

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

SPECIAL CALLED MEETING

September 13, 2016
6:00 PM
4th Floor Conference Room

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 Jim Manning

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning

APPROVAL OF MINUTES

Special Called Meeting: July 26, 2016 – Ms. Dickerson moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: July 26, 2016 – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

Special Called Meeting: August 25, 2016 – Ms. Dickerson moved, seconded by Ms. Myers, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

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

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

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

a. Employee Grievance



Committee Members Present

Torrey Rush, Chair
Greg Pearce, Vice Chair
Joyce Dickerson
Norman Jackson
Paul Livingston
Bill Malinowski
Jim Manning
Seth Rose
Dalhi Myers

Others Present:

Gerald Seals
Warren Harley
Kimberly Roberts
Kevin Bronson
Brandon Madden
Michelle Onley
Quinton Epps
Beverly Harris
Rob Perry
Daniel Driggers
Larry Smith
Tiffany Harrison
Roxanne Ancheta
Geo Price
Tracy Hegler
Donny Phipps
Dwight Hanna
Chad Fosnight
Ismail Ozbek
Valeria Jackson

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized the Boy Scouts that were in the audience.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that the Mayor of Eastover was in the audience.

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

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

No report was given.

REPORT OF THE CLERK OF COUNCIL

- a. **REMINDER: Council Priority Setting Session, September 15 and 16, Township Auditorium**
– Ms. Onley reminded Council of the Priority Setting Sessions on September 15 and 16.
- b. **REMINDER: 10th Annual Green Business Sustainability Conference, October 6, 9:00 a.m. – 3:30 p.m., Spirit Communication Park** – Ms. Onley reminded Council of the upcoming Annual Green Business Sustainability Conference on October 6th. Council's participation was requested.
- c. **Institute of Government and County Council Coalition, October 19 and 20 Embassy Suites**
– Ms. Onley stated the Institute of Government and County Council Coalition are scheduled for October 19 and 20. Any Council members wishing to register should contact the Clerk of Council's Office.

REPORT OF THE CHAIRMAN

- a. **Personnel Matter**

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to codify the 2015 Editions of the International Residential Code, the International Building Code, the International Fire Code, the International Plumbing Code, the International Existing Building Code, the International Swimming Pool and Spa Code, the International Property Maintenance Code and the 2014 National Electrical Code; and to correctly reflect the 2015 International Residential Code and the 2015 International Building Code in other sections of Chapter 6** – No one signed to speak.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to codify the 2015 Editions of the International Residential Code, the International Building Code, the International Fire Code, the International Plumbing Code, the International Existing Building Code, the International Swimming Pool and Spa Code, the International Property Maintenance Code and the 2014 National Electrical Code; and to correctly reflect the 2015 International Residential Code and the 2015 International Building Code in other sections of Chapter 6 [THIRD READING]**

- **16-21MA, Carolyn B. Narr, GC to RM-HD (.218 Acres), 6840 Satchel Ford Rd., 14209-03-44 [SECOND READING]**

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

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

- a. **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 deferral of this item until the September 20th Council Meeting. The vote in favor was unanimous.

- b. **An Ordinance Authorizing the execution and delivery of a fee in lieu of tax agreement by and between Richland County and China Jushi USA Corporation (Project Giant) (the “Company”); the execution and delivery of an infrastructure finance agreement by and between Richland County and the Company; the execution and delivery of such documents as may be necessary to effect the intent of this ordinance; and other matters related thereto [FIRST READING]** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

- c. **To approve the conveyance of approximately One Hundred Ninety Seven Acres of real property owned by Richland County located on Pineview Road to China Jushi USA Corporation (Project Giant); to approve a land conveyance agreement for such property and other matter related thereto; and to authorize county officials to take such actions as necessary to effectuate the purposes of this ordinance [FIRST READING]** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

- d. **An Ordinance Approving the execution and delivery of a purchase agreement for certain property located in the Carolina Pines Industrial Park; and other matters related hereto [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated the committee recommended

approval of this item by title only. Additional information will be provided in Executive Session at the September 20th Council meeting.

Mr. Malinowski inquired if this item will be on the consent agenda at the next meeting if it is approval unanimously. The Clerk's Office stated it would not be placed on the consent agenda.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. Business Service Center Appeals Board – 3 (Two applicants must have a background in business; other applicant must be a CPA)** – Mr. Malinowski stated this item was held in committee.
- b. Planning Commission – 1** – Mr. Malinowski stated this item was held in committee and requested the vacancy be re-advertised. The three (3) applicants' will remain eligible for appointment. The vote in favor was unanimous.
- c. Community Relations Council – 4** – Mr. Malinowski stated the committee recommended appointing Ms. Kaela Harmon. The vote in favor was unanimous.

REPORT OF THE BLUE RIBBON COMMITTEE

- a. Community Development Block Grant – Disaster Recovery (CDBG-DR) Action Plan** – Mr. Rush stated the committee recommended approval of this item and to authorize staff to make minor edits for submission to the Department of Housing and Urban Development.

Mr. Bronson stated HMGP funding can only be used for homes in the Floodplain and/or Special Flood Hazard area. The other housing programs detailed in the report are tied to the CDBG-DR funding; therefore, there is a different criterion associated with that funding.

Ms. Myers suggested more closely aligning the portion allocated to renters so as to not exceed \$11 million calculated.

Ms. Dickerson requested further details regarding the location of the homes on the pie chart.

Mr. Pearce thanked all of the committee members for their participation in this process.

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

The vote in favor was unanimous.

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

REPORT OF THE DECKER AD HOC COMMITTEE

- a. **Recommendation to move forward with a Moisture Barrier on the concrete slab. Request is for \$177,613** – Mr. Manning stated the committee recommended approval of this item. The vote in favor was unanimous.

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

- b. **Recommendation to allocate \$136,000 from the project contingency into the construction contingency to account for numerous unforeseen conditions** – Mr. Manning stated the committee recommended approval of this item. The vote in favor was unanimous. The vote in favor was unanimous.

OTHER ITEMS

- a. **To Establish and Create a Special Tax District within Richland County, South Carolina, to be known as the "Cary Lake Special Tax District"; to define the nature and level of services to be rendered therein; to authorize the imposition of ad valorem taxes and user service charges therein, which will be imposes solely within the special tax district; to establish a commission for the tax district and provide the terms therefore; and all other matters related thereto [FIRST READING]** – Mr. Pearce moved, seconded by Mr. Livingston moved, to approve this item. The vote in favor was unanimous.
- b. **To Establish and Create a Special Tax District within Richland County, South Carolina, to be known as the "Upper Rockyford Lake Special Tax District"; to define the nature and level of services to be rendered therein; to authorize the imposition of ad valorem taxes and user service charges therein, which will be imposes solely within the special tax district; to establish a commission for the tax district and provide the terms therefore; and all other matters related thereto [FIRST READING]** – Mr. Pearce moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

- c. **To Establish and Create a Special Tax District within Richland County, South Carolina, to be known as the "Rocky Ford Lake Special Tax District"; to define the nature and level of services to be rendered therein; to authorize the imposition of ad valorem taxes and user service charges therein, which will be imposes solely within the special tax district; to establish a commission for the tax district and provide the terms therefore; and all other matters related thereto [FIRST READING]** – Mr. Pearce moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.
- d. **To Establish and Create a Special Tax District within Richland County, South Carolina, to be known as the "Beaver Dam Special Tax District"; to define the nature and level of services to be rendered therein; to authorize the imposition of ad valorem taxes and user service charges therein, which will be imposes solely within the special tax district; to establish a commission for the tax district and provide the terms therefore; and all other matters related thereto [FIRST READING]** – Mr. Pearce moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

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

Mr. Richard Johnson spoke regarding demolition of a building he has been remodeling.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 6:32 p.m.
and came out at approximately 6:44 p.m.*

- a. **Employee Grievance** – Mr. Pearce moved, seconded by Mr. Malinowski, to uphold the Administrator's recommendation. The vote in favor was unanimous.
- b. **Personnel Matter** – No action was taken.

MOTION PERIOD

- a. **I move that Administration provide Council tonight the reason why the \$38,740.15 check request submitted by the Richland County Elections & Voter Registration Election Commission's Director to be paid from their funds is not being processed. Rationale 1. I have been asking for an answer for a week now and I get a variety different and inconsistent answers. Rationale 2. I requested in writing that the item be placed on the agenda hoping that with everyone in the room together we may get consensus from the Administration as to what the actual reason is; however the powers to be knowingly and purposefully rebuffed that request and instead directed the Clerk's office to see if I wanted to just get worn down, worn out, too busy or maybe forget; or if I wanted to make a motion like this one [MANNING]** – Mr. Seals stated he informed Council when the request was made to process the check for payment of the legal bill. Council adopted a line item budget

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that is policy. Within the line items expenditures have to be authorized pursuant to the adopted budget. Any expenditure that exceeds or is different than is allowed by the definition of the line item would be tantamount to an amendment of the budget, which the Administrator does not have the authority to amend.

Mr. Seals discussed with Mr. Selph taking the matter before the Attorney General. Mr. Seals also questioned Mr. Selph's authority to enter into a contract for outside legal counsel.

The bottom line here is that staff cannot amend the budget only Council has the right to amend the budget. Mr. Selph was requested to make a formal request to Council or approach the Legislative Delegation and request the funding from them for payment of the judgment.

- b. Move that Council consider providing funding in the amount of \$250,000 for operation and maintenance of conservation, park, and greenway properties under the Conservation Department. This would provide for the acceptance of land donations in sensitive areas as well the development and operation of park lands and greenways. A separate fund will be established to allow for the use of revenues generated from the properties for maintenance [RUSH] – This item was referred to the A&F Committee.**
- c. A group of Richland County Legislators, representing a majority of the Delegation, recently sent a letter to the Chair of the Richland County Recreation Commission (RCRC) demanding that five (5) members of the Commission, including the Chair, voluntarily resign their respective positions based on evidence strongly suggesting malfeasance within the RCRC. I move that: (1) Council pass a Resolution supporting the actions of these legislators, and (2) Council consider continuing the action taken during the FY17 budget to only fund the RCRC at five (5) mils until such time as these selected Commission members resign [PEARCE] – This item was referred to the A&F Committee.**
- d. Pending the answer to Agenda Item 26(a) to allow the Elections and Voter Registration Department to pay the Election Commission Members' Legal Bill(s) from their existing budget if the Directors says he has the money in his budget and his Commission approves of the request for a check to be cut [MANNING] – Mr. Manning moved, seconded by Mr. Pearce, to direct the County Administrator to make the payment of \$38,740.15 to alleviate the court action currently pending in regard to the commission members associated with Elections and Voter Registration Department.**

Mr. Rush requested clarification from Mr. Manning that the funding would come from the Election Commission's funding.

Mr. Livingston requested to know which line item the funding was transferred from to accomplish the payment of the legal fees.

Mr. Manning stated the explanation would also include how the budget will be balanced for the remainder of the year.

Mr. Pearce inquired if this will required three readings and a public hearing.

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Mr. Seals replied in the affirmative.

An in-depth discussion took place regarding the source of the funding (i.e. County funds or other funding sources).

Mr. Malinowski stated in the e-mail thread provided neither the Legislative Delegation nor the Legal Department is included in the correspondence. There is also no explanation given as to why the commissioners were sued.

Mr. Malinowski inquired if the County could recoup the funding if it is found the attorney committed malpractice by not having the commission members removed from the suit in their personal capacity.

Mr. Seals stated is costs approximately \$206,000 for a major election. Mr. Driggers was not able to provide the amount of funding generated from other entities, but the assumption is the funding has already been spent.

The budget was overspent by \$396,000 as of June 30, 2016.

Ms. Myers suggested referring this item to the A&F Committee to allow time to gather all of the information needed to make an educated decision.

Ms. Myers made a substitute motion, seconded by Mr. Rush, to direct the A&F Committee to work the Election Commission to resolve the issue.

Ms. Dickerson expressed her displeasure with Mr. Selph not being present at the meeting to address this matter with Council and with the Legislative Delegation not supporting the commissioners.

Mr. Livingston requested Mr. Selph present to Council a recommendation for the funds and where the funding will come from.

Mr. Rose stated it is apparent State law system is broken. Mr. Manning reiterated Mr. Rose's statement.

Ms. Myers stated she has requested to meet with the Legislative Delegation regarding this matter has been told no.

Mr. Pearce made a second substitute motion, seconded by Mr. Rose, to defer this item until the September 20th Council meeting.

Mr. Rose withdrew his second in order to continue discussion.

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Mr. Livingston made a second substitute motion, seconded by Ms. Myers, to move this item to the September 20th Council meeting and to direct the Administrator to contact the Elections Director to garner his recommendation for a funding source.

Mr. Rose inquired why First Reading couldn't be done tonight instead of postponing action until the meeting next week.

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

The vote was in favor.

- e. **Resolution honoring Governor Nikki Haley on receiving the Columbia World Affairs Council's Global Vision Award for helping to expand South Carolina's international horizons [DICKERSON]** – Mr. Pearce moved, seconded by Ms. Dickerson, to adopt the resolution honoring Gov. Nikki Haley. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 7:41 PM.

Torrey Rush, Chair

Greg Pearce, Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

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Bill Malinowski

Jim Manning

Seth Rose

Dalhi Myers

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