



Richland County Council

REGULAR SESSION
November 14, 2017 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Gerald Seals, Brandon Madden, Jamelle Ellis, Tracy Hegler, Beverly Harris, Sandra Yudice, Michelle Onley, Shahid Khan, Stacey Hamm, Ismail Ozbek, Jennifer Wladischkin, Dwight Hanna, Ashiya Myers, Larry Smith, Roger Sears, Tony Edwards, Shane Kitchens, Heather Brown, Nancy Stone-Collum, Tim Nielsen, Jeff Ruble, Quinton Epps, Dan Cole, Geo Price, and Kimberly Willams-Roberts

CALL TO ORDER – Ms. Dickerson called the meeting to order at approximately 6:00 PM.

INVOCATION – The invocation was led by the Honorable Calvin “Chip” Jackson

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by the Honorable Calvin “Chip” Jackson

APPROVAL OF MINUTES

- a. Regular Session: November 7, 2017 – The minutes were approved unanimously.

ADOPTION OF AGENDA – Mr. Seals requested that the “Fire Service Contract Update” be taken up under the Report of the Attorney for Executive Session instead of the Report of the County Administrator.

Mr. N. Jackson stated after discussions with staff he wished to withdraw the following motion: “Immediately move forward with the approved Sewer Line proposal before the February deadline where the County could possible lose millions in funding” until further notice.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to move Item 17(a): “I move that Council’s standing Rules and Appointments Committee study the possibility of electronic voting. This would include due diligence of best practices generally and specifically models utilized by other South Carolina counties. Additionally, the South Carolina House of Representatives’ process should be considered as it was presented as a model when Council voted to have on the record voting like the House did. Recommendations of the Committee should then be brought to Council for consideration and possible action”, which was forwarded to Council without a recommendation, up on the agenda since it directly impacts the manner in which votes are being cast at tonight’s meeting.

The vote was in favor of moving Item 17(a) up on the agenda.

Mr. Manning moved, seconded by Mr. Pearce, to move Item 18(h): “Program Interns: Overview” to immediately following the Report of the Chair.

The vote in favor was unanimous to move Item 18(h) to immediately following the Report of the Chair.

Mr. Manning moved, seconded by Mr. Pearce, to adopt the agenda as amended.

In favor: Malinowski, C. Jackson, Myers, Pearce, N. Jackson, Livingston, Rose, McBride

The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. Contractual Matter: Communications
- b. Fire Service Contract Update

CITIZENS INPUT: For Items on the Agenda Not Requiring a Public Hearing – No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Financing Recommendations – Mr. Seals stated at the last meeting there were some issues concerning an item that is on the agenda which has to do with the issuance of bonds for the future of the Penny Program. The Transportation Penny is experiencing chronic cost overruns. In fact, we estimate those overruns to be currently at \$134 million. In order to address that issue, Council has been taking a look at the issuance of bonds and has basically been considering 3 options: the issuance of bonds at \$250 million level, the issuance of bonds at a \$311 million level or a pay as you go arrangement. Then last week, a motion was made on the ordinance itself and it was set at \$240 million. At that time, a request was asked of the County Administrator as to whether or not he had a recommendation. He stated he did not nor did he intend to recommend one. That was not a statement of impudence. What has been presented to Council are items that have been vetted and discussed. As he understands his role, it is to make a recommendation to Council to cure the issue of the overruns. And frankly, neither of those solutions will do that. Therefore, he did not recommend. We can make the options work, but it will not stop the cost overruns.

There is a solution and the solution should be one to please County Council. The solution and his recommendation is to simply implement the County's ordinance (039-12HR). The ordinance is the one County Council adopted to implement the provisions of the referendum. Basically, if you bring the Penny Program back into full compliance with the ordinance the cost overruns will self-correct.

Operating pursuant to the provisions of the ordinance will bring about a self-correction and creates the possibility of having funds to do more than what was originally anticipated. It does however require the County to look at how it is going to operate from this point on and the only thing he is recommending is that we operate according to Ordinance # 039-12HR. County Council has the option to do something different, but that is his recommendation. He apologized that he was not able to provide the report to Council prior to tonight's meeting, but he did the bulk of the work on his own and was just able to complete it. He wanted to ensure that Council had his recommendation and have an opportunity to read the report. If there are questions, he is certainly available and will answer them. The bottom line is that the County comply or operate within the parameters of its own ordinance.

Mr. C. Jackson requested a brief synopsis of Ordinance 039-12HR since he has not read the report and was not on Council at the time the ordinance was passed.

Mr. Seals stated the ordinance has several features. Essentially it gives to County Council two fundamental responsibilities. To receive the funds generated by the sales and use tax through the penny and disperse the funds. In effect, the way the ordinance is written, it is a pass through. The municipalities and State are then to submit a request annually for funds to the County Administrator, who then will pass those requests on as a budget request that goes to County Council. The County Administrator is required to give a very detailed accounting of what those requests are and to show that they match up with the items that were anticipated in the referendum. County Council then takes action and those funds are then dispersed to those entities. The County's portion of the penny initiative is roughly 13 – 14% and is mainly dirt roads and resurfacing. Nowhere in the ordinance does it contemplate the County performing the role of road solver. Instead it recognizes that political subdivisions are not subordinate to the County; therefore, it passes the money on to them using an accountability mechanism. Those entities are responsible for carrying out the work they believe they can do in a certain period of time.

Mr. C. Jackson stated that sounds eerily similar to what is often proposed at the Federal government level where they do the same thing. They call it block grants. He further stated his experience in the field of education is that has not been very successful. In well organized and structured communities and community groups it works well. In those cases where they have not been organized and aren't that structured it works horribly and it fails. To assume that every community out there is equal; therefore, the process will be treated equally and fairly is an assumption that he does not feel exists.

Ms. Myers stated for clarification that the Penny projects would be outlined the way the budget process is.

Mr. Seals responded in the affirmative. The projects are specifically identified and you cannot add or take away any projects without coming back to County Council. The requirement, since it was adopted as an ordinance, it has to come back to Council and only Council is authorized make any changes. And those changes have to be done by having three readings and a public hearing.

Ms. Myers stated for clarification that technically we are out of compliance right now.

Mr. Seals responded in the affirmative.

Ms. Myers stated your recommendation will bring us back into compliance and add a budgeting/management layer between the County and the PDT. They continue to keep doing their work but under the budget rubric that is similar to other agencies.

Mr. Seals stated that is required in the ordinance.

Mr. N. Jackson inquired if this will prevent or stop cost overruns.

Mr. Seals stated you are dealing with political subdivisions, the City and the State; however, there is in the wisdom of the ordinance something that is put in place that should stop any cost overruns. In other words, any item that exceeds what is originally stipulated in the ordinance has to come to County Council. There has to be a finding by County Council that allows overrun to take place. That means that is a fiscal matter that is a responsibility of Council then to make whatever adjustments to maintain the balance that equals the permission given by the referendum and ordinance. For example, if you go out to bid and you find there is an item that exceeds what was budgeted, the requirement is to bring that back to Council.

Mr. N. Jackson stated in the report we are getting from the PDT there were cost overruns. The problem was that if we had continued along that line we would run out of money. The concern to his constituents, especially the rural communities, they were told all these dirt roads will be paved and we continue to have cost overruns. At the end of the day, if we had continued down that line there would not be any money left.

Mr. Seals stated the ordinance makes County Council the clear arbiter and decision maker of how this is carried out. His recommendation to implement the ordinance has nothing to do with any kind of feelings toward any particular group. As he understands his responsibility, which is fiduciary, it is we have a fiscal issue and how do we fix it. What is exciting to him is the correction is already there, which is to implement the ordinance. Within that Council has a lot of flexibility as to who it wishes to manage its projects, but having said that, it does mean the ordinance is based on recognition that there are political subdivisions who are capable of making their own decisions.

Mr. N. Jackson stated for clarification that bonding and receiving funding upfront would not have any effect on the ordinance.

Mr. Seals stated it is interesting there have been a lot of confusing talk and news publications that are indicating that everything rides on the bonding. That is a poor reading of the ordinance. The ordinance always anticipated pass through. And then the ordinance brought up the \$450 million as a possibility that Council could use in order to make sure the program got off to a good start. If you read it very carefully that is what it really says. It is always anticipated a kind of pay as you go, but it recognized there was a startup period. It apparently was unknown what the startup period would entail, how much work could be done and how quickly. It appears the number \$450 million had a purpose to facilitate a start and get it through its first couple years of operation.

Mr. Livingston stated for clarification that when Mr. Seals refers to cost overruns he is talking about the difference in the costs in the referendum versus the current costs of doing business today.

Mr. Seals stated that is one way to look at it. He stated he has tried to be particularly careful and Council will see in the report a detailed comparison of what was anticipated and what has occurred. There has also been cost underruns of approximately \$26 million bringing the total in overruns to approximately \$103 – 104 million.

Mr. Manning stated he is hearing the ordinance says there is stuff that should be coming to Council for approval and I have the understanding there is a Horizon group that establishes the agenda that comes before Council. So he is kind of curious as to why if the ordinance says stuff should be coming to Council and stuff comes to Council through an agenda, and there is a group that meets to formulate the agenda. Where did it get stopped that when he comes down here in not elected leadership position, thus not a part of the agenda setting group, why do I get down here and not have stuff before me that an ordinance says for a couple years now should have been coming before the body.

Ms. Dickerson stated she will follow up on Mr. Malinowski's response to Mr. Manning's inquiry.

Mr. Malinowski stated the agendas, as they are set, are set based on information that is provided to the committee from staff, and the committees that have met and what to forward items to Council with different recommendations. This is the first time that we are being given information on this problem because this is the first that we are being told about these cost overruns. The fact that we are just hearing about it. That is why this item is on the Administrator's Report to give us an update on what has been happening and what we can do to correct it.

Mr. Seals stated he respects Council's deliberation and debate, but it is something that is important that needs to be said. There is enough blame to pass around. Staff did not do its job. The ordinance is very clear, but staff has a responsibility to receive budget requests. In looking at this item, as you remember when I arrived a little over a year ago there were some things I requested. And they came as a result of looking and seeing there were some problems in the ordinance. Specifically asked at that time was, where was the budget? And as you know, we have spent the better part of 8 months trying to correct a variety of things in terms of the budgeting process. So to move the needle, in terms of blaming, let's put that foursquare on staff. He stated he could read the ordinance and tell you, he's not saying this just to placate. His interest is to do what you have asked him to do and that is how to fix this. We can blame a whole lot, but the reality is there is enough blame to go around. Staff did not do its job. And what Council hired him to do is to identify these lapses and fix them. The good news is we can fix it. This is not something we have got to install. This is something that is already there. All we have to do it comply with it.

Mr. C. Jackson stated he also was not here during the initial process. However, from what he has heard and what he has read and learned, if the original projections that were given and done by the company whose report he requested and Mr. Seals provided to him. If those projections were inaccurate then the current charges, which are now being classified as cost overruns would be a mischaracterization because the current charges are based upon inaccurate projections from the start. He thinks before we start publicly simply labeling huge cost overruns in the hundreds of millions of dollars we want to be sure the projections that those costs were based upon are accurate. Then we are able to make more definitive statements about where we are today. He reiterated his point, that in order to be fair and consistent throughout the County, he would like for Council to be sure it is prepared to become a monitor of a process that will work well in some areas and not well at all in other areas.

Mr. Seals stated he does not offer this as a debate, but part of his review was to take a look at the Parsons Brinkerhoff estimates. While he readily admits he does not do this work on a day to day basis, he does not find evidence that the calculations are incorrect. We did call Parsons Brinkerhoff and looked at the methodology. While he cannot vouch for the numbers, the methodology is the sound methodology for projecting. Remember most of the cost overruns we are talking about fall within a 2-3 year timeframe. The correction is within the ordinance.

Ms. Dickerson stated she wants to follow up on Mr. Malinowski's comments. We compile the agenda based on the information that comes from Council or is retained from staff at the Horizon meeting that is held the Wednesday before the Council meeting. We also recognize all the committee reports. That is the only information that she has to go on when she works on setting the agenda with staff's assistance. If Council does not tell her what to do it does not go on the agenda. As you know, you have the privilege to amend or send in any amendments that you want.

Ms. McBride stated this is a follow-up question to Mr. Jackson. She stated she too is new and not aware of a lot of the things that happened prior to now. But if the overrun is in violation to the ordinance we cannot go back and repair that.

Mr. Seals stated he believes that is a question for the County Attorney. He believes at some point Council does have to amend or recognize those. There is a process that has been used, called the CTIP process. There are some who would argue that Council made changes through that process. However, the ordinance is very clear and the caution he would have is that the amending action of Council has to be specifically before Council. And Council has to understand what in fact is before it. It requires an amending ordinance, a public hearing and 3 readings.

Mr. Smith stated in terms of what has already occurred, the Council has the discretion to go back and ratify what has already happened. In order to do that it would still need to have 3 readings and a public hearing to take into consideration the current numbers for those projects where the costs exceeded the numbers currently in the ordinance.

Ms. McBride stated for clarification the ordinance was flawed.

Mr. Smith stated he is not suggesting the ordinance is flawed. He believes what has occurred is there were some cost overruns and perhaps there was some thought that was addressed through the CTIP, which the Council from time to time approved. However, that was not the correct mechanism to address that issue. The correct mechanism would have been the ordinance and 3 readings and a public hearing.

Ms. McBride stated what she is getting at is, if the process was right and somewhere the process was not followed, if you follow the process now why wouldn't an ordinance need to be amended.

Mr. Smith stated Council would amend the ordinance to address what has previously occurred. If you recall when we had the work session, there were comments made which indicated that perhaps the Council may need to re-prioritize some projects and perhaps eliminate some projects. If you did the elimination of any projects or reduced the scope of any projects then that would again, to the extent that those projects are a part of the ordinance and those projects have a specific amount attached to them. If that changes then you would have to do it by way of amendment to the ordinance.

Ms. McBride stated for clarification that we could amend the ordinance to address the changes. But as we look at it now, we are talking about amending it and doing a totally different process.

Mr. Smith stated he is not sure we are talking about doing a totally different process. If you recall, when we did the work session on of the things we talked about was what process the Council would use in order to address this. The previous Council had developed a prioritization set of criteria that was used at that time to determine how you would set the priorities for these projects. That was a beginning point of discussions about how you would change these projects. There have been subsequent statements that have been made about, well you need to also look at what projects that have already been let or in the process of being procured and what stage they are in. The Council needs to develop a process to decide how it will change this ordinance. Once you develop the process and decide what you want to change and how you want to change it, then he thinks we can go about the process of changing it pursuant to the ordinance, which will require 3 readings and a public hearing.

Mr. Livingston stated just to try to clarify things, remember a lot of the changes to the projects that have been made up until this point have come before Council. But what had happened was that Council only took one reading on those things. What is being said now is that it requires 3 readings and a public hearing. Mr. Smith has said to make that correct, we have to henceforth make sure there is 3 readings and public hearing and perhaps go back and ratify the decisions already made. Keep in mind, we made that without the information we have now. Had he been informed at that time that we needed 3 readings and a public hearing it would have happened. That fixes the process, but it does not fix the way we are going to deal with projects because we still cannot spend more money than we have. So we will still have to come up with a way of reducing or cutting back on projects.

Mr. C. Jackson stated Mr. Seals made a comment regarding his review of the methodology and his level of confidence that it was not flawed, but he did not speak to, as a result of the methodology, the assessment that was done onsite in our County of those projects on the list and the estimates

given based on that methodology. In theory, Mr. Seals is probably correct; however, in practice of trying to determine what amount money in dollars is needed in roads, highways, etc. he would challenge that the process for making that determination and those dollars per square feet or square mile were not accurate at all based upon the report Mr. Seals provided him from the company. The other point is he wants to be clear, based upon what we are talking about tonight, whether or not this means the request to move forward with bonding, as it relates to finding the funding not to simply use bonding to correct the overruns, but bonding to provide funding that moves projects along at a much quicker pace. The determination was to ensure that we got moving, and got moving quicker, than the monies coming in and not to correct underruns. So make sure I'm clear, this does not impact the plan or the decision to bond in order to get more dollars in a coffer to be able to move projects along quicker while we are debating a change in the process.

Mr. Seals stated what he has given Council is his recommendation, which specifically speaks to the issue of how to restore the penny to fiscal health. He does not mean to in anyway say Council should not proceed as it wishes to proceed. However, he would ask that you take a look at the report. He believes there is a fundamental issue Council may wish to consider, which is to what extent is it willing to lend its full faith and credit to outside or other political subdivisions.

Mr. C. Jackson inquired if Mr. Seals answered his question as it specifically relates to bonding. He stated the last discussion we had in this room was about the possibility of which level and tonight he is asking is that on or off the table.

Mr. Seals stated that is Council's prerogative.

Mr. C. Jackson inquired for clarification, to determine if it is on or off the table?

Mr. Seals responded in the affirmative.

Mr. N. Jackson stated the ordinance was specific. Parsons Brinkerhoff were on point with their estimate. There is nothing wrong with Parsons Brinkerhoff. We had a watchdog group called the TPAC and they are supposed to make recommendations to Council before any changes are made. Council received a cost of the projects. We were told what the project costs and we approved it. It is after, in discussions with the PDT, we found out there were cost overruns and we were told that we approved it. We were not told it was cost overruns before Council approved it or it would never happen. He would have had it stopped and have it investigated why and how we could change it because, as the ordinance said, and he said to his colleagues, any changes would have to have 3 readings and a public hearing. So he wants to be clear and there is no misunderstanding with the public that Council knew of the overrun and approved it. We were not told the projects were overrun until after. He stated he is glad the Administrator is reminding Council the ordinance is there and we should follow the ordinance. If we had been doing that from the beginning there would be no cost overruns. We have the TPAC Committee and they are the ones that are supposed to make the recommended changes. They are supposed to vet it similar to the Planning Commission. Any changes should go to them. They vet it. They make a recommendation to Council and if we make any changes we have 3 readings and a public hearing.

Mr. Livingston stated for the record that he was aware when information was presented to him, in terms of the difference in the costs and the Brinkerhoff report. He was clearly aware that the costs were different and he voted on it because it came before Council. At that particular time, he was not informed and did not think it required 3 readings and public hearing. But he was clearly aware, and it was presented to him, the difference in the costs.

Ms. Myers inquired for clarification if Mr. Seals is referring to Section 3(b) of the ordinance that Council has not been following.

Mr. Seals responded in the affirmative.

Ms. Myers further clarified that is under the Section entitled, "Remission of Sales and Use Tax; Segregation of Funds; Administration of Funds; Distribution to Counties; Confidentially." So essentially, those 3 paragraphs would be the guiding language for how we are meant to be apportioning money under the penny. And were we to make changes it will require a change to the subsection. Under the subsection, we do not have to agree that the Parsons Brinkerhoff study was correct. It may be correct, but based on today's cost of concrete and asphalt it may just not be right for today's dollars. So implementing this and going forward, adopting and/or ratifying the action taken in the past to comply with the ordinance we could still make up the difference. She inquired if Mr. Seals is suggesting that we can do this with or without bonding.

Mr. Seals stated you could do it without bonding.

Ms. Myers stated she will reserve comment until she has read the report submitted by Mr. Seals.

Mr. Seals stated he wants to make sure it is understood, he does not make decisions above the staff level. His job is to apprise Council of something and make a recommendation. The recommendation is to implement the ordinance. He does not believe that recommendation precludes Council from engaging in some level of bonding.

- b. Richland County Historical Resources Guide – Ms. Hegler stated on behalf of the Conservation Commission she requested to allow Dr. Donaldson with the USC – Dept. of History to present his work he has done with a grant from the Conservation Commission and a group of research students.

Dr. Donaldson stated on the Conservation Commission's website you will find an extensive guide to historical resources related to the County. For approximately a year, he and the students traveled around the County to help underscore the central mission of the Conservation Commission, which is to identify, preserve and promote the County's natural, cultural and historical resources. They focused specifically on the identification of largely unknown or obscure sites, structures, spaces, and stories around the County. They visited librarians, archivists, and scholars. They traveled to repositories around the County and throughout the country. In the report, you will find an extensive listing of books, journal articles and other publications about our County. Regrettably many of the items identified are not widely known by the public. He stated he is very excited the History Room of the Richland Library will carry on our work. While substantial work has been done in this area, there are 3 categories that guided their work: silences around issues of race, classes and gender. They saw very clearly there were certain people, sites and areas that have been privileged. And there are a number of sites, people and areas that have been silenced or overlooked. When you read the extensive report provided to the Conservation Commission, you will see recommendations of areas that are quite important to underscore and identify.

REPORT OF THE CLERK OF COUNCIL

- a. REMINDER: St. Andrews Grand Opening, November 15th, 10:00 AM – Noon, 2916 Broad River Road – Ms. Roberts reminded Council of the Re-opening of the Richland Library's - St. Andrews Branch on November 15th at 10:00 a.m.

- b. November Committee Meetings – Ms. Roberts reminded Council the committee meetings will be held on November 16th beginning at 5:00 PM.

REPORT OF THE CHAIR

- a. Midlands Technical College Ribbon Cutting – Mr. Malinowski stated he saw how taxpayer funds are being usefully spent with Midlands Tech’s new resource center. Mr. Seals, Mr. Pearce and Mr. Livingston so attend the ribbon cutting.

Mr. Pearce stated they gathered over at the Beltline Campus for the ribbon cutting. Mr. Seals, Mr. Livingston, and Mr. Pearce spoke on behalf of the County.

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

Program Interns: Overview – Mr. Manning stated 3 times a year with the Spring, Fall and Summer Semesters, Council has an opportunity to meet the interns with the Program Development Team. The interns introduced themselves to Council.

OPEN/CLOSE PUBLIC HEARINGS

- a. Authorizing (1) the execution and delivery of a First Amendment to Fee in Lieu of Tax and Incentive Agreement by and between Richland County, South Carolina (the “County”), and Constantia Blythewood, LLC, f/k/a Constantia Hueck Foils L. L. C., acting for itself, one or more affiliates, and/or other project sponsors (the “Company”), in connection with certain additional investment to be located in the County; and (2) other matters related thereto – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- a. 17-017MA, Larry S. Umberger, GC and RM-MD to OI (2.06 & 1.6 Acres = 3.66 Acres Total), 2605 Seminole Road, TMS # R06015-04-03 & 06 [THIRD READING]
- b. 17-018MA, James Huggins, GC to LI (4 Acres), Dutch Fork Road, TMS # R02408-02-04 [THIRD READING]
- c. 17-020MA, Jimmy L. Thompson, RR to RU (22.79 Acres) 510 Koon Store Road, TMS #R12110-01-14 [THIRD READING]
- d. 17-024MA, Inga Brooks, RS-HD and NC to GC (1.01 Acres), 4120 Bluff Road, TMS #R13509-02-36, 37 & 38 [THIRD READING]
- e. 17-030MA, Thomas O. Milliken, RU and OI to GC (50.54 Acres), Legrand Road, TMS # R17110-02-02, 03, 05; R17113-01-19; R17117-01-10, 11, 13; R17109-04-01 [THIRD READING]
- f. 17-031MA, Thomas O. Milliken, RU and OI to RS-MD (72.6 Acres), Legrand Road, TMS # R17110-02-01; R17111-02-01 & 04 [THIRD READING]
- g. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new Flood Insurance Rate Map [THIRD READING]

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

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

The vote in favor was unanimous.

ORDINANCES – THIRD READING

Mr. Pearce moved, seconded by Ms. Myers, to approve the Third Reading items.

POINT OF ORDER – Mr. Pearce inquired of the County Attorney if it appropriate to vote on all of the Third Reading items at the same time.

- a. An Ordinance Amending the “2015 Richland County Comprehensive Plan – Putting the Pieces in Place”, adopted on March 17, 2015, by incorporating the “Capital Mill District Area and Corridor Plan” into the plan – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

POINT OF CLARIFICATION – Ms. Dickerson stated it was brought to her attention that on all 3rd Reading items, according to our ordinance, we raise our hands. Therefore, can we push the button and raise our hand. Would that be legal?

Mr. Rose stated he thinks it is more of having a roll call vote and by pushing the green button you are, in effect, raising your hand.

POINT OF CLARIFICATION – Mr. Malinowski stated at the approval of the agenda he requested Item 17(a) be placed at the beginning of the agenda. This item has not been taken up.

Ms. Dickerson stated she will place that item after the Third Reading items.

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

The vote in favor was unanimous.

Mr. Pearce inquired if Ms. Dickerson was going to take up Item 17(a) now or after all of the Third Reading items.

Ms. Dickerson stated since the agenda was amended she will take up Item 17(a) prior to any further action on the Third Reading items.

ITEMS FOR ACTION FROM RULES & APPOINTMENTS:

I move that Council’s standing Rules and Appointments Committee study the possibility of electronic voting. This would include due diligence of best practices generally and specifically models utilized by other South Carolina counties. Additionally, the South Carolina House of Representatives’ process should be considered as it was presented as a model when Council voted to have on the record voting like the House did. Recommendations of the Committee should then be brought to Council for consideration and possible action [MANNING and C. JACKSON] – Mr. Malinowski stated because this does affect what we are doing in voting and the motion was before the Rules Committee, it was forwarded to Council with no recommendation. Therefore, Council will have to vote on if there is

anything else they would like to see prior to us continuing the roll call voting or if we should go forward as we are doing.

Mr. Rose moved, seconded by Mr. C. Jackson, to continue to utilizing the technology already paid for and installed.

Mr. Livingston stated the motion is not what Item 17(a) says. It says, "move that Council's standing Rules and Appointments Committee study the possibility of electronic voting."

Ms. Dickerson stated it came without a recommendation and Mr. Rose made a motion.

Mr. Pearce stated we have another rule that needs to be rescinded in order to adopt this motion.

Mr. Rose amended his previous motion as follows: to discontinue Council's previous roll call voting Council Rule and adopt moving forward with the electronic roll call voting on each item, as we have been doing at today's meeting. Mr. C. Jackson's second to the motion stood.

Ms. Myers stated there are 3 major buttons before us. She assumed, as historically is the rule, any non-vote or any absentee vote, if we are here. Does it count as a yes or no?

Mr. Rose stated if someone is present and they abstain from voting it goes down as a yes.

Ms. Myers stated for clarification unless you push the abstain button and explain.

Mr. Rose stated his interpretation of abstaining is that you do not vote.

Mr. Smith stated the Rules say if a Council member is in their seat, does not abstain from the vote, but does not record a vote, their vote is recorded on the prevailing side.

Mr. Manning requested the rule to be read to Council.

Ms. Dickerson inquired if Ms. Myers requested the reading of the rule.

Ms. Myers stated she did not. She was clear, but Mr. Manning requested the reading of the rule.

POINT OF CLARIFICATION – Ms. McBride stated the electronic voting was used at the last meeting. She inquired if those votes were valid.

Mr. Rose stated he thinks we are overthinking this. At any point you can call for division. When Mr. Malinowski said press yes or no, he in effect is calling for division.

Ms. McBride stated because we took the other vote, she is requesting a point of clarification. It appears the one we are getting ready to vote on is not necessary.

Ms. Dickerson stated we have a question from Ms. McBride to make sure the votes taken, other than raising your hand or being physical, we are going it technically. The vote, in her opinion, is valid. She requested Mr. Smith to verify that the technical votes taken were valid.

Mr. Smith stated the votes are valid.

Ms. Smith stated Rule 5. 21 says, "A Council member must be at his/her seat in order to vote for those at the dais. If a member does not declare a vote or an abstention, his/her vote shall be recorded with the prevailing side."

Mr. Manning stated he believes there are 2 different parallel conversations going on. One, is whether we are voting electronically or by hand. The other is that Council, a couple years ago, worked long and diligently over about a 6-month period to come up with which votes would take the time to be recorded votes and which votes would not be. We voted on that and so, he is not talking about whether we use the never came before Council, tax money paid for, this nice new system. His question is why are we using this system for votes that what we passed as our rules would not be taking the time to be on the record votes. And he knows there are several members here who were not here then and during that whole debate, so he's not even sure whether in their orientation they were provided with when that happened and the fact this Council resolved there were a number of votes that we would like to see being on record votes. Then there were a whole number of other votes that we felt like just on a voice vote was fine. He thinks that is the thing that we are overlooking here. Whether we continue with those rules about, these are the ones that we are going to vote on record, and use this new system versus we are going to use this new system for all the votes that we worked very hard to determine which ones we felt for transparency should be on the record. And whether, like when it is time to go home, we can just vote as the rules and the Council determined yea or nay and be done with it. That is the issue that should really be before Council is whether we want to continue with the voting process, and what goes with pushing buttons or raising your hand, or whether we do all of them, in essence, what would have then been raising your hand, that Council determined we did not need to.

Mr. Malinowski stated he can sympathize with Mr. Manning and what he is saying and asking for. He had in front of him the actual unanimous vote taken on July 28, 2015. The rule at that time was changed to state, "that Council record non-electronic roll call voting for all final votes, that are not unanimous, for Third Reading or one-time votes, which are not merely procedural in nature." He inquired of Legal, in making a motion to simply rescind the old rule and put a new rule in, is this something we do here or do we have to specify and redo this one point by point.

Mr. Smith stated it appears what was passed in 2015 was intended to address matters Council was voting on, that were action items versus matters you had to deal with that were procedural in nature. For example, a procedural matter would be whether Council wants to go into Executive Session, or recess, etc. To the extent that Council wants to continue to either raise its hand or by voice vote to go into Executive Session, etc., you could decide you want to do it that way. On matters of substance, as it relates to action items, you would want to record a vote.

The question was called for. The vote in favor was unanimous.

In favor: C. Jackson, Myers, Pearce, Kennedy, N. Jackson, Rose, and McBride

Opposed: Manning and Livingston

The vote was in favor of rescinding the current roll call voting rule and move forward with electronic roll call voting.

- b. Authorizing the execution and delivery of an amendment to the July 28, 2009 Fee Agreement effecting a conversion of that certain lease agreement dated as of December 15, 1996 between Unum Group, Colonial Life & Accident Insurance Company, and Unum Life Insurance Company of

America, and Richland County, South Carolina; and other related matters – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

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

The vote in favor was unanimous.

- c. Authorizing the execution and delivery of an amendment to a 2014 Fee Agreement by and between Richland County, South Carolina the Ritedose Corporation and TRC Propco, Inc. to provide for certain infrastructure credits; and other related matters – Mr. Pearce moved, seconded by Mr. C. Jackson, to approve this item.

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

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Pearce, to reconsider this item.

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

The motion failed.

- d. An Ordinance allowing for the temporary waiver of building permit fees and plan review fees for homeowners, contractors, and “Volunteer Organizations Active in Disaster” (VOADs), and allowing for the temporary waiver of business license fees for contractors and “Volunteer Organizations Active in Disaster” – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

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

The vote in favor was unanimous.

ORDINANCES – SECOND READING

- a. An Ordinance authorizing the issuance and sale of not exceeding \$ 240,000,000 General Obligation Bond, Series 2018A, or such other appropriate series designation of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto – Mr. Livingston moved, seconded by Manning, to approve \$250,000,000 in General Obligation Bonds.

Mr. N. Jackson stated he has been told this has to do with the Penny Tax. He is hearing an argument that we need to do a bond for \$240 million to expedite some of the work on the project. However, we are collecting over \$50 million a year. His understanding, after speaking with some staff members, that if the bond is approved for \$240 million, whenever we start to spend that money it will take 2–3 years before we do it. If we are collecting \$50 million a year and we already have \$50 million, we will have over \$200 million. He does not see the necessity to do a bond for \$250 million and pay \$17 million in interest. To have the money upfront and hold it for several years before we start spending it. The method of pay as you go because we are collecting over \$50 million a year would be more

appropriate and save the taxpayers' money. He is sure the County can find a lot of things to pave for \$17 million. In the rural community, there is a lot of dirt roads that we could add to the project or some intersection improvements. Furthermore, he has been told that instead of \$240 million we would really need \$311 million if we are going to do it that way. Then earlier today, we were reminded by the Administrator that we have an ordinance that corrects how we can proceed and fix everything. At this time, he cannot support doing a bond for \$240 million and paying \$17 million in interest. When if we do pay as we go, we will save that money in interest and we will have that money, whenever needed, to do the projects as they come online.

Mr. Livingston stated he is going to ask some questions in reference to a document he received at the work session. He referred to Appendix B that shows the projected bonding issuances. In the column entitled, project bond issue, and then further down it says annual debt service. If we get a \$250 million bond, the debt service for that bond based on 7 years is \$37 million a year. Based on the draw down schedule, what is available for projects for the first year is \$115 million and the second year will be \$33 million. When you get to 2019, you will have \$7 million available for projects. He inquired if that meant you would not have any funds to do projects from 2019 – 2025. He stated he is concerned about doing 7 year bonding because you have a whole lot of projects coming on after 2019. He inquired about what the next column over "Projected Draws" was based on.

Mr. Seals stated it is just projected draws. You have to look at that in conjunction with the next column entitled, "Cash Flow Shortfall".

Mr. Livingston stated for clarification, so you will have a \$41 million cash flow shortfall.

Mr. Seals responded in the affirmative.

Mr. Livingston stated he raised this point because what is going to happen if we do not bond. He is not sure how we are going to get the projects done in a timely fashion. He knows we were given an average of \$36 million being spent in the past. Keep in mind, as the years have gone by, each year the amount that is being spent is significantly increasing because now you are developing projects. The first year was around \$12 million, 2nd year approximately \$35 million, the current year is \$66 million, and the projection for next year is \$100 million. If we do not bond to fund those projects, we are going to find ourselves way out in 2028 and so forth. Funding projects is going to cost a whole lot more than they cost now. He strongly encourage Council to bond the projects. Save money by not having to string it out for so long. And for the people to get the roads repaired. That is, in his opinion, a tremendous benefit relevant to what the cost of the bond is going to be. He inquired if we know the rate the bond is based on.

Mr. Seals stated he does not have that with him, but he can certainly provide it.

Mr. Livingston stated the chart shows him clearly that if you do not bond, we are going to have a serious problem getting projects done and it is going to cost us a whole lot more in the long run.

Mr. Malinowski inquired about how much money is being collected annually.

Mr. Seals stated it is approximately \$60 million.

Mr. Malinowski inquired about how much is being spent per year on projects.

Mr. Seals stated he believes it is approximately \$30 – 38 million.

Mr. Malinowski inquired about the dollar amount of projects the County/PDT can do per year. Can they do \$100 million, \$150 or \$200 million, if the funds are there?

Mr. Seals stated that was a good question, and it seems the PDT needs to answer that. If you do some linear regression models it does reveal a level, but the moment he says that there will be counters about start up, etc.

Mr. Malinowski stated he would like that information as soon as possible prior to 3rd Reading to find out what level of funding we actually can do projects. If we cannot go really go much more than where we are. Everyone wants to keep this local and small business we are sort of limited. If we are tapped out on what we are asking to work for us now. It may not be advisable to bond something that we cannot use anyway.

Mr. Seals stated that is a reasonable request and the numbers have been run. He believes the PDT has run those numbers as well. Both sets of projections will be provided.

Mr. Manning stated every year during the budget process we always look at the allowable cap based on the population growth and inflation. Every year, since he has been on Council, inflation has been over 1%. Given that and the columns Mr. Livingston went through earlier, as he understands it the interest on the bond would be somewhere around 4%. Inflation in the next 7 years, based on the last 7 years, would be like 7% at a minimum. If we are looking at what we can build down the road going as pay as you go, out in District 8 we think 7 is higher than 4 by about 3. So it seems we are going to lose ground if we do not go with the 4% interest and get the roads built with the bond, which the citizens voted and gave us to ability to bond up to \$450 million. In terms of this \$36,000 per year, with the information that we received over any number of communication between the PDT and staff, the first year was very low with startup. Then we were around that average in the 2nd year. And this most year was a high year, so the 36 number is an average not anywhere near the trending. We have also been provided draw schedules where they are looking and have projected \$102 million – 1st year, \$115 million – 2nd and \$137 million in the 3rd year from now they see ready to build and provide safe pedestrian sidewalks and bicycle paths to keep our citizens alive, roads and intersections to keep our citizens alive and to get what they voted for in the referendum. When you add those 3 things up that is \$354 million. Now if the revenue coming in is \$60 million, which equates to \$180 million for 3 years. He stated that in District 8, \$180 million is a whole lot less than the \$354 million. His concern is that the citizens told us two things: they said they wanted the transportation issues in Richland County to be addressed and fixed. They also were asked, as a part of that, just like when you buy a house, do you want to save up the money for 30 years and then buy the house in 30 years or do you want to borrow the money. We are looking at an interest rate of 4% to avoid a 7% inflation just in 7 years. Not even in the 22 years, of which 3 or 4 are go now, but where that is going to go in pay as you go and we are going to be short the \$354 million that is on the draw schedule down to \$180. Given those 3 things, what the citizens said they wanted, the interest rate being 3% less than the inflation for us to borrow the money and the fact that in the draw schedule, in the projection, not the average of 36, because every year that we do this it is going up and up, so the average will always go up. But with the \$102, \$115, \$137 million projections over the next 3 years, bringing in \$60 million per year only brings in \$180 million so we are going to be over \$130 million short to do what we need to do. He is fully supportive of the motion made by Mr. Livingston.

Mr. Pearce stated for clarification is \$60 million the total.

Mr. Manning stated that was the number the Administrator said as coming in from the penny each year.

Mr. Pearce stated and then the buses are deducted.

Mr. Manning stated he does not know. He heard a question asked and answered, but that is probably right. He stated he usually uses conservative figures, but he just used the figure that was given tonight.

Ms. Dickerson inquired about the length of the PDT's contract.

Mr. Seals responded that it was for 5 years.

Ms. Dickerson stated we are 2 ½ - 3 years into the contract, which means we are only looking at 2 more years to function under this particular team to work these projects.

Mr. Seals stated Ms. Dickerson was correct; however, to give a complete answer it should be noted that there is a provision in the contract for it to be extended for another period of time.

Ms. Dickerson inquired if that was at Council's discretion.

Mr. Seals responded in the affirmative.

Ms. Dickerson stated she keeps hearing what the ordinance and what our citizens voted on. She thinks that same principle applies we start talking moving stuff and changing stuff. Ms. Myers so eloquently put it that if we are to change something that it requires an ordinance change. It is okay to change ordinance on some things, but on others is what she is understanding. She stated if we approve the bond, we will be providing a lot of money to an organization or team that we may or may not use after 2 years.

Mr. Seals responded in the affirmative.

Ms. Myers stated technically the penny money goes to the County and not the PDT. To the extent that the bond money is procured by the County, the money does not get shifted to directly to the PDT. She stated she did not want people to think we are going to hand them a big check when the bond money comes in. It could well be, whatever we decide, if we get the bonds or we don't get it, that money does not flow to the PDT until work is done. So 2 years from now we could be in a new contract and that money flows to whoever is the party in the contract.

Ms. Dickerson stated that is the point she is trying to get. She was not saying we are going to get a bond and hand it over to the PDT. Her intent was the fact that we have to understand, in her humble opinion, we only have 2 more years under this particular contract. It is under Council's discretion to renew or terminate this contract to move the other projects forward. We will be going through a whole other scenario with a new company, if we decide to do that.

Mr. C. Jackson stated he thinks the motion before us speaks to bonding up to \$240 million. Not bonding \$240 million, so we want to clarify that and make sure people understand that. We keep saying if we borrow \$240 million, how many million dollars of interest. That is not the motion. The motion is up to that amount. He inquired of Ms. Heizer if the Federal interest rate goes up would not the costs of bonding increase.

Ms. Heizer stated that is more in the financial advisor's wheelhouse. If you have questions, depending on what you do tonight, and go forward those are the type questions that would better be addressed to your financial advisor. Generally speaking, most people would say if interest rates go

up, the tax exempt interest rates go up. Although she noted there is not a clear pattern or one-for-one. She stated she thinks the financial advisor would say that nobody can tell you what interest rates are going to do. It is really an instinct or judgment call on Council's part.

Mr. C. Jackson stated that if all indications are what they are now, the reserve is probably going to raise interest rates next month. If that does happen and we are still debating this issue, we may be caught in that quagmire.

Mr. N. Jackson stated the ordinance was designed to protect overrun. There is no problem if we follow the ordinance, we will be okay. The estimate by Parsons Brinkerhoff was over a 22 year span, which included inflation. When they did the cost estimate, they did not just do it for the year 2012. It was stretched out over a certain period for construction and the collection would be not to exceed 22 years with a maximum of \$1.07 billion. He heard earlier that a bond for 7 years we are go approximately \$37 million/year. That was \$259 million for 17% interest with \$276 million over 7 years. If we are collecting, taking out the bus, \$50 million/year for 5 years is \$250 million. While 7 years at \$37 million/year we are going to spend \$259 million versus for 5 years, pay as you go at \$50 million/year we have \$250 million. In my opinion, pay as you go would work. We are collecting and we have the ability to spend \$50 million/year versus, if we do the bond, we are spending \$37 million/year. When he hears the argument about interest going up or cost of living going up that was included in the estimate. He does not want anyone to panic and think we have to rush and do this because if we do construction in 3 -5 years it is going to be so expensive we cannot do the project.

Mr. Malinowski stated the Administrator gave Council a projection of \$60 million/year currently. He inquired if that projection is expected to remain for the next 7 years or will there be fluctuations up and down.

Mr. Seals stated there will be fluctuations.

Mr. Malinowski inquired in which direction they would likely fluctuate.

Mr. Seals stated he does not remember the exact number, but he believes it will peak at \$70 million and there will be some backing off.

Mr. Malinowski inquired if we bond are we going to be able to freeze the cost of doing business because we now have the money even though we will not be wanting the project done 2 – 3 years ahead of time. Because we cannot freeze the cost of business, inflation is still going to bite us whether we pass a bond or not.

Mr. Livingston inquired if staff or the interim Transportation Director review the build out schedule presented by the Program Development Team.

Mr. Seals responded in the affirmative.

Mr. Livingston inquired if the schedule was reasonable and possible to do.

Mr. Seals stated he believes that is a personnel matter.

Mr. Livingston stated he wanted to compare the build out schedules.

Mr. Seals stated he did not have a problem with that, but the question asked requires an assessment and in this case it gets into a personnel issue.

Ms. Myers stated obviously she wants the penny projects done. She has been railing about the projects that have not gotten done and look like they may not get done if we do not get this stuff on track. She stated she is caught on 2 sides. She is nervous about not bonding and nervous about bonding. Her concern is that the ordinance calls for General Obligation rather than Revenue Bonds, so whatever bond amount we approve is not tied to penny revenue. It is tied to General Obligation revenue which could cause an increase in millage to pay the bond if something happens. She is also concerned we do not have a good enough understanding. What was presented by staff differs from what the PDT has suggested is the way forward versus what we were presented at the Transportation work session as the way forward. While she is content to go forward at 2nd Reading, she would like to see another work session where we hash out some of these things raised by the new information, by the concerns over the run rate. She stated she looked at the schedule and she is mindful of that. While we have been ramping up, we have also paid back a \$50 million bond that we got to ramp the program up in the beginning. We had a startup bond and we paid that back. We have managed to have excess money somewhere to do things that needed to be done. She would like to have a work session and receive additional information from Ms. Heizer and Mr. Cromartie as to the hearing we are waiting on an answer for and then see where we are at 3rd Reading. She is willing to go forward tonight, but she thinks there are serious issues, of real consequence, that would cause her to vote no at 3rd Reading if we do not figure them out first. It is important to vet the presentation by staff against what the PDT, as well as what has been done to date. Something else to consider, the State is also flush with new money and there is not an unlimited number of people to do this work. Will there be enough people to actually spend \$115 - \$120 million/year.

Ms. Dickerson stated she wanted to support and concur with Ms. Myers' comments. The only thing that she is going to base her opinion on tonight is the fact the sale is not to exceed. She stated before 3rd Reading we may have to have some serious conversations.

Mr. Livingston stated the motion was for up to \$250 million.

Mr. N. Jackson inquired if the amount on item 14(a) has been amended to a definite \$250 million.

Mr. Livingston stated it is up to.

Mr. N. Jackson inquired about the amount actually being bonded.

Mr. Livingston stated it will depend on the schedule.

Ms. Dickerson stated the motion is to not exceed \$250 million with the understanding that before we go any further we are going to look at having a work session prior to 3rd Reading.

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

Opposed: Malinowski and N. Jackson

The vote was in favor.

- b. Authorizing (1) execution and delivery of a First Amendment to Fee in Lieu of Tax and Incentive Agreement by and between Richland County, South Carolina (the "County"), and Constantia Blythwood, LLC, f/k/a Constantia Hueck Foils, L.L.C., acting for itself, one or more affiliates, and/or other project sponsors (the "Company"), in connection with certain additional investment to be located in the County; and (2) other matters related thereto – Mr. Livingston moved, seconded by Mr. C. Jackson, to approve this item.

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

The vote in favor was unanimous.

- c. Authorizing the execution and delivery of a fee in lieu of ad valorem tax and incentive agreement by and between Richland County, South Carolina and Charter Nex Films, Inc. to provide for payment of a fee in lieu of taxes; authorizing certain infrastructure credits; and other related matters – Mr. Livingston moved, seconded by Mr. C. Jackson, to approve this item.

Mr. Malinowski stated the item says Charter Nex Films. He stated he went back to the June 20th agenda when this item received 1st Reading and nowhere does it says Charter Nex.

Mr. Ruble stated the 1st Reading was under the code name “Project Aegis”.

Mr. Malinowski stated in the past it was notated f/k/a. He would appreciate if that is done in the future.

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

Opposed: Malinowski

The vote was in favor.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

NOTIFICATION OF VACANCIES:

- a. Historic Columbia – 1 – Mr. Malinowski stated the committee recommended appointing Mr. Gary Gabel to the Historic Columbia Board.

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

The vote in favor was unanimous.

- b. East Richland Public Service Commission – 1 – Mr. Malinowski stated the committee recommended appointing Mr. Thad A. Timmons, Jr. to the East Richland Public Service Commission.

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

The vote in favor was unanimous.

- c. Central Midlands Regional Transit Authority (CMRTA) – 1 – Mr. Malinowski stated Ms. Boulware was advised there may be new requirements to serve on this board based upon input from the CMRTA representative, Ms. Dickerson. There needs to be some more professional and specific requirements to fill this board position. Ms. Boulware will still be eligible once the new rules are put into place and the vacancy will be re-advertised.

Ms. Myers stated Ms. Boulware is qualified, but the CMRTA is a technical board. There is some concern that the people on the board need to have a background with the bus system.

Mr. Malinowski stated Mr. C. Jackson inquired about how long it will take for this item to come back. It will take until the committee receives the particular qualifications that are felt will be needed to fill that and then we will have the legal department write those qualifications into the requirements for that board position.

Ms. Dickerson stated hopefully all the questions will be answered and data processed by the next committee meeting.

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

Abstain: Manning

Mr. Malinowski stated the Council member that abstain will need to inform the Clerk's Office why they abstained.

The vote in favor was unanimous with Mr. Manning abstaining.

- d. Building Codes Board of Appeals – 2 (One applicant must be from Architecture Industry and One from the Contractor Industry) – Mr. Malinowski stated the committee recommended appointing Mr. Wade M. Carlisle to the Building Codes Board of Appeals.

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

The vote in favor was unanimous.

ITEMS FOR ACTION FROM RULES & APPOINTMENTS:

- a. I move that 2020 Hampton Street discontinue the practice of scheduling meetings for Council members at the same time [MANNING] – Mr. Malinowski stated this item was held in committee to received input from Legal to address this issue. So that Council is aware, there is a rule already in place that states no committee meeting can begin at the same time as another committee meeting. People are using a loophole and if your committee meeting starts at 4:00 the next group is starting one at 4:15, so we are having overlapping meetings. To eliminate the loophole, the new rule will state that no meeting will begin while another meeting has been scheduled.

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. Ordinance Change/Project Prioritization – This item was held in committee.
- b. Atlas Road Widening Project: Right of Way Acquisition – Mr. Manning stated the committee forwarded to full Council for approval, with the exception of tracts 216 and 94, the right-of-way acquisition on Atlas Road.

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

The vote in favor was unanimous.

- c. Broad River Road Widening Service Order Approval – Mr. Manning stated the committee forwarded to Council a recommendation to approve the Broad River Road Widening Service Order.

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

The vote in favor was unanimous.

- d. Three Rivers Greenway: Riverbanks Zoo Agreement – Mr. Manning stated the committee forwarded to Council a recommendation to approve the lease agreement showing the location of the buildings and require any additional costs associated with splitting the building to be paid for by the City of Columbia.

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

The vote in favor was unanimous.

- e. Southeast Richland Neighborhood Project: Design – This item was held in committee.
- f. Hulon Lane Roadway Improvements: Mitigation Credit Sales – Mr. Manning stated the committee forwarded to Council a recommendation to approve the sale of the mitigation credits for the Hulon Lane roadway improvements in the amount of \$113,050. The funds will be deposited into the Penny Project fund.

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

The vote in favor was unanimous.

- g. Resurfacing Package I – Mr. Manning stated the committee forwarded to Council a recommendation to approve the additional \$30,000 for the resurfacing contract.

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

The vote in favor was unanimous.

REPORT OF THE DIRT ROAD AD HOC COMMITTEE

- a. Recommendations from November 14, 2017 Meeting – Mr. N. Jackson stated the committee met and no action was taken. Staff was advised to meet with Legal and bring back some matters to the next Dirt Road Ad Hoc Committee meeting.

CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda – Ms. Helen Taylor Bradley spoke on behalf of the Hopkins and Lower Richland Citizens United. They are still not in favor of the original plan that they have been fighting for 3 years. They were given a revised plan by the Council representative for District 10 and staff. Although it sounds better, they still have concerns about the costs. They cannot afford the \$34 million they were shown. They would like to see a breakdown of what it is going to cost individual

persons, households, churches, and the schools. That being said, she wants to ensure the record reflects they are against the 1st plan and have concerns about the 2nd. They would like to get a copy of the figures to assist with making a decision that will please both sides.

Council went into Executive Session at approximately 8:25 PM and came out at approximately 9:16 PM.

POINT OF PERSONAL PRIVILEGE – Ms. McBride acknowledged that Clerk of Court Jeanette McBride was in the audience.

EXECUTIVE SESSION

- a. Contractual Matter: Communications – This item was received as information.
- b. Fire Service Contract – Mr. Pearce moved, seconded Mr. Malinowski, to approve the fire contract with the City of Columbia for a period not to exceed 3 years with the County reserving the option during that time to explore alternatives for the provision of fire services in the unincorporated sections of Richland County.

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

The vote in favor was unanimous.

MOTION PERIOD

- a. Have the Administrator and EMS Director explore the possibility of a public/private relationship for EMS services in Richland County [MALINOWSKI] – This item was referred to the A&F Committee.
 - b. Determine if a cost savings can be obtained by leasing certain technical equipment versus purchase [MALINOWSKI] – This item was referred to the A&F Committee.
 - c. That the Open Space Ordinance/Regulation be revisited and changed so that only true Open Space in a development is used for a density bonus. Currently any land not usable, such as ponds, wetlands, streams, ravines and the like are attributed to open space when they can't be built on anyway, so no credit should be given for these items [MALINOWSKI] – This item was referred to the D&S Committee.
 - d. In future housing development or construction, houses built must be a safe distance to prevent the transfer or being affected by fire. Fire retardant materials must be used or a safe distance must be developed separating the houses. [N. JACKSON] – This item was referred to the D&S Committee.
 - e. Richland County develop a water distribution system for the unincorporated area. Staff develop a master plan and report to Council on the feasibility. [N. JACKSON] – This item was referred to the D&S Committee.
- Mr. Malinowski stated there is a motion that he and Ms. Myers made that is similar to this one. He requested this motion and the previous motion be combined.
- f. Immediately move forward with the approved Sewer Line proposal before the February deadline where the County could possibly lose millions in funding [N. JACKSON] – Mr. N. Jackson withdrew the motion.

- g. The SLBE use the same criterion as Charleston at a max of \$7.5 million to graduate from the program [N. JACKSON] – This item was referred to the OSBO Committee.

ADJOURNMENT – The meeting was adjourned at approximately 9:21 PM.

X

Joyce Dickerson
Chairwoman

X

Bill Malinowski
Vice Chair

X

Calvin "Chip" Jackson
District Nine

X

Norman Jackson
District Eleven

X

Gwendolyn Kennedy
District Seven

X

Paul Livingston
District Four

X

Jim Manning
District Eight

X

Yvonne McBride
District Three

X

Dalhi Myers
District Ten

X

Greg Pearce
District Six

X

Seth Rose
District Five

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