



Richland County Council

REGULAR SESSION
May 5, 2020 – 5:00 PM
Via Zoom Meeting

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

OTHERS PRESENT: Michelle Onley, Kimberly Williams-Roberts, Ashiya Myers, Ashley Powell, Angela Weathersby, Leonardo Brown, Larry Smith, Clayton Voignier, Brad Farrar, John Thompson, James Hayes, Michael Niermeier, Dale Welch, Kyle Holsclaw, Brittney Hoyle-Terry, Chris Eversmann, Tariq Hussain, David Bertolini, Stephen Staley, and Allison Steele

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 5:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Jim Manning
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Jim Manning
4. **PRESENTATION OF PROCLAMATION**
 - a. **Building Safety Proclamation** – Ms. Roberts read the proclamation into the record.
5. **APPROVAL OF THE MINUTES**
 - a. **Regular Session: April 21, 2020** – Ms. Terracio moved, seconded Ms. McBride, to approve the minutes as submitted.

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

The vote in favor was unanimous.
6. **ADOPTION OF THE AGENDA** – Ms. Kennedy moved, seconded by Ms. Dickerson, to adopt the agenda as published.

Ms. Terracio requested to add the Bike Month Proclamation to the agenda.

Mr. Livingston requested to add the May Zoning Public Hearing under the Report of the Chair.

Ms. Dickerson moved, seconded by Ms. Terracio, to adopt the agenda as amended.

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

The vote in favor was unanimous.

A Proclamation Recognizing May 2020 as Bike Month in Richland County – Ms. Terracio read the proclamation into the record.

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** – There were no items for Executive Session.

8. **CITIZENS' INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing – Ms. Jean S. Hopkins spoke about Item 18(a): “Columbia Hospital Historical Maker”. Mr. William L. DuBard, Mr. Thomas Andrew (Andy) Robertson, Ms. Catherine Walker and Mr. George Walker spoke about Item 21(a): “Fairfield County’s Proposed Wastewater Treatment”.

9. **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 submitted any comments for this item.

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown stated the coronavirus efforts continue. We have a cleaning process in place, whereby when there is a report of potential direct, or indirect, exposure to COVID-19 in County facilities, Operational Services is immediately contacted. They have a provider on hand that they can reach out to provide sanitation of those facilities. Any individuals that were directly exposed are quarantined, and those individually that were indirectly exposed are requested to quarantine. There are screening processes, with non-contact thermometers, in place for Emergency Management and Detention Center personnel. People entering the Detention Center are routinely screened, as well. A Coronavirus Ad Hoc Committee meeting is scheduled for next week. At that meeting, we expect to have conversations as to how the committee may view bringing employees, over a period time, back into the workplace, as well as, how they may view beginning to open up processes to the public. None of those decisions have been made, at this time, but that is a part of the process. We continue to communicate to individuals impacted by COVID-19 that the County has a relief program in effect. We encourage both nonprofit organizations and small businesses to take advantage of the process by going to the County website.

Ms. Newton inquired about how many applications have been received for the grant program.

Mr. Brown responded he does not have an exact number, but at last count it was over 200. The first review period started on May 4th.

11. **REPORT OF THE CLERK OF COUNCIL** – No report was given.

12. **REPORT OF THE CHAIR**

- a. May Zoning Public Hearing – Mr. Livingston stated it is staff’s intention to move forward with the Zoning Public Hearing on May 26th.

Ms. Newton inquired about what changes we are pursuing to incorporate public input and comment for this meeting.

Ms. Powell responded that staff is considering handling the ZPH meeting the same way we have been handling Citizens' Input during Council meetings.

13. **OPEN/CLOSE PUBLIC HEARING**

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax, Section 23-67, "Payment of Local Hospitality Tax," by the addition of language to subsection (b) thereof so as to extend the deadline for remitting outstanding hospitality taxes until June 20, 2020 – No one signed up to speak.

14. **APPROVAL OF CONSENT ITEMS**

- a. An Ordinance Amending the Fiscal Year 2020 General Fund Annual Budget by \$455,259.00 to pay for in car camera system for the Richland County Sheriff's Department [FIRST READING]
- b. Intergovernmental Agreement – Municipal Judge – Town of Arcadia Lakes
- c. Condemning a property for SE Sewer/Water Project
- d. South Carolina Aeronautics Commission (SCAC) Grant Acceptance/Contract Award
- e. An Ordinance Amending the Fiscal Year 2020 General Fund Annual Budget by \$670,600.00 to pay for repairs and improvements at the Central Garage Facility [FIRST READING]

Mr. Manning moved, seconded by Mr. Walker, to approve the consent items.

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

The vote in favor was unanimous.

15. **THIRD READING ITEMS**

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax, Section 23-67, "Payment of Local Hospitality Tax," by the addition of language to subsection (b) thereof so as to extend the deadline for remitting outstanding hospitality taxes until June 20, 2020 – Ms. Terracio moved, seconded by Ms. McBride, to approve this item.

Mr. Manning stated, since First Reading of this item, there was a payment due. He inquired if we can add language to the ordinance, for anyone that did not submit a payment, so that we do not have to go through a process of fining those individuals.

Mr. Farrar responded he would include in the motion that forbearance commences as of the date of First Reading of this item.

Ms. Terracio accepted the proposed language by Mr. Farrar.

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

Abstain: Walker

The vote in favor was unanimous with Mr. Walker abstaining from the vote for reasons of potential direct financial involvement.

Ms. Terracio moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Jackson and Newton

Abstain: Walker

The motion for reconsideration failed.

- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to codify the 2018 Editions of the International Residential Code, the International Building Code, the International Fire Code, the International Plumbing Code, the International Fuel Gas Code, the International Mechanical Code, the International Existing Building Code, the International Swimming Pool and Spa Code, the International Property Maintenance Code and the 2009 South Carolina Energy Conservation Code, and the 2017 National Electric Code (NFPA 70) – Ms. McBride moved, seconded by Mr. Walker, to approve this item.

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

The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. McBride, to reconsider this item.

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Jackson and Newton

The motion for reconsideration failed.

16. **FIRST READING ITEMS**

- a. An Ordinance to Amend the FY21 Budget Ordinance passed by Richland County Council July 18, 2019 which was entitled, “An Ordinance to raise revenue, make appropriations, and adopt a Biennium Budget II (FY2020 and FY2021) for Richland County, South Carolina for Fiscal Year beginning July 1, 2020 and ending June 30, 2021”. So as to raise revenue, make appropriations and amend the General Fund, Millage Agencies, Special Revenue Funds, Enterprise Funds, and Debt Service Funds Budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2020 and ending June 30, 2021 [BY TITLE ONLY] – Ms. McBride moved, seconded by Ms. Terracio, to approve this item.

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

The vote in favor was unanimous.

- b. An Ordinance authorizing the levying of Ad Valorem property taxes which together with the prior year’s carryover and other State Levies and any additional amount appropriated by the Richland County Council prior to July 1, 2020 will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2020 through June 30, 2021 [BY TITLE ONLY] – Ms. McBride moved, seconded by Ms. Newton, to approve this item.

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

The vote in favor was unanimous.

17. **REPORT OF DEVELOPMENT & SERVICES COMMITTEE**

- a. Fiber Joint Trench during Southeast Sewer Project – Ms. Terracio stated the committee forwarded this item to Council without a recommendation.

Dr. Thompson stated staff started research on this topic in January/February; however, in the last couple of weeks we have changed the type of research we have collected related to the motion made by Ms. D. Myers. As COVID-19 has changed the way we have done business, closed schools in South Carolina, and based on research from the State Superintendent of Education, Molly Spearman, we understand that 30 of the 85 schools in South Carolina are relying on pencil and paper learning because students have no access to the internet. Based on research from the Federal Communication Commission, there are approximately 10,322 citizens in Richland County who do not have access to broadband. The FCC has categorized minimum broadband is the speed of 25MB per second download, and 3MB per second upload. In a recent conversation with Gary West, Information Technology Executive Director for School District One, he advised that local cellphone providers in South Carolina offer free hotspots to families; however, families are not able to take advantage of the hotspots because of the poor cellular signal strength. The majority of these citizens live in the Southeast portion of the County. In addition to not having access to the internet to do their homework, we are talking about vulnerable citizens who need access to their healthcare providers. The CDC has advised vulnerable people to stay home to lower their risk of exposure to COVID-19, and these citizens are not able to take advantage of telemedicine, so they can connect with their healthcare practitioners. To that end, we understand we have the Southeast Sewer and Water Project that is currently being constructed, and because of that project there is an opportunity to realize both an operational and financial efficiencies of joint trenching. In addition to burying the water and sewer lines, we have an opportunity to bury the conduits for the fiber optic cables. The total project would be approximately \$1.2M. Staff is proposing to begin the project at the cost of \$85,000 for labor, as well as purchasing the fiber optic conduit, so the contractor can lay 2 miles conduit. Then, have a provider of broadband service take over the project, and complete the remainder of the project. By being able to do this, it is an opportunity to leverage the support for citizens in that area to gain access to broadband, and enjoy the same type of opportunities as citizens in other parts of the County.

Ms. Myers moved, seconded by Mr. Walker, to approve this item, as recommended by staff.

Dr. Thompson stated staff will proceed as directed by Council.

Mr. Brown stated, for clarification, as Dr. Thompson communicated, based on the information he received from School Districts One and Two, the Superintendent of Education, and a conversation staff has had with a potential broadband provider, staff's recommendation is to lay the 2 miles of conduit. The provider is posed to pick up the project, and they will be willing to reimburse the County, if they pick up the project. Worst case scenario, the County will be out a limited amount of funds, which is available within the current budget for the sewer project. Staff believes it is appropriate, under this limited scope, to recommend approval of this item.

Ms. Newton inquired if Mr. Brown was referring to the decreased financial exposure or a scope change when he referenced "under this limited scope".

Mr. Brown responded he was referring to the decrease in financial exposure to the County.

Mr. Malinowski inquired as to when staff provide their most recent recommendation because that is direct contradiction of what is in the agenda packet.

Dr. Thompson responded staff shared this information with the committee at the April D&S Committee meeting. The discussion he has with the committee was different with what was written in the briefing document. He stated he sent a revised document on Friday to full Council, which reflects what he is discussing this evening.

Mr. Malinowski stated he does not recall any change in staff's position during the committee meeting. It was noted a lot of technical information was provided, and the fact that committee forwarded it with no recommendation tells him they did not fully understand it either. He inquired if Legal, Budget and Finance has reviewed the updated recommendation.

Dr. Thompson responded Budget and Finance reviewed the updated recommendation on May 1st. On May 3rd, the County Attorney reviewed the updated recommendation.

Mr. Malinowski stated he believes this is the information that should be included in our agendas. It was mentioned, staff believes there is a provider that will take over, and in the worst case scenario the County is out a limited amount of funds from the sewer budget. He inquired if the sewer budget can be comingled with telecommunications, when it has nothing to do with sewer.

Mr. Farrar inquired about the funding source for the sewer project.

Dr. Thompson responded it is bond funding.

Mr. Farrar stated he would need to see the parameters of the bond funding to see if the funds can be used for something of this nature.

Dr. Thompson stated he will provide the information to Legal for their review.

Mr. Malinowski moved to defer this until the next meeting.

Mr. Livingston inquired if this item is time sensitive.

Mr. Brown responded, if this item is deferred, the currently opened road could potentially be closed back up, which would increase the financial impact, as the road would have to be re-trenched. In essence, if the road is closed before we take up this item, it reduces the likelihood the opportunity will continue to exist.

Mr. Malinowski stated poor planning on someone's part does not create an emergency on ours. We have known about this sewer project for some time.

The motion for deferral died for lack of a second.

Mr. Manning stated one concern he has is we received a briefing on Friday evening saying what was in the agenda packet was not accurate, and here was a replacement. He understands due to the time sensitivity of doing that. However, when we talk, in terms of transparency, citizen involvement, and citizens participation, we had an opportunity for the public to speak. The concern he has is that this briefing was not substituted into the published agenda online. At the same time it was sent to Council, it seems like the agenda should have been corrected online. The other concern that has come up is, Mr. Malinowski inquired if Legal, Budget and Finance had reviewed the updated

recommendation, and the answer was yes. But, a specific question about the funding, and if we could do it this way, Legal responded that they would have to look at it. Either we did not get quite told right that Legal reviewed it, or we have a serious deficit in legal review. Either way it alarms him in making a decision tonight.

Ms. Newton suggested that we defer the discussion of this item to the end of the meeting to allow Legal time to provide answers to the questions that have been raised thus far. In addition, she inquired about the commitment we have from the broadband provider.

Mr. Brown responded the commitment from the provider was that they needed a little bit of time to go through their regular process, but this was a project they believed would fit within what they would like to do. In the meantime, so that we would not lose the ability for the road to be closed back up, the County would expend the \$21,000 - \$25,000 for the 5 mile roll of conduit, plus the labor to lay the conduit. If the provider picked up the rest of the work, they would reimburse the County for the funds that were expended. If they chose not to pursue the project, they County's exposure would be limited to the labor and roll of conduit. Therefore, providing the County with the opportunity to realize the laying of the conduit without taking on all of the risks of laying the full 33 miles of conduit and \$1.2M.

Ms. Myers stated, to the extent that what we are being asked to do is the risk of an \$80,000 investment, which could be repaid to the General Fund by the potential provider. As opposed to the County having a \$1.7M obligation to go out and find a provider. For us to have an opportunity to fix a problem that we have all identified as a critical need, in an area that desperately needs it, with the risk of \$80,000, which the County is more likely than not to get back, and forging that opportunity might be short-sighted. She also noted at the tele-town meeting, in her district, a poll question was asked about the importance of fiber optic connectivity. Of the 1,000 people on the call, over 95% of them indicated it was very important to them. She would requested, given that we are being asked, not to run a fiber optic network, not to lay all the conduit, or even take on the financial risk, but not to foreclose the risk by keeping this option open for a competitive provider who is willing to come to the table, but needs time to get approval brought to us. If COVID-19 has shown us anything, it is that access to fiber optic is critically important to students and seniors. In addition, we would be well down the road to making Richland County one of the first counties in South Carolina to have full fiber optic accessibility.

Mr. Livingston inquired about the cost of labor and conduit to the County.

Dr. Thompson responded the total cost would be \$1.2M, if the County was to assume the risk. However, what staff is proposing is \$85,000.

Mr. Manning moved, seconded by Ms. Dickerson, to devote \$85,000 to this project.

Mr. Farrar stated we need to identify the funding source. What Legal did was provide an opinion about whether or not the public funds could be used for this purpose. No one asked them what pot of money this was going to come out of.

Mr. Livingston inquired about where the Administrator intended the funds to come from.

Mr. Brown responded the intent was for the funds to come from bond funds.

Mr. Livingston stated, if we are going to move this project along, he suggested we state bond funds, if practical. If not, we identify another source. He does not want us to vote for this and find out we cannot use the bond funds.

Mr. Manning inquired if the County Administrator has the ability to spend up to \$100,000.

Mr. Livingston responded as an emergency.

Mr. Manning stated, at the committee meeting, it was noted that the CARES Act would reimburse the County 85% of the costs. The intent is to use the bond funds to pay for the project. If bond funds cannot be used, then the County Administrator can utilize his discretion on where to find the funding.

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

Opposed: Malinowski

The vote was in favor.

Mr. Manning moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Dickerson, McBride, Livingston, Terracio, Walker, Jackson, Myers and Newton

In Favor: Malinowski

The motion for reconsideration failed.

Ms. D. Myers thanked her colleagues for their support on this item.

- b. Approval to Request Funding for a Proposed Turn Lane on Highway 378 – Ms. Terracio stated the committee forwarded this item without a recommendation.

Dr. Thompson stated they have received crash data from the SCHP. In the span of 12 months, there have 5 accidents in that particular area. Staff also provided pictures of one accident scene where there was an overturned vehicle. The issue is, once people go to the landfill, they are making a left turn to get into the westbound lane on 378. For those vehicles hauling a trailer, the trailer is in the eastbound lane. Staff looked at this as a golden opportunity, as the SCDOT is doing a resurfacing project on that road, to close the median, and have vehicles make a right turn out of the landfill onto 378, then at a safe point to make a U-turn to get into the westbound lane.

Ms. Terracio moved, seconded by Ms. D. Myers, to proceed with requesting funds for the Highway 378 turn lane portion of the SCDOT's upcoming Highway 378 Widening Project.

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

Opposed: Malinowski

The vote was in favor.

- c. Petition for Abandonment and Closure of Hamrick Avenue (TMS # R11204-02-06) and Seabrook Street (TMS # R11204-02-06) in Columbia, South Carolina – Ms. Terracio stated the committee forwarded this item without a recommendation.

Ms. Newton moved, seconded by Ms. Terracio, to approve the petition to abandon and close the subject roadways.

Mr. Malinowski stated he does not see Seabrook Avenue on the map that was provided. He also noted that on p. 132 it says, "...and that all portions of the Subject Roads located over, adjacent to, and within the Subject Property be vested in the name of Petitioner." He inquired about how far adjacent does the petitioner get.

Mr. Farrar responded the property is in the City of Columbia. Richland County is named in the petition in the event we had any maintenance on it, which we do not. Anybody that would be an effected property owner would an opportunity to come in and challenge it, in court.

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

The vote in favor was unanimous.

18. **REPORT OF ADMINISTRATION & FINANCE COMMITTEE**

- a. South Carolina Department of Transportation (SCDOT) Interstate 26 Widening – Mr. Malinowski stated in speaking with Dr. Thompson he was informed that staff has reached out to SCDOT and there will not be a problem with Richland County receiving the funding mentioned in the briefing document, and will not incur any costs.

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

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

The vote in favor was unanimous.

- b. Airport Property Use for a Promotional Event – Ms. Dickerson stated the committee recommended Council approve the use of landside airport property for the purpose of conducting a fundraising event for the 371st Infantry Regiment WWI Memorial Monument Association at the Jim Hamilton – LB Owens Airport.

Mr. Malinowski stated he asked at the committee meeting if taxpayer property can be used for fundraising events, and if we could consider a deposit for any events. While there are stipulations saying the individuals have to restore the site to its original condition, if they do not there is no recourse. He does not recall receiving answers to these questions.

Mr. Eversmann responded, in regards to fundraising on public property, he knows it is routinely done, as Mr. Farrar indicated at the committee meeting, when he referenced the County's support of the United Way. As it relates to the recourse for potential "damages" to the property, the hold harmless has been updated to include a cost, if the property is not restored.

Mr. Farrar responded there is a State law that deals with the use of public property for fundraising events called "Solicitation of Charitable Funds." The key is, you need to be prepared to have a policy

if you are going to allow one group to come in, you may have another group that is soliciting for a cause that not everybody will agree too with the same level of enthusiasm about. As far as the legality of, it is permitted, as long as it is not discriminatory against others for a similar purpose.

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

The vote in favor was unanimous.

- c. Columbia Hospital Historical Marker – Ms. Dickerson stated the committee forwarded this item to Council without a recommendation.

Ms. Newton moved, seconded by Ms. Dickerson, to approve the placement of a historical marker for a unit of Columbia Hospital at the corner of Washington and Harden Streets.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson stated this is near and dear to his heart because he was born in the Waverly Hospital.

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

The vote in favor was unanimous.

- d. Hopkins Magistrate Facility Expansion – Ms. Dickerson stated the committee forwarded this item to Council without a recommendation.

Ms. Myers moved, seconded by Mr. Manning, to defer this item back to the A&F Committee.

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

The vote in favor was unanimous.

- e. Acquisition and Disposal of County Real Property – Draft Policy – Ms. Dickerson stated the committee forwarded this item to Council without a recommendation.

Mr. Malinowski moved, seconded by Ms. Dickerson, to accept staff's recommendation to implement the Acquisition and Disposal of County Real Property Policy.

Ms. Newton inquired how the policy fit in with the Renaissance, where there are a lot of things that we are looking at doing. Also, in looking at the policy that requires appraisals for any purchases, she was curious how the appraisers would be selected (specific appraiser or the Appraiser's Board).

Mr. Brown stated, it is his understanding, the County would procure an appraiser through the normal procurement process.

Ms. McBride stated, for clarification, this is a draft policy, so is the policy going to come back to Council.

Mr. Brown responded, unless there are changes Council suggests, this will serve as the policy. The policy has been before the body before, and is now coming before the body for approval.

Ms. McBride inquired if the policy includes how Administration will report back to Council.

Mr. Brown responded it is his understanding it is addressed in the policy.

Mr. Jackson stated he wants to make sure because there is money involved, and there will be selection of real estate brokers and others buying and selling on behalf of the County, that we are aware of who those individuals are. He noted later on in the motion period there is a motion for an issue relating to that. He wants to ensure that we include as many individuals in Richland County as possible. As is human nature, we can get comfortable with one or two particular brokers, and many people get excluded from ever getting an opportunity to be a part of the process.

Ms. Newton stated, on p. 283, there is reference of an annual report. The reason she asked about the appraisal process is that sometime the appraisals are “blind” where you do not know the person that is going to be appraising the property opposed to where you have a relationship with someone that is appraising property. She wants to eliminate any opportunity for influence, and would like for there to be a layer removed to ensure that we are getting the best estimates for properties we are looking at buying and selling.

Ms. McBride requested the report to indicate if there was a profit or loss from the sale of the property.

Ms. A. Myers stated, on p. 283, it indicates the report will include “all appraisals and estimates” and “the consideration received in the sale of each property” which will show the difference between the appraised value and what we got for the sale.

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

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Walker, to reconsider this item.

In Favor: McBride, Jackson, Myers and Newton

Opposed: Malinowski, Dickerson, Livingston, Terracio, Walker, Kennedy and Manning

The motion for reconsideration failed.

- f. Clarification – Sewer/Water Connection – Ms. Dickerson stated the committee forwarded this item to Council without a recommendation.

Dr. Thompson stated this is merely a policy matter. There are approximately 185 residents in Richland County which the County provides services on the landowners’ property. These landowners have a pressurized sewer system on their properties. If these residents were our customers before 2000, the County goes onto those properties to maintain those systems, and make any repairs, at a cost of approximately \$250,000 a year. If someone else purchases that home, they are not grandfathered in, and they are responsible for maintaining their lines from their homes to our water main in the right-of-way. Staff’s recommendation is to offer free taps solely for the valve connection at the sewer, or mainline. The resident is then responsible for the connection from the sewer line to their homes.

Ms. Dickerson moved, seconded by Mr. Walker, to approve staff's recommendation, as outlined in the briefing document.

Ms. Newton noted what she heard from Dr. Thompson had a lot to do with existing customers, but also about tap fees for new customers. What was presented by staff, at meetings, was that we are covering the connection fee and the line for those residents that sign on now for the Lower Richland Sewer Project. She was curious who staff's recommendation applies to (i.e. Lower Richland or residents where sewer service is currently available)

Dr. Thompson responded it applies to all customers. He stated the County will build the infrastructure, the water and sewer line, but it does not go to the person's home.

Ms. Newton stated they were told the County would cover the connection within a certain limit (i.e. a mile).

Dr. Thompson responded we are talking about where we go into a subdivision. We are building the water mainline, as well as the sewer line. The lines are build adjacent to the homes in the County's right-of-way. From that point, the residents will connect to their homes.

Ms. Newton stated she would like to understand if additional language needs to be added to clarify what Dr. Thompson just stated.

Mr. Jackson stated, for clarification, the cost will take into consideration those existing communities for which homeowners are not in a position where this is feasible. It was his understanding that we talked about the possibility of assisting the residents, as they try to mitigate a tremendous cost, and not have to choose to continue on a septic tank because they cannot afford the tap costs to the County's provided line.

Dr. Thompson responded we will need more information on that matter. For example, we have only addressed to the connection line. If we get requests, we will bring the matter to the body, in terms of a policy decision, and how the County would make an investment for those individuals.

Ms. Dickerson withdrew her motion.

Ms. Dickerson moved, seconded by Ms. Newton, to defer this item back to the A&F Committee.

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

Opposed: Malinowski

The vote was in favor.

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

a. NOTIFICATION OF VACANCIES:

1. Accommodations Tax – Two (2) Vacancies (1 applicant must have a background in the hospitality industry & the other is an at-large seat)
2. Hospitality Tax – One (1) Vacancy (1 applicant must be from Restaurant Industry)

3. East Richland Public Service – One (1) Vacancy

Mr. Malinowski stated the committee recommended to advertise for the vacancies.

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

The vote in favor was unanimous.

b. ITEMS FOR ACTIONS:

1. The CMRTA (COMET) board has two vacancies. I move that Richland County Council appoints one Councilmember to the board and advertises the remaining vacancy. [NEWTON, LIVINGSTON and DICKERSON] – Mr. Malinowski stated the committee recommended approval of the motion.

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

The vote in favor was unanimous.

20. **REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

- a. Project Descopes – Mr. Jackson stated he thinks there is an opportunity for us to take a giant step forward, as it relates to a clear process and effort in moving the Transportation agenda forward. Since we have resumed work and have a closer handle on where we are, with new staff members in place, and trying to address the moving targets given to the Transportation Ad Hoc Committee. We have an opportunity to show the public that we have restored public trust in where we are today, as it relates to the recommendation on this item. As he listened to the passionate plea for the fiber optic in the lower part of the County, and we got a resounding yes from the majority of Council. He hopes the hard work of the Transportation Ad Hoc Committee will be seen in that same light. There was a work session held on March 3rd, where we received information on the project descope. Pages 341 – 347 has attempted to demonstrate the redirection of funds, and the projects that are being descoped to ensure that we can get back on track with what the public voted on in the referendum, with a potential of a tremendous surplus on the other side, which will be addressed at a later time.

The committee's recommendation is to approve the project descopes.

Ms. Newton noted, in reviewing the scope reductions, some of them were over the referendum by 127%, 88%, etc. Of these, the Lower Richland Road Widening was less than 10% over referendum. Under the normal course of business, when you are doing a construction project, would that be considered within the contingency amount that we usually plan for. This is a road widening in front of a school, and if we accept the descope we would remove 20% of the funding from the project and the road would not be widened.

Dr. Thompson responded, in the past, the way we would do projects, we would budget the amount provided by the contractor, even if it was over the referendum amount, and still add the 10% for contingency. As we are trying to descope these projects and ensure we can manage and complete more projects, there is a possibility we would be able to use the contingency amount to account for the overage in the project.

Ms. Steele stated we do typically look at a 10% contingency, but we look at that when we have a final construction design/plans with good quantities that we can base the 10% off of. This project is maybe 30% complete, so we have a long way to go before we have a final set of plans to advertise. It would be difficult to say, with our current estimate, the 10% is going to be the amount shown. She would not feel comfortable guaranteeing that, at this time.

Ms. Newton inquired, at what point, would staff feel they have better numbers.

Ms. Steele responded she would feel more comfortable when we get to the 70% design, which gives them the numbers for the right-of-ways that need to be obtained. Right-of-way is usually a big portion of the costs, so until they know exactly how much right-of-way, and they receive appraisals, the amount is a guesstimate.

Ms. Newton inquired if there is a way to accept these recommendations, but to revisit the Lower Richland Road Widening, when we are further down the road with design, so we can address, with a level of certainty, what those estimates are, and if it falls within the contingency range.

Mr. Malinowski stated, if we are going to address one project in the future, we need to be able to address all of them in the future. He noted, in the briefing document, under fiscal impact it says there is none, when there are millions of dollars of impact to the Transportation Penny funds.

Mr. Jackson stated he would hope that we will look at any item that is brought to our attention as we get closer to the level of completion noted by staff.

Ms. Newton inquired as to what the process would be for doing that. In addition, she would accept Mr. Malinowski's recommendation to look at all the projects, but maybe within a certain price threshold. To say the project, approved by the voters, was a road widening, and now we are not going to widen the road at all, when it is a negligible amount we are talking about.

Mr. Jackson stated when we drew the line in the sand, as a Council, and said no projects over the referendum would be moved forward, it created this stance. Unless we bring it back to committee, and revisit it, there is no other option.

Ms. Myers inquired if there was a way to amend the committee's recommendation to encapsulate the sentiments expressed by Ms. Newton and Mr. Malinowski while we move forward.

Mr. Jackson moved, seconded by Ms. Dickerson, to accept the committee's recommendation, with the caveat that at each Transportation Ad Hoc Committee meeting we review every outstanding project and look at the funding to ensure that we cannot revive the project, based upon current funding, at that time.

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

Opposed: Walker

The vote was in favor.

Ms. Dickerson moved, seconded by Mr. Jackson, to reconsider this item.

In Favor: Walker and Newton

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Kennedy, Jackson and Myers

The motion for reconsideration failed.

- b. Greene Street Phase II Material Testing Contract – Mr. Niermeier stated the committee recommended to award the contract to S&ME for not to exceed \$222,072.00 and a 10% contingency of \$22,072 to provide for potential, unexpected costs.

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

The vote in favor was unanimous.

Mr. Jackson moved, seconded by Ms. McBride, to reconsider this item.

Opposed: Malinowski, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

The motion for reconsideration failed.

- c. Greene Street Phase II CE&I Contract – Mr. Niermeier stated there were seven (7) proposals, which were evaluated by a selection committee. The committee forwarded the item to Council without a recommendation.

Mr. Jackson moved, seconded by Mr. Livingston, to award the contract to Parrish and Partners, LLC in the negotiated amount, not to exceed \$815,820.44. Additionally, recommend to approve a contingency amount of \$81,520 for authorized overtime.

Mr. Malinowski stated, while we have a procurement policy in place, he is going to be making a motion that we revisit the policy. If we have six (6) companies that are scored, and they all score within six (6) points of each other, then all of the companies are qualified. At this point, we do not look at the price, but because one company gets one or two points higher, they are recommended to receive the contract. In this instance, the price is several hundred thousand dollars more than the other companies. He believes we should make those go hand-in-hand in the future.

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

Opposed: Malinowski and Walker

The vote was in favor.

- d. Clemson Road CE&I Contract – Mr. Niermeier stated there were eight (8) vendors, and received seven (7) proposals, which were evaluated according to the procurement process. The committee forwarded this to Council without a recommendation.

Mr. Jackson moved, seconded by Ms. Newton, to award the contract to Michael Baker Intl in the negotiated amount, not to exceed \$390,894.00, and to approve a contingency amount of \$39,089.40 for authorized overtime.

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

Opposed: Malinowski and Walker

The vote was in favor.

Mr. Jackson moved, seconded by Ms. Dickerson to reconsider Item 20(c) and (d).

In Favor: Malinowski, McBride and Walker

Opposed: Dickerson, Livingston, Terracio, Kennedy, Manning, Jackson, Myers and Newton

The motion for reconsideration failed.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson, Ms. McBride and Mr. Manning thanked Mr. Jackson for his unwavering leadership on this matter.

21. **OTHER ITEMS**

- a. Fairfield County's Proposed Wastewater Treatment Facility – Dr. Thompson stated, at the beginning of the meeting, Ms. Roberts read citizens' comments from the Blythewood community who are opposed to Fairfield County developing a wastewater treatment facility that would dump into Big Cedar Creek. By dumping into Big Cedar Creek, it will adversely affect the oxygen level of the creek. It is staff's understanding that children play in the creek, and many residents in that area depend on well water. Any dumping of treated wastewater, from a wastewater treatment facility, in that vicinity will adversely impact the water quality. To that effect, Richland County has an opportunity as a member of the Central Midlands Council of Governments, and also as a committee member on the Environmental Planning Advisory Committee, to voice the County's concerns. On May 20, 2020, at 3:00 PM, the Environmental Planning Advisory Committee will hold a virtual meeting, in which it will review and consider the plan amendment request for this proposed wastewater treatment facility in Fairfield County. What is before the body, is a briefing document to garner Council's support, so the County can vote in opposition to the facility, based on the current proposal to dump water into Big Cedar Creek. We also understand that Fairfield County has an opportunity to connect to the City of Columbia, or choose other options, and we want them to explore these other options.

Mr. Livingston inquired if the letter to the Bureau of Water is a part of the motion.

Dr. Thompson responded there is a draft letter in the agenda packet for the Bureau of Water. In addition, staff can draft a similar letter to be sent to the Central Midlands Council of Government, so we can voice our concern, in writing, to them, as well.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson stated she has been working with the citizens on this for a couple months, and it is in the heart of her district. She would like Council's support on this because it is important to the citizens in that area.

Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item.

Dr. Thompson stated, in terms of next steps, he will provide the final letter for DHEC, as well as the Central Midlands Council of Government. Staff will carry that vote, when they go before EPAC on May 20th meeting, and members of Council who are on the COG Board will also vote in opposition, when the matter is taken up.

Mr. Malinowski stated, at the previous Citizens' Input, one individual stated that during the dry season this becomes a dry stream in the Summer months. Therefore, he brought to staff's attention, on p. 360, it states, "In general, a discharge to a wet weather stream or a ditch will not be viewed favorably", so we may need to verify if it becomes a wet weather or dry stream.

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

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Manning, Jackson, Myers and Newton

The motion for reconsideration failed.

22. **EXECUTIVE SESSION** – There were no items for Executive Session.

23. **MOTION PERIOD**

- a. I move that Richland County disqualify any vendor in its procurement process as a "qualified bidder" if Richland County is currently in any legal dispute, lawsuit or settlement negotiation either individually or jointly named [WALKER, MYERS, MALINOWSKI, NEWTON and DICKERSON] – This item was referred to the Rules and Appointments Committee. Mr. Walker will provide the appropriated documentation to the Mr. Malinowski.
- b. I propose the change of the Animal Care Officer's official title to that of "Animal Welfare Officer" within our County's ordinances. "Animal Care Officer" tends to be a bit confusing for those in the public who do not fully understand what they do, and "Animal Control Officer" tends to have a derogatory connotation. The field of animal welfare/care has dramatically changed within recent years. A title of "Animal Welfare Officer" offers a broader understanding of what their duties entail. [MALINOWSKI, DICKERSON, MANNING, JACKSON and McBRIDE] – This item was referred to the D&S Committee. Mr. Malinowski has additional information he can provide to Ms. Terracio.

20. **ADJOURNMENT** – The meeting adjourned at approximately 7:45 PM.