



Richland County Council

REGULAR SESSION
February 6, 2018 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Greg Pearce, Seth Rose, Calvin “Chip” Jackson, Norman Jackson, Gwen Kennedy, Paul Livingston, Yvonne McBride, Dalhi Myers

OTHERS PRESENT: Michelle Onley, Jamelle Ellis, Brandon Madden, Sandra Yudice, Larry Smith, Kim Williams-Roberts, Gerald Seals, Shane Kitchens, Beverly Harris, Ashiya Myers, Tony Edwards, Tim Nielsen, Trenia Bowers, Dwight Hanna, Synithia Williams, Art Braswell, Shahid Khan, Tracy Hegler, Angela McCallum, Stacey Hamm, Wanda Kelly, Tommy DeLage, Joe Hallbick, Ashley Powell, Valeria Jackson, Jennifer Wladischkin, Quinton Epps, and Ismail Ozbek

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Gwen Kennedy
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Gwen Kennedy
4. **APPROVAL OF MINUTES**
 - a. **Special Called Meeting: December 12, 2017** – Mr. Pearce moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

Mr. Malinowski noted in the minutes that it list Council members abstaining from a vote. He inquired if the Clerk had received the necessary paperwork from those Council members. If not, to remind Council members that Rule 5.21 states that a Council member will vote on every item before Council, but unless you provide a public reason for your abstention you are not allowed to do it.

Mr. C. Jackson stated before we assume that every non-vote is an abstention we may want to consider the question of whether everyone has had an opportunity to vote because he noted on occasion before he had an opportunity to vote it went away and the vote had been done.

Ms. Dickerson stated the Clerk can verify the votes.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

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- b. **Special Called Meeting: January 9, 2018** – Mr. Pearce moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

5. **ADOPTION OF THE AGENDA** – Mr. Seals stated on p. 122 there is a scrivener’s error. The amount should \$405,073.80.

Mr. Pearce stated he would like to withdraw his motion [Item # 24(i): Move that the Council set aside time as soon as possible either during a regularly scheduled meeting or work session to discuss issues related to the Fire Contract as outlined at the recent Council Retreat to provide the County Administrator with direction.]

Ms. Myers stated for clarification that the amount listed in the contract for the item previously referenced by Mr. Seals is \$406,073.80.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION**

- a. Contractual Matter: Pinewood Lake Park: Property Acquisition
- b. Contractual Matter: Pinewood Lake Park Path Forward (Update Only)
- c. Fire Service Contract
- d. Contractual Matter: Sale of Property along North End of Paso Fino Dr.
- e. Contractual Matter: Public Defender Lease Agreement
- f. Contractual Matter: Release of Lease with Benedict College
- g. Update on the Sale of the General Obligation Bond Anticipation Notes (Transportation Sales and Use Tax) Series 2018
- h. An Ordinance Amending and Supplementing Ordinance No. 039-12HR to add the requirement that procedures be established for: (i) entering into intergovernmental agreements with other political subdivisions for completion of infrastructure projects within those political subdivisions, (ii) securing required audits from organizations receiving funds from the transportation sales and use tax, (iii) approving future changes to the infrastructure projects being funded with the transportation sales and use tax, including cost and scope; and (iv) the annual budgeting process; ratifying prior actions including: (i) changes in the cost and scope of infrastructure projects, (ii) prioritization of said projects, and (iii) appropriation of funds for said projects; and providing for the appropriation and expenditure of the transportation sales and use tax for the remainder of fiscal year 2017-2018; and other matters related thereto

Mr. N. Jackson moved, seconded by Ms. Dickerson, to go into Executive Session.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

Council went into Executive Session at approximately 6:10 PM and came out at approximately 6:40 PM.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized that Representative Wendy Brawley was in the audience.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- a. Update on the Sale of the General Obligation Bond Anticipation Notes (Transportation Sales and Use Tax) Series 2018 – Ms. Cawley stated they went to market and successfully sold \$250,000,000 of General Obligation Bond Anticipation Notes to be used for the Transportation projects supported by the capital penny that was approved by referendum in 2013. The bond market was very favorable and they got great response. The winning low bid was at an interest rate of 1.4326%. Bond anticipation notes are due in 1 year. At the end of 1 year, we will determine whether or not we refund those or we would finance them for a longer period time based up on the capital plan.
7. **CITIZENS' INPUT: For Items on the Agenda Not Requiring a Public Hearing** – Mr. Mark Talbert spoke regarding the use of medical marijuana.

Mr. Pearce inquired as to where that item was on the agenda.

Ms. Dickerson responded that it was not on the agenda.

Ms. Helen Taylor Bradley and Lottie Wesley spoke regarding Item #15(b): "Council Motion: Revisit the 2002 Richland County Water Plan, and any updates, for providing water to unincorporated areas of Richland County and in conjunction with the future Lower Richland Sewer Project" and their continued opposition to the Lower Richland Sewer Project.

POINT OF PERSONAL PRIVILEGE – Ms. Myers stated she and Mr. Malinowski put a motion in for a pilot project for water and every time it appears there is a cut and paste which collapses the two matters. It is a simple mistake. There is nothing on the agenda dealing with sewer.

Mr. Steve Hinson spoke in opposition to Item 11(a): "An Ordinance Authorizing a deed to 908 Group Holdings, LLC, for 1328 – 1400 Huger Street; also described as TMS # 09009-11-04 and 09009-11-05"

8. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Transportation Workshop Follow-up: Transportation Department Projects List – Mr. Seals stated staff has provided Council with a list of transportation projects that have been accomplished over several years. Many of those now require ratification by Council. It is his understanding Council will deliberate and consider these over the next several weeks. Staff will answer any questions and provide a presentation, if needed.

Mr. Pearce inquired if Council will need to vote on these items individually or as a group.

Mr. Seals stated, as he understands it, each project will need to be voted on individually. There will need to be a public hearing on these projects. In addition, the action Council will take will be an appropriating action; therefore, it will have budgetary consequences.

Mr. C. Jackson stated it has been mentioned to Council there are possible proposed alternatives to the list before us, which affects Council's ability to get the projects done. He inquired if Council was

going to vote on those possible alternatives or are they going to be trying to vote on individual projects without knowing how the individual projects will be affected positively by the alternatives mentioned to Council in an earlier work session.

Mr. Seals stated that intent of staff would be to make sure Council has a full vetting of alternatives so the ratification that is necessary is accomplished. It seems to him, to the extent that something may have exceeded budget, we have an obligation to inform Council how to correct that so whatever funds are necessary is not taking away from some other project. Council will be made aware of that and then Council will have an opportunity to make the budgetary decision and make adjustment, if necessary.

Mr. C. Jackson inquired as to when that will happen because it will impact his decision and vote. Before he votes on individual items, he would like to know if there are projects that exceeded the referendum but as a result of an adjustment later on in another project the bottom line dollar was adjusted positively.

Mr. Seals stated the ordinance tonight is First Reading by Title Only; therefore, there will be two more opportunities for discussion and a public hearing. Staff is open to conducting a Council workshop. In addition, he encouraged Council members to talk with the Transportation Director.

Mr. Malinowski stated Council has been told there is an order for the projects. There are no numbers listed on the documents provided, so is Council to believe that they begin with #1 at the top and continue.

Mr. Seals stated staff will provide an updated document with numbers.

Ms. Dickerson stated for clarification that Council is to give the list First Reading by Title Only.

Mr. Seals stated not the list, but the ordinance.

Ms. McBride stated there is usually a District # related to the projects, but there is not one listed on the document.

Mr. Seals stated he will ensure it is provided on the updated documentation.

Mr. Livingston inquired as to how the revised cost was determined.

Dr. Thompson stated the revised cost was based on looking on the amount of money expended to date plus rejected numbers from the outlays document. Working with the PDT, they give us projection of the start date all the way to the projected end date. The projected end date is based on a quarter basis.

- b. New Employee Introduction: Capital Projects Manager – Mr. Seals introduced Mr. Michael Niermeier to Council.
- c. Code Rewrite Update – Mr. Seals stated there are a variety of things going on. One of which is the code rewrite. It is an extensive effort, but it cannot be done in a good way without Council's input. Staff is aggressive and committed to carrying out the assignment, but Council has to be involved. It cannot be a staff initiative.

Ms. Hegler stated the consultants were in town this week. Staff is feverishly collecting input on the second phase of this colossal effort, which is to go over the assessment produced by the consultants. The assessment is their effort to look at the current code and ordinances do and what they mean. She stated she provided a copy of the report to Council and encouraged Council members to meet with her.

Ms. Myers stated the code will impact all of the citizens of Richland County; therefore, she would suggest scheduling a Council work session and additional community meetings so citizens can understand what the goals are and have additional input in that process.

Ms. Dickerson concurred with Ms. Myers' suggestion.

- d. Update on the Sale of the General Obligation Bond Anticipation Notes (Transportation Sales and Use Tax) Series 2018 – Mr. Seals thanked Council and the financial team for their hard work in reference to this item.

9. **REPORT OF THE CLERK OF COUNCIL**

- a. United Way Humanitarian of the Year Event Sponsorship Request – Ms. Roberts reminded Council of the United Way Humanitarian of Year event sponsorship request. The honoree is Mr. J. Mac Bennett. The event is scheduled for Thursday, February 22nd at 6:30 PM at the USC Alumni Center. If Council members would like to participate they are encouraged to contact the Clerk's Office.
- b. Together We Can Read initiative, Wednesday, March 21, 2018 – Ms. Roberts reminded Council of the Together We Can Read initiative, which will be held on Wednesday, March 21st. If Council members would like to participate they are encouraged to contact the Clerk's Office.
- c. Richland Renaissance Public Involvement Meeting, February 13, 2018 – Ms. Roberts reminded Council of the Richland Renaissance Public Involvement meeting, which will be held Tuesday, February 13th at Columbia Place Mall at 5:30 PM. The exact location will be announced.

10. **REPORT OF THE CHAIR**

- a. Human Resources Department Evaluation Procedures – Ms. Dickerson stated Council was not able to get to this item at the Council Retreat.

Mr. Hanna stated with Council members' background in business he can provide a brief overview. Basically, Human Resources is responding to a request from Council, as it related to performance appraisal forms, which were done earlier for Council. The information is included in the packet provided to Council. The information was presented by Mr. Bill Tomes and Dr. Dennis Lambries, which were working with the Institute of Government. In addition, we provided Council with example of forms and presentation from ICMA (International City/County Management Association). The presentation covers a process for the evaluation, which will culminate at the end of the process using the evaluation forms. Goals and priorities would be set at the beginning.

Mr. Malinowski inquired as to where the packet is that Mr. Hanna is referring to.

Mr. Hanna stated he thought it was included in the agenda packet.

Ms. Dickerson stated the clerks were out of town and the document did not get into the packet. She stated she will take responsibility for it not being provided to Council.

- b. Workshop Dates/Times – Ms. Dickerson stated she polled Council members regarding their preference on a date and time. The date and time that will work best for Council members is Tuesday, February 20th from 3:00 – 5:00 PM.
- c. Richland Reveal – Ms. Dickerson stated she is requesting Mr. Seals and members of staff, as well as Council members, to assist with doing a reveal to showcase what the County is doing. She would like input from all of the Council districts, so we can do a small presentation on what Richland County is doing and the process Council undertakes to get things done.

11. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Authorizing a deed to 908 Group Holdings, LLC, for 1328-1400 Huger Street; also described as TMS # 09009-11-04 and 09009-11-05 – No one signed up to speak.

12. **APPROVAL OF CONSENT ITEMS**

- a. 17-033 MA
Derrick J. Harris, Sr.
RU to LI (1.19 Acres)
7640 Fairfield Road
TMS# R12000-02-01 [SECOND READING]
- b. 17-041MA
Bruce Gleaton
GC to RS-E (2.99 Acres)
742 Sharpes Road
TMS# 14402-04-05 [SECOND READING]
- c. 17-043MA
Johnathon P. Holley
HI to GC (1.68 Acres)
9010 Farrow Road
TMS # 17211-01-08 [SECOND READING]
- d. 17-044MA
Sandy Moseley and Shaffin Valimohamed
RM-MD to NC (.27 Acres)
7004 Hilo Street
TMS # 19203-10-20 [SECOND READING]
- e. An Ordinance Authorizing deed to the City of Columbia for certain water lines to serve the Ballentine Branch Library Dutch Fork Road; Richland County TMS # 03303-01-06 & 02 (portion)
- f. Quit Claim Portion of Pear Tree Road to Adjoining Property Owners
- g. Negotiate Area Two Solid Waste Collection Contract Extension

Mr. Pearce moved, seconded by Mr. Malinowski, to approve the consent items.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

13. **SECOND READING ITEMS**

- a. 17-036MA
Richland County
PDD to PDD (2 Acres)
1 Summit Parkway
TMS # R23000-03-07

Mr. C. Jackson moved, seconded by Mr. Pearce, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- b. 17-039MA
Troy Berry
RS-LD to NC (2 Acres)
1215 North Brickyard Road
TMS # 20100-05-01 & 02

Mr. Pearce moved, seconded by Ms. Kennedy, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- c. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-181, Roads; Subsection (B), Design Standards for Public or Private Roads; Paragraph (4), Cul-de-Sacs; Subparagraph (C), Cul-de-Sac Design; so as to amend the requirement for a landscaped interior island

Mr. C. Jackson moved, seconded by Mr. Livingston, to approve this item.

Mr. Malinowski stated the backup documentation does not notate what has been amended in the ordinance. He requested the documentation with the changes outlined be included in the agenda packet for Third Reading.

In Favor: C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

Opposed: Malinowski

The vote was in favor.

14. **FIRST READING ITEM**

- a. An Ordinance Amending and Supplementing Ordinance No. 039-12HR to add the requirement that procedures be established for: (i) entering into intergovernmental agreements with other political subdivisions for completion of infrastructure projects within those political subdivisions, (ii) securing required audits from organizations receiving funds from the transportation sales and use tax, (iii) approving future changes to the infrastructure projects being funded with the transportation sales and use tax, including cost and scope; and (iv) the annual budgeting process; ratifying prior actions including: (i) changes in the cost and scope of infrastructure projects, (ii) prioritization of said projects, and (iii) appropriation of funds for said projects; and providing for the appropriation and expenditure of the transportation sales and use tax for the remainder of fiscal year 2017-2018; and other matters related thereto [BY TITLE ONLY]

Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

Mr. Malinowski stated in the title it says, "...ratifying prior actions". He would like to know who took the prior actions, what the prior actions were, and at whose direction those prior actions were taken prior to Second Reading.

Mr. Seals stated they are doing everything to provide the information. There are some areas where they are not able to determine that, but they will inform Council of everything they discover. Where they cannot necessarily find the genesis he will ensure Council is informed.

Ms. Myers stated for the public's benefit this item relates to the Penny Project.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

15. **REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

- a. Intergovernmental Agreement with the City of Columbia: Devil's Ditch – Mr. Malinowski stated on p. 122 of the agenda it stated the project plans will be bid through the City's procurement process. He inquired if Richland County is responsible for, and paying, 67% of the total bill the City is taking the lead on it.

Ms. Synithia Williams stated the County went through several iterations of the agreement with the City and this agreement was forwarded to the County's Legal department and received approval for the City of Columbia procurement to handle the construction management phase of the project. Whereas, Richland County handled the design phase of the project.

Mr. Malinowski stated on p. 123 the agreement states, "The City may, in its sole discretion, authorize change orders..." He stated it appears we have this backward.

Ms. Williams stated they can take the agreement back through the City's and County's legal departments to get that changed if that is Council's desire.

Mr. Malinowski stated he would suggest if there is a change order that relates to the County's portion of the property that the County would have to address it and the City portion the City would address it.

Mr. Livingston stated he is okay with it as long as it is within the scope of the project and the project budget.

Ms. Myers stated she shared Mr. Malinowski's concerns, but she also would like to know once this project is completed what the balance is of the Stormwater Capital Drainage budget. She does not believe Sections 5 and 6 of the agreement work together. She would be concerned that if we are not going to exceed the budget, then we not exceed the budget and nobody can authorize a change order without coming back to Council.

Mr. Malinowski moved, seconded by Ms. Myers, to approve the agreement with following amendment: any change orders will be approved by the entity responsible for that area of the project.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Rose, and McBride

Opposed: Livingston

The vote was in favor.

- b. Council Motion: If an employee is in need of sick leave, any employee can donate that leave to a specific person and not just a sharing pool [MALINOWSKI] – Mr. Malinowski stated on p. 132 it states, "The Committee recommended Council approve staff's recommendation." The backup documentation does not state what staff's recommendation was. Mr. Hanna verbally gave his recommendation at the committee meeting. It is Mr. Malinowski's understanding the recommendation was to work with the regular shared pool and the individual contributions.

Mr. Hanna stated Mr. Malinowski was correct.

Mr. Malinowski moved, seconded by Ms. Myers, to approve Human Resources' recommendation to work with the regular sick leave pool, as well as, the individual contributions.

In Favor: Malinowski, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Rose, Livingston and McBride

Opposed: C. Jackson

The vote was in favor.

- c. Transfer Deed for Hollywood Hills Sewer Lines to City of Columbia Utilities – Mr. Rose stated the committee recommended approval of the deed transfer from the County to the City. It is a federally funded project and will have no financial impact to the County.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- d. Council Motion: Revisit the 2002 Richland County Water Plan, and any updates, for providing water to unincorporated areas of Richland County and in conjunction with the future Lower Richland Sewer Project [MALINOWSKI and MYERS] – Mr. Rose stated there was a motion to request staff to

look into whether or not it would be feasible for the County to provide water service to various portions of the County. There is no financial impact. There is no action needed at this time.

Mr. Malinowski stated there is a staff recommendation and he thought that was what Council was to vote on because the notes say, "The committee recommended Council approve staff's recommendation to bring the process of undertaking the necessary steps to provide water service."

Mr. Rose stated it was his understanding the committee voted to explore that but did not endorse that.

Mr. Malinowski stated for those that were concerned about this being a sewer matter, it is strictly a water matter. The staff recommendation reads, "The following is the recommended pathway, which will enable Richland County to supply water in the Lower Area and other parts of the unincorporated Richland County as needed." It talks about the designation of area that the Council designated all unincorporated areas of the County as their water and sewer service. It also says a feasibility study would authorize the County to procure a feasibility study for a Water Supply network to be constructed in conjunction with Lower Richland Sewer Project. He further stated we keep dragging this out. The last time we heard it was not a recommendation, but now it is back and it says it is and know we are hearing it is not again.

Mr. Rose requested Mr. Madden to come forward to clarify the committee's actions.

Ms. Myers stated she would like to reiterate Mr. Malinowski's comments. This is strictly a water pilot project. Staff brought it forward as a pilot project. She and Mr. Malinowski put forth to the motion to undertake the pilot project for water.

Mr. Khan stated the staff recommendation and the briefing document was very explicit. The recommendation was made that we designate the area, as stated in the staff recommendation. In addition, to authorize a feasibility study to evaluate the detail design, as well as, the ability to sell the water.

Mr. Malinowski moved, seconded by Ms. Myers, to approve staff's recommendation to designate the area and authorize a feasibility study.

Mr. N. Jackson inquired as to what the committee's recommendation was.

Mr. Rose stated there was some misunderstanding. It was his belief that the committee moved forward with studying whether or not this was feasible to do.

Mr. Livingston stated for clarification the staff recommendation was to do the feasibility study and designate the areas.

Mr. Khan stated there are two recommendations: (1) Designate the service area as Richland County service area for water and sewer objectives; and (2) Authorize procurement of a feasibility study and bring back the report, which will steer the path for providing water for the service area.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, and McBride

Opposed: Rose

The vote was in favor.

Mr. C. Jackson stated as a caveat to this never ending conundrum we seem to be in with this matter. The bigger issue is that we want to make sure as we move forward, in particular in the unincorporated areas, that we maintain some control so we do not automatically forfeit our rights and become annexed into the City because of the lack of having water capacity.

Mr. Khan stated staff will consider that as a part of the feasibility study.

16. **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

- a. Award of Rivers Station Subdivision Road Repair and Paving Project – Mr. Malinowski stated we have seen this development agreement go back and forth a couple times. He recalls he specifically inquired if the total amount of \$211,074, which was the bid by CR Jackson, would be covered. He further stated the way the development agreement is written the totals to be paid by the company and/or individual responsible only totals \$200,000, which leaves \$11,074 outstanding. He was told on two occasions that would be in the agreement and would be covered.

Ms. Hegler stated she recalls changing the agreement, but may have provided an incorrect agreement for the agenda packet. She has spoken with the developer and he has verbally agreed to the change to the agreement, which would make the last payment \$111,074 instead of \$100,000.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- b. Approval of Change Orders – Ms. Myers stated it appears the work was done. There were some staff changes and some of the work was approved simply because the work was done. Her question is, are there processes in place now so this much work on a project, like the Decker Center, does not have these many change orders cumulatively?

Mr. Seals responded in the affirmative.

Mr. Pearce moved, seconded by Mr. Rose, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- c. Richland School District 2 (RSD2) FY17-18 Budget request to County Council: Amend Official Records and FY2018 Budget Proviso – Mr. Pearce stated the committee recommended approval of this item.

In Favor: C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

Opposed: Malinowski

The vote was in favor.

- d. Council Motion: Any entity placing a person in the Alvin S. Glenn Detention Center will be responsible for paying the daily fee as determined by Richland County, as well as all medical costs incurred to include mental needs – Mr. Pearce stated the committee recommended approving the Administrator’s recommendation to begin charging a per diem rate of \$71 per detainee to the municipalities and bring the remaining issues back at a later date.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, and McBride

Opposed: Livingston and Rose

The vote was in favor.

- e. Resolution to Distribute \$32,766.26 in Federal Forestry Funds – Mr. Pearce stated the committee recommended Council approve the resolution allocating \$32,766.26, of which 50% (\$16,383.13) will be apportioned to public schools, and the remaining 50% (\$16,383.13) for the construction and/or improvement of public roads.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- f. Statewide Court Case Management System: Software Support and Hosting Services Memorandum of Understanding for Counties Hosted by SCJD – Mr. Pearce stated the committee sent this item forward without a recommendation.

Ms. McBride moved, seconded by Mr. N. Jackson, to approve the software support and hosting services memorandum of understanding hosted by the SCJD.

Mr. Malinowski stated it was mentioned at the Retreat there is \$150 fee per person that uses this and another \$25 fee for e-filing, is that correct?

Mr. Seals responded in the affirmative.

Mr. Malinowski inquired as to how the fees are divided.

Mr. Hallbick stated the \$150 is the normal filing fee that is in existence now. Of the \$150 filing fee, \$106 goes to the State and \$44 goes to the County. The \$25 fee is a technology fee charged by the Judicial Department for use of the system and goes to them.

Mr. Malinowski inquired if this system of payment has been in place since Richland County started using e-filing.

Mr. Healey with the SCJD stated the fees were in place prior to e-filing. The fees are regular court filing fees.

Mr. Malinowski inquired as to how long the filing fees have been in place.

Mr. Hallbick stated they have been in place forever.

Mr. Malinowski inquired as to who is responsible for collecting the fees.

Mr. Hallbick stated the Clerk of Court.

Mr. Malinowski inquired if there is a record of the fees collected.

Mr. Hallbick responded in the affirmative.

Mr. Malinowski requested copies of the fees collected. He stated he is requesting this information in order to learn how much of the requested amount is going to be offset by these fees.

Mr. Rose inquired if Richland County is the only county not currently using the system.

Mr. Hallbick stated Richland County and Charleston County are the only counties not currently utilizing the system.

Mr. Rose inquired if this item were to pass if it would put the system in place and move it forward.

Mr. Hallbick responded in the affirmative. SCJD would host it and they have already started the process, so once they are ready to go live e-filing would be running.

Mr. Rose inquired about the timeframe before e-filing would go live.

Mr. Healey stated they are currently hosting 28 out of 46 counties. They have a schedule that takes them all the way out to the end of the year. Originally Richland County was supposed to do e-filing in November, but encountered some issues so it was pushed back. He stated if it does not get approved tonight it could push the hosting back another month or two, but if it is approved it would probably be by the end of the month.

Mr. Malinowski inquired as to the cost to put this system in place.

Mr. Hallbick stated at there would be no cost in this fiscal year. Beginning on July 1, 2019 it will be \$75,000 per year.

Mr. Pearce inquired if the County has to by law go to this.

Mr. Hallbick stated the County does not have to be hosted, but there is an order by the Chief Judge that everybody has to have e-filing.

Mr. Healey stated it was issued in November, but the order was rescinded for Richland County because there were some issues.

Mr. Pearce stated there was a large amount of money spoken about at the committee meeting.

Mr. Hallbick stated now it is \$50,000 for support. Once this goes live it will be \$50,000 for support and \$75,000 to be hosted.

Mr. Healey stated he believes the number given represented the amount it would cost Richland County to purchase additional resources to upgrade the servers to meet the response time the hosting services the SCJD provide.

Mr. Pearce stated for clarification the total cost to Richland County will be an additional \$75,000 to be hosted by SCJD. If the County does it, it will be adequate a lot of money.

Mr. Hallbick stated he believes the discussion was to bring in new servers with a cost of approximately \$300,000 and then there is still not a guarantee the County would be as fast as SCJD.

Ms. McBride stated during the Retreat one of the County attorneys, as well as, IT supported the hosting services.

Mr. Healey stated it would likely be mid-March or later before the County could be hosted by SCJD.

Mr. C. Jackson inquired as to how Charleston County is doing theirs.

Mr. Healey stated Charleston County will be hosting themselves.

Mr. Pearce inquired if the County does this will their response time be as fast as Lexington County.

Mr. Healey responded in the affirmative.

In Favor: C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

Opposed: Malinowski

The vote was in favor.

Mr. Rose moved, seconded by Mr. N. Jackson to reconsider this item.

In Favor: Malinowski

Opposed: C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The motion for reconsideration failed.

17. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

- a. An Ordinance Authorizing an amendment to the fee agreement by and among Richland County, South Carolina, McEntire Produce Inc., R. C. McEntire Trucking, Inc., and McEntire Limited Partnership, dated May 25, 2006, to provide for an extension of the term thereof and an amendment to the fee agreement among Richland County, South Carolina, McEntire Produce Inc., R. C. McEntire Trucking, Inc., and McEntire Limited Partnership, dated June 5, 2012, to provide for an extension of the term thereof, authorize an extension of the investment period thereof, and provide for the issuance of infrastructure credits thereunder [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Project Lite to provide for payment of a fee-in-lieu of

taxes; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- c. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and a Company identified for the time being as Project Liberty, to provide for payment of a fee-in-lieu of taxes; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

18. **REPORT OF RULES AND APPOINTMENTS COMMITTEE**

19. **NOTIFICATION OF APPOINTMENTS**

- a. Richland Memorial Hospital Board – 1 – Mr. Malinowski stated the committee recommended appointing Michael B. Bailey.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

20. **REPORT OF THE BLUE RIBBON AD HOC COMMITTEE**

Mr. Pearce stated in all of the years he has been on Council this particular committee has been one of the most dedicated committees. The committee was formed after the 2015 flood. They have met all of 2016 and 2017. The community participants have been very responsive and voting on these matters. He also thanked Councilman Livingston and Councilwoman Myers for serving on the committee.

- a. Approval of Demolition Contractors – Mr. Pearce stated we are ready to utilize some of the HMGP funds for demolition of some properties the County will be acquiring. The request is to approve the following three (3) contractors: Cherokee General Contractor, Corley Construction, and Carolina Wrecking Inc. All three contractors will receive work from this project.

Mr. Malinowski inquired if these were the only 3 that submitted a RFQ.

Ms. Hegler stated Ms. Wladischkin oversaw the process. She stated she believed there were more than 3 submittals, but these were the 3 that were responsive and these are qualifying firms under a RFQ process and will be able to bid on the work as the County get into each property.

Ms. Wladischkin stated Ms. Hegler was correct. There were more than the 3 submittals; however, the others were found to be non-responsive.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. Approval of (2) Properties for buyout under HMGP 4346-DR – Mr. Pearce stated because of the subsequent Hurricane Irma event the County was able to get additional funding. The motion is to submit two (2) additional properties for buyout with the funding.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- c. Approval of Asbestos Testing, Monitoring and Clearance Contractors – Mr. Pearce stated the County is going to do asbestos testing, monitoring and clearance. The request to approve the following contractors to conduct this work: ABS Environmental, ECS, Intertek-PSI, Kleen Sites Geo Services, Summit, Terracon, and ARM Environmental.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- d. Approval of Change Order #4 to Tetra Tech’s Current Contract – Mr. Pearce stated the request is to extend Tetra Tech’s contract with the additional funding the County received. There will be no financial impact on the County.

Mr. Malinowski stated the agenda documentation says, “...a change order to Tetra Tech’s current contract to complete the additional single family housing rehab/replacements”. He inquired about how many additional single family homes there are.

Ms. Hegler stated the County received an additional \$7.5 million in CDBG-DR funding, which will allow the County to do several hundred additional homes under the program.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- e. Approval of Amended CDBG-DR Action Plan – Small Rental Rehab – Mr. Pearce stated we are attempting to expand the small rental rehab program to as many types of affected individuals and homes as possible. The committee recommended Council approve amending the CDBG-DR Action Plan for Small Rental Rehab to enable more applicants to apply.

Mr. Malinowski requested further clarification.

Ms. Hegler stated staff has had trouble finding participants in the Small Rental Rehab Program that was approved as a part of the CDBG-DR funds. The amendment to the action plan will do is instead of attempting to qualify the renters of these units to qualify the property owners at a certain

percentage of income that is allowed under HUD. It is easier for staff to obtain that information from the property owners than the renters.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- f. Approval of Carolina Small Business Development Fund to implement Business Assistance Program (BAP) – Mr. Pearce stated we want to attempt to reach out to as many businesses as possible. The recommendation is to approve the selection of Carolina Small Business Development Fund to assist with this endeavor.

Mr. Malinowski stated the agenda documentation stated the County received two (2) proposals and it was recommended to approve Carolina Small Business Development Fund was selected.

Ms. Hegler stated this is was an RFP, which is an actual request for proposals. Before Council tonight is the staff's recommendation of the most responsive proposal. There will be a negotiation with the selected firm.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Malinowski, to reconsider all of the items under the Report of the Blue Ribbon Ad Hoc Committee.

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The motion for reconsideration failed.

21. OTHER ITEMS

- a. FY18 – District 8 Hospitality Tax Allocations – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. FY18 – District 4 Hospitality Tax Allocations – Mr. Livingston moved, seconded by Mr. Pearce, to amend this item to include a \$5,000 allocation to the Auntie Karen Foundation.

Mr. C. Jackson stated for the record the agenda documentation states: District 4 – Philharmonic Orchestra for \$4,000.

Mr. Livingston stated he was amending that to also include the Auntie Karen Foundation for \$5,000.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Pearce, to reconsider the District 4 and 8 Hospitality Tax allocations.

Opposed Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, and McBride

The motion for reconsideration failed.

22. **CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda** – No one signed up to speak.

23. **EXECUTIVE SESSION**

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous to go into Executive Session.

Council went into Executive Session at approximately 8:21 PM and came out at approximately 9:38 PM

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous to come out of Executive Session.

- a. Contractual Matter: Pinewood Lake Park: Property Acquisition ***{This item was reconsidered at the February 20, 2018 Council meeting}*** – Ms. Dickerson moved, seconded by Mr. Pearce, to proceed as discussed in Executive Session.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Dickerson, Livingston, Rose and McBride

Opposed: N. Jackson

The vote was in favor.

- b. Contractual Matter: Pinewood Lake Park Path Forward – Received as information.

- c. Fire Service Contract – Mr. Rose moved, seconded by Ms. Myers, to approve the Administrator's recommendation.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- d. Contractual Matter: Sale of Property along North End of Paso Fino Dr. – Mr. Pearce moved, seconded by Ms. Myers, to defer sale of the property and direct the County Administrator to

compile a list County-owned properties considered to be surplus in nature and secure the services of as many realtors as he may deem necessary to market these properties for sale. All proceeds from the sale of these properties shall be placed in an account reserved solely for the use in the Richland Renaissance Program.

Mr. Malinowski stated he supports the motion with the exception of the proceeds being directed to the Renaissance Program. The Administrator has already provided Council the financing for the Renaissance Program. The proceeds could be placed in an account and utilized if needed for the Renaissance Program, but not set aside solely for the program.

Mr. Pearce amended the language of the motion to replace the word “solely” with “if needed”.

Mr. Livingston inquired if Council will need to approve the properties before they are sold.

Mr. Pearce stated Council will need to approve all sales. He further inquired if Mr. Malinowski wished to have the Paso Fino Dr. property to be a priority.

Mr. Malinowski stated it does not have to be a priority.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- e. Contractual Matter: Public Defender Lease Agreement – Mr. Livingston moved, seconded by Mr. Malinowski, to approve the agreement presented in Executive Session.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- f. Contractual Matter: Release of Lease with Benedict College – Mr. Livingston moved, seconded by Ms. Myers, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

27. **MOTION PERIOD**

- a. Richland County staff, in conjunction with Richland County Legal Department, review current Richland County Ordinances and determine if it is possible to restructure business ordinances to provide a faster and more effective way to handle the closing of businesses who are in violation of Richland County Business Ordinances. This will include all violations including nuisance businesses. Please also review State law that will allow us to create or not create such an ordinance as well as other municipalities/counties laws relating to same [MALINOWSKI] – Mr. Malinowski withdrew his motion due to there being a State law that will address this matter.
- b. The Chair appoint a Council Ad Hoc Committee to explore and develop a comprehensive internship program to be administered through the County Council Clerk’s Office. The interns will conduct

research and assist council members with various tasks. The interns will be afforded the opportunity to gain invaluable knowledge about the interworking of County Government and how policy decisions are made. [LIVINGSTON and C. JACKSON] – Ms. Dickerson stated she will set up an ad hoc committee to work with Human Resources.

- c. I move that for the reasons of transparency, integrity, accessibility, dignity, accountability and citizen respect that all County Council Work Sessions/Workshops be conducted in the newly renovated, state-of-the-art Council Chambers and Livestreamed (to include being archived on the County website). [MANNING] – This item was referred to the D&S Committee.
- d. Conservation Commission manage County-owned historic and conservation properties [N. JACKSON] – This item was referred to the D&S Committee.
- e. Move that the agreement with Platinum Plus to operate to perpetuity be reconsidered and that they never reopen at that location. NOTE: It's next to a graveyard and a church which violates County Ordinance. It was never grandfathered making it noncompliant. [N. JACKSON] – This item was referred to the A&F Committee.
- f. Do not approve any additional projects from the remainder of the \$50 million Recreation Bond until an explanation is given from the Recreation Commission, why \$1,600,000 was paid for 40 acres of land worth \$255,000 NOTE: The intent was to purchase 40 acres and build a road at the cost of \$1,600,000. The documents might state to purchase land only but if an appraisal was done it would have shown that the land was worth \$255,000 [N. JACKSON] – This item was referred to the A&F Committee.
- g. Revisit the restructuring of the County's organizational chart. NOTE: There seems to be an overload and misunderstanding and abuse of duties from the reorganization of the County organization approximately a year ago. There should be some adjustment. [N. JACKSON] – This item was referred to the A&F Committee.
- h. Move that the Council direct the County Administrator to compile a list of County owned properties considered to be "surplus" in nature and secure the services of as many realtors as he may deem necessary to market these properties for sale. All proceeds received from the sale of these properties shall be placed in an account reserved solely for use in the Richland Renaissance Program [PEARCE] – Mr. Pearce withdrew his motion.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce stated due to him leaving at the end of the year, and him being a liaison to many organizations over the years, he needs to begin transitioning and encouraging other people to take these responsibilities.

Ms. Dickerson stated she has received all of the Council members' committee request forms and she will be making committee assignments as soon as possible.

ADJOURN – The meeting adjourned at approximately 9:50 PM