



## Richland County Council

### REGULAR SESSION

November 19, 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, Clayton Voignier, Kim Williams-Roberts, James Hayes, Ashley Powell, John Thompson, Quinton Epps, Michael Niermeier, Janet Claggett, Geo Price, Michael Byrd, Judy Carter, Sandra Haynes, Larry Smith, Jeff Ruble, Eden Logan, Brittney Hoyle Terry, Cathy Rawls, Tariq Hussain, Dwight Hanna, Casey White, Ronaldo Myers, Dale Welch, Christine Keefer, Bryant Davis and Trina Walker

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 Jim Manning
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Jim Manning
4. **PRESENTATION OF PROCLAMATIONS**
  - a. A Proclamation Recognizing the 2019 University of South Carolina’s Athletics Hall of Fame Inductee – Kristi Coggins – Ms. Dickerson presented a proclamation honoring Ms. Coggins on her induction into the University of South Carolina’s Athletics Hall of Fame.
  - b. A Proclamation Honoring the retirement of Richland County Sheriff’s Department Captain Joseph “Joe” Johnson Odom – Ms. Dickerson presented a proclamation honoring Captain Odom on his retirement from the Richland County Sheriff’s Department.
5. **PRESENTATIONS**
  - a. Communities In Schools of the Midlands: Latasha Taste-Walker, Director of Development – Ms. Taste-Walker thanked Council for their support over the last 30 years. On November 6, they celebrated “All in for Kids Day”. They currently serve over 2,900 students, which are at-risk.
  - b. Serve & Connect: Kassy Alia Ray – Ms. Ray presented an overview of what the “Serve & Connect” initiative has been able to accomplish. She thanked Council for their monetary support for the initiative, as well as their emotional support following the death of her husband.
6. **APPROVAL OF MINUTES**
  - a. Regular Session: November 5, 2019 – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

Mr. Malinowski stated, near the end of the last Council meeting, Councilman Walker cited Council Rules regarding abstaining from voting, which he does not see reflected in the minutes. In addition, going through the minutes he noted there were 13 items that Council members abstained on, and he would like to know from the Clerk, based on our rules, if she received the reasons those Council members abstained.

Ms. Onley responded that she had not received any responses from the Council members that abstained.

Mr. Malinowski made a substitute motion, seconded by Mr. Walker, to defer the minutes until they are complete.

Mr. Jackson inquired if this only applied to this meeting, or does it encompass past meetings.

Mr. Malinowski withdrew his deferral, so we can get an answer to Mr. Jackson's question.

Ms. Dickerson stated we waited until the end of the meeting before the matter of abstention votes was raised. She stated she has brought this matter up on various occasions when Council members either abstained, or did not vote at all. If we are going to start that, we need to set something in motion, so that we follow Council Rules when Council members abstain. She stated that she requested the Clerk to forward a list of the items that she abstained on, but she has not had an opportunity to respond back to the Clerk.

Mr. Walker stated, as the Council member that pointed this out, at the last meeting, it did not come by way of a motion. It was pointing to existing Council Rule 5.21, and given the large number of abstentions that occurred, it felt appropriate for him to point to the rules, which are indicative of the action that needs to be taken, as a result of an abstaining vote. He, in no way, intend to encumber our staff, or Clerk to Council, with a historical resource project. It was the highlighting of an existing rule; therefore, it should be the practice of this body to simply follow it.

Ms. Myers stated, at the last meeting, there was discussion under the Report Rules and Appointments Committee regarding the appointment to the Accommodations Tax Committee. She stated that Mr. Malinowski made a good point, which was supported by Ms. Kennedy, that because the A-Tax dealt exclusively with money that was collected outside of the incorporated parts of Richland County, it should be dealt with by people who lived in that area. In principle, she agrees with that, but in looking at the composition of that board, everybody on the board is from unincorporated Richland County. She stated there is some support, in her mind, that we would disenfranchise our colleagues, and their constituents, in having a voice in the A-Tax usage.

Ms. Myers moved, seconded by Ms. Dickerson, to reconsider the Report of the Rules and Appointments Committee regarding the Accommodations Tax vacancy.

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

Opposed: Malinowski

Present but Not Voting: Manning

The vote was in favor.

Ms. Myers moved, seconded by Ms. McBride to appoint Mr. R. Lee Snelgrove to the Accommodations Tax Committee.

Mr. Malinowski stated if we are going to seat an individual that is a resident of a municipality, then we should go forward and have talks with the municipality, where we are seating this person from, and see if we can have quid pro quo arrangement to have an unincorporated resident sit on their board, as well.

Mr. Malinowski made a substitute motion to engage the City of Columbia, in such conversation, to see if we can enact some type of exchange. The motion died for lack of a second.

Ms. McBride stated she supported Mr. Malinowski's concern regarding representation of unincorporated. On the Accommodations Tax Committee, there are seven (7) board members, and currently all of them are from unincorporated Richland County. Also, the policy states that you cannot deny a Richland County citizen a position on a board because he or she does not live in unincorporated Richland County. She stated we are violating policy, based on the minutes of the Rules and Appointments Committee, because that was the purpose for denial. She requested Council's consideration to allow at least one person, from Richland County, who does not live in the unincorporated part of Richland County, to serve on the Accommodations Tax Committee, and revise the policy.

Mr. Manning stated the decision at the last meeting was to re-advertise. He inquired if the position had been re-advertised.

Ms. Roberts stated the position has not been re-advertised.

Mr. Manning inquired if we have been in contact with Mr. Snelgrove to see if he still would like to serve on the Accommodations Tax Committee.

Ms. Roberts stated she has been in touch with Mr. Snelgrove. At that time, he did not say if he was still interested, but she can reach out to him, if that is the will of Council.

Ms. McBride stated Mr. Snelgrove really wanted to serve on the committee. She believes he has been trying for several years now, and the last time she spoke with him, he was still interested.

Mr. Malinowski inquired of the Parliamentarian about violating policy. He is not sure we are violating any policy. The recommendation came from a committee, to the full Council, on whether to appoint, or not appoint an individual. The reason was asked to why, and there were those of us, which gave the reasons why we felt this individual should not be appointed. The policy does not say you have to appoint someone, so he does not believe there is any policy violation there. He believes it is a matter of opinion on how individual members voted.

Mr. Smith stated he is not aware of any written policy, which indicates a particular board member must be from incorporated or outside of the incorporated area to be appointed. He thinks the positions sometimes are based on their skill set, and what specific area you may be looking for, for a particular board. He does not think there is anything written that indicates that someone who lives within the incorporated area would be disqualified simply because they live there.

Ms. Dickerson inquired why the vacancy was not advertised, if Council requested that it be re-advertised.

Ms. Roberts stated the vacancy has not been re-advertised because the policy is that we do not re-advertise until all of the interviews have been held from the previous advertisement. She stated we are still currently interviewing applicants; therefore, we will not re-advertise until all of the interviews are held.

Mr. Manning inquired if we were still in the process of interviews, when this motion came to Council.

Ms. Roberts stated the interviews for the Accommodations Tax Committee had been completed. There were several boards and commissions listed on the last vacancy posted, and we do not typically re-advertise until all of those applicants have been interviewed and appointments made.

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

Opposed: Malinowski

Present but Not Voting: Manning

The vote was in favor of appointing Mr. Snelgrove to the Accommodations Tax Committee.

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

Mr. Walker requested to include his statement regarding Council member's abstentions from the last meeting in the minutes.

Ms. Myers inquired if Mr. Walker was asking for staff to look at all the votes from the beginning of year forward, or are we looking prospectively and requesting that Council members comply with Council rules.

Mr. Walker stated he is not asking for historical lookback. He is asking that it is publicly noted that he is requested Council members to adhere to the rules of Council moving forward.

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

Opposed: Manning

The vote was in favor of approving the minutes, as amended.

7. **ADOPTION OF THE AGENDA** – Mr. Smith requested that Item 17(a): “Quitclaim Deed for Right-of-Way—1300 Block of Marion Street—Lofts Apartments” be deferred indefinitely.

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

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

Opposed: Manning

The vote was in favor.

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

- a. Contractual Matter: Richland County Insurance
- b. Pending Litigation: Richland County vs. SC Dept. of Revenue Update
- c. September 10, 2019 Council Motion Update: "I move that the County Attorney's Office research State and Federal Law to determine all authority that South Carolina counties have to create gun safety ordinances[MANNING] – Mr. Smith stated they have looked at both State and Federal Law, and concluded the County is preempted from creating any gun safety ordinances.

Ms. Myers inquired if there are any counties that have taken a position on gun violence, and the use of guns within their boundaries.

Mr. Smith stated he cannot address what other counties have done, but according to their research they determined that neither Federal nor State law have the County authority to do it.

Ms. Myers requested the Legal Department to look at whether other counties have taken a position on gun violence.

9. **CITIZENS' INPUT**

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

10. **CITIZENS' INPUT**

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time) – Mr. Mark Paul Kays spoke regarding the Penny Sales Tax.

11. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Monthly Financial Budget Update – Mr. Hayes stated included in the agenda packet is a financial update chart. He stated we have expended \$38.8M out of the General Fund. There is a balance of \$120.2M in the General Fund. The most important column on the chart is the percentage expended. As long as each fund is at 25%, or below, we are trending well.

Ms. Newton stated that it was noted there were some departments that are running negative in their salary line item. She inquired what, if any, procedures have been put in place to prevent that from happening, and why has this continue from the first time Council got a report about this.

Mr. Hayes stated, primarily, the reason it has happened, this year, is that we had departments that requested hiring new employees at an amount that is above the minimum, and some departments have requested promotions, which were not budgeted for. They have told departments anything that is outside of the Countywide initiative (i.e. Total Rewards) the department would have to absorb for themselves. The departments will be able to do that by moving funds from their operating funds or vacancy transfer.

Ms. Newton stated she understands the departments may want to hire people at an amount that is higher than what was budgeted. She inquired, if it is higher than what is in their budget, why is being approved or is it only being approved if that department can show they have enough funds to

cover it from another source. In other words, are these artificial numbers because they are going to be covered someplace else.

Mr. Hayes stated they do not get approval unless they able to show we can move money from their operating to cover the projected deficit, or they may have the ability within vacancy recovery funding.

Ms. Newton inquired, if Mr. Hayes would feel comfortable saying, by way of policy and procedure, that no department is currently being allowed to hire for positions they do not have funding for.

Mr. Hayes responded they have to get their approval and within their budget.

Ms. Myers stated she fought hard to get the Total Rewards passed. She believes the staff needs to be paid well and competitively. She has a concern with the way this is trending. What it looks like, in our departmental budgets, is we are gaming the system. We have already set benchmarks, and what we are doing is using the budgeting process to shield money to cover the things that were not asked for in the budget process. She inquired, if are developing any procedures, or putting anything in place to make sure there is some integrity in the departmental budgets. She does not have a problem with people being paid what they are worth, but that ought to be a line that says "salaries". It ought not to be a pencils line that we shift to salaries. That way we will provide more transparency and integrity in the budgeting process. Going forward she would like for us to work more to have an honest budget.

Mr. Brown stated Mr. Hayes and he have had this discussion, and operationally he has a challenge with moving money out of an operating fund to a salary line item. He has already documented this conversation with Mr. Hayes, and you should be aware it will create a lot of conversations amongst all staff and officials. He stated it is not limited to Administration staff, but a Countywide conversation.

Mr. Malinowski stated if we have a department that needed "X" of dollars to run a department, and now we are moving some of those dollars to a salary, that would be one-time funds for recurring costs.

Mr. Hayes stated, historically, he has articulated to the departments because those salary increases are outside of the Countywide TRS the department would have absorb. In an Executive Cabinet Team meeting, Mr. Brown articulated to departments that there are some measures coming down the line to prevent this in the future.

Mr. Malinowski stated if this is allowed to continue you will have departments that inflate their operational budgets, so they can continue to do this.

Mr. Jackson stated we usually get the tracking information regarding funds collected by the Treasurer's Office. He stated it would be interesting to see how that is trending. Even though we may be on track with our spending, he would like to be on equal footing with our collections.

Mr. Hayes stated the majority of our revenues, in terms of the General Fund, come in the months of December and February, so it is still early, that is why he did not include it. Going forward, he plans to include the information.

Ms. Myers stated we approve a line item, through the budget process for operations, and then money, from that line item is shifted to the salaries line item. One is recurring. One is one-time. We

have an obligation, because of our ordinances, to have Council vote on that budget. She inquired if moving the money that way consistent with our ordinances.

Mr. Smith stated he does not think it is. He thinks that anytime you are changing those line items that is a change in the budget, so it begs the question if the department would have to come back and justify to Council why they need additional funds. Then the question becomes whether that comes in the form of a budget amendment, as it relates to that particular line item, as opposed to doing it administratively or operationally.

Ms. Myers stated, as a taxpayer, if the Council members are unaware, surely there is no way the public is aware. She suggested this practice might need to be immediately reviewed.

Mr. Hayes stated there is a budget transfer policy that allows budget transfers. Currently you cannot move money from personnel line items, but you can move money from operations to personnel. Obviously, this body can amend the budget transfer policy, if you want to prevent any transfers from operating to personnel.

12. **REPORT OF THE CLERK OF COUNCIL**

- a. REMINDER: Committee Meetings and Zoning Public Hearing – November 21<sup>st</sup> – Ms. Roberts reminded Council that the Development & Services Committee, Administration & Finance Committee and Zoning Public Hearing meetings will held on Thursday, November 21<sup>st</sup> due to the holidays.
- b. Richland County Magistrate’s Holiday Luncheon, December 13, 11:30 AM, Trinity Education Community and Conference Center, 2523 Richland Street – Ms. Roberts reminded Council of the upcoming Richland County Magistrates’ Holiday Luncheon.

13. **REPORT OF THE CHAIR**

- a. Livestreaming Retreat – Mr. Livingston stated we had this discussion last year, and there was discussion as to whether Council took any action to do so. He is requesting that Council take action on whether or not to livestream the upcoming Retreat. He stated the cost would be \$3,500 - \$5,000.

Ms. Terracio moved, seconded by Mr. Manning, to livestream the upcoming Retreat.

Ms. Dickerson inquired about how much this is going to cost.

Mr. Livingston stated the difference between last year’s cost of \$3,500 and this year is going to be approximately \$2,000.

Ms. Dickerson made a substitute motion, seconded by Mr. Malinowski, to forward this item to committee, so that it can be vetted.

Mr. Livingston stated we could get the costs without the item going to committee; otherwise, it will be Retreat time by the time we get to it.

Ms. Dickerson inquired if we meet in December.

Mr. Manning stated we meet on Thursday.

Mr. Livingston stated, for clarification, the item would not go to a committee on Thursday.

Mr. Manning inquired as to why it would not go to committee.

Ms. Dickerson inquired it could not go on an agenda with 24-hour notice.

Mr. Livingston stated it is going to take some time and planning for staff to prepare the information.

Ms. Dickerson stated she might have to abstain and not vote for this item. She does not have a problem with livestreaming, but she does not know why we did not have any costs, so she knows what she is voting on.

Ms. Newton inquired, if this item was sent to committee, would it be able to come before Council, for approval, in time to make arrangements for the Retreat.

Ms. Roberts stated, if it goes to the December committee meeting, there would not because there will not be another Council meeting prior to the Retreat. If it goes to the November 21<sup>st</sup> committee meeting, there would be time.

Ms. Newton stated, our current rules and practice, would normally not allow us to take an item directly from this meeting and place it on this week's committee agenda. She inquired if that would require them to temporarily suspend the rules, to make that happen, or is there another procedural way to put this item on Thursday's A&F agenda.

Mr. Smith stated the best procedure would be to waive the rules and have that sent directly to committee. Normally, things that go to committee come out of the motion period. If you wanted the item to go to Thursday's committee meeting, you can waive the rules and direct us to place it on the agenda, without it going through the motion period.

Ms. Dickerson stated the item should be moved to the motions list, and then the Chair can forward it to Thursday's committee meeting.

Mr. Livingston responded not according to Council Rules.

Mr. Malinowski inquired as to why we cannot defer this item to the Council meeting in December and ask staff to bring back the information, so we can vote on it.

Mr. Manning made a second substitute motion, seconded by Ms. Dickerson, to defer this item until the December 3<sup>rd</sup> Council meeting.

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

The vote in favor was unanimous.

14. **APPROVAL OF CONSENT ITEMS**

- a. 19-037MA, Fredine McNeal & John E. Mender, OI to RS-MD (1.04 Acres), 5718 Miramar Drive, TMS # R11711-05-07 [THIRD READING]



- b. 19-032MA, Charlotte Huggins, RU to RC (2.8 Acres), 10510 & 10512 Garners Ferry Road, TMS # R30600-02-16 [THIRD READING]
- c. 19-038MA, Keith McNair, PDD to RS-LD (2.8 Acres), Jacobs Mill Pond Road, TMS # R25810-03-09 [THIRD READING]
- d. 19-040MA, Krystal Martin, LI to RM-HD (2.4 Acres), 10539 Farrow Road, TMS # R17500-02-18 [THIRD READING]

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

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

The vote in favor was unanimous.

15. **THIRD READING ITEM**

- a. 19-027MA, Phil Savage, RU to GC (8.23 Acres), Dutch Fork Road, TMS # R02501-03-22 (Portion) – Mr. Malinowski moved, seconded by Mr. Walker, to approve this item.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

16. **SECOND READING ITEMS**

- a. An Ordinance providing for the issuance and sale of Utility System Revenue Bonds of Richland County, South Carolina, and other matters relating thereto – Mr. Manning moved, seconded by Ms. Kennedy, to approve this item.

Mr. Malinowski stated, on p. 77 of the agenda packet, Section 8.07 – Surplus Money states, “after making the payments required [the funds] shall be disposed of for any lawful purpose in such manner as the County shall from time to time determine.” He stated any lawful purpose means we are collecting funds, from a particular system, and allowing those funds to go wherever. It seems to him they should remain in the fund they came from because we have had problems before of not having enough funds in these systems. Then all of a sudden, we are scrambling to issue bonds, and trying to figure out where the money will come from. He would like to see that portion of the ordinance changed to direct the funds to remain within the system for use, as needed.

Mr. Manning accepted Mr. Malinowski’s amendment to the ordinance.

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

The vote in favor was unanimous.

- b. An Ordinance providing for the issuance and sale of not exceeding \$35,000,000 Utility System Revenue Bonds, Series 2020, of Richland County, South Carolina, for the expenditure of the

proceeds thereof, for the payment of said bonds, and other matters relating thereto – Mr. Manning moved, seconded by Ms. Kennedy, to approve this item.

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

The vote in favor was unanimous.

- c. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and [Project Planning] to provide for payment of a fee-in-lieu of taxes; and other related matters – Mr. Manning moved, seconded by Ms. Kennedy, to approve this item.

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

The vote in favor was unanimous.

- d. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County, the execution and delivery of a Public Infrastructure Credit Agreement to provide for public infrastructure credits to B-6 Benet Horger LLC (and/or an affiliated entity); and other related matters – Mr. Manning moved, seconded by Ms. Kennedy, to approve this item.

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

The vote in favor was unanimous.

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

- a. Quitclaim Deed for Right-of-Way – 1300 Block of Marion Street – Lofts Apartments – This item was deferred during the Adoption of the Agenda.

18. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for public infrastructure credits to [Project Kline]; and other related matters [FIRST READING] – Mr. Jackson stated the committee recommended approval of this item.

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

Opposed: Malinowski and Myers

The vote was in favor.

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

a. NOTIFICATION OF APPOINTMENTS

1. Airport Commission – Three (3) Vacancies – Ms. Newton noted that Mr. Julius W. “Jay” McKay, II withdrew his application for the position.

Ms. Newton stated the committee recommended appointing Ms. Kaela Bailey and Mr. Michael Medsker, and to vote individually on the remaining two (2) applicants to fill the remaining vacancy.

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

Present but Not Voting: Manning

The vote in favor was unanimous to appoint Ms. Kaela Bailey and Mr. Michael Medsker.

Ms. Myers inquired if the committee interviewed both of the applicants, and found them both equally acceptable.

Ms. Newton stated the committee did interview all of the candidates, and voted on them, but neither candidate received a majority of votes to make a recommendation to Council.

Mr. Jackson stated it concerns him when an item comes before Council to make a decision that should be made at the committee level. What he believes he heard was there were enough committee members to vote, but not all of the committee members did vote, so as a result Council is being asked to make the decision.

Callan: Malinowski, Walker and Dickerson

Squire: Terracio, Newton, Myers, Kennedy, Manning and Livingston

Mr. Jerome S. Squire was appointed to fill the remaining vacancy.

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

a. Items for Action:

1. Cash Flow Model Presentation – First Tryon – Mr. Jackson stated the item before Council is the Cash Flow Model, which has been presented on multiple occasions.

Mr. Walker stated he would like to see an all cash method, going forward. It eliminates the ambiguity of bonding, fees associated with bonding, and the misappropriation that bonding brings forward. He stated, for clarification, that he understood Mr. Goldsmith, in his professional opinion, as a financial advisor to multiple municipalities, recommended the hybrid option is in the best interest of the County, its constituents, its taxpayers, and those that are expecting to derive a return and product from this program.

Mr. Goldsmith responded in the affirmative. In an ideal world, we would all say that we never want to borrow because when we do all we are doing is paying interest costs to investors in New York. We would rather be able to spend penny for penny every bit of revenue directly on

construction projects, but you get the revenues quarterly, which means you would have to match up exactly your spending schedule. The benefit of bonding is you get the big pot of money upfront, so you can go out and start spending on multiple projects all at once.

Mr. Walker stated, for clarification, bonding allows for expediency, and a pay go program would have a negative downside of slowing down or potentially interrupting the current project flow.

Mr. Goldsmith stated that is correct, which then exposes you to the construction cost inflation.

Mr. Malinowski inquired as to where we are going to get the contractors. He stated there is only a finite number of contractors that can do the jobs, whether you have the money or not. It does not necessarily mean that we are going to have every project completed in the next year. The fact the funds is borrowed, and used over a longer period of time, also subjects you to a potential rise in construction costs. He stated, for clarification, borrowing a large chunk of money does not guarantee you will not be paying more money for your projects.

Mr. Goldsmith stated First Tryon is the County's financial advisor, and not the construction engineer. They take the projected construction draw schedules, which staff, and previously the PDT, provided as to what the monthly expenditures could be.

Mr. Malinowski stated, in the agenda, the date on the report is October 16<sup>th</sup>. He inquired if this is the date of preparation for the agenda, or is it the date First Tryon prepared the report.

Mr. Niermeier stated First Tryon prepared the report, for the County, on October 16<sup>th</sup>. The report was based on the updated schedule.

Mr. Malinowski inquired when First Tryon finished gathering the information for the report.

Mr. Goldsmith stated it is an iterant process, but the information would have been received days or weeks immediately prior to the submission of the report.

Mr. Malinowski inquired if it was after the report was prepared that the County received additional information, in Executive Session, regarding the DOR matter.

Mr. Brown stated the County received new information, after this report was prepared.

Mr. Malinowski inquired if the new information has been taken in account.

Mr. Brown stated, in the general sense, that the financial strength of the County is where it is, we did meet with the financial advisors, so the impact of any concerns you may have has been taken into consideration. The report, as it stands, is still good information.

Mr. Walker stated, as he looks at the project funding schedule on pp. 256, 258, and 261 of the agenda, it looks as though the schedule on all three scenarios is 2020 – 2029. Then, you have a total dollar amount expended under the three scenarios, with cash being the least of the three with \$505M; 100% debt being \$510M; and the hybrid being \$508M. To him, what he sees is the same projects; with the same total overall spend, for the most part, against the revenue projected, with the same timeline. He stated what we are really talking about is frontloading, or accelerating projects, not necessarily the capability to do the projects in the out years. It is a timing mechanism. What we are contemplating is taking on the upfront risk, and burden, against our current bonding capacity and operational capabilities. To him, what it boils down to

is financial discipline. We can do the same projects; the same overall spend, and actually save approximately 1%, simply by maintaining spending discipline. As opposed to going to the bond market, and taking on a bond load that is not necessarily needed to achieve completion of the projects. It would just require some financial discipline and pacing, within the project. He inquired if he had misinterpreted any of the data, or misspoke to any of those points.

Mr. Goldsmith responded Mr. Walker had not misspoken. It is essentially a timing issue. If you complete the borrowing. You have the "big pot" of money upfront, and is shown in the bar charts. As you can see on the cash only bar chart, we paid off the debt, so it showing you that the construction spend schedule has to live within those low bars. Overall, you will be able to build the projects, but you will have to wait until each quarter of revenue comes in. Versus, in the borrowing scenarios, when there is all borrowing, or partial borrowing, and the bars are much higher, which gives you the flexibility, if the construction folks can spend it rapidly, to do so. Whereas, if we paid off the debt, you will be saying to the construction folks, you can only spend the money as it comes in. Philosophically, you may say you would rather do that and not pay interest on debt, but the beginning place for our discussion is when the construction people say this is what we project we can spend. They pick up that, and say, if that is what you are trying to spend, the only way you can do it is to take on some debt. You do not have the cash flow coming in to be able to do that.

Mr. Jackson inquired if it is a fair assumption that the volume of work we are anticipating, going forward, would be greater than the volume of work that has occurred up to this point.

Mr. Niermeier stated that would be a good statement. The larger projects are about to come into fruition. They have gone through the design and right-of-way, and are ready to be advertised, which will take a lot of the construction money that is needed.

Mr. Walker stated if we so chose, to move forward, post advertisement. He stated he wanted to be very overt in his opinion that pacing ourselves "to eat it, as we kill it" is not some social fallacy. There is a discipline associated with leadership position that sometimes you make the tougher decisions to slow things down, and not continue to do things the same way simply because that is how we have been doing them. He finds it interesting that his colleagues appear, or are impugning, that our staff is going to accelerate the pace of projects, when that was not the tune that was sung when we moved to bring this project in-house. He finds it difficult to believe we are going to spend \$130M - \$140M, when the PDT could not do it. He understands the timing of onboarding some of these projects.

Mr. Jackson stated he wants his colleagues to be clear on what is before us. He stated we can debate whether it is appropriate to spend now, or later, all we want. He stated what is before is, once we decide which scenario to go with, it still has to come back to this body, before it is enacted. The attempt has been to try to get one of the scenarios approved. The question is not whether we would be impugning. The question is whether we want to select one of the scenarios, presented before us, to move forward. If the County has moved the project in-house, which it has done, and it decides it wants to move at a slower pace, that is going to happen naturally. Whether or not there are contractors available, it does not negate our obligation to determine which one of these scenarios is the one to choose.

Ms. Newton stated staff's recommendation is the partial payback of the BAN, and Mr. Niermeier just mentioned that some of the bigger projects are about to come online. She inquired, from Mr. Niermeier's perspective, what projects necessitate the additional BAN.

Mr. Niermeier stated there are several large widenings that are coming forward (i.e. Atlas Road).

Ms. Newton stated, for clarification, the ones that are over budget, and on hold.

Mr. Niermeier responded in the affirmative.

Ms. Newton inquired if there is a project that is not currently on hold, due to being over the referendum, which you count as being ready to come on line.

Mr. Niermeier responded there is not.

Ms. Myers stated she does not believe we should be voting to add additional debt to the County. That was the whole point of the referendum. She thinks we should be paying as we go. As in previous years, she will be voting "no" for an option that requires us to go out and get additional funds, rather than using funds on hand.

Mr. Manning stated he, along with over 50% of Richland citizens, voted in favor of bonding for Penny Projects, and is the way he will be voting.

Mr. Jackson stated the committee recommended we approve the funding plan outlined, and recommended by staff and First Tryon, which is a combination of the debt/cash mix.

In Favor: Jackson, Kennedy, Manning, Livingston and McBride

Opposed: Terracio, Malinowski, Newton, Myers and Walker

Present but Not Voting: Dickerson

The motion failed.

Mr. Manning moved, seconded by Mr. Jackson, to approve the option to bond 100%.

Mr. Walker made a substitute motion, seconded by Mr. Malinowski, to approve the all cash model, as presented by First Tryon.

Mr. Manning stated, for clarification, if the substitute motion did not pass, and we went back to the original motion that would allow for total bonding, those items would still come back to Council. The option would be available, and Council could go cash pay the entire way. If the all cash option were to pass, it would prevent the County from bonding, in the future, as was passed by the voters, in 2012.

Mr. Jackson stated that is his understanding. The process, for moving forward with bonding, would end tonight with this vote. We would not be able to come back and revisit that.

Mr. Walker stated, for clarification, if Council chose to initiate a "strategic plan", for the remainder of this program, utilizing only cash, and they were to come up against a project shortfall, or an opportunity was brought forward by the County Administrator to bond per project, why could Council not approve a borrowing mechanism to help bridge a gap.

Ms. Myers stated the referendum prevents it. The referendum says we have to do it by a date certain, or not at all.

Ms. Hamm stated the referendum said that you had to borrow within 5 years. We started the BAN at the end of the 5 years; therefore, if we do not borrow now, we will not ever be able to borrow.

Mr. Livingston inquired, if the motion passes with -0- bonding, at what point will we not be able to do any projects, based on the projections that staff has presented.

Mr. Niermeier stated he does not have that exact date in front of him. He stated if you look at the cash only option, on p. 257 in the agenda, it drops off in Spring 2020. At that point, we would barely be able to continue with current construction, and we would have to stop any advertisement to make sure we remain cash positive for the remainder of the program.

Mr. Livingston inquired if we know how long it would take to finish all of the projects.

Mr. Niermeier responded in the affirmative. The draft schedule we put together for cash only would push us out to 2030 -2032.

Ms. Myers stated, as a point of clarification, in answer to what Mr. Livingston is saying, does that not assume we do all those projects over budget, as they stand.

Mr. Niermeier responded in the affirmative. This model does not include the \$52.5M for Carolina Crossroads, so it would need to be built back in.

Mr. Walker inquired if he was missing something, on the cash-funding schedule, because as he reads it, he does not see a year where we do not do a project. As a matter fact, the delta in the first three years, is representative of a 30 – 40% discrepancy in spending with bonding versus not, but in the out years we make up for all that spending with cash on hand.

Ms. Myers inquired if we are anticipating the projects that are currently over budget will go forward at the planned amount, and not the referendum amount.

Mr. Niermeier stated this particular model anticipated certain assumptions that were presented for this body. Those assumptions could change; therefore, these models will adjust accordingly. We would need to go back in and readjust those for what was actually approved.

Ms. Myers stated, in harmony with what Mr. Walker said, we have been presented a bond now in this large amount or nevermore. She suggested there may be some Council members that would vote for a smaller bonding amount, but will not vote to go to the hilt on a bond, when we have not utilized all of the bond funds in past. We have used it this year, not because we needed, but because we made a decision to use the bond proceeds first to avoid penalties, which means we still had Penny Funds on hand. To her, what has been more frustrating is where we have gone out to the bond market, to get the money, for fear that we are going to need it, when we had a fully standing 30 person, manned operation to spend as much money as fast as they could, and it still did not all get spent. We have consistently said that our staff is going to be leaner and meaner. She does not understand why we are now saying that we have to go to the max, just in case, we move faster than the PDT. She thinks we could refine the model, and come up with a real model that says what we are actually going to do. In addition, to put us to the test, and say, "Council decide if you are going to overspend on these projects."

Rather than going back and forth with the same dancing, and guessing how much money we are going to need.

Ms. Dickerson inquired if we decide to go with the bond versus cash will we have to do three (3) readings and a public hearing. She has a problem with going up to the max, but she does think, since the voters voted for us to use bonding to help us with these projects, she does not know how we can say we will not use any bond, and just do cash only. She stated she could support bonding a smaller amount.

Mr. Jackson stated his initial motion was not to go to the max. Ms. Myers and Mr. Walker are speaking about the motion made by Mr. Manning. His initial motion was the debt/cash mix, which was not the max, and Council voted that down. Mr. Manning then made a motion to go to the max. At which time, he noted that if we did not do the bonding, within the window of time, we would no longer have an opportunity to borrow money, in the future.

Ms. Dickerson stated this is complicated, and it is going to take a lot of thought for her to know which way to vote. She stated we find ourselves in the position where none of us wanted to be. We got stuck in, so now we have to figure out the best way to get out of it. She inquired as to what we need to do in order to bond part of this.

Mr. Brown stated there are a couple options you can consider, besides what you are talking about now. In order to deal with a combination of a bond process, we are up against a timeline to do that. There was a discussion about what other management plans, this County could make to move this process forward. One of the things you could do is roll the BAN forward. You do not remove your capacity, but at the same time, you give yourself an opportunity to say, "Here is what we have decided. Here is what how we are going to move forward. Here is what projects we are going to do." He thinks one of the things we are talking about, and he understands from the Chair of the ad hoc committee and, maybe, some other Council members that this have been ongoing discussions. Where he finds himself, as the County Administrator, is that Mr. Niermeier has a task that he needs to perform, but part of that task is what projects will Richland perform. Mr. Niermeier, to his understanding, the PDT, based on the process they went through, was working off something, which was presented, and was believed to have been approved by Council. Through discussions he has heard, since he has been here, that requires three (3) readings and a public hearing. Those items may not have happened, in that process. However, we are still dealing with decisions that have to be made, and the cash flow/bond mix really requires the Council to have decided on some level what projects we will do, and what level of projects we will do. That has not been decided. At this point, based on our conversations, you have one more meeting where that could be decided. He does not know if you will have the additional time to sit down and have a conversation about what projects Richland County will be moving forward. If that modifies any of the referendum, you would still have to have three (3) readings and public hearing, which would mean you, would not have the time. It may be more prudent, for us, to go with rolling the BAN, which does not prohibit you from the future opportunity to bond, which you may want, and will probably need, on some levels. A managed care approach will allow you to make decisions because Mr. Niermeier will not be able, of his own volition, to decide what projects we are going to do. He does not have that authority within and of itself. It lies within the Council. He inquired what affect rolling the BAN forward would have on our ability to bond, under the referendum.

Mr. Malinowski requested clarification regarding what Ms. Hamm said about the timeline that we are under to issue these bonds. He stated, Ballot Question #2, which was referring to the bonding, said, "I approve the issuance of not exceeding \$450 Million of General Obligation



Bonds of Richland County. Payable from the Special Sales and Use Tax described in Question 1, above. Maturing over a period, not exceeding 22 years, to fund projects from among the categories in Question 1, above." Nowhere in the ballot question does it give any timeline, so where did the timeline come from. According to this, the people voted on giving the County the ability to issue bonds throughout the 22-year period.

Mr. Goldsmith stated when the voters approve the issuance of debt that does not last in perpetuity. The law allows you 5-years to issue the debt. The way you can extend that 5-year requirement is to issue a Bond Anticipation Note. That lets you mark your place that you have issued, and met, the 5-year requirement. Currently, there is an outstanding Bond Anticipation Note in the amount of \$175M that matures at the end of February. That is what has gotten us to this point where we need a decision on how to treat the \$175M. You have the three (3) options that we have discussed: pay it off with cash, borrow \$175M again, or the hybrid approach to use \$50M to pay the BAN down, and issue a \$150M bond. If the answer of any of those is, we want to do a borrowing; the next question is what the Administrator referenced. Do we do a long-term bond issue going out to 2029, or do we just roll the BAN one more time. If you took the position that we do not know how quickly we can spend the construction money, and we do not know the construction schedule and we want to wait a year, you could roll the BAN one more time. We would be back before you this time next year, with the same question. Unfortunately, you have paid the issuance costs, the legal fees, the credit rating agencies, and First Tryon's fees to do that. The good news is that interest rates are low. You would probably be borrowing at 1.25%, and the money you would have invested is earning a good interest rate, maybe even higher than the 1.25%. If you decide to do all cash, which is pay off the BAN, when it matures in February, we think that forecloses the ability to come back and do a borrowing later because now you have tripped up on the 5-year test.

Ms. McBride inquired, if we roll the BAN, with administrative and legal costs, how does that compare to the recommendation from the Transportation Department for costs.

Mr. Goldsmith stated the cost of issuance, the legal and rating agency fees, which equates to approximately \$200,000 - \$300,000. You would have to pay that to the BAN, and you would have to pay it again, if you did a borrowing in the future. The other thing is, if you wanted to do a borrowing a year from now, when the BAN matures, we do not know where interest rates will be. Similarly, we do not know where construction costs will be either.

Mr. Smith stated, he spoke with the Finance Director, who indicated there was a 5-year requirement in State law. He is not familiar with that statute, so they are currently trying to locate that particular statute. Apparently, it is not in the referendum itself, but has to do with the timeframe that is in State law.

Mr. Malinowski stated, for clarification, he thought it was against the law to invest the money, and earn a higher percentage.

Mr. Goldsmith stated Mr. Malinowski was correct. You can earn up to the arbitrage yield on the bond. You cannot get the positive arbitrage, but you can get back to a neutral cost.

Ms. Newton stated, for clarification, if we were to do a rollover, it incurs some costs. From a fee perspective, we are not necessarily paying higher fees, at this point, than if we pursued any of the other options. In terms of doing the rollover, the rollover would potentially allow us to use the pay as you go model over the next year, and then reevaluate another year from now, if we in fact needed those funds or not.

Mr. Goldsmith responded in the affirmative.

Ms. Newton stated we incur fees either way, but we preserve our ability to bond, in the future, if we so chose. Essentially, it delays the borrowing and gives us the option to do it later, but it would give us the opportunity to continue to operate now.

Mr. Goldsmith stated, if you decide to do the borrowing later, you have paid double the issuance costs because you paid the issuance for today, and to do a borrowing a year from now.

Ms. Newton stated that presumes we would eventually do a BAN, and she would hypothesize, if we did the year's pay as you go, we would have a model that would not require that. She understands that we have to make decisions to move forward. She was under the impression whether we issued a new BAN or rolled this BAN over; it would require action by Council in December.

Mr. Brown stated December is going to be our "bump up against the wall" deadline.

Ms. Newton inquired if this requires three (3) readings and a public hearing, or is it simply we vote and we are able to move forward with whatever option we chose.

Mr. Brown stated he is not aware that it requires three (3) readings and public hearing.

Mr. Goldsmith confirmed that it does not require three (3) readings and a public hearing.

Ms. Newton inquired, regarding the models that are before us, what would be the implications if we decided to do either pay as you go or rolling the BAN over. It is her understanding, Mr. Niermeier would have to go back and change the assumptions to move forward with the projects.

Mr. Niermeier responded in the affirmative.

Mr. Goldsmith stated if we were going to wait until the December meeting, he would encourage us to start preparing, as though we were going to be doing a borrowing. We can stop it, but he is mindful that we have to get it sold and closed by February, so we do not default on the existing BAN.

Mr. Manning inquired if bond counsel could answer the question on whether the 5-year requirement is in the referendum or State law.

Mr. Smith stated it is covered in Sec. 4-15-30 of the SC Code of Laws, and says, "The authorities of a county may issue general obligation bonds of the county to defray the cost of any authorized purpose and for any amount not exceeding its applicable constitutional debt limit, if: (2) the bonds are issued within five years following the holding of the election. (C) The five year period required in (A)(2) of this section is tolled while litigation contesting the validity of the election is pending." If you recall, there was a challenge to the Penny Sales Tax that was contested. It is his understanding, from the Finance Director, that gave us an extra six months.

Ms. Dickerson stated, for clarification, the cash payment would be based on how the funds are collected. She stated we have some projects that are \$200M, and we only collect \$150M, we are going to be short \$50M.

Mr. Manning stated State law says 5-years after the election, and the Finance Director reminded us there was a 6-month extension. He stated, according to his math, the bond issuance should have taken place in 2018, in order to meet the 5-year requirement.

Mr. Goldsmith stated you met the 5-year test because you issued the Bond Anticipation Note.

Mr. Manning stated, for clarification, all the discussion about 5 years really does not matter.

Mr. Goldsmith responded you can go from the Bond Anticipation Note seamlessly into the bond, and you will meet the 5-year test. If we pay off the BAN, then those bonds you would later issue do not meet the test because you have a gap. If you think you want the bonding capacity, you cannot pay off the BANs, and then later issue bonds. If you roll the BAN, and continue to roll the BAN, you can issue the bond, in the future.

Ms. Myers stated she is all for spending the referendum amount on the roads. Since we will never have more to spend on roads, than the referendum amount, because that is the rule. It just seems we are consistently putting the cart before the horse. If we had a plan for exactly what we could do, and want to do, then we would know how much money is needed. In this context, we are saying, "let's go get some money" and then we will figure out what we are going to do. It seems to her, the urgent need is to figure out what we are going to spend, on what projects. Which projects we are going to go over the referendum amount on, and figure out how to do it. Which ones we are going to reorganize and have the real conversation about the Penny, and then figure out the money.

Mr. Jackson inquired, if we pay off the BAN, how much cash we will have left on hand.

Mr. Niermeier stated approximately \$25M.

Ms. Myers stated she is a little bit frustrated because she understands math, but this is not a math question. This is a priorities question. It is a what are we going to do. What projects in the referendum are our priorities, year by year? That drives the math. The math does not drive it. We are doing it the backwards way. She understands if we pay down the BAN, which we have to do, we have \$25M, and that is not enough to do what we need to do. Guess what, it might be enough if we did what we needed to do. If we would get the schedule of what we want to do, when, and how much it is going to cost, there might be people like her that would vote for a BAN, or a bond. Right now, we do not have an accurate schedule. We have yet to say, in the next 5 years, this is the County's plan. We are working off a legacy plan that both the Administrator and Mr. Niermeier have conceded is not likely accurate, and needs refinement. She is begging for that refinement, so we can figure out how much money we need.

Mr. Jackson made a second substitute motion, seconded by Mr. Manning, to roll the BAN forward.

Ms. Dickerson stated if we roll the BAN forward that means it is still alive, in case we need it.

Mr. Brown stated you are reserving your option for a year, so you cannot do anything before that time, without a financial penalty.

Mr. Malinowski inquired about the approximate cost to keep the BAN alive.

Mr. Goldsmith stated it would be 1.25%, in terms of interest rate.

Ms. Newton stated, for clarification, with the rollover option, while it does preserve our option to borrow in the future, those monies are not actually available now, and so they could not be spent or spent down.

Mr. Goldsmith stated they could be spent down.

Mr. Walker stated, in the spirit of progressing this program forward, in the most efficient, effective and proper way, he inquired if there was an option to roll a portion of an existing BAN. In other words, we have heard the option to roll the \$175M, which maintains our borrowing integrity for an additional 12 months. There are fees associated with that. He understands the offset on the interest is the arbitrage. If we were to roll a portion of the BAN, as opposed to the full \$175M, would there a significant delta in fees, or is it the same regardless of the amount.

Mr. Goldsmith stated the fees would not be significantly lower.

In Favor: Jackson, Kennedy, Manning, Dickerson, Livingston and McBride

Opposed: Terracio, Malinowski, Newton, Myers and Walker

The vote was in favor.

## 21. **OTHER ITEMS**

- a. Tree Canopy Mapping Grant – Mr. Voignier stated this item is being moved forward on behalf of the Conservation Commission. The Conservation Commission is recommending approval to submit a letter of intent for a grant from the Green Infrastructure Center and South Carolina Forestry Commission for tree canopy mapping and a planting strategy.

Ms. Myers moved, seconded by Ms. Dickerson, to approve the Conservation Commission's recommendation.

Mr. Malinowski stated if they voted unanimously for this approval at their meeting on October 21<sup>st</sup>, why was this not at the last Council meeting.

Mr. Voignier stated, as he understands it, there were several revisions and reviews that needed to be done, which prevented it from being on the previous Council agenda.

Mr. Malinowski stated p. 268 of the agenda shows a letter dated November 6, 2019, and indicates it has already gone forward and is signed by the Conservation Commission. The last paragraph, of the letter, starts out, "We look forward to partnering with the GIC to set strategic goals for our County's forest." It looks to him like this is a done deal, and has been sent.

Mr. Voignier stated this is a proposed letter of intent.

Mr. Malinowski stated he would like to know if anybody ever went back and looked up if Richland County has done anything previously because on June 5, 2012 the D&S Committee directed staff to gather all existing information from GIS, DNR and Forestry Commission resources about the existing tree cover in Richland County, in order to see what information was presently available.

Mr. Voignier stated he did not have the answer.

Mr. Malinowski stated he would like to someone to go back and see. We may already have a lot of this information.

Mr. Voignier stated his understanding is that we do not have it, but he can check that information.

Mr. Manning stated, for clarification, the funder requires the elected body to approve this application, before it goes forward.

Ms. Newton inquired if it is because it requires a \$25,000 match, on the part of the County.

Mr. Voignier stated he is not aware of a grant requirement that it needs to come to Council.

Ms. Newton stated, the way she read the document, it required an in-kind contribution on the part of the County.

Mr. Voignier stated he believes that is the recommendation, but he is not sure that is a grant requirement.

Mr. Hayes stated most of the grants are approved during the budget process, but they do need Council's official approval.

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. FY20 – District 10 Hospitality Tax Allocations – Ms. Dickerson moved, seconded by Ms. Myers, to approve this item.

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

Present but Not Voting: Walker

The vote in favor was unanimous.

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

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

Present but Not Voting: Walker

The motion for reconsideration failed.

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

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

Oppose: Malinowski, Jackson, Manning and Walker

The vote was in favor.

***Council went into Executive Session at approximately 8:40 PM and came out at approximately 9:57 PM***

Ms. Terracio moved, seconded by Ms. Newton, to come out of Executive Session.

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

Present but Not Voting: Kennedy and Manning

The vote in favor was unanimous.

- a. Contractual Matter: Richland County Insurance – Ms. Newton moved, seconded by Ms. Dickerson, to direct staff to negotiate and award the RFP relating to employee group benefits; health, dental, life, vision, short-term disability, long-term disability and voluntary. In addition, to authorize staff to negotiate and award the RFP relating to retiree health, dental and Medicare Advantage retiree group health.

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

Present but Not Voting: Manning

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

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

Present but Not Voting: Kennedy

The motion for reconsideration failed.

- b. Richland County vs. SC Dept. of Revenue – Ms. Myers moved, seconded by Ms. Dickerson, to empower the County Administrator and County Attorney to move forward with SCDOR, as discussed in Executive Session, and to further empower the Legal Department to continue working on all possible remedies available to Richland County.

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

Abstain: Manning

The vote in favor was unanimous, with Mr. Manning abstaining from the vote.

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

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

Present but Not Voting: Manning

The motion for reconsideration failed.

23. **MOTION PERIOD**

- a. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON] – This item was referred to either the Ordinance Review Committee or D&S Committee.

24. **ADJOURNMENT** – The meeting adjourned at approximately 10:03 PM.