

**Special Called Meeting
January 12, 2016 - 4:45 PM
Council Chambers**

Call to Order

- 1** The Honorable Torrey Rush

Approval of Minutes

- 2** a. Special Called Meeting: December 15, 2015 [PAGES 7-15]
b. Zoning Public Hearing: December 15, 2015 [PAGES 16-18]

Adoption of Agenda

3

Election of the Chair

4

Election of Vice Chair

5

Selection of Seats

- 6 3.1 SEATING: At the first meeting in January after the election and seating of the Chair and Vice-Chair, Council members shall select their seats based on seniority in years of continuous service and then in alphabetical order.

LIVINGSTON
PEARCE
DICKERSON
JETER
JACKSON
MALINOWSKI
MANNING
WASHINGTON
ROSE
DIXON
RUSH

Other Item

- 7 Flood Recovery

Executive Session

- 8 Legal Briefing Update

Motion Period

- 9 a. Resolution in Support of "Stepping Up" to Reduce the Number of People with Mental Illnesses in Jails [WASHINGTON]

b. In light of recent events, it has become abundantly clear that changes need to be made related to the Transportation Penny. This Council has the duty, to the best of its ability, to procure, manage, and oversee the Transportation Penny with transparency, fiscal responsibility and without even the appearance of impropriety. As such, I make the following motions:

1. I move that the Significant Purchase Ordinance (Richland County Code Section 2-591) be immediately repealed in its entirety.

2. I move that the Transportation Advisory Committee ("TPAC"), be renamed the Citizens' Transportation Advisory and Oversight Committee, that it be codified in the Richland County Code of Ordinances, that its Chair be an ex officio member of the Transportation Ad Hoc Committee, and that its purpose and duties be amended as follows:

Purpose: To foster an objective and transparent oversight of the Transportation Penny program and expenditures, the Committee shall review expenditures to ensure the tax is being expended in accordance with projects list and Transportation Penny ordinance, and shall make recommendations regarding the Transportation Penny to Council.

Duties:

a) Advisory Duties

i. The Committee shall provide a recommendation on any modification to the projects list not consistent with the generic description of the project(s) (i.e. the addition of new projects not currently on the projects list; etc.). Any modifications to the projects list consistent with the generic description of the project(s) shall not require a recommendation of the TPAC (i.e. minor revisions to a project on the projects list not impacting the overall scope of the project).

ii. The Committee shall recommend any reordering of the prioritization (if applicable) of the projects list.

iii. The Committee shall annually review and make recommendations regarding the Comprehensive County Transportation Improvement Program (“CTIP”).

iv. The Committee shall review all Public Information Displays and Handouts and recommend changes, as applicable.

v. The Committee Chair shall quarterly make a report/presentation to Council as to any findings and/or recommendations regarding the Transportation Penny.

vi. Nothing herein shall give the Committee any right to direct staff, approve contracts or project lists, or define the scope of any project; such authority remains within the purview of the Council or professional staff.

b) Oversight and Reporting Duties

i. Receive and review monthly expenditure reports provided by the County and/or the PDT to ensure compliance Transportation Penny ordinance. The Committee may at any time request copies of all monthly invoices for Transportation Penny expenditures. The Committee further has the authority to refer any potential discrepancies to the Richland County Internal Audit Committee for review and report.

ii. Receive and review all executed contracts to be paid from Transportation Penny money, and report any problems, issues, or discrepancies to the Richland County Internal Audit Committee or Council, as applicable.

iii. Prepare and present to Council an annual audit, or if the County has conducted an independent audit, review such audit and present its findings to Council.

3. Moving forward the SLBE program shall be funded from the Richland County General Fund, not the Transportation Penny tax, and all penny revenues already spent on the SLBE program shall be fully reimbursed to the Penny Transportation program.

[ROSE]

c. Motion that amends Richland County Code Ordinances to provide that no person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

Allow that unless the animal suffers great bodily injury, a first conviction for violation of this section is punishable by a fine not exceeding one hundred dollars (\$100) per animal. If the animal suffers great bodily injury, a violation of this section is punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment. Any subsequent violation of this section, regardless of injury to the animal, is also punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment.

To allow a law enforcement officer or an animal control officer to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

A law enforcement officer or animal control officer who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

A law enforcement officer or animal control officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.

A law enforcement officer or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.

This section does not affect in any way existing liabilities or immunities in current law, or create any new immunities or liabilities. [MANNING]

d. A resolution honoring The Honorable Chief Justice Jean Hofer Toal for her dedicate services to the state of South Carolina [JACKSON & MANNING]

e. Richland County Council Regular Meeting Schedule for Calendar Year 2016:

County Council Rule 1.5a) provides that “Regular meetings of County Council shall be

held on the first and third Tuesday of each month at 6:00 P.M., unless otherwise scheduled by the Chair for good cause, with the consent of the majority of the Council members present.”

South Carolina Code of Laws Section 30-4-80, a part of the Freedom of Information Act, provides that “All public bodies...must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings.”

Based on the Freedom of Information Act and Council’s Rules, I move that County Council hold its regular meetings:

- 1) On the first and third Tuesday of each month except as hereafter follows;
- 2) There will be no regular Council meetings in August during Council’s recess;
- 3) Regular meetings scheduled for a day other than a Tuesday may be held and will be considered regular meetings provided they are listed among the dates below;
- 4) The time of regular meetings of Council shall be 6:00 P.M. Eastern time; and
- 5) The location of Council’s regular meetings shall be 2020 Hampton Street in Columbia, South Carolina (the County Administration Building), in Council Chambers, unless there is an unexpected manmade or natural occurrence that necessitates moving the meeting to another location within the Administration Building. For example, if we gather in this room and the power malfunctions, or if the heating or air conditioning presents an unreasonable environment, or some common sense reason why we might need to pick up and move to, for example, the 4th Floor large conference room, the spirit and intent of this motion is to allow enough flexibility to not have to cancel, postpone or reschedule a Council meeting if we have to move to another room in the same building for a legitimate reason that is foreseeable but not known at the time of this motion; and
- 6) Subject to the above, here are the dates of Council’s regular meetings for 2016: February 16, 2016; March 1, 2016; March 15, 2016; April 5, 2016; April 19, 2016; May 3, 2016; May 17, 2016; June 7, 2016; June 21, 2016; July 12, 2016; September 13, 2016; September 20, 2016; October 4, 2016; October 18, 2016; November 1, 2016; November 15, 2016; December 6, 2016; December 13, 2016 [MANNING]

f. Motion to reconsider the role of the Transportation Penny Advisory Committee (TPAC), the Penny Tax Citizen Watchdog group [JACKSON]

Adjournment



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

SPECIAL CALLED MEETING

December 15, 2015
7:15 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 7:15 PM

APPROVAL OF MINUTES

Ms. Dixon moved, seconded by Mr. Washington, to approve the minutes as distributed. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dixon, to broadcast the Special Called Meeting.

Mr. Manning inquired if there was an ordinance that prevents the broadcasting of the Special Called Meeting.

Mr. Rush stated he believes it is in Council Rules.

Mr. Manning made a substitute motion, seconded by Ms. Dickerson, to broadcast all future Special Called Meeting unless there is a specific motion to the contrary.

Mr. Pearce withdrew his motion.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

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
Kelvin E. Washington, Sr.

Others Present:

Tony McDonald
Warren Harley
Monique McDaniels
Kimberly Roberts
Michelle Onley
Geo Price
Amelia Linder
Roxanne Ancheta
Daniel Driggers
Kevin Bronson
Larry Smith
Dale Welch
Beverly Harris
Brandon Madden
Chris Gossett
Rob Perry

ADOPTION OF THE AGENDA

Mr. Manning moved, seconded by Ms. Dixon, to adopt the agenda as published. The vote in favor was unanimous.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

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

- a. TRC Propco Inc. vs. SCDOT et al**
- b. Transportation Sales Tax Expenditures**

THIRD READING ITEMS

15-35MA, Cynthia Weatherford, RS-HD to LI (1.27 Acres), 2610 Harlem St., 16204-08-01 – Mr. Manning moved, seconded by Mr. Jeter, to approve this item.

Mr. McDonald stated there is additional information Mr. Washington requested from the applicant and staff has not received the information.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to defer this item until the February 9th Council meeting. The vote in favor was unanimous.

SECOND READING ITEMS

An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to prohibit the parking of motor vehicles in the front yard in certain Residential Zoning Districts – Ms. Dixon moved, seconded by Ms. Dickerson, to refer this item to the Ordinance Review Ad Hoc Committee. The vote was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Resolution encouraging all utility companies that own and/or operate transmission line right of ways in Richland County to adopt Integrated Vegetation Management (IVM) techniques as set out by ANSI standard A300 – Ms. Dixon stated the committee recommended approval of this item.

Mr. Washington inquired how the resolution would impact the owner's ability to utilize their land for agricultural purposes.

Mr. Madden the resolution encourages utility companies to use the ANSI Standards. The utility companies have existing easements with the property owners; therefore, the resolution would not affect them at all since it is not changing the policy.

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Mr. Washington inquired if a buffer needs to be put into place to protect the owners from indigenous flowers or plants that are detrimental to agricultural endeavors.

Mr. Madden stated it is his understanding the utility companies go in and treat specific woody species with EPA approved herbicides.

Mr. Washington made a substitute motion, seconded by Ms. Dickerson, to defer this item to the February 9th Council meeting to receive additional information regarding the impact the resolution will have on landowners.

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

The vote was in favor.

Mr. Malinowski stated that the following item was incorporated into this item in committee.

Mr. McDonald confirmed that Mr. Malinowski was correct. In essence, the following item went away and the resolution is the only item going forward.

Fund and/or seek a partnership with SCE&G to plant indigenous flowers and plants along transmission line corridors in Richland County – Mr. Jackson moved, seconded by Mr. Washington, to table this item. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Changes to Policy on Requiring Employees to Sign Documents – This item was deferred to the next Committee meeting.

Motion to Increase the Daily Inmate per Diem for Applicable Jurisdictions – Mr. Pearce stated the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Animal Care Advisory Committee – 2** – Mr. Malinowski stated this item was not on the Rules and Appointments agenda; therefore, it will be placed on the February Rules and Appointments agenda for action.

II. NOTIFICATION OF APPOINTMENTS

- a. **Richland County Airport Commission – 3** – Mr. Malinowski stated the committee recommended appointing Mr. Stuart Hope, Mr. Cecil D. Hannibal, and Ms. Tally Parham Casey.

<u>FOR</u> Dixon Malinowski Rose Jackson Pearce Rush Livingston Dickerson Washington Jeter	<u>AGAINST</u> Manning
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The vote was in favor.

- b. **Richland Memorial Hospital Board – 2** – Mr. Malinowski stated the committee recommended appointing Mr. James Wheeler and Mr. James Best.

<u>FOR</u> Dixon Malinowski Rose Jackson Pearce Rush Livingston Dickerson Washington Manning Jeter	<u>AGAINST</u>
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The vote in favor was unanimous.

REPORT OF THE HOSPITALITY TAX AD HOC COMMITTEE

- a. **Destination Parks Funding Plan** – Mr. Washington moved, seconded by Mr. Jackson, to defer action on this item until after Executive Session. The vote in favor was unanimous.

Mr. Livingston inquired why this item was back on the agenda since it was on the previous agenda for action.

Mr. McDonald stated it was deferred until after Executive Session, but was not taken up when Council came out of Executive Session.

- 1. **A Second Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Tax Revenue Bonds, taxable series 2016, or such other appropriate series designation, in the principal amount of not exceeding \$20,000,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto [FIRST READING]**

CITIZENS' INPUT

Ms. Helen Taylor Bradley spoke regarding the forensic audit mentioned in the press conference earlier today.

Ms. Wendy Brawley spoke regarding the Lower Richland Sewer Project.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:41 p.m.
and came out at approximately 8:13 p.m.*

- a. **TRC Propco Inc. vs. SCDOT et al** – Mr. Livingston moved, Mr. Manning, to approve as discussed in Executive Session.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Washington
Dickerson
Manning
Jeter

AGAINST

The vote in favor was unanimous.

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

- b. Transportation Sales Tax Expenditures** – No action was taken.
- c. Destination Parks Funding Plan** – Mr. Washington stated the committee recommended approval of the funding plan presented by Mr. Driggers. The funding plan outlines the funding for the waterpark, Pinewood Lake, Sports Arena and Lake Murray.

Mr. Livingston inquired about what the funding plan means to current Hospitality Tax projects.

Mr. Driggers stated the Hospitality Tax Fund generates approximately \$6.5 million per year. The funding plan will reduce the amount of available funding to \$4.5 million. The \$4.5 million will fund the Tier I Debt Service, the Ordinance Agencies, County Promotions and Township Operating. There will not be excess funding for discretionary items.

Mr. Washington stated the motion out of committee was as follows: “Mr. Rush moved, seconded by Mr. Washington, to approve the funding plan as submitted, but to defer at the Council level the issuance of a bond for the Sports Arena until additional information is obtained (i.e. land purchase, design, and operational costs). In addition, to appropriate the funding for the Pinewood Lake.”

Mr. Livingston inquired if the Sports Arena, Pinewood Lake and Lake Murray would have to come back to Council for a bond ordinance.

Mr. Driggers replied the funding plan includes the approval of the use of \$1 million annually of Hospitality Tax funding to back the revenue bonds. The \$6.9 million for Pinewood Lake is approved and in Fund Balance, but would need to come back to Council to be appropriated. In addition, it sets aside \$1 million to fund debt service related to the Sports Arena and provides no additional funding for Lake Murray property at this time. At this time, Council would be approving a concept not dollars.

Ms. Dickerson inquired about the difference between this item and the following item.

Mr. Driggers stated this item is the funding plan and the following item is to approve the issuance of debt that will use the first \$1 million in the funding plan.

Mr. Manning inquired if the discretionary items Mr. Driggers spoke about earlier were different than the Discretionary Grant items.

Mr. Driggers replied in the affirmative.

Mr. Manning inquired how much was allocated this fiscal year for discretionary items.

Mr. Driggers stated it was approximately \$2 million and included Pinewood Lake; therefore, it is approximately \$1 million per year.

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FOR

Dixon
Jackson
Rush
Washington

AGAINST

Malinowski
Rose
Pearce
Livingston
Dickerson
Manning
Jeter

The motion failed.

- 1. A Second Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Revenue Bonds, taxable series 2016, or such other appropriate series designation, in the principal amount of not exceeding \$20,000,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto [FIRST READING]** – Mr. Livingston moved, seconded by Mr. Rush, to approve this item.

Mr. McDonald stated there could be a problem with approving this item since the funding plan that was not approved put into place the debt service funding for the waterpark.

Mr. Driggers clarified that the funding plan identified how the bonds would be paid for. In order to issue the debt, the County has to be able to support the 20 years of debt service. The two options that were discussed were to utilize Hospitality Tax funding or a General Obligation Bond.

Mr. Livingston inquired if the funding plan for the waterpark be approved separately.

Mr. Driggers responded in the affirmative.

Mr. Manning inquired if the waterpark would be funded out of Hospitality Tax funds.

Mr. Driggers stated based on the funding plan the waterpark would be funded with Hospitality Tax funds.

Mr. Livingston moved, seconded by Mr. Rush, to reconsider the previous item (i.e. "Destination Parks Funding Plan") and approve the waterpark funding plan.

The motion failed.

Mr. McDonald stated in order to approve the bond ordinance, Council needs to identify a funding source.

Mr. Rush moved, seconded by Mr. Livingston, to approve this item and use the Hospitality Tax recurring revenue to cover debt service.

Ms. Dickerson inquired if the motion is to only approve the funding for the waterpark and all of the projects will be considered at a later date.

Mr. Driggers stated the motion will allow the County to borrow up to \$20 million for the waterpark to be paid back through Hospitality Tax.

FOR

Rush
Livingston
Manning
Jeter

AGAINST

Dixon
Malinowski
Rose
Jackson
Pearce
Dickerson
Washington

The motion failed.

MOTION PERIOD

- a. **Due to the Flood crisis and still so many unanswered questions and still so much to do and get done, I move that we hold regular council meetings the month of January 2016 to address the citizens needs [JACKSON]** – Mr. Manning made a substitute motion as follows: “As part of our continuous flood recovery efforts to address the needs of Richland County and to aid those that were adversely impacted by the flooding events, I move to add ‘Flood Recovery’ as an agenda item topic to the agenda for the currently scheduled January 12, 2016 Special Called Council meeting to allow Council to consider any flood related matters. Additionally, Council directs the Council Chairman, Vice-Chairman and the County Administrator, to schedule a special called Council meeting in the month of January 2016, to address any additional flood related matters as necessary. Mr. Malinowski seconded the substitute motion. The vote in favor was unanimous.
- b. **Move to have a subcommittee examine the County’s EMS Services Department with input from EMS workers [ROSE]** – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:40 PM.

Torrey Rush, Chair

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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.

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

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

ZONING PUBLIC HEARING

December 15, 2015
7:00 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 7:02 PM

ADDITIONS/DELETIONS TO THE AGENDA

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

MAP AMENDMENTS

15-45MA, I. S. Leevy Johnson, RU to GC (15+ Acres), Cushman Drive, 11616-01-04 [FIRST READING]

Mr. Rush opened the floor to the public hearing.

Mr. I. S. Leevy Johnson spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Jeter moved, seconded by Mr. Jackson, to approve this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST



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
Kelvin E. Washington, Sr.

Others Present:

Tony McDonald
Warren Harley
Monique McDaniels
Kimberly Roberts
Michelle Onley
Geo Price
Amelia Linder
Tracy Hegler
Tommy DeLage
Roxanne Ancheta
Daniel Driggers
Kevin Bronson
Larry Smith

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Zoning Public Hearing
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Page Two**

The vote in favor was unanimous.

15-46MA, Robert Burger, RU to NC (4.51 Acres), 4126 Hardscrabble Rd. 20200-03-29 [FIRST READING]

Mr. Rush opened the floor to the public hearing.

Mr. Will Dillard spoke in favor of this item.

The floor to the public hearing was closed.

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

15-47MA, Keith Moore, GC to LI (2.58 Acres), Leesburg Road and Pepper Street, 16407-08-04 & 09 [FIRST READING]

Mr. Rush opened the floor to the public hearing.

Mr. Keith Moore spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Jackson moved, seconded by Mr. Malinowski, to defer this item until the February Zoning Public Hearing and to not hold an additional public hearing. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 7:07 PM.

Torrey Rush, Chair

Greg Pearce, Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

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Zoning Public Hearing
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Damon Jeter

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