LLC, of 20± acres of land located on a portion of TMS # 17300-02-33, including all improvements which may be constructed thereon, for the operation of a water and adventure park – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

RC Souvenirs – Mr. Jeter stated that the committee recommended denial of this item.

Mr. Washington moved, seconded by Mr. Jackson, to table this item. The vote was in favor.

Intergovernmental Service Agreement with the City of Forest Acres – Mr. Jeter stated that the committee recommended approval of this item.

Mr. Malinowski requested a friendly amendment to include language that any retirement compensation due to the additional employment will be paid by the City of Forest Acres.

The vote in favor was unanimous.

Richland County Conservation Commission (RCCC) Request to Negotiate Property Purchase – This item was taken up in Executive Session.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

An Ordinance Amending the Fiscal Year 2014-2015 Road Maintenance Annual Budget to appropriate Nine Hundred Thousand Dollars (\$900,000) to supplement the low volume paving program – Mr. Washington moved, seconded by Mr. Pearce, to approve this item for First Reading. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Project LM Land Purchase – This item was taken up in Executive Session.

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REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Building Codes Board of Appeals - 2** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- b. **Business Service Center Appeals Board - 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- c. **Board of Zoning Appeals - 2** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- d. **Internal Audit Committee - 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- e. **Planning Commission - 4** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- f. **Procurement Review Panel - 2** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Richland Memorial Hospital Board - 1** – Mr. Malinowski stated the committee recommended appointing Mr. Benjamin Mustian. The vote in favor was unanimous.
- b. **Central Midlands Council of Governments - 1** – Mr. Malinowski stated the committee recommended appointing Mr. Michael Brandon Bailey. The vote in favor was unanimous.

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OTHER ITEMS

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE:

- a. **Innovista Project—Greene Street Phase I** – Mr. Livingston stated the committee recommended award of the contract to LAD Corporation at \$12,820,113.45.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to direct staff to re-negotiate proper DBE and SLBE participation percentages.

Mr. Livingston inquired if there were any legal ramifications to renegotiating the contract since this was a competitive bid.

Ms. Dickerson would like the increase in DBE and SLBE participation by the contractor reflected in their contract.

Mr. Washington stated that the contracts presented to Council have included substantially less DBE and SLBE participation than Council's intention.

Mr. Washington withdrew his substitute motion.

Ms. Dickerson made a substitute motion, seconded by Mr. Washington, to defer this item. The vote in favor was unanimous.

Mr. Rush requested that the County Administrator give a monthly SLBE Update to Council (i.e. certifications, award of contracts, etc.)

CITIZENS' INPUT

Ms. Helen Taylor Bradley, Ms. Lottie Wesley and Ms. Sara Prioleau spoke against the Hopkins Sewer Project going forward.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:22 p.m.
and came out at approximately 8:43 p.m.*

- a. **Project LM Land Purchase** – Mr. Malinowski moved, seconded by Mr. Pearce, to direct staff to move forward as directed in Executive Session. The vote in favor was unanimous.

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- b. **Contractual Matter: 208 Plan** – Mr. Livingston moved, seconded by Ms. Dickerson, to forward this item to the Sewer Ad Hoc Committee meeting. The vote in favor was unanimous.
- c. **Contractual Matter: Palmetto Utilities** – Mr. Livingston moved, seconded by Ms. Dickerson, to forward this item to the Sewer Ad Hoc Committee meeting. The vote in favor was unanimous.
- d. **Pending Litigation: Bouknight vs. Richland County, et al.** – Mr. Malinowski moved, seconded by Ms. Dickerson, to move forward with the EMS recommendation. The vote was in favor.
- e. **Caughman Pond Easement** – Mr. Jackson moved, seconded by Mr. Washington, to accept staff's recommendation. The vote was in favor.

Mr. Jackson moved, seconded by Mr. Washington, to reconsider this item. The motion failed.

- f. **Richland County and City of Columbia, et al. vs. HotelGuides.Com, Inc.** – Mr. Washington moved to accept the funds and to designate the funds for the Sports Complexes. The motion died for lack of a second.

Mr. Pearce moved, seconded by Mr. Malinowski, to accept the funds and place in the Accommodations Tax Fund Balance. The vote was in favor.

MOTION PERIOD

- a. **For projects funded with Richland County Transportation Sales Tax funds to be developed based on traffic projections for the design year 20 years beyond the scheduled construction date of the Project. For example, a scheduled construction start in 2015 would yield design year traffic projections for the year 2035. Where available, the local Central Midlands Council of Governments (CMCOG) traffic projections would be supplied for use in these planning activities. Where these CMCOG traffic projections are not available, the County shall make traffic projections based on standard industry methodology for the appropriate design year as indicated above. This should apply to any project funded with Richland County Transportation Sales Tax funds with the exception being projects where the purpose and need is strictly an enhancement such as: bikeways, sidewalks, neighborhood improvements, greenways, dirt road paving, and resurfacing**
[JACKSON] – Mr. Rush referred this item to the Transportation Ad Hoc Committee.

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- b. **Have the Richland County Transportation Department explore the development of a "Pave-In-Place" ordinance to be included in the Penny Sales Tax Program [WASHINGTON] – Mr. Rush referred this item to the Dirt Road Ad Hoc Committee.**
- c. **In the event that a Standing Committee of Council (Administration & Finance, Development & Services, Economic Development, Rules & Appointments) should fail to have a quorum of its members present either at the beginning of the meeting or after the meeting has begun, any item or items that are reported on the committee Agenda deemed "time sensitive" by a committee member or County staff will be referred to the Chair of the Committee, the Chair of Council and the County Administrator. A determination will be then made by this group as to whether the "time sensitive" designation is valid. This determination may require consultation with a Department Head, Procurement, Legal et.al. If a determination of time sensitivity is made in the affirmative, the Chair of Council may add the item to the next regularly scheduled Council meeting for review, debate and action [PEARCE and MANNING] – Mr. Rush referred this item to the Rules & Appointments Committee.**
- d. **Review the terms of days missed per annum to continue to serve on the Planning Commission. Reason: With a nine member Commission and the importance of the body, as applications are time sensitive, there should not be any reason the Planning Commission cannot meet a quorum [JACKSON and MALINOWSKI] – Mr. Rush referred this item to the Rules & Appointments Committee.**
- e. **Richland County should explore the option of having a private company promote water service to a portion of Richland County whereby Richland County will benefit financially [RUSH and MALINOWSKI] – Mr. Rush referred this item to the Sewer Ad Hoc Committee.**
- f. **Resolution honoring Anne Kelly, Chief Deputy – Clerk of Court [JETER and DIXON] – Mr. Manning moved, seconded by Mr. Livingston, to adopt a resolution honoring Ms. Anne Kelly. The vote in favor was unanimous.**

ADJOURNMENT

The meeting adjourned at approximately 8:50 PM.

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