



Richland County Council

REGULAR SESSION

February 18, 2020

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Joyce Dickerson, Calvin “Chip” Jackson, Gwen Kennedy, Bill Malinowski, Yvonne McBride, Chakisse Newton, Allison Terracio and Joe Walker

OTHERS PRESENT: Michelle Onley, Kim Williams-Roberts, John Thompson, Ashiya Myers, Ashley Powell, Angela Weathersby, Brad Farrar, James Hayes, Stacey Hamm, Judy Carter, Jeff Ruble, Tariq Hussain, Beverly Harris, Clayton Voignier, Leonardo Brown, Larry Smith, Sandra Haynes, Brittney Hoyle-Terry, Michael Niermeier, Michael Maloney, Dale Welch, Christine Keefer, Randy Pruitt, Michael Byrd, Dwight Hanna, Nathaniel Miller and Stephen Staley

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Joyce Dickerson
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Joyce Dickerson
4. **APPROVAL OF THE MINUTES**
 - a. **Special Called Meeting: February 11, 2020** – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve the minutes as submitted.

Ms. McBride stated she would like the record to reflect that she abstained from the vote on Item 15(a): “Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to Project Marion; and other related matters” due to a potential conflict of interest.

Ms. Newton stated the vote on Items 6: “Adoption on the Agenda” and 19 “Executive Session” should reflect that she voted in favor. Additionally, in the event someone is watching a recording of the meeting and wondering why there is a discrepancy with the recorded minutes, it should be noted we were experiencing technical difficulties; therefore, they will understand the votes were not always attributed to the correct person.

Mr. Malinowski requested the record to reflect that he voted against Item 15(a) “Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to Project Marion; and other related matters”.

Mr. Walker requested the record to be corrected to show that he was present at the meeting.

Mr. Malinowski stated, for clarification, during the discussion on Item # 18(d): "Change Order – Millbrook Rd. – CDBG-DR", he was not trying to indicate that Mr. Voignier was not doing his job. He simply wanted it on the record that whoever is being employed by the Blue Ribbon Committee/Richland County obviously did not do their job.

Ms. Dickerson moved, seconded by Ms. Terracio, to approve the minutes as amended.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

5. **ADOPTION OF THE AGENDA** – Ms. Myers moved, seconded by Ms. Dickerson, to adopt the agenda as published.

Mr. Smith requested to remove Item # 6(b): "Labor Licensing Regulations (LLR) Report". He stated it is not quite ready to move forward with.

Mr. Brown requested to remove Item # 17(a): "Subdivision Abandoned Paved Road Relief Program" from the agenda. It should be placed back on the agenda in the near future.

Mr. Malinowski inquired about why this item was removed. He stated he has had people inquire about this item, and those people have taken the time to show up for the meeting. He was told that everyone's questions have been answered, so he is not understanding why we are having this item removed, at this point.

Mr. Brown stated there are still questions that members of the body were not able to have addressed; therefore, those members do not feel they are in a position to take on this matter.

Mr. Jackson moved, seconded by Mr. Walker, to adopt the agenda as amended.

In Favor: Terracio, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Opposed: Malinowski

The vote was in favor.

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

- a. Richland County vs. SC Dept. of Revenue Update
- b. Labor Licensing Regulation (LLR) Request – This item was removed from the agenda during the Adoption of the Agenda.

7. **CITIZENS' INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing – Mr. Andrew Boozer, Senior Resources Executive Director, spoke in regarding to Item 19(a): "Request for matching grant funds for Senior Resources."

8. **CITIZENS' INPUT**

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time.) – No one signed up to speak.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Fairfield County's Proposed Wastewater Treatment Facility – Mr. Brown stated this item deals with a matter that was brought before Council via public comment during the last Council meeting. He stated the County has reached out to DHEC, but were not able to speak with them. They were able to speak to the Central Midlands Council of Governments, and they were able to give us some information regarding the process. One of the things we found out is there is a 2-part process related to the proposed facility. Part A – There is a joint authority that is set up to provide water and sewer, but that joint authority is not currently recognized to do what Fairfield County wants to do. Therefore, the joint authority has to be set up as a designated 208 management agency within the area. They also have to amend a map for the geographic area they are going to be covering. Part B – The facility will have to be recognized, and has to be in regulations surrounding the matters. It is also his understanding, there is a public meeting scheduled on February 25th related to this issue. The COG is also going to request they come back before Board on February 27th. They anticipate receiving the necessary amendments for consideration on March 18th. They would then expect to have some information come back to the full COG Board on March 26th.

Mr. Livingston requested the information in writing, so he can put the dates on his calendar.

Mr. Jackson stated he believes it is Council's position that they are adamantly opposed to any discharge into Cedar Creek.

Ms. Myers thanked Mr. Brown, and his staff, for listening to the citizenry and being proactive on this matter.

10. **REPORT OF THE CLERK OF COUNCIL**

- a. SCAC Mid-Year Conference and Institute of Government Classes – Ms. Roberts reminded Council of the upcoming SCAC Mid-Year Conference and Institute of Government classes.

11. **REPORT OF THE CHAIR**

- a. Recognition of Clerk to Council's Completion of Clerk to Council Certification Program – Mr. Malinowski presented Ms. Roberts with her certificate of completion for the Clerk of Council's Certification Program.

12. **APPROVAL OF CONSENT ITEMS**

- a. 19-042MA, Lenny Williams, OI to RS-MD (.4 Acres), 1221 Inland Drive, TMS # R06015-01-15 [THIRD READING]
- b. 19-043MA, Odell Flemming, RU to LI (2 Acres), 13081 Garners Ferry Road, TMS # R39400-02-02 [THIRD READING]

Ms. Dickerson moved, seconded by Ms. Myers, to approve the consent items.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

13. **THIRD READING ITEM**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a public infrastructure credit agreement to provide for public infrastructure credits to Huger Hospitality, LLC (formerly known under a code name as Project Kline); and other related matters – Mr. Jackson moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski stated on p. 28, Section 2.3(c) it states the infrastructure credits are limited obligations of the County. He requested an explanation of how this works.

Mr. Ruble stated he believes it limits the responsibility of the County to provide the credits. The credits are based on the company's property taxes. We are abating a portion of the taxes, but the County is not obligated to come out of pocket.

Mr. Tushar V. Chikhliker, Nexsen Pruet, stated there are specific constitutional limitations on the way in which counties can incur debt. There are General Obligations and Limited Obligations. He stated that kind of language is included in these kind of incentive agreements. The County is not incurring any indebtedness or any responsibility to levy taxes in order to provide this incentive. Only the payments made to the County, in way of fee-in-lieu of tax payments, under this program, is the pot against which the incentive is provided.

In Favor: Terracio, Jackson, Myers, Kennedy, Walker, Dickerson and Livingston

Opposed: Malinowski and Newton

Abstain: McBride

The vote was in favor.

14. **SECOND READING ITEMS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to Project Marion; and other related matters – Mr. Jackson moved, seconded by Ms. Myers, to approve this item.

Ms. Terracio stated for certain of these items we get a briefing or we get to talk to someone about what they are. She is not entirely sure which one this is because they are named by project, and she does not necessarily get information.

Mr. Ruble stated often they have a non-disclosure agreement, so they cannot give you the name of the company. He can remind you that this is a small startup company that makes boats, and will be located in the Southeast portion of the County.

Ms. Myers stated this project is going to be located in her district. It is a good project, and the constituents are pleased about it. It is a local, small business.

Mr. Malinowski inquired as to why full Council is not trusted with the full details.

Ms. Myers stated she got the information in the Economic Development Committee.

Mr. Walker stated this is Second Reading, and anyone on the Economic Development Committee would be happy to sit down with you, and fully educate their fellow Councilmembers on the project details.

Ms. Newton stated there have been questions which make it apparent that we should review the process that we use as we discuss Economic Development items.

Ms. Dickerson stated when these projects come before us, we should take it upon ourselves to follow-up with Administration prior to the meeting(s) if we have questions.

In Favor: Terracio, Jackson, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Opposed: Malinowski and Newton

The vote was in favor.

15. **REPORT OF 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 property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for public infrastructure credits to a company identified for the time being as Project Huger; and other related matters [FIRST READING] – Mr. Jackson stated the committee recommended approval of this item.

Mr. Malinowski stated the briefing document noted there are 300 structured parking spaces, with a portion of the parking available to the public. He inquired as to how many spaces will be available to the public.

Mr. Leighton Lord, Nexsen Pruet, stated they are going to put in 300 spaces. There is also going to be a retail component to the project, so the amount of public spaces will depend on the amount of retail that is put in. They will follow area guidelines, which will likely be 20 – 25%.

In Favor: Terracio, Jackson, Kennedy, Walker, Dickerson Livingston and McBride

Opposed: Malinowski and Newton

Abstain: Myers

The vote was in favor.

Ms. Myers stated she abstained from the vote because she needs additional information.

- b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the

execution and delivery of a Public Infrastructure Credit Agreement to provide for public infrastructure credits to a company identified for the time being as Project Novel; and other related matters – Mr. Jackson stated the committee recommended approval of this item.

Mr. Malinowski stated the parking spaces related to this project are for the residents of the development; therefore, there is nothing for the public. However, if you look at the figures given to Council approximately 88% of the costs is for the parking garage, which means 88% of taxpayers' funds are going toward something they ultimately cannot use.

Mr. Jackson stated he believes the purpose of the credits is not just to debate whether or not it is for a garage, and how many spaces are available. The purpose is to incentivize this kind of economic development in the County. As a result of incentivizing places that were abandoned, vacant, and not being developed we are providing a tax credit, or benefit, for them to be able to build. In addition, they are providing, under the infrastructure umbrella, opportunity for the public to benefit. Quite frankly, even if there limited parking spaces, the public benefit for the development that is going to occur should far outweigh the number of parking spaces that will or will not be made available.

Mr. Chikhliker stated the overall capital investment on this project is \$80M. It is a large project and is located on a site next to the Richland Library that has been vacant for some time. You are looking at a 15-story, high end looking facility with 5 stories of parking decks. They are also working together with the Richland Library to do a plaza to increase the walkway from the Southside to the back portion of the parking lot. Of the overall \$80M, roughly \$13 – 14M would go into the parking deck, so there is a significant amount of capital investment that is unrelated to the parking deck.

Ms. Terracio understands this could be a mutually beneficial opportunity for the Richland Library and County. She stated she really has trouble supporting more student housing in Columbia. She has heard from many people that have trouble supporting student housing. It seems we have a lot of apartment buildings that are approximately 50% empty. These apartments are built dorm style, with individual locks and would not be the kind of apartments easily changed over to a single family unit.

Mr. Chikhliker stated the project will be marketed toward students, but they are also marketing toward non-students. The rates may lean in that direction, to a certain degree. They have completed a number of market studies to look at the absorption rate, and they feel like they can fill it.

Ms. Terracio inquired, if this apartments are not just for students, what other kind of demographics could you see living in an apartment where each person has their own locking door and bathroom?

Mr. Chikhliker stated he does not have an answer to that. The hope is that there is a significant amount of infill development that comes as a result of the bodies coming into this particular area. Given that it is lease by bed, students are the natural fit, but they are not going to limit it to only students.

Ms. Myers inquired if any people, other than students, typically come in to a building such as this and rent by the bed.

Mr. Chikhliker stated he does not know the answer. He can certainly provide an answer after the Council meeting.

Ms. Myers inquired about what percentage the target market is from the University, and if their fees will be paid through remittances, or are they going to be marketed like an apartment.

Mr. Chikhliker responded they will be marketed like an apartment.

Ms. Myers stated, for clarification, primarily through the University for students.

Mr. Chikhliker responded he does not know the answer, but he can find out.

Ms. Myers inquired about how many parking spaces are a part of this project.

Mr. Chikhliker responded there are 405 parking spaces.

In Favor: Jackson, Newton, Kennedy, Walker, Dickerson and Livingston

Opposed: Terracio, Malinowski, Myers and McBride

The vote was in favor.

Ms. Newton stated, for the record, she voted in favor of this item so it would go forward for further dialogue, but she may not personally be in favor.

16. **REPORT OF RULES & APPOINTMENTS COMMITTEE**

a. **NOTIFICATION OF APPOINTMENTS**

I. **Community Relations Council – Two (2) Vacancies** – Mr. Malinowski stated the committee recommended appointing Ms. Georgia Coleman and Ms. Lauren Taylor Wilkie.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

17. **OTHER ITEMS**

a. **Subdivision Abandoned Paved Road Relief Program** – This item was removed from the agenda during the Adoption of the Agenda.

b. **Midlands Business Leadership Group – Gateway Beautification – Airport Boulevard** – Mr. Malinowski stated he does not believe this is properly before us. There are six (6) ways items can be placed on the Council agenda, and this does not come under any one of them. In addition, he personally has a lot of questions. There is a lot of information that Council has not been presented.

Mr. Malinowski moved, seconded by Mr. Walker, to refer this item to committee for vetting, so all of the proper information can be provided to Council.

Ms. Dickerson stated this item was to have been forwarded to the Administrator, and probably should have come under the Report of the Administrator, so additional information could be provided to Council.

Mr. Brown stated his initial understanding was this item should go through a committee. The reason that it is not under the Report of the Administrator is because Council has chosen not to allow action

items to be placed there. This is a request from the Midlands Business Leadership Group that would require Council to consider taking action to support a resolution.

Ms. Myers stated it seems there is a financial impact that is not quantified. This is asking for Council to agree to support resources, which translates into dollars.

Mr. Livingston recommended placing this item on the February 25th A&F Agenda for action.

Mr. Malinowski requested to have Mr. Ruble's input on this matter, as this item appears to be tied to economic development.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

18. **EXECUTIVE SESSION** – Ms. Myers moved, seconded by Ms. Kennedy, to go into Executive Session.

In Favor: Terracio, Malinowski, Newton, Myers, Kennedy, Dickerson, Livingston and McBride

Opposed: Jackson and Walker

The vote was in favor.

Council went into Executive Session at approximately 6:52 PM and came out at approximately 7:49 PM

Mr. Walker moved, seconded by Mr. Jackson, to come out of Executive Session.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- a. **Richland County vs. SC Dept. of Revenue** – Ms. Myers moved, seconded by Mr. Walker, to resolve the issue with SCDOR, as discussed in Executive Session. To include, guidance for moving forward with future expenditures, and for staff to present the proposal to Council at its earliest possible next meeting.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

19. **MOTION PERIOD**

- a. **Request for matching grant funds for Senior Resources [LIVINGSTON]** – Ms. Myers moved, seconded by Mr. Walker, to forward this item to committee.

Ms. Newton noted this request for funding is asking for a commitment by February 28th.

Ms. Roberts inquired if staff is supposed to place this item on the February 25th A&F Agenda.

Mr. Malinowski stated this is only time-sensitive because an outside agency waited too long to bring it to Council.

Mr. Livingston stated he received the letter approximately a week and a half ago.

Ms. Dickerson stated people need to understand when they are going to bring proposals to us they need to give us time to process them.

In Favor: Terracio, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Opposed: Malinowski

The vote was in favor.

Mr. Malinowski inquired if unanimous consent is required to move this item to the February 25th A&F Committee meeting.

Mr. Smith stated if there is a deviation from the rules then you would have to waive the rules in order to do it.

Mr. Walker inquired if this represents a deviation from the rules.

Mr. Smith stated Council Rules require the item has to be into the Clerk by a certain time.

Mr. Malinowski stated just because the Clerk gets it, is the Clerk allowed to start putting items on an agenda because she receives them?

Mr. Smith stated there are 2 parts. The first part is whether the Clerk's Office got in time. The other part is whether Council has the authority to request the item be sent to a committee, which is motion you are entertaining now.

Mr. Malinowski inquired how the Chair can make a ruling on something that is violation of Council Rules. Council Rules states, "Appropriate written backup material for all items of business that are to be included in the Administration and Finance or Development and Services Committee agendas must be delivered electronically to the County Administrator's Office no later than 5:00 p.m. on the date two weeks prior to the committee's scheduled meeting date." First, we are being told it was a week and a half and it was received by the Clerk's Office, not the Administrator's Office, so there are two (2) violations.

Ms. Newton stated the subsequent paragraph in the Council Rules reads, "In exceptional circumstances, time-sensitive items received after the deadline may be added to a committee's agenda at the discretion of the committee's Chairperson, provided the addition is made before agendas are printed and distributed."

Ms. Dickerson stated she wants to add this item to the February 25th A&F Committee agenda.

20. **ADJOURNMENT** – The meeting adjourned at approximately 7:59 PM