



## Richland County Council

SPECIAL CALLED MEETING  
July 9, 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 and Joe Walker

**OTHERS PRESENT:** John Thompson, Michelle Onley, Ashiya Myers, Cathy Rawls, Larry Smith, Michael Niermeier, Eden Logan, Nathaniel Miller, Casey White, Beverly Harris, Angela Weathersby, Art Braswell, Ismail Ozbek, Allison Stone, Clayton Voignier, Alonzo Smith, Chris Eversmann, Mohammed Al-Tofan, Synithia Williams, Tiffany Harrison, James Hayes, Jeff Ruble, Janet Claggett, Stacey Hamm and Shahid Khan

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 7:14 PM.
2. **INVOCATION** – The invocation was led by the Honorable Chakisse Newton
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Chakisse Newton
4. **APPROVAL OF MINUTES**
  - a. **Regular Session: June 18, 2019** – Ms. Myers and Mr. Malinowski stated there were Scrivener’s errors in the minutes, which they will provide to the Clerk’s Office.  
  
Ms. Dickerson moved, seconded by Ms. Kennedy, to approve the minutes as corrected.  
  
In Favor: Malinowski, Jackson, Newton, Myers, Dickerson, Livingston and McBride  
  
Opposed: Manning  
  
Present but Not Voting: Kennedy  
  
The vote was in favor.
  - b. **Zoning Public Hearing: June 25, 2019** – Ms. Myers moved, seconded by Mr. Jackson, to approve the minutes as distributed.  
  
In Favor: Malinowski, Jackson, Newton, Myers, Kennedy, Manning, Walker, Dickerson, Livingston and McBride  
  
The vote in favor was unanimous.
5. **ADOPTION OF THE AGENDA** – Ms. Myers moved, seconded by Ms. McBride, to adopt the agenda as published.

Mr. Jackson stated the Holt contract that was discussed at the Transportation Ad Hoc Committee was not included in the agenda packet; therefore, instead of trying to add it to the agenda, by unanimous consent, it will be placed on the next available meeting agenda.

Mr. Livingston requested to add a discussion of Council's meeting schedule, in relation to the Attorney General's opinion, under the Report of the Chair.

Mr. Manning inquired if the action regarding the AG's opinion was reconsidered at the June 18<sup>th</sup> Council meeting, or was that officially done with the approval of the minutes tonight. He stated, if staff was taking action on something that we did not do reconsideration on, and we did not wait to the minutes were approved to be official, then that leaves him puzzled for the future about whether reconsideration in necessary or not.

Mr. Malinowski stated there was no reconsideration of the matter at the June 18<sup>th</sup> meeting.

Ms. Myers moved, seconded by Ms. Dickerson, to add "Council Meetings" under the Report of the Chair.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

6. **PRESENTATION OF PROCLAMATION**

- a. A Proclamation Honoring Director of Public Works Ismail Ozbek, PE on the occasion of his retirement from Richland County – Mr. Livingston and Mr. Malinowski presented a proclamation to Ismail Ozbek on the occasion of his retirement.

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

- a. Blythewood Financing Plan
- b. SC Dept. of Revenue vs. Richland County Update
- c. Contractual Matter: Property Purchase
- d. State Election Commission Memorandum of Agreement
- e. Library Lease
- f. County Administrator
- g. Cherry Bekaert Letter

Ms. Myers moved, seconded by Ms. Newton, to go into Executive Session.

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

The vote in favor was unanimous.

***Council went into Executive Session at approximately 6:21 PM and came out at approximately 6:33PM***

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

The vote in favor was unanimous to come out of Executive Session.

a. Blythewood Financing Plan – This item was taken up under the Report of Economic Development.

8. **CITIZENS' INPUT**

a. For Items on the Agenda Not Requiring a Public Hearing – Mr. Paul Beasley spoke about an initiative to develop plans for a housing trust fund.

9. **CITIZENS' INPUT**

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

10. **REPORT OF THE ACTING COUNTY ADMINISTRATOR**

a. Transportation Penny Program Transition Update – Mr. Niermeier gave a brief update on the transition of the Transportation Penny Program, which includes:

- Release of new OET contract, with additional services
- Additional staff
- New material testing services
- Staff augmentation contract

Mr. Malinowski inquired if the individuals being hired will become Richland County staff or will they be independent contractors.

Mr. Niermeier stated on certain solicitations, when he says 1099/independent contractors, that is someone who has qualified and we can hire to come in, and then they go away. On the staff augmentation side, they are contract support. For example, the right-of-way manager, would work in and under the direct supervision of the Transportation Department.

Mr. Malinowski inquired if the salary and benefits would come from Penny funds.

Mr. Niermeier responded in the affirmative.

Mr. Malinowski inquired if the individuals will be informed the positions are temporary.

Mr. Niermeier stated they will be given a contract just like the PDT.

Mr. Malinowski inquired what the dollar amount of these individuals will be compared to what we are paying with the PDT contract.

Mr. Niermeier stated, if you decompose the current salaries of the PDT, and you back out their wrap rate, they are paying a little bit more. We would pay more for a contract employee than we would pay for a County employee.

Mr. Malinowski inquired if these individuals will have to meet minimum qualifications.

Mr. Niermeier responded in the affirmative. There will be certifications, requirements and experience needed to be able to apply for the position(s).

Mr. Malinowski inquired as to who makes the decision on the hiring.

Mr. Niermeier stated they will write the statement of work for the contract, based on research and similar contracts. The recommendation will come from the department, and then will go through HR, Budget and Administration.

Ms. McBride stated, with these contractual positions, Mr. Niermeier would be the individual that would decide all the contracts.

Mr. Niermeier stated there is a couple ways of looking at this. You could go with a company that can provide all of these individuals, which he thinks will be difficult.

Ms. McBride inquired how the decision will be made.

Mr. Niermeier stated there would be a RFQ that goes. We would get the qualifications in, and then we would evaluate them. We would follow the procurement process.

Ms. McBride stated most of this dealt with hiring new staff, or contracting new staff. She stated one of the reasons her colleagues voted to transfer the Transportation Program in-house was because it was supposed to save money. She is concerned if we are saving any money by this transfer. Her other concern is this is an ambition plan. She inquired about how long it will take for Mr. Niermeier to implement the plan, given that we were without an Engineer for over a year, and how long that is going to prolong the work that needs to be done. She stated the citizens have paid their tax money to have this done, and they are waiting and nothing is being done.

Mr. Niermeier stated the contract for the PDT ends on November 2<sup>nd</sup>. They will be working until that time, as we transition. These contracts should be out by the end of July/beginning of August, so we can go through the procurement process. The contracts have to be awarded by October.

Ms. McBride noted the County paid the outstanding invoices to the contractor doing the work the on Magnolia/Schoolhouse Sidewalk Project, but construction has not resumed. She is concerned that we are talking about hiring more people and we are not paying the contractors, or the contractors we are paying are not doing the work, and the citizens are being hurt.

Mr. Niermeier stated the contractor will be back onsite on July 15<sup>th</sup>.

Mr. Livingston stated, back in February, when we got a document outlining the transition plan, we also received specific cost savings and cost estimates. He stated we were given an organizational chart. There are an awful lot of positions and things, we are talking about today, which were not included in that organizational chart. Those were some of the things he had questions about, at that particular time. For example, we are talking about Utility Coordinator, Program Analyst, Right-of-Way Coordinator, etc. He inquired as to where procurement, public engagement, website maintenance, mapping all fits in. He requested one document that outlines all of that so he can make a comparison.

Mr. Niermeier stated several attachments were not included in today's agenda packet, but will be presented to Council, at a later date.

Ms. Dickerson stated one of her concerns is whether Council will get a chance to look at these contracts. She does not know whether we should be approving these contracts even though they are going to go through Administration and Procurement.

Mr. Niermeier stated Council will have to approve any contracts awards.

Mr. Manning stated one of the questions he asked, when Council came out of Executive Session, was whether they were operating Council Memo 1-1 or Council Memo 2-1. The memos were not identical, but they were both referencing the same thing. It was never clarified then which of the two was the “plan”. He hopes, at some point, before we get a response to the “plan” that we can resolve whether 1-1 or 2-1 was the “plan”. Beyond that, he is concerned Council was provided a “light” version of the plan. The next Council meeting is scheduled for mid-September, and this is going into effective in October. He inquired about the wrap rate, since that was a significant variable with the funding.

Mr. Niermeier stated, with any contractor, there is a certain percentage of benefits that is paid for. For example, if he is getting paid \$1.00, you may have rate of \$0.25 that covers his health and dental, which is on top of the cost to hire the employee. With this type of contract, you are not going to be paying for the contractors’ headquarters, so it would be somewhat lower than what we currently have.

Mr. Manning stated one of the things we often do not factor into that is the cost of the upfitting, including the staff time, of the renovations to the Transportation Department’s new office space. He requested an accounting of the materials, staff time, staff salaries and their wrap rates for the upfit of the office space.

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

- a. REMINDER: Special Called Meeting/Public Hearing – 3<sup>rd</sup> Reading of Biennium Budget II (FY21 Only), July 18, 6:00 PM, Council Chambers – Ms. Roberts reminded Council about the upcoming budget public hearing and 3<sup>rd</sup> Reading of FY21 budget.
- b. REMINDER: Institute of Government Classes and Annual SCAC Conference, August 3-7 – Ms. Roberts reminded Council of the upcoming SCAC Institute of Government Classes and Annual Conference.

12. **REPORT OF THE CHAIR**

- a. County Administrator – This was taken up in Executive Session.
- b. Cherry Bekaert Letter – This was taken up in Executive Session.
- c. Council Meetings – Mr. Livingston stated it is his intention to have a Special Called Meeting following the Zoning Public Hearing on July 23<sup>rd</sup>. He stated the item related to the August 1<sup>st</sup> Council meeting (i.e. AG Opinion) is not properly before us, since it was not reconsidered at the June 18<sup>th</sup> meeting.

Mr. Manning moved, seconded by Ms. Myers, to suspend Council rules.

Mr. Manning stated his point was that it was inappropriate for staff to take action, when we did not do a reconsideration, which we do when there is a sense of urgency. The process was flawed, but we now have the Attorney General’s Opinion.

Mr. Manning made substitute motion, seconded by Mr. Walker, to consider holding a meeting in August.

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

The vote in favor was unanimous.

Mr. Livingston stated it is the Chair's intent to hold a Special Called Meeting on August 1<sup>st</sup>, instead of July 23<sup>rd</sup>.

13. **APPROVAL OF CONSENT ITEMS**

- a. 19-002MA, Sukhjinder Singh, RU to NC (2.9 Acres), 3500 Hardscrabble Road, TMS # R20100-04-08 [SECOND READING]
- b. 19-011MA, Ki O. Kwon, RU to OI (4.61 Acres), 4026 Hardscrabble Road, TMS # R20100-02-46 [SECOND READING]
- c. 19-014MA, Margaret Chichester, RU to RC (2.2 Acres), 2869 Congaree Road, TMS # R32404-01-01 (Portion) [SECOND READING]
- d. 19-017MA, Kevin E. Wimberly, RS-MD to RM-MD (37.12 Acres), Rabon Road, TMS # R17213-05-37 [SECOND READING]
- e. 19-018MA, Jervonta Walker, OI to GC (.4 Acres), 1606 Horseshoe Drive, TMS # R17011-02-16 [SECOND READING]
- f. 19-020MA, James M. McKenzie, RU/RU to GC (3.78 Acres), 245 Killian Road, TMS # R14781-01-34 & 54 [SECOND READING]
- g. 19-021MA, David B. Grant, M-1 to HI (5.02 Acres), 1200 Atlas Way, TMS # R16200-01-08 [SECOND READING]
- h. This is a request that the Utilities Department adheres to the policy established by Council as indicated below on May 15, 2007 and in an effort to achieve this Council policy, the following language is to be added:
  - The feasible reach in section 24-48 (below) for the Broad River Basin shall be limited to current boundaries/extremities of the sewer system and should limit the developments as infills/pockets within the service area currently enclosed by existing sewer lines terminals/end points
  - SECTION 24-48 – Refers to construction of facilities within the reach of a planned portion of a public sewer interceptor and provides in part..."The developer shall, when the development involves construction of new sewer facilities within the feasible reach of a planned portion of public sewer interceptor participate in the cost of extending the public interceptor to serve his development and shall connect to such system. This developer shall participate in the cost of such extension in an amount not less than the cost of the line size necessary to serve his development." [MALINOWSKI]
- i. Department of Public Works: Olympia Alleyway Quit Claim Deed
- j. Department of Public Works: Pavement Preservation Program
- k. Petition to Close a Portion of Olin Sites Rd.

- l. Department of Public Works – Equipment Purchase
- m. Department of Public Works – Solid Waste Area 4 Collections Contract
- n. Award for Delinquent Tax Notice Posting
- o. Fleet Maintenance Services Contract Award
- p. EMS Billing and Collections Services Contract

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

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

The vote in favor was unanimous.

14. **THIRD READING ITEMS**

To Establish and Create a Special Tax District within Richland County, South Carolina, to be known as the “Windsor Lake Special Tax District”; to define the nature and level of services to be rendered therein; to authorize the imposition of ad valorem taxes and user service charges therein, which shall be imposed solely within the Special Tax District; to establish a commission for the tax district and provide the terms therefor; and all other matters related thereto – Ms. McBride moved, seconded by Ms. Myers, to approve this item.

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

The vote in favor was unanimous.

15. **SECOND READING ITEMS**

- a. 19-015MA, David Parr, RU to RS-MD (14.79 Acres), Golden Rod Court, TMS # R12800-01-23 [SECOND READING] – Mr. Malinowski stated, during the public hearing on this item, the gentleman that spoke against this item questioned whether it was legal to rezone land locked land. He stated he requested a legal opinion regarding this matter. He would like the legal opinion to be provided prior to moving forward with this item.

Mr. Smith stated, according to the Zoning Administrator, this property is not land locked.

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

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

Present but Not Voting: Kennedy

The vote in favor was unanimous.

- b. 19-022MA, Robert F. Fuller, TROS/RU to RS-LD (185.29 Acres), Langford Road, TMS # R23400-05-05 & 06 – Ms. Dickerson stated, since First Reading of this item, she has met with 3 in opposition of the

rezoning, 3 in favor of the rezoning, the applicant and the attorney. They met on July 2<sup>nd</sup> to discuss this matter, and left the discussion with the understanding that the proposal would be:

- The applicant would extend his 150 ft. buffer to a 250 ft. buffer;
- To reserve as many trees as possible.
- The applicant will be permitted to construct up to 250 homes
- Between 2<sup>nd</sup> and 3<sup>rd</sup> Reading it will be determined how many homes the developer could be allowed to construct

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

Mr. Manning inquired if the buffer would include a conservation easement.

Ms. Dickerson stated it is up to her to talk with the Conservation Commission to put the 250 ft. buffer into a conservation easement.

Mr. Manning stated, by doing that, we would be able to protect the open/green space. The developer would not be able to sell it to someone else and the buffer be torn down.

Ms. Myers stated, for clarification, the buffer would be deeded to the County, so it would be a public entity and maintenance obligation on the 250 ft. buffer between the existing and new development.

Ms. Dickerson stated that is one of the things that needs to be worked out with the Conservation Commission.

Ms. Myers stated, for clarification, you still have to work out how many homes will be developed.

Ms. Dickerson stated the developer would be able to construct 205 homes.

Mr. Jackson stated he would like to see the proposal, outlined by Ms. Dickerson, in writing.

Mr. Jackson made a substitute motion, seconded by Ms. Terracio, to defer this item to the August 1<sup>st</sup> Council meeting.

Ms. Myers stated she does not understand logistically Mr. Jackson's motion.

Mr. Jackson stated there is a suggestion that there is going to be a change in the buffers. There is a suggestion there is going to be a change in the number of homes. There is a suggestion that whatever the change in the buffer is that no one can come after that, and undo that. He would simply like to see that in writing.

Mr. Malinowski stated, it is his understanding, that Richland County does not enforce such type of things, so it would not make any difference.

Mr. Jackson stated, for clarification, the modified buffer would be in the new request. The number of homes is not, but the buffer is in the original request.

Ms. Dickerson stated, hopefully those questions her colleagues have will be worked out between now and 3<sup>rd</sup> Reading, in September.

Mr. Manning stated, for clarification, if this item passes on 2<sup>nd</sup> Reading, this evening, does it go on the next Council agenda, which will be the Special Called meeting on August 1<sup>st</sup>, or would it go to the next Regular Session Council meeting, which will be in October.

Mr. Jackson stated he is simply asking, until we have clarity, that we defer this action. Whether it is for 2<sup>nd</sup> Reading, or pass it tonight and obtain the answers prior to giving the item 3<sup>rd</sup> Reading. If there were some time-sensitive nature to this request, he would be happy to conform to that.

In Favor: Terracio, Jackson and Livingston

Opposed: Malinowski, Newton, Myers, Kennedy, Walker, Dickerson and McBride

Abstain: Manning

The motion for deferral failed.

Mr. Malinowski stated what he thinks Mr. Jackson is looking for would be a Development Agreement. The agreement would be between the developer and the community. The County does not enforce Development Agreement. When the conservation easement comes back to Council, the Conservation Commission needs to make sure they have all the details and the conversation easement needs to be included in Council's agenda packet.

Mr. Livingston inquired if there is a certain amount of change to the plan, if it would need to go back to the Planning Commission.

Ms. Dickerson stated the buffer was not a part of the zoning request. The applicant put that in. Since we have had such an enormous turnout from the community, and their concerns was to preserve open space. She worked out the 250 ft. buffer, which would give a reasonable buffer between the homes and the land.

Mr. Jackson stated he sees what happened before, over on Hardscrabble and Rimer Pond Road, where developers made commitments and promises, and the runoff into the individual's property, as a result of the commitments that were not honored, made him come to this Council and ask that we not approve it, until the developer put in writing that he was going to do the appropriate things. The developer's feet were held to the fire, and he is asking the same thing here.

Mr. Voignier stated the matter would not need to go back to the Planning Commission. The Planning Commission only considers rezoning requests. It does not consider particulars of the development.

Ms. McBride inquired if we are looking for anything in writing from the Conservation Commission.

Ms. Dickerson stated, in the notes she provided to Council, she will proceed with 2<sup>nd</sup> Reading, and all the questions raised tonight will be addressed prior to 3<sup>rd</sup> Reading. She stated, to address Mr. Jackson's comment about this item being time-sensitive, this has been going on for a year. The applicant withdrew their original rezoning request, and came back with a different zoning request.

Mr. Manning inquired when this item will come before Council for 3<sup>rd</sup> Reading, if it passes for 2<sup>nd</sup> Reading tonight.

Mr. Smith stated, unless it is specified, this matter will go to the Special Called meeting on August 1<sup>st</sup>.

Ms. Myers made a friendly amendment to place the item on the September 17<sup>th</sup> Council agenda.

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

Opposed: Terracio

Abstain: Jackson

Present but Not Voting: Kennedy

The vote was in favor.

16.. **REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

- a. An Ordinance Creating Chapter 18, Offenses; Section 18-7, Regulations and Requirements relating to the use of single-use plastic bags; so as to establish regulations and requirements relating to single-use plastic bags – Ms. Kennedy stated the committee recommended to approve the draft ordinance and to direct staff to craft a communications plan related to the implementation of the ordinance.

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

Present but Not Voting: Walker

The vote in favor was unanimous.

- b. I move that Richland County Council secure the services of a public relations firm to, among other things, assist Council as a whole and its individual members in informing the media and general public of the body's collective work and activities and community engagements of individual members. A public relations contractor will complement the work of the Clerk's Office, as well as the Public Information Office, which promotes activities of the entire County organizations; while a public relations firm will focus solely on Council and its members. The assistance of a contractor will ensure Council abides by state law in its interactions with staff, as the nature of public relations assistance can involve individual requests or directives to staff, which falls outside the authority of individual members [DICKERSON] – Ms. Kennedy stated the committee recommended to approve securing the services of a public relations firm.

Mr. Malinowski stated, unless you have an individual with each Council member 24 hours a day, he does not know how you will “ensure Council abides by state law in its interactions with staff.” It appears, to him, the Public Information Office should already be handling these matters. It was mentioned, at the last meeting, that Economic Development Department already has a firm in place, and we could use them to see how things work.

Ms. Dickerson stated she has been speaking, in detail, with Ms. Newton on this. We are trying to make sure we pull in all of these departments.

Ms. Newton stated Mr. Malinowski is correct, and the County has an agreement with a marketing firm already. The firm was originally hired by Economic Development to do work for them, but

according to the Procurement Department, the contract was written, as such that it is an agreement with Richland County, and can be added to for services.

Mr. Jackson stated he thinks it is important, if the issues that are going to be addressed are of that level of importance, that we not try to contract it out through a consultant. We had a lengthy discussion tonight about trying to contract out some positions with our Penny Program. He doubts anyone feels any more comfortable about where we are now than when they heard the beginning of the discussion tonight. If the needs, identified by Ms. Dickerson, are that important, he would rather us find a position within the County, fill it full-time, even if that person has other duties and responsibilities, rather than contracting out, and having a contract with an entity outside of the organization that might not have the same level of commitment to Richland County.

Ms. Dickerson stated, where we are now, with our new Administrator coming on, and things the eleven of us require. A lot of things we are not getting done, and we feel like this will help support and strengthen Council. We need that level of expertise to help us with our Council member needs. She has heard Council members say they need research data done. There is so much that needs to be done. This may come outside of the purview of the Clerk.

Mr. Jackson stated he is not questioning the need. He does not for one moment believe that we cannot find a high level, highly skilled, highly qualified person that could come in here and hit the ground running, and do exactly what was described.

Ms. Myers inquired to whom the person Mr. Jackson referenced would report. (i.e. Administrator, Council, Clerk)

Mr. Jackson stated, for example, when the Spring Valley student was thrown from her chair, and we needed a rapid response, we did not go outside of the district and hire a consultant firm. We made sure we had a qualified person that could address that, as well as other issues, because of their level of skill and expertise. Whom they would report to would depend on the level of skill of the person we hired. If we made sure that we hired the level of skilled individual, that Ms. Dickerson has suggested, he thinks we would get more for our money by having someone here full-time.

Ms. Newton suggested, for Council's consideration, that we not have a binary choice before us. It is not that we have to use an outside agency to the exclusion of having internal staff. In fact, she was speaking to one of her colleagues that manages communications for the municipality of New Orleans, wherein they have internal communication staff, and their Council also has external staff that provides additional expertise. Based on her understanding of the agreement we have with Procurement, it does not obligate us to a certain number of hours. It does not obligate to certain length of agreement. In the interim, while we are exploring bringing in a position, and how we want to structure that, that this is an avenue that would allow us to have additional

Ms. McBride stated she wants to go on record as supporting Ms. Dickerson. We do our own research. We plan many of our own events. A lot of the work is left up to us. Staff helps, when they can, but they have so much to do. This will better help us community with the public.

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

Opposed: Malinowski and Jackson

The vote was in favor.

Special Called Meeting

July 9, 2019

17. **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

- a. Town of Eastover Sewer Bills – Ms. Myers moved, seconded by Ms. Dickerson, to approve this item, with the caveat that staff review the County’s contract with the Town of Eastover to see if the contract allows us to withhold our payments to offset their debt.

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

Present but Not Voting: Kennedy

The vote in favor was unanimous.

18. **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

- a. Authorizing the extension of the term of the fee agreement dated as of June 1998, by and between Richland County, South Carolina, and Spirax Sarco, Inc. – Mr. Jackson stated the committee recommended approval.

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

The vote in favor was unanimous.

- b. Providing for an installment plan of Finance for certain economic development projects; identifying, authorizing and pledging certain sources of revenue expected to be used by the County to make installment payments, including the proceeds of General Obligation Bonds, in one or more series, tax-exempt or taxable, in an amount not exceeding the County’s constitutional bonded debt limit; authorizing the commitment of certain County assets to the installment plan of finance; and other related matters [FIRST READING] – Mr. Jackson stated the committee recommends approval of this item.

Mr. Malinowski inquired if this deals with the financing plan that we were briefed on.

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

Opposed: Malinowski

Present but Not Voting: Manning

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

- a. Library Board – Four (4) Vacancies – Ms. Newton stated the committee recommended re-appointing Ms. Katherine Swartz Hilton, Ms. Betty Lumpkin Gregory, Mr. James Shadd, III, and Ms. Cheryl English.

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

The vote in favor was unanimous.

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

a. Items for Information:

1. Holt #15 Service Order Modification for Spears Creek Church Road Design Contract – Mr. Niermeier stated this item will be brought back at the next meeting.
2. 12 Dirt Road Contract Extensions – Mr. Niermeier stated the contracts are being extending to February 2020 to ensure the designs are completed. There is no cost associated.

Ms. Myers stated, in the time that it is taking to get these 12 roads done, we are paving humongous roads. We are doing widenings, right-of-way acquisitions, etc. If all of these roads, like this, take this long, the referendum will end before the \$45M is spent. She inquired why we are extending these contracts again.

Mr. Beaty stated these contract extensions are not for the paving of the roads. About 2 years ago, when previous County staff was managing the dirt road program, got a number of OETs under contract. At that time, they gave them a 12 – 18 month schedule. With staff changes, and the PDT helping to manage the program, their schedules expired. The change order is simply to extend their schedules, so they can continue performing the design through March 2020. These are not 12 roads, but 12 contracts.

Ms. Myers stated she has been told by several of the OETs they have been waiting 2 years to get a dirt road paving contract.

3. Pending Approvals – These are the items, with the County, that are pending approval. They are listed on p. 263 of the agenda packet.
4. Update on Blythewood/Richland County/SCDOT IGA for Blythewood Maintenance – Staff and the PDT are coordinating with SCDOT and the Town of Blythewood. The intent is to remove the County as the middleman.

b. Approval of Scope of Work for Design Contracts:

- i. Projects Under the Referendum
  1. Shop Road Extension
  2. Blythewood Area Improvement
  3. Broad River Corridor NIP
  4. Trenholm Acres/Newcastle NIP
  5. Smith/Rocky Branch Greenway
  6. Crane Creek Greenway

Mr. Jackson stated the projects under the referendum will remain intact, relative to the amount that has been appropriated. The committee recommended approval.

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

Opposed: Walker

Present but Not Voting: Manning

- ii. Projects Over the Referendum
  - 1. Polo Road Widening
  - 2. Lower Richland Boulevard Widening

Mr. Jackson stated the committee recommended approval of the Items ii (1) and (2).

Mr. Malinowski inquired about the amount these projects are over the referendum.

Mr. Beaty stated the total estimated cost of Polo Road is \$16M and the referendum amount is \$12.8M; Lower Richland Boulevard's referendum amount is \$6.1M and is currently estimated at \$6.9M.

Mr. Malinowski inquired where the dollars will come from to cover the overages.

Mr. Beaty stated they could come from the recognized savings from the I-20/Broad River Road Interchange, or other cost savings from other categories. He stated SCDOT is going to build the I-20/Broad River Road Interchange and there will \$52.5M available to the overall program.

Ms. Myers inquired if we had sent a letter to SCDOT.

Dr. Thompson stated SCDOT has not responded to the letter that Dr. Yudice sent.

Mr. Malinowski inquired if we have some roads in the referendum, further down on the list, which may not have enough funding, or any funding, to work on.

Mr. Beaty stated there are a few.

Mr. Malinowski suggested we may want to shorten the termini on some of these projects.

Mr. Beaty stated you cannot change the termini of most of the widenings. A widening is very different, in that you have to logical termini.

Mr. Malinowski suggested maybe eliminating the turn lanes, so the termini remains the same.

Mr. Beaty stated you would not want to eliminate the turn lane because it allows the left turners, and it is safety issue. You could not provide bicycle and pedestrian accommodations, and that would be a small savings.

Ms. Newton stated this body must make policy decisions, in terms of how we are going to handle, when we go above the referendum. The Penny is a promise that we made to our constituents. Her concern, with approving design work that we know is above the referendum, we are de facto approving budget increases and in the future, other projects are going to get less funding. We, as a body, can make those decisions, but we need to come with a policy so we can go to the public with the criteria on how we make these decisions and how we are going to move forward.

Mr. Livingston inquired about what percentage of the design are we talking about.

Mr. Beaty stated both of the projects have had 30% design completed. What is before you is going to 70%, which would allow the design to be more detailed. At 70%, you have identified the amount of drainage improvements, which allows you to know the amount of new right-of-way you need to acquire, which allows you to have a better cost estimate.

Mr. Livingston stated, to him, it makes more sense to go ahead with the design. If you have to cut back, you still have the design.

Ms. Myers made a substitute motion, seconded by Mr. Walker, that the items that are over the referendum, that the Transportation Ad Hoc Committee be empowered to immediately convene a work session to discuss the policy decision, so we can get the projects moving.

Ms. McBride inquired about how many projects we have funded that were over the referendum.

Mr. Beaty stated there have been quite a few.

Ms. McBride stated, she thinks, it is unethical to think that some people, or in some districts, projects have been over the referendum. They have been completed, or are being completed. In other areas, you have spent money on design, and not giving consideration to completing what is out there. She stated an article in *The State* newspaper noted the SCDOT has over a billion dollars for road design. There are not enough builders, pavers, etc. to get the work done. The demand is so high; prices are going to go up. We are wasting taxpayers' money after we have already put money in design. July 19<sup>th</sup> the SCDOT will be putting out their bids. We are not going to get any bids. We are not going to have anybody to do our construction.

Mr. Malinowski inquired, if another designer takes over the design work, is the design still valid.

Mr. Niermeier stated any stamped drawing is valid; however, he thinks handing one design to another there is inherent risk in that.

Mr. Manning called for the question, seconded by Ms. Myers.

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

Opposed: Manning, Livingston and McBride

Abstain: Jackson

The vote was in favor of calling for the question.

In Favor: Terracio, Malinowski, Newton, Myers, Walker

Opposed: Manning, Livingston and McBride

Abstain: Jackson and Dickerson

Present but Not Voting: Kennedy

The vote was in favor of the substitute motion.

c. Approval of Projects to be Advertised –

- i. Projects Under the Referendum
  - 1. Greene Street Phase 2 – available to advertise
  - 2. Resurfacing Package R – available to advertise
  - 3. Dirt Road Package K – July 1, 2019

Mr. Jackson stated the committee recommended approval.

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

Opposed: Malinowski, Walker and McBride

Present but Not Voting: Kennedy

The vote was in favor.

- ii. Projects Over the Referendum

- 1. Atlas Road Widening – July
- 2. Polo SUP, Harrison Sidewalk – July

This item was taken up under Item b (ii).

- d. Penny Projects Inside SCDOT Rights-of-Way Maintenance Cost Impacts – Mr. Niermeier stated this was before the committee for a recommendation to look to fund Public Works, or other entities, that would be maintaining these in the future. There was more information requested by the ad hoc committee, so there was decision made.

No action was taken on this item.

21. **OTHER ITEMS**

- a. FY20 – District 8 Hospitality Tax Allocations – Ms. Dickerson moved, seconded by Ms. Myers, to approve this item.

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

The vote in favor was unanimous.

Ms. Myers moved, seconded by Ms. Dickerson, 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.

- b. FY 2019-2020 Annual Action Plan Budget for CDBG and HOME – Ms. Myers moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski inquired about what happens with the home when the owner passes away or become incapacitated.

Mr. Voignier stated there is a 10-year lien on the home, so they have to remain in the home. If the individual passes away, it becomes heir property.

Mr. Livingston inquired how we get community feedback on the action plan.

Mr. Voignier stated there is a public comment period to gather public feedback. There are a couple of projects that are related to neighborhood master plan areas, so there has already been a lot of public feedback through those processes. This funding will support the master plans that are already in place.

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

The vote in favor was unanimous.

Ms. Myers moved, seconded by Ms. Dickerson, 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.

- c. A Resolution to appoint and commission Jeremy Joseph Denny as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item.

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

The vote in favor was unanimous.

- d. A Resolution to appoint and commission Froilan Jose Rodriguez Rodriguez as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item.

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

The vote in favor was unanimous.

22. **EXECUTIVE SESSION**

Ms. Myers moved, seconded by Ms. Newton, to go into Executive Session.

Special Called Meeting

July 9, 2019

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

Opposed: Manning

Present but Not Voting: Jackson, Newton and Myers

The vote was in favor.

***Council went into Executive Session at approximately 8:39 PM and came out at approximately 9:24PM***

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

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

The vote in favor was unanimous.

- a. SC Dept. of Revenue vs. Richland County Update – No action was taken.
- b. Contractual Matter: Property Purchase – Ms. Dickerson moved, seconded by Mr. Walker, to authorize the Chair to execute all documents related to the closing of the property on Huger Street with 908 Group Holdings, LLC.

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

Opposed: Terracio

Present but Not Voting: Jackson and Manning

The vote was in favor.

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

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

Present but Not Voting: Manning

The motion for reconsideration failed.

- c. State Election Commission Memorandum of Agreement – No action was taken.
- d. Library Lease – Ms. McBride moved, seconded by Mr. Walker, to approve the amended lease for the Richland Library for the facility located at 2101 Oak Street, and to allow them to exercise their option to purchase.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

- e. County Administrator – Ms. McBride stated the Administrator Ad Hoc Committee met to discuss welcome/orientation activities for the new Administrator. It has been recommended that on July 15<sup>th</sup> there be a welcome drop-in, for Council and Senior Cabinet staff. There will be pastries, coffee and juice. The event will take place on the 4<sup>th</sup> Floor from 9 – 10 AM. There will be a Council welcome reception on July 24<sup>th</sup> at 6:00 PM. The County Administrator, his family and Council members are invited to attend this reception. The location for this reception will be announced at a later date. The public welcome reception will be coordinated with the Administrator. The proposed dates are July 30, 31 or August 1. Invitees will be stakeholders, elected/appointed County officials, community business leaders, and the general public. Currently, we are looking at potentially holding the public reception at the Columbia Museum of Art.

Ms. McBride sent out to full Council some suggestions and recommendations on the development of a transition plan for the new Administrator. The plan is going to require a lot of work. The other proposal is a Council/Administrator Orientation, which may need to be facilitated. Issues to be discussed may be:

- Council’s perception of what they believe would ensure a great working relationship with the Administrator;
- Top priority areas Council feels should be addressed during the 1<sup>st</sup> year
- Council will provide clear expectations on what kind of meetings and communications they expect (i.e. weigh in and research plans/proposals)
- Perception of the current state of the County’s operations and cultural
- Strengths and weaknesses
- Individuals meetings with the Administrator
- Development of the Administrator’s evaluation instrument
- Development of a strategic plan

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

Present but Not Voting: Myers and McBride

The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Council thanked Dr. Thompson for his leadership during the interim. They also thanked Dr. Yudice for her service to the County, and wished her luck on her future in Georgetown.

23. **MOTION PERIOD**

- a. I move that Richland County provide the approval to transfer the ownership interest related to the garbage collection from Capital Waste Services LLC (Currently operating in Areas 5a and 3) owned by Hawk Capital Partners selling its equity to the newly formed entity controlled by Kinderhook

Industries. (Please understand the motion is conceptual by the maker, not technical legal terms as to structure [MANNING] – This item was referred to the D&S Committee.

24. **ADJOURNMENT** – The meeting adjourned at approximately 9:46 PM.