



## Richland County Council

SPECIAL CALLED MEETING  
September 17, 2019 – 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

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

**OTHERS PRESENT:** Michelle Onley, Ashiya Myers, Beverly Harris, Angela Weathersby, Stacey Hamm, Leonardo Brown, Jennifer Wladischkin, Dale Welch, Clayton Voignier, Kim Williams-Roberts, James Hayes, Ashley Powell, Liz McDonald, John Thompson , Quinton Epps, Christine Keefer, Randy Pruitt, Nancy Stone-Collum, Michael Niermeier, Janet Claggett, Brad Farrar, Dwight Hanna, Geo Price, Stephen Staley, Michael Byrd, Robin Carter, Judy Carter, Sandra Haynes, Ronaldo Myers and Chris Eversmann

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 Dalhi Myers
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Dalhi Myers
4. **PRESENTATION: Boys & Girls Club** – Mr. Troy Thames gave a brief overview of the organization. He stated on October 26, at the Richland One Memorial Stadium, they will be hosting a flag football tournament with the Carolina Panthers.
5. **APPROVAL OF MINUTES**
  - a. **Special Called Meeting: September 17, 2019** – Mr. Livingston noted that Items 13(a) – (d), on p. 14 of the agenda packet, are listed as Second Reading items, but were actually Third Reading items.

Mr. Manning moved, seconded by Ms. Dickerson, to approve the minutes as corrected.

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

Present but Not Voting: Manning and Walker

The vote in favor was unanimous.

6. **ADOPTION OF THE AGENDA** – Mr. Farrar requested that a contractual matter related to the PDT be added under the Report of the Attorney for Executive Session.

Mr. Manning inquired if the item was on the agenda or if they were adding the item.

Ms. Myers moved, seconded by Ms. McBride, to adopt the agenda as amended.

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

Abstain: Manning

The vote in favor was unanimous.

7. **REPORT OF ATTORNEY FOR EXECUTIVE SESSION ITEMS**

- a. Brown vs. Richland County Election Commission, et. al.
- b. PDT Document Production
- c. CAMA System Update

8. **CITIZENS' INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing – Mr. Robert Dubnicka, Mr. Ed Lauer and Mr. Larry Echerer spoke regarding “abandoned” roads in subdivisions.

9. **CITIZENS' INPUT**

- b. 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) –
  1. Mr. Aubrey Jenkins spoke regarding the Fire Service.
  2. Mr. Matthew Graves spoke regarding the oversight of the Transportation Penny Projects..

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. **CAMA System Update** – This item was taken up in Executive Session.
- b. **Staff Recognition** – Mr. Brown recognized Ms. Ashley Powell on being named one of Columbia Business Monthly’s “2019 Best and Brightest 35 and Under”.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jackson recognized that Ms. Powell was a Clemson graduate.

**POINT OF PERSONAL PRIVILEGE** – Ms. Newton recognized Ms. Powell for becoming a Certified Planner.

**POINT OF PERSONAL PRIVILEGE** – Ms. Myers stated it is a joy to work with Ms. Powell and the honor is well deserved.

**POINT OF PERSONAL PRIVILEGE** – Ms. McBride recognized that Ms. Powell is her Alpha Kappa Alpha Soror.

11. **REPORT OF THE CLERK OF COUNCIL**

- a. Richland County Airport Commission & Experimental Aircraft Association Low Country Boil, September 21, 11:00 AM – 3:00 PM, Hamilton-Owens Airport, 1400 Jim Hamilton Blvd. – Ms. Roberts reminded Council of the upcoming Airport Commission & Experimental Aircraft Association’s Low Country Boil.

b. REMINDER: Engage Richland: From Child Safety to Criminal Investigations – The Many Roles of Your Coroner’s Office, September 19, 6:00 PM, Coroner’s Office, 6300 Shakespeare Road – Ms. Roberts reminded Council of the upcoming Engage Richland event at the Coroner’s Office.

c. Pontiac Neighborhood Master Plan Charrette, September 25 and 26, 6:00 – 7:30 PM, Richland Library – Sandhills Branch, 763 Fashion Drive – Ms. Roberts reminded Council of the upcoming Pontiac Neighborhood Master Plan charrette.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jackson invited all of his neighbors in Richland Northeast to attend the Pontiac Neighborhood Master Plan Charette. We will be talking about developing a master plan for the only district that currently does not have one.

d. Columbia Chamber of Commerce Annual Gala, October 3, 5:00 PM, Columbia Metropolitan Convention Center, 1101 Lincoln Street – Ms. Roberts reminded Council of the upcoming Columbia Chamber of Commerce’s Annual Gala.

12. **REPORT OF THE CHAIR** – No report was given.

13. **OPEN/CLOSE PUBLIC HEARINGS**

a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article III, Procedures for Construction of Water and Sewer Lines; Division 2, Sewer Construction; Section 24-28, Construction of Facilities within feasible reach of a planned portion of a public sewer interceptor; so to add language regarding the Broad River Basin – No one signed up to speak.

b. An Ordinance Authorizing Quit Claim Deeds to Paul D. Riley and South Carolina Real Estate Management and Development Corporation for parcels of land located in Richland County, known as the Olympia Alleyways; specifically the land abutting and between TMS # 08816-05-10 (406 Florida Street) and TMS # 08816-05-11 (402 Florida Street) – No one signed up to speak.

c. An Ordinance Amending the Fiscal Year 2020 Road Maintenance Special Revenue Fund Annual Budget by \$500,000.00 to cover expenses from the Department of Public Works’ Pavement Preservation Program with funds from the Road Maintenance Special Revenue Fund Balance – No one signed up to speak.

14. **APPROVAL OF CONSENT ITEMS**

a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article III, Procedures for Construction of Water and Sewer Lines; Division 2, Sewer Construction; Section 24-28, Construction of Facilities within feasible reach of a planned portion of a public sewer interceptor; so to add language regarding the Broad River Basin [THIRD READING]

b. An Ordinance Authorizing Quit Claim Deeds to Paul D. Riley and South Carolina Real Estate Management and Development Corporation for parcels of land located in Richland County, known as the Olympia Alleyways; specifically the land abutting and between TMS # 08816-05-10 (406 Florida Street) and TMS # 08816-05-11 (402 Florida Street) [THIRD READING]

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

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

Present but Not Voting: Manning

The vote in favor was unanimous.

15. **THIRD READING ITEMS**

- a. An Ordinance Amending the Fiscal Year 2020 Road Maintenance Special Revenue Fund Annual Budget by \$500,000.00 to cover expenses from the Department of Public Works' Pavement Preservation Program with funds from the Road Maintenance Special Revenue Fund Balance – Ms. Myers requested documentation that shows the roads that are included in the proposal and what the rotation will be.

Ms. Myers moved, seconded by Ms. Dickerson, to approve the item with the caveat that the requested information be provided.

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

Present but Not Voting: McBride

The vote in favor was unanimous.

- b. 19-022MA, Robert F. Fuller, TROS/RU to RS-LD (185.29 Acres), Langford Road, TMS # R23400-05-05 & 06 – Ms. Dickerson stated she has meet with the community and the developers to try to come to a resolution of this item. She has never taken a stand, or promised anyone a yes or no vote. She simply listed to the both sides. She forwarded the documentation that she was provided to her colleagues and requested them to review the documentation, prior to voting.

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

Ms. Terracio inquired if we have an enforceable agreement. She knows we have someone's word on the line. We have an agreement with the community. After tonight's vote, what assurances do we have that people that say they are going to do things will actually do those things? She heard many people come to the podium tonight, during public hearing, and talk about things that were not done by developers. She inquired if there is anything in writing, or could there be anything in writing that could give us assurance that what has been agreed upon will actually be what happens.

Ms. Myers stated she does not disagree with Ms. Terracio that whatever agreement people made need to be enforced. Her hesitation is that this is not the body that handles that. To the extent that our job is to analyze the rezoning, the enforcement of a contract that was made between the parties goes beyond what we can do. She stated we cannot expend tax dollars in enforcing private contracts. She thinks it is necessary, but she does not know how we guarantee a private contract.

Ms. Terracio stated she was not suggesting we become a party to such a contract, but rather if there is one in place between the parties.

Mr. Manning stated he read about a buffer property being put under a conservation easement. He is assuming that has been done.

Ms. Dickerson stated the 250 ft. buffer is definitely not to be developed. The offer has been made to the Conservation Commission to take the 250 ft. buffer to make sure that no homes are developed in the buffer. There was a document that was to be forwarded that showed the offer

was still out there. There is still some work to be done because there is a process for the easement to be accepted by the Conservation Commission, but she is convinced that the 250 ft. buffer will be in place and there will be no problem.

Mr. Manning stated, for clarification, the Conservation Commission is processing the easement.

Mr. Malinowski stated the people that spoke tonight were alluding to the fact that Richland County had failed to conduct their due diligence in handling of development bonds. They have a complaint against Richland County, not this matter, which is a private development matter with the citizens.

Mr. Jackson stated the challenge for him has been, because this is not in my specific district, to be careful not to encroach upon the responsibility of Ms. Dickerson. Whether I agree, or disagree, I respect her. However, he also lives in the Northeast community. He and his family have spent many hours on the roads, and the length of time on the roads has increased because of the overdevelopment. He is very concerned about the appropriate use of land space. He thinks the way you prevent this type of thing from happening, in the future, is you put it in a master plan. You create the type of plan that will not allow for this type of development to occur. Although he understands Ms. Dickerson's point about it having been going on for a while, he does not see the rush in accelerating it now because it is such a critical issue. If you were to count the number of developments that have sprung up since we began this conversation, it is out of control. When do we say enough is enough? We complain about the roads and the infrastructure. The reason we are having struggles with the roads and infrastructure is because we are overdeveloping. We are not landlocked yet, but we are mighty close. He requested E-Capital not to hang their hat on what the vote is tonight, but to look at the moral and ethical responsibility they have to the community.

Ms. Terracio requested to hear from the Conservation Commission to see if there is a status update.

Mr. Brown stated he is not aware that there is currently anything in process. As it relates to some of these private conversations, he is not sure if we are involved in that as a governmental entity. He stated it sounds like we are talking about some citizens, outside of the governmental structure, and he is unable to speak on their behalf, as to how they have engaged Richland County, at this point.

Mr. Manning stated he was still unclear. It sounded like the offer had been made to the Conservation Commission, and they were looking at processes. He inquired if anybody can say whether or not the Conservation Commission is processing it.

Mr. Brown stated he is unable to answer the question, affirmatively, at this time.

Ms. Dickerson stated the meeting she had on September 11<sup>th</sup> she left the meeting with the understanding that Conservation Commission would be processing the easement.

Mr. Manning stated he has great respect for Ms. Dickerson, but he is totally concerned there is nobody in Richland County Government that is present, tonight, that can tell us where, and if, there is any movement, with regard to the Conservation Commission, about this property being put in a conservation easement. This is not a private matter because the Conservation Commission is not a private business.

Mr. Brown stated no application has been submitted, so as a result of that, there is no process that has been started. He is not aware of another entity submitting something to the Conservation Commission, at this point.

Ms. Dickerson stated the offer has been made. It is her understanding, that once the applicant receives Third Reading of the re-zoning request they can begin the process with the Conservation Commission, but they cannot do anything unless we approve the re-zoning.

Ms. Myers inquired, if there is anything in our Conservation Commission's regulations, or Zoning regulations, that precludes an owner of property from applying for a conservation easement without a re-zoning.

Mr. Voignier stated he is not aware of anything that would preclude a property owner from submitting an application for an easement regardless of the re-zoning.

Ms. Myers stated, for clarification, we do not have, at the County, a regulation that bars any owner of property from requesting, of the Conservation Commission, an easement over a certain portion of their property, at their discretion.

Mr. Voignier responded in the affirmative.

Mr. Manning stated he wanted to be sure that there was nobody from Richland County Government and/or Conservation Commission that has any official documentation, with a request, for an easement that anyone could apply for.

Mr. Brown stated, based on the conversation that he just had, that would be correct.

Mr. Jackson stated, since there seems to be some reservation between what we are hearing and the hesitancy of the members of the Conservation Commission to come forward and state anything factually, he concurs with Mr. Manning. As he said previously, this is too critical of a matter to rush a decision with ambiguous information. Once the vote occurs, tonight, he does not want to hear next week, or tomorrow, that the application is now in process, which would affect how he and several of his colleagues will vote.

Ms. Newton stated it sounds like there is an agreement that has been made. There have been questions asked about whether or not the steps, that can be made, have been made. To Ms. Dickerson's point, this is Third Reading, we have discussed this zoning matter, so from a procedural perspective, she is curious if there is a way to vote for this motion, with the contingency that they apply. What are the options for moving forward, based on where we are right now.

Ms. Powell stated, at the September 11<sup>th</sup> meeting, there were conversations with the Conservation staff about the potential of an easement, but the process has not begun.

Ms. Myers inquired, once such an application is submitted, could it be cancelled. She believes one side is saying they did not submit it because they did not get the zoning change. The other side is saying they do not want the zoning change because it has not been submitted. If they submitted it, and we denied the zoning change, are they not free to come back and say to the Commission that they did not get what they needed on their side, so they do not want to give this.

Ms. Powell responded in the affirmative.

Mr. Manning stated, at this point, because Ms. Dickerson has worked so long and hard on this, he read what he was sent regarding the meeting last week, and we are talking about good faith, he is prepared to vote "no" tonight. He feels like, if he was in good faith and serious, he would have gotten down to the government, and fill out the application and get in, so that the "t" was cross or

the “i” was dotted. He thinks they had an opportunity to get down here and do what they needed to do, for him to feel comfortable to vote in favor of the change. If it turns out there was an application submitted today, or yesterday, and somebody here tonight does not know there was an application submitted, then he would be pleased to do a reconsideration at the time of the minutes being approved. If one comes in after tonight, we can have reconsideration, but he will still vote against it. As Ms. Dickerson said, we should be ready to vote tonight. If he heard there was an application in for the conservation easement, then he was ready to vote yes. If he is hearing there is not an application, then he is ready to vote no.

Ms. Dickerson stated this discussion about this easement did not just come up last week. We were talking about this easement for the longest. She stated she has been on Council for 15 years, and she understands development. She understands that we are not going to be able to stop development, no matter what we say or do, because we do not own the property. People have the right to come before this Council and apply. We have the right, as a Council, to either vote it up or down. She is disappointed because when she left the meeting, last week, there was one further question, that one person expressed. They had a conservation attorney come out and review the property, and the attorney presented his documentation. She stated it was reflected in the recording of the September 11<sup>th</sup> meeting that the documentation for the 250 feet buffer would be done by Friday.

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

Opposed: Terracio, Jackson and Manning

Abstain: McBride

Present but Not Voting: Myers

Present but Not Voting:

The vote was in favor.

16. **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

- a. Planning Commission – Four (4) Vacancies – Ms. Newton stated the committee recommended appointing Mr. Christopher L. Yonke and Mr. Gary Dean Dennis, Jr. and re-advertising the remaining vacancies.

Mr. Jackson inquired if the candidates that applied before, and were not selected, automatically reconsidered. He does not see their names on the agenda, so does that mean they were reconsidered, but not added to the list. There was a specific applicant that contacted him, and he recommended last time. The applicant was not selected. He followed up and was told the applicant’s name would be automatically included this time around.

Ms. Roberts stated that might be an oversight on her part. She does not recollect the last persons that applied for the Planning Commission. She will go back and check, and with the re-advertisement we can include those.

Mr. Livingston stated, for clarification, that person’s name is automatically put forth, if they do not request it.

Ms. Roberts stated a part of the application process says that if you desire to be reconsidered to let the Clerk to Council's Office know. She did not hear from the applicant, but she will be happy to follow-up with Mr. Jackson.

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

Abstain: Jackson and Manning

The vote in favor was unanimous.

17. **OTHER ITEMS**

- a. A Resolution to appoint and commission Beverly Kay Whitmire Robinette as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Ms. Dickerson moved, seconded by Mr. Malinowski, to approve this item.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

- b. Preliminary Recommendations for Prioritizing Private Roads – Mr. Malinowski moved, seconded by Ms. Terracio, to approve this item.

Mr. Malinowski stated, prior to Ms. Hegler leaving, she had what she referred to as the three (3) bucket approach for these roads that had been abandoned by developers. The approach was a Good, Better and Best. There were some roads that had been abandoned longer than others, and obviously were in greater need of repair. He is in favor of beginning the process to accept all these roads; however, the recommendation that came to us says that with an asterisk will be taken first. Those with a #1, the right-of-way has been given to the County. Those with #2, they were on the medium-level as to whether or not we get right-of-ways. Those with #3, it would be difficult to obtain the right-of-way. How do we know? Has anyone gone out and asked? This is not clarified in the information in front of us. Matter fact, the information is quite scant. He would like to begin to take these roads into the County, so that we can begin to do repairs. He would like to follow the three (3) bucket approach. If you have roads that were abandoned 2 years ago, they may be in perfect order. We may have the right-of-ways, but do we need to address any problems there? If we do not, they should not be accepted to the exclusion of the others. He would like staff to come back with additional information on this, so we can begin the process to accept these roads. He would like to see more supporting documentation regarding which roads are in need of immediate repair versus those that need to be taken in and repaired later.

Mr. Malinowski moved, seconded by Ms. Dickerson, to begin the process to accept these roads into the County and, in taking the roads in, that they are put into a prioritization ranking based on which roads have the greatest need to be repaired.

Ms. Newton stated she would like to give additional direction to staff to come back with more information, so we can move forward, at that time. To Mr. Malinowski's point, she believes this list needs to be prioritized. As Mr. Malinowski stated, the priorities are based on right-of-way, but they



are not based on the conditions of the road. We do not know if there are conditions of safety. For her, priorities based purely on the guess about whether or not we can obtain right-of-way, does not particularly seem fair. She would like to understand the process is that we are using to ensure that this problem does not continue. Additionally, she inquired if this is the complete list. If we are going to do this from a comprehensive perspective, she would like to know that the list that we are looking at is complete. She would like guidance from Legal on the process to accept these roads. It is her understanding, that we are not allowed to accept roads and fix roads that are not County roads. She stated some of the developers, in these cases, have gone out of business. In her opinion, if there is a developer that is doing business, that has not fulfilled their obligations; we need to ask them to pay for the repairs. She would like a Legal recommendation on what our legal remedies are, so that we can pursue the parties that were supposed to develop these roads to County standards. This does not negate the fact that these roads are important, and we need to have a plan to address it. From a financial perspective, she wants to make sure we have pursued all of the avenues that are appropriate to make the developers pay. She would like to see the information come back in a more comprehensive way. She is particularly interested in seeing who the developers are who have not fulfilled these requirements, noting the defunct ones and the ones that are still in business. It troubles her to think that we are in a situation where we, potentially, might be awarding work to people who have not fulfilled their requirements to the citizens.

Ms. Myers inquired if all the roads are paved that are on the charts.

Mr. Brown thanked Council for the conversation. If you noticed, this was listed as “preliminary” because we wanted to hear your thoughts, and provide you with some ideas of the different ways we would have to take forth the task.

Mr. Eversmann stated all of the roads are paved, in theory. There is a wide variance to their condition.

Ms. Myers stated, for clarification, the price per foot for repairs should be standard.

Mr. Eversmann stated that was an estimate prepared through field inspection, based on the condition of the roads. In their prioritizing scheme, which the County Engineer, Stephen Staley, worked on, we looked at that as an indicator to the condition. In other words, if it had a high repair cost, that was an indication of poor condition. We tried to balance that with the length of the road, as a means of trying to get a cost per foot.

Ms. Myers stated, it seems to her, the price per foot ought to have some standardization. We have prices per foot as high as \$500 and as low as \$6, which leads her to believe we are not doing an apples to apples comparison. It makes it hard for her to understand what we are suggesting needs to be done to the roads, and what we are paying for. For example, one of the roads is \$302,000 for 1,130 feet. It seems to her that is a repaving, but even assuming that, the price per foot ought to be a standard number rather than this variance. That suggests to her, there is little we can rely on in the total construction cost number. She inquired how we came up with the price per foot that we are looking at. Is there not a standard price per foot?

Mr. Eversmann stated what they were trying to do, in this approach, was to take the raw information, provided by Ms. Hegler, and the “buckets” of roads in varying conditions. The price per foot normalizes and makes it uniform. When you say there ought to be a uniform price per foot, there is a uniform price that was applied for filling of a pothole. There was a uniform price applied for performing a full-depth patch. There was a uniform price applied for mill and overlay. Depending on the condition of the road, will drive what maintenance and repair action needs to be performed.

Ms. Myers stated the numbers look like we looked at the total construction cost and divided that by the total length, which suggests we do not have a standard.

Mr. Eversmann responded in the affirmative.

Ms. Myers stated this is straight division. If that is the case, she would like to know if that has been informed by the Transportation Department's cost per foot/mile they are paying. There ought not to be a wide disparity between what Public Works is paying and what Transportation is paying. Most of the roads that we are paving are coming in at approximately \$300,000, but we are paving a certain number of feet at that same cost. She is concerned there is no reliability in the numbers we have. She would not like to approve using these numbers because they seem to be off. She would like to see some real numbers because this is a total of \$8M, which is almost the Public Works' entire budget. She would like to see what it is that we are actually spending that on. She goes back to when she asked specifically how we are putting these roads in priority with the all the roads we already own, and have to maintain. If we spend \$8M on these roads, we have no money for anything else.

Mr. Brown stated, it is his understanding, that looking at these private roads, and bringing them in, was a reflection of a request that was made by Council. It is not something where we are looking to prioritize County-owned roads over non-County-owned roads, but as a function of a request that we are trying to address. He wants to make sure that, as we go through this process, we are in taking information. We are trying to create a product, so that if you decide, at some point, to bring in these private roads, that you have the legal purview and some level of measurement. Hearing you, talk about how you might want to prioritize these is helpful to staff because right now staff is just utilizes something to begin the process.

Ms. Myers stated she heard the gentlemen that spoke earlier, and she is concerned. She wants it to be clear that she is deeply concerned that these roads are orphaned because somewhere along the line we dropped the ball. She wants them in the system, but they have to be in the system along with the other 400 miles of road that we own and maintain, so we need a prioritization process.

Ms. McBride stated one of her concerns is the subdivision assessment for private roadway takeover. She inquired when the assessment was done and how the subdivisions were selected. She stated she has concerns about the fairness, and making sure that it is an equitable selection of subdivisions.

Mr. Staley stated Ms. Hegler started the process around 2013, prior to him coming to the County in late 2015. He stated they looked at all the subdivisions that were not taken over. Some were in the process of being constructed and have likely been taken into the County. These are the ones that were left behind somehow. Either the developer passed away, the bond expired, etc.

Ms. McBride stated the most important thing is to find a means to prioritize the roads, and it is inclusive.

Mr. Eversmann stated the prioritization deals with the roads that are limbo. In that, they have not been accepted into the County Road Maintenance System. Thereby, if anyone is doing any maintenance activity on them, it is the residents or HOAs. As far as roads that are accepted, and in the County Road Maintenance System, we maintain them on a daily basis. They fix potholes, and do full depth patches. In the future, they will do pavement preservation. It is not a question of short-term competition for resources, although, as the County Road Maintenance System grows, we need to address those issues.

Mr. Malinowski stated, when Ms. Hegler started this process, it was being determined all the way back to Anna Almeida, that there were roads that had been “abandoned” because developers moved on, and the roads did not get completed. The roads that came up on this list, that we have in front of us, came about because they fit that particular category of being an “abandoned” road, not based on subdivisions.

Mr. Jackson stated he remembers this conversation coming because of concerns raised by Council about an inequitable process of doing roads. During his tenure, there was an in depth conversation saying we need to get some structural fairness in place. The inequity of the past allowed for certain roads, and certain communities/subdivisions, to get priority over other areas. Because it did not seem to be fair and equitable, we wanted there to be a fair way of making this happen. Since the budget is limited, we did not want those dollars to be expended on those who made the most noise, instead of those that had the greatest need. We need to research this more. One of his colleagues raised an issue about developers who came in and did shoddy work, dropped the ball, and what we should do about them. We had a debate, and potentially a vote, on whether we should ban them for life, or ban them for some period of time.

Mr. Malinowski stated he inquired, in the past, whether we could create a list of developers that failed to complete the work in these subdivisions. He was told we could not do that because some developers may walk out, and the next week they start another company. It seems to him, if the developer’s name is associated with any company, we should be able to hold them responsible for the roads they abandoned. He would like Legal to research that. He stated we should not be giving contracts to companies that have failed to do the work.

Ms. Newton stated, for clarification, her directive to Legal is to understand any, and all, remedies that we can take to hold the developers accountable.

Mr. Malinowski withdrew his motion.

Mr. Malinowski moved, seconded by Ms. Dickerson, to bring this item back to Council, with definitive information, at the 1<sup>st</sup> Council meeting in December.

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

Present but Not Voting: Manning

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

In Favor: Terracio, Newton, Kennedy, Dickerson, and Livingston

Opposed: Walker

Present but Not Voting: Malinowski, Jackson, Myers and McBride

The vote was in favor.

***Council went into Executive Session at approximately 7:33 PM and came out at approximately 8:34 PM***

Ms. Dickerson moved, seconded by Ms. Kennedy, to come out of Executive Session.

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

Present but Not Voting: Manning and McBride

The vote in favor was unanimous.

- a. Brown vs. Richland County Election Commission, et. al. – No action was taken.
- b. CAMA System Update – Ms. Myers moved, seconded by Ms. Terracio, to proceed, as requested in Executive Session, with regard to the system upgrades, the consultant and the search for the proper funding source.

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

Present but Not Voting: Manning, Livingston and McBride

The vote in favor was unanimous.

- c. PDT Document Production – Ms. Myers moved, seconded by Ms. Terracio, to go back to the PDT with a request that the documents be categorized in a fashion that staff would have the ability to review them.

Mr. Malinowski requested a friendly amendment to have the PIO Office issue a press release.

Ms. Myers accepted the friendly amendment.

Mr. Jackson stated, in the event the PDT is unable to do what we are requesting, there are firms that do this for a living.

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

Abstain: Jackson, Manning and Livingston

The vote in favor was unanimous.

20. **MOTION PERIOD**

- a. I move that the Council Rules be modified to reflect that Council Meetings scheduled as a part of the Annual Meeting Calendar approved by Full Council prior to the beginning of the Calendar year in which they will be held are considered to be Regular Meetings and not considered Special Called Meetings just because they are not held on the 1<sup>st</sup> or 3<sup>rd</sup> Tuesdays of the month [MANNING] – This item was referred to the Rules & Appointments Committee.
- b. I move that all first time grantees who are wanting funding from Council H-Tax Allocations must first apply through Zoom Grants with the Office of Budget and Grants Management to ensure their projects is H-Tax Compliant before Staff completes a Request for Action and it gets on the Council Agenda for Council approval [LIVINGSTON] – This item was referred to the A&F Committee.

21. **ADJOURNMENT** – The meeting adjourned at approximately 8:40 PM.