

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



### DEVELOPMENT & SERVICES COMMITTEE

October 27, 2015  
5:00 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

Ms. Dixon called the meeting to order at approximately 5:00 PM

#### APPROVAL OF MINUTES

**Regular Session: September 22, 2015** – Mr. Jackson moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

#### ADOPTION OF AGENDA

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

#### ITEMS FOR ACTION

**Removal of Lien off of Property** – Mr. McDonald stated this item was before the committee previously and deferred. A piece of property has been donated to the Atlas Road Community organization. The organization is now in ownership of the property; however, there is a lien on the property in the amount of \$2,250. The lien was placed on the property when the County demolished an old abandoned building on the property. The organization is requesting the lien be removed so they may gain clear title to the property.

Mr. Malinowski inquired if the property was donated would the owner obtain a tax deduction for the value in excess of the lien.

Mr. McDonald his understanding is the Atlas Road Community organization is a 501(c)3.

Mr. Jackson stated if you donate property to a government entity or a nonprofit organization you can write off the value of the property.

Mr. Malinowski stated the Saluda Dam, LLC goes to the tax sale and purchases a piece of property with the hopes of making a profit. They failed to do their due diligence and after obtaining the property realized there was a lien on the property; therefore, they

#### Council Members Present

Julie-Ann Dixon, Chair  
District Nine

Bill Malinowski  
District One

Damon Jeter  
District Three

Norman Jackson  
District Eleven

#### Others Present:

Tony McDonald  
Sparty Hammett  
Warren Harley  
Brandon Madden  
Michelle Onley  
Larry Smith  
Amelia Linder  
Roxanne Ancheta  
Ismail Ozbek  
Daniel Driggers  
Monique McDaniels  
Kim Roberts  
Geo Price  
Will Simon  
Sandra Haynes  
Kecia Lara  
Dwight Hanna  
Brad Farrar

## Development & Services Committee

Tuesday, October 27, 2015

Page Two

donate the property to Atlas Road Community Center. Atlas Road Community Center also fails to do their due diligence; therefore, they request the County to forgive or satisfy the lien. In the request of action, Mr. Driggers recommends the lien not be forgiven and recommends the County recover funds from the owner or through the property closing costs.

Mr. Jackson stated he has no problem with forgiving or satisfying the lien if the property is for public use.

Mr. Malinowski stated the map provided outlines the property, but does not identify where the Atlas Road Community Center is located in relation to the property.

Mr. Jackson inquired about who owed the taxes, does it transfer with the sale or do they still owe the taxes?

Mr. McDonald the taxes actually go back 2 owners ago. The property owner prior to Saluda Dam, LLC did not pay the taxes; therefore, lost the property at a tax sale. Saluda Dam, LLC purchased the property at the tax sale and donated the property to Atlas Road.

When Saluda Dam, LLC purchased the property is cleared up the back taxes, but did not satisfy the lien.

Mr. Malinowski requested the following:

1. Where the Atlas Road Community Center is in relation to the property; and
2. What is the intended use of the property?
3. Is this a public or private nonprofit?

Mr. Malinowski moved, seconded by Ms. Dixon, to defer this item until the November committee meeting. The vote in favor was unanimous.

**Accept the roads and storm drainage “as is” in Hunters Run Subdivision (Phase I) into the County inventory for ownership and maintenance** – Mr. McDonald stated this is a subdivision where some of the roads were never brought up to County standards and deeded over. The request is for the County to take the roads “as is” and make improvements to bring them up to standard. After the improvements have been completed, the County will take the roads into the system to be maintained perpetually. There is a bond that exists that would be applied toward the reconstruction/improvement of the roads.

Mr. Malinowski requested the approximate dollar amount for the roads Council approved taking over recently.

Mr. Hammett stated the approval over approximately \$800,000 was in 2013. The funds were moved over to Roads & Drainage budget earlier in 2015 in order to repair those roads.

Mr. Malinowski inquired in there are other subdivisions with existing failures the County has been requested to take over.

Mr. Hammett stated there are a couple subdivisions. This item is different in that the County has been working to pull the bond for approximately 13 months and should more than cover the costs of the road repair. In addition, the developer that purchased the subdivision in foreclosure is not legally responsible for the roads repairs in Phase I. The developer will be responsible for Phase II and III.

Mr. Malinowski stated he would suggest following Legal’s recommendation not to take any action until the bond issue is resolved.

**Development & Services Committee**

**Tuesday, October 27, 2015**

**Page Three**

Mr. Smith stated that Mr. Simon had sent a letter of inquiry regarding the bond to the bonding company in September 2014. The matter was turned over to the Legal Department earlier this month. A follow-up letter was forwarded to the bonding company by Mr. Farrar on October 20<sup>th</sup>. Mr. Smith spoke with Mr. Parrish earlier today regarding the matter and was informed the bonding company would be back in touch tomorrow with their position.

It is Mr. Smith's position, if the County chooses to go forward with this matter, then the County could potentially be responsible for the expense.

Mr. Malinowski inquired if the County moves forward and completes the work they will not have the opportunity to collect on the bond.

Mr. Smith stated if the County moves forward without knowing the answer then the County could be walking into a situation where they assume the work is going to be covered by the bond. The risk the County runs in moving forward with the work is the bonding company coming back and giving a reason why they are not willing to go forward on the bond.

Mr. Malinowski moved, seconded by Ms. Dixon, to defer this until the Legal Department obtains a response from the bonding company.

Mr. Jackson inquired about the policy for accepting these roads.

Mr. Hammett stated the policy is the roads are to be brought up to standard before the County accepts them.

Mr. Washington inquired if the repairs would be taken from the subdivision bonds.

Mr. Hammett answered in the affirmative and further stated that if the bonding company does not feel they should pay out the bond, there are still other legal options to pursue.

Mr. Jackson made a substitute motion, seconded by Mr. Malinowski, to forward this item to Council with a recommendation that the County will move forward when the bond is satisfied.

Mr. Malinowski withdrew his motion.

Mr. Washington inquired about who is responsible for inspecting the roads.

Mr. Hammett stated the development division of Public Works does all of the inspections.

The vote in favor was unanimous.

**Tracking List of Developers for Road Construction** – Mr. McDonald stated this item originated with a motion by Mr. Malinowski to develop a list of developers who would not be able to obtain contracts or projects with the County until they have met their prior development project obligations.

Mr. Malinowski moved, seconded by Mr. Jackson, to forward to Council with a recommendation to approve the concept of this item and staff will come back with additional details at the Council Retreat. The vote in favor was unanimous.

**Amending Chapter 17 to prohibit the parking of motor vehicles in the front yard within certain residential zoning districts** – Mr. McDonald stated staff recommended referring this item to the Ordinance Review Ad Hoc Committee to be discussed in conjunction with a similar proposed ordinance amendment.

Mr. Jeter requested staff to review the City of Columbia and other counties/municipalities with ordinances that address this issue.

Mr. Malinowski inquired of Mr. Jeter if the communities that brought this matter to his attention had homeowners' associations.

Mr. Jeter replied in the affirmative.

Mr. Washington stated his understanding is this ordinance will penalize those residents that do not have garages or other locations to park their vehicles and likely do not have curbs and gutter.

Mr. Jeter stated the ordinance will not force them to get a garage. The residents could park in their driveways, but would potentially be held in violation if they are parked on the grass.

Mr. Washington suggested examining the locations to insure that an undue burden is not put on the citizens.

Mr. Jackson stated developers try to save money by building narrow roads and houses close to the road, which does not allow the residents anyplace to park. Most of the driveways only allow for one car and the residents have to park on the street. With all of the vehicles parked on the street it is difficult for through traffic to navigate safely.

Mr. Malinowski moved, seconded by Mr. Jeter, to forward this item to the Ordinance Review Ad Hoc Committee and provide the most up-to-date ordinance to Council for review.

**Pawmetto Lifeline New Program(s) Proposal** – Mr. McDonald stated this is a proposed amendment to the County's arrangement with Pawmetto Lifeline. Pawmetto Lifeline has proposed to undertake some new programs as a part of their services. Their new services would be included in their requirement to adopt out a certain number of animals per year.

Mr. Harley stated there are four (4) new programs they are implementing and requesting Council to allow them to count the animals that come from Richland County into these programs as part of their annual adoption number. The second part of the request is to allow Animal Care officers to participate on a minimal basis in the transport of animals to Pawmetto Lifeline. (i.e. when someone surrenders a litter of puppies taking them directly to Pawmetto Lifeline instead of the City shelter).

Mr. Malinowski inquired about how much Pawmetto Lifeline is doing now annually and how much is anticipated from the County to go toward that number in the future.

Ms. Denise Wilkinson stated Pawmetto Lifeline is pulling 1,800 from the City shelter. Pawmetto Lifeline receives no funding from Richland County and spends approximately \$540,000 a year providing services.

Mr. Malinowski inquired about what the City of Columbia contributes to Pawmetto Lifeline.

Mr. Harley stated to his knowledge Pawmetto Lifeline is not required to take City of Columbia animals and currently the County pays the City a \$14/per day fee to accept their animals.

Mr. McDonald stated the County did not have a formal shelter and utilized veterinary offices and other available housing for animals prior to entering into the agreement with the City of Columbia.

Ms. Haynes stated Animal Care also receives calls for goats, pigs, and horses.

Ms. Wilkinson stated Pawmetto Lifeline's new program would prevent the animals from ever going to the shelter, which in turn will save the County money since the County will not be responsible for the \$14/per day fee.

Mr. Malinowski moved, seconded by Mr. Jeter, to forward to Council with a recommendation to approve the request to allow the inclusion of Richland County residents/pets participating in the programs to be included in the 1,200 pet annual adoption minimum, and allow the minimal assistance of Animal Care. The vote in favor was unanimous.

**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. Malinowski, to defer to the November Committee meeting. The vote in favor was unanimous.

#### **ITEMS PENDING ANALYSIS**

**Motion for the Guard to rebuild County roads through Innovative Readiness Training (IRT) Projects after they get off State active duty** – This item was held in committee.

**Motion to Explore all Options for Providing County Assistance with a Public Housing Project** – This item was held in committee.

**Motion to Pursue the Closure of Businesses Operating Without a Richland County Business License** – Mr. Jackson requested an update on this item.

Mr. Madden stated he spoke with Ms. Davis in the Business Service Center earlier this month and they are presently making those violations known through their Code Enforcement Officers.

This item was held in committee.

**Comprehensive Youth Program** – This item was held in committee.

#### **ADJOURNMENT**

The meeting adjourned at approximately 5:48 PM.

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