



Richland County Council

SPECIAL CALLED MEETING
November 10, 2020 – 6:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Joyce Dickerson, Bill Malinowski, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio, and Joe Walker

OTHERS PRESENT: Michelle Onley, Dale Welch, John Thompson, Ashiya Myers, Larry Smith, Ashley Powell, Sandra Haynes, Leonardo Brown, Judy Carter, Brad Farrar, Tamar Black, Jennifer Wladischkin, Tariq Hussain, Michael Niermeier, Randy Pruitt, Clayton Voignier, James Hayes, Stacey Hamm, Michael Maloney, Stephen Staley, Ronaldo Myers, Michael Byrd, Kerry Smyser, Brittney Hoyle-Terry, Quinton Epps, Jeff Ruble Dwight Hanna and Geo Price

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 Joyce Dickerson.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Joyce Dickerson
4. **APPROVAL OF MINUTES**
 - a. **Special Called Meeting: October 6, 2020** – Ms. Dickerson moved, seconded by Mr. Walker, to approve the minutes as distributed.

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

Not Present: Kennedy

The vote in favor was unanimous.
 - b. **Regular Session: October 20, 2020** – Ms. McBride moved, seconded by Ms. Terracio, to approve the minutes as distributed.

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

Not Present: Kennedy

The vote in favor was unanimous.
 - c. **Zoning Public Hearing: October 27, 2020** – Ms. McBride moved, seconded by Ms. Dickerson, to approve the minutes as distributed.

Mr. Livingston made a substitute motion, seconded by Mr. Walker, to reconsider the portion of the minutes related to Case # 20-022MA.

In Favor: Livingston, Walker and Newton

Opposed: Malinowski, McBride, Terracio, Manning and Myers

Abstain: Dickerson

Not Present: Kennedy

The substitute motion failed.

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

Not Present: Kennedy

The vote in favor was unanimous.

5. **ADOPTION OF AGENDA** – Ms. Newton noted that Item 19(a): “Clerk to Council Search Update” should be an action item.

Mr. Smith noted that Item 19(b): “Compensation for Interim Clerk of Council” qualified for Executive Session.

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

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

Not Present: Kennedy

The vote in favor was unanimous.

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

- a. **Receipt of Legal Advice: Potential resolution/settlement of contractual/personnel matter involving former Administrator Gerald Seals** – Mr. Smith stated this item was deferred at the October 20th Council meeting. It is on the agenda tonight, in the event that Council had any direction they wanted to provide to the attorneys. In addition, based on Council’s action at the previous meeting, they have filed the motion to reconsider this matter. Mr. Seals and his attorney have joined with the motion; however, they have not heard back from the Court on the matter.

Ms. Newton inquired if there have been any additional conversations with Mr. Seals and/or his attorney during the interim.

Mr. Smith responded there were discussions, and those discussions related to the motion itself. There was no additional information, as it relates to a resolution of this matter.

Ms. Newton inquired if there is a particular timeframe when we would hear back on the motion.

Mr. Smith responded they do not have any indication when the Court will act on the motion. He would anticipate it will be within 30 – 60 days.

POINT OF ORDER – Mr. Walker inquired if a motion providing guidance and direction, to our legal team, on how to respond, in the interim, to Mr. Seals and his counsel, be ruled in order, at this time.

Mr. Smith responded, if the motion relates to a potential resolution/settlement of this matter, they would carry it out. Any discussion of those parameters would be appropriate to be discussed in Executive Session.

Ms. Newton inquired, if the judgment is reconsidered, would the settlement be reinstated or would it then go to a different legal phase.

Mr. Smith responded that would depend upon what the Court's decision is, related to our request to reconsider. The Court may address some, but not all of what we ask for. If the Court comes back and says it is going to reconsider the matter, and not invalidate the vote, then that would be a different situation. They would have to assess the Order, in order to determine what it means.

- b. Compensation for Interim Clerk of Council

7. **CITIZENS' INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing – No comments were received.

8. **CITIZENS' INPUT**

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 comments were received.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown stated overall Richland County's percent positive has dropped below 18%. While we are still above the targeted 5%, we have seen the percent positives come down. There were mask giveaways held at the Decker Center and at the Richland County Sheriff's Region 1 Substation on November 6th. There are upcoming events scheduled for District 10 at Temple of Faith Bible Way Church (November 20th, 10:00 – 11:30 AM) and Mt. Moriah Baptist Church (December 4th, 10:00 – 11:30 AM) and District 11 at the Richland County Sheriff's Region 1 Substation (December 11th, 10:00 – 11:30 AM).

In the next Coronavirus Update, he will provide Council with the mitigation measures in place to move forward with allowing limited in-person services.

Ms. McBride inquired if we have expended all of the funds from the COVID-19 Relief Program.

Mr. Brown responded the original period of time allotted for has expired, but he believes there are some remaining funds.

Ms. McBride inquired if there are any plans for the expenditure of those funds.

Mr. Brown responded the only plans were for the purchasing of protective equipment, but staff has not made any additional plans, on behalf of Council to expend those funds. If Council would like to reopen an additional opportunity for the remaining funds, that would be a possibility.

Ms. Terracio inquired, for those employees that are working from home, do they have their phones forwarded to them. She requested an update on how things are working procedurally.

Mr. Brown responded, employees that have the ability to work remotely, could have County phones, or have their phones forwarded. To his knowledge, there are no employees that are not working at all. At this point, employees should be working staggered work schedules and/or teleworking. Essential staff has been working throughout the pandemic. He stated they are currently determining how many people we can safely bring back into the facility, utilizing the mitigation tools that have been recommended by the CDC and other public health officials. Then, they are analyzing which departments citizens are having challenges with getting what they need remotely, and would best be served by some level of in-person services.

Ms. Terracio stated she is interested in the percentage of employees that are teleworking.

Mr. Brown responded he does not have the number, but he has requested the departments to provide an analysis of how many employees they have teleworking or working a staggered schedule. He should have that information available by the next Council meeting.

Ms. McBride inquired if the County provided the employee teleworking with the technology needed to work remotely.

Mr. Brown responded the County re-purposed laptops and cellphones, and purchased additional equipment to assist the employees teleworking.

Ms. McBride inquired if those employees teleworking are required to work their normal work schedule.

Mr. Brown responded, in general, the employees are required to work their regularly scheduled work hours. He does know that in some instances where employees have been allowed to work different/staggered schedules.

Ms. Dickerson noted it is concerning to her when she calls a County office and gets “an out of office” notice. She will follow-up on her concerns with the Administrator.

10. **REPORT OF THE INTERIM CLERK OF COUNCIL**

- a. Proposed 2021 Council Meeting Calendar -- Mr. Walker moved, seconded by Mr. Malinowski, to approve the proposed calendar.

Ms. McBride requested the Clerk ensure there is not a conflict with National Night Out on the meeting calendar.

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

Abstain: Dickerson, Manning and Myers

Not Present: Kennedy

The vote in favor was unanimous.

- b. Project Sunshine Project Overview, November 12, 4:15 -4:45 PM, Nelson Mullins Law Firm – Ms. Onley provided information regarding this upcoming event.

- c. Rooftop Cocktails Reception with Project Sunshine Executives, November 12, 4:45 – 5:45 PM, Nelson Mullins Law Firm – Ms. Onley provided information regarding this upcoming event.
11. **REPORT OF THE CHAIR** – No report was given.
12. **OPEN/CLOSE PUBLIC HEARINGS**
- a. An Ordinance Amending the Fiscal Year 2021 General Fund Annual Budget by \$921,103 to amend the School Resource Officer Budget – No comments were received.
 - b. An Ordinance Amending the Fiscal Year 2021 School Resource Officer Fund Annual Budget by \$647,103 to account for RCSD needs – No comments were received.
 - c. An Ordinance authorizing consent for annexation to the City of Columbia for .509± Acre on S/S Candi Lane, which is a portion of TMS # 07208-03-02; a part of the Three Rivers Greenway – No comments were received.
 - d. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Sunshine to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; authorizing the administration of a grant; approving the transfer of certain real property; and other related matters – No comments were received.
 - e. For the benefit of Project Sunshine, approving the acquisition and transfer of certain real property located in Richland County, the granting of certain easements and other matters related thereto – No comments were received.
13. **APPROVAL OF CONSENT ITEMS**
- a. 20-021MA, Erica Serbin, RM-MD to MH (2.34 Acres), 8534 Old Percival Road, TMS # R22602-02-07 [SECOND READING]
 - b. 20-029MA, Dave R. Brock, M-1/RM-MD to LI (2 Acres), 1804 Shop Road, TMS # 13604-01-01 [SECOND READING]
 - c. Road Closure Petition – Sloan Street

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

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

Not Present: Kennedy

The vote in favor was unanimous.

14. **THIRD READING**

- a. An Ordinance Amending the Fiscal Year 2021 General Fund Annual Budget by \$921,103 to amend the School Resource Officer Budget – Mr. Malinowski noted he did not see this item listed, with this specificity, in the October 6th or October 20th agenda. He requested clarification on the figures provided in tonight’s agenda.

Mr. Brown responded, during the October 6th meeting, there was a question about the amount of funds presented in the agenda by Chief Cowan and the amount communicated by the Budget Department. One was an actual dollar amount and the other was a budget amount. The difference between the two numbers was accounted by the fact that the budget did not consider the amount presented by Chief Cowan. Since the budget had already been approved, the budget now had to reflect the new information.

Mr. Hayes stated, at the beginning of the Biennium Budget II, Council approved the budget for the School Resource Officer Fund of \$6,148,303. When we had discussions with Chief Cowan and his staff, they were given a truing up number of what the School Districts would be billed for in FY21, which indicated the General Fund portion would have to be higher.

Ms. McBride inquired if this includes funding for the private schools.

Mr. Hayes responded the School Resource Officer budget funds School District I and II, a portion Lexington/Richland 5 and a private school budget.

Mr. Cowan responded \$9,599 of the requested amount goes to the private school. They are billing 75% of the overall costs of the program, inclusive of the private school.

Ms. McBride stated she does not support using public funds for private schools. She noted there was a legal issue about using public funds for public schools, when the Governor wanted to take resources from the public schools for COVID-19. In the future, she would support researching funding for counselors/social workers for the schools.

Chief Cowan noted that some of the School Resource Officers have their Master's in Social Work, and they are doing that work in the school system, as well as the other services they provide.

Mr. Manning noted the 75% is paid by the private school and the other 25% is because the officer is doing other things, as a sworn officer, on those weeks when there is no school.

Mr. Malinowski inquired if the schools were initially billed approximately \$5M, why in the end were they only billed at \$4.8M.

Chief Cowan responded they projected their costs for the SRO Program for 5 years. The \$5M was an under projection, based on numbers presented to them by others. The Sheriff's Department projected \$6.7M last Spring/Fall.

Mr. Manning moved, seconded by Mr. Walker, to approve the Administrator's recommendation.

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

Opposed: Terracio

Not Present: Kennedy

The vote was in favor.

- b. An Ordinance Amending the Fiscal Year 2021 School Resource Officer Fund Annual Budget by \$647,103 to account for RCSD needs – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item.

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

Opposed: Terracio and Myers

Not Present: Kennedy

The vote was in favor.

Mr. Manning moved, seconded by Mr. Walker, to reconsider Items 14(a) and 14(b).

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

The motion for reconsideration failed.

- c. An Ordinance authorizing consent for annexation to the City of Columbia for .509± Acre on S/S Candi Lane, which is a portion of TMS # 07208-03-02; a part of the Three Rivers Greenway – Ms. Newton moved, seconded by Ms. Dickerson, to approve this item.

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

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

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

The motion for reconsideration failed.

- d. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Sunshine to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; authorizing the administration of a grant; approving the transfer of certain real property; and other related matters – Ms. Newton moved, seconded by Ms. Dickerson, to approve this item.

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

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

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

The motion for reconsideration failed.

- e. For the benefit of Project Sunshine, approving the acquisition and transfer of certain real property located in Richland County, the granting of certain easements and other matters related thereto – Ms. Newton moved, seconded by Ms. Dickerson, to approve this item.

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

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

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

The motion for reconsideration failed.

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

- a. Comprehensive Transportation Improvement Plan (CTIP) with Capital Improvement Project (CIP) budgets and proposed Projects for FY21 – Mr. Malinowski noted on p. 77 the total amount for “Roadway Repair-Design” and “Roadway Repair-Construction” appear to be incorrect.

Mr. Maloney responded staff originally planned a 10-year plan, but amended it to a 5-year plan. The documentation appears to still reflect the original 10-year plan.

Mr. Malinowski moved, seconded by Ms. Dickerson, to approve the 5-year plan.

Ms. Newton stated she thinks it is great that we are operating more strategically as it comes to the maintenance and repair of our roads. The framework establishes metrics purely on roads that are paved, and allocating resources based on the amount of paved roads you have. However, for districts that have a large number of unpaved roads, it means those needs are not being addressed with the same level of frequency and dedication of resources. She requested that staff come to Council with a plan on how we can address dirt roads.

Ms. Myers noted the plan looks at apportioning funds by district. It does not look at apportioning funds based on the condition of the road. In the best interest of the County, we should be looking at a plan that will set aside “X” amount of funding that will go to the worst roads first.

Mr. Maloney responded they look at district size for funding. There are roads in similar conditions in all of the districts. They utilize pavement condition reports to select the roads. He stated \$1.45M has been budgeted for this year for resurfacing, and \$850,000 for reconditioning. They have a stake in the long-term maintenance of the dirt roads, which the Penny is paving because they will ultimately take those roads over. Public Works budget is limited, so they may be able to address one dirt road per year. Before there was a Transportation Department, PW tried to pave approximately 5 miles of dirt roads with CTC funds, and did not take care of maintenance. It will take a substantial amount of Penny funding to pave the dirt roads, so it may take approximately 20 years and an additional Penny to significantly address them.

Ms. Myers inquired if they have contemplated giving those citizens on dirt roads a break on paying the tax until they are able to realize the benefit.

Mr. Maloney responded the higher density areas are where the highest revenue would be coming from. Approximately half of their budget goes into maintaining the paved roads.

Ms. Myers requested the County look at a method of giving citizens relief from paying this tax. She stated there is a lot angst with regard to the lack of aggression in moving forward with paving the dirt roads. In coming years, it will be an issue in discussing an additional Penny.

Ms. Dickerson noted some of these roads were just recently taken over, and now they are a priority.

Ms. Myers noted, she finds it problematic that less than 6 months later, these roads are in line as priority roads, and we have problems all over Richland County.

Ms. Dickerson made a substitute motion, seconded by Ms. Myers, to defer this item.

In Favor: Dickerson, Myers and Newton

Opposed: Malinowski, McBride, Livingston, Terracio, Walker and Manning

Not Present: Kennedy

The substitute motion failed.

Ms. Myers requested staff to explain how the roads that were just brought into the Richland County system appear on the list for maintenance.

Mr. Maloney responded two of the subdivisions, which were brought in, are approximately 15 years old. If they do not put surface on those roads, they will require a higher level of maintenance. All of this will be taken to CTC, for external funding, and come back to Council in February with a new list of roads, sidewalks and potentially a dirt road for approval.

Ms. Myers stated, of the roads on the list, staff represented that they were all up to Richland County standards, but now you are saying some of those roads are in need of repair. When we took the roads over, we took them over with the understanding there was not this need.

Mr. Maloney responded, when they discussed this Council, they said they would have those roads to the safety level of County standards, which meant in some cases they would have to do some work, as they came in. They also said they would not prevent other projects from going forward, and they are not.

Ms. Myers stated, for clarification, do these roads need minor repairs (i.e. potholes) or resurfacing.

Mr. Maloney responded will be providing resurfacing to the Blythe Creek Subdivision.

Ms. Myers noted this is the core issue for 70% of the citizens she represents, and the one issue she has been trying to get some movement on since joining Council. She urged her colleagues to take a drive through Richland County on a rainy day. She stated there are children who cannot ride the bus to school because their routes get cancelled due to the buses not being able to traverse the roads.

POINT OF ORDER – Ms. Dickerson noted this subdivision is a gated community, and she thinks it is unfair to those citizens who have been waiting to get their roads paved/resurfaced.

Mr. Manning stated this is the first he has heard of buses being cancelled on rainy days. He requested staff to look into how we can have conditions where a child cannot utilize bus service due to the condition of the road.

In Favor: Malinowski, Livingston, Terracio and Walker

Opposed: Dickerson, McBride, Manning, Myers and Newton

The motion failed.

- b. Intergovernmental Agreement (IGA) between Richland County, Lexington County and Town of Irmo for Engineering Services and Infrastructure Maintenance – Mr. Malinowski stated throughout the IGA there are places that refers to what Lexington County is going to do with their drainage infrastructure, CTC funds, etc. He was curious why we are addressing Lexington County in our IGA. He would suggest those portions be removed, unless necessary.

Mr. Voignier responded this is a tri-party agreement, and it would be appropriate for the IGA to contain information in reference to Lexington County.

Mr. Brown noted, for the record, in terms of not including all of the “changes” in the agenda packets. There have been instances where Council has requested to include these changes, so they could easily identify the different iterations.

Mr. Malinowski inquired if the cost associated with maintenance of infrastructure will be under the normal costs for the unincorporated areas.

Mr. Maloney responded their vehicle registration tax will go to the Road Maintenance Fund just like those in the unincorporated area.

Mr. Malinowski moved, seconded by Ms. Dickerson, to approve the updated Intergovernmental Agreement (IGA) between Richland County, Lexington County and the Town of Irmo for Engineering Services and Infrastructure Maintenance. In addition, to require the Town of Irmo to provide insurance and indemnification.

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

Opposed: Myers

The vote was in favor.

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

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

The motion for reconsideration failed.

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

- a. Alvin S. Glenn Detention Center – Detainee Telephone Service – Ms. Dickerson stated the committee’s recommendation to award the contract to GTL for detainee telephone services at the ASGDC, and to cap the amount at \$0.10/minute.

Mr. Malinowski stated, as he recalls, a part of the motion was that Richland County was not to incur any expenses.

Ms. Terracio stated, in the same way that Richland County should not incur any expenses, the County should not receive any financial benefit from these calls.

Mr. Walker inquired what the County’s commission is on this contract (i.e. what percentage of the rate does the County get paid as a kickback?)

Mr. Myers responded the current contract is \$0.16/minute, which nets the County approximately \$500,000/year.

Mr. Walker inquired, when the RFP was put out, what was the requested commission rate.

Mr. Myers responded everyone did a commission rate of \$0.15/minute and can be negotiated. The percentage rate is 92%.

Mr. Walker stated, for clarification, 92% of the rate charged to the detainee is net profit to the County.

Ms. Terracio stated she would have hoped this was a pass through expense; therefore, she cannot support a contract where we are profiting off of individuals that need to call their family and attorneys.

Mr. Myers responded, when we go back to negotiate, all we have to do is tell them we will not charge a commission, if that is the desire of Council.

Ms. Terracio inquired as to where the funds received from the detainees go.

Mr. Myers responded the funds go back into the General Fund, and does not directly benefit the Detention Center.

Ms. Terracio made a substitute motion, seconded by Ms. McBride, to remove any profit to the County from the agreement.

Ms. McBride stated we can clearly see how we are taking from the poor. Most of those that are detained are indigent and cannot afford to get an attorney to assist with getting them out. She noted many of these individuals are not even guilty.

Mr. Malinowski inquired about the impact on the County by not receiving the \$500,000.

Mr. Brown responded that would be a \$500,000 reduction in the General Fund. He understands the sentiment, but there are other areas where we are going to have to find the \$500,000.

Mr. Malinowski stated, based on Ms. McBride's comments, these funds are being taken from people that are not guilty. He inquired about the percentage of detainees that have been found guilty versus those that have only been charged.

Mr. Myers responded he could not.

Mr. Malinowski requested an approximation of individuals that are detained versus the amount that no longer return to the Detention Center.

Mr. Myers normally 60 – 70% of the population come and leave within the first 72 hours. The remaining percentage stay for months or years.

Mr. Livingston inquired if there is any staff costs or time associated with the phone calls.

Mr. Myers responded they monitor the phone calls, but that comes out of the normal budget.

Ms. Newton inquired if this contract would affect this year's budget.

Mr. Hayes responded this is a contractual matter for FY21; therefore, any reduction in revenue would impacted in the current budget year.

Ms. Terracio stated the intent of her motion was that any fees a detainee would have to make a phone call would simply be a pass through and there would be no profit or loss associated with it.

Mr. Malinowski inquired if the detainee will still be paying \$0.10/minute.

Ms. Terracio responded, she would hope not, since we would be eliminating the middleman. The detainee would pay only for the cost of the service. For clarification, her motion is to charge the detainees, at the price of the service, with no additional profit to the County.

Mr. Malinowski stated, according to Mr. Myers, the County is getting a 92% profit. If only the cost of the service is being covered, it could reduce the commission to the County 50%. Therefore, he does not understand why the County does not take the commission.

Mr. Myers responded it is 92% off of the commission rate of \$0.15, but since the County does not want to have any revenue generated from that source, it would be a neutral point. He would have to obtain the costs for the vendor, and bring it back to Council.

Ms. Dickerson made a second substitute motion, seconded by Mr. Walker, to defer this item.

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

Not Present: Kennedy

The vote in favor was unanimous.

- b. Richland County amend the retirement insurance benefit for employees to be granted full insurance benefit to employees who serve a total number of accumulative years instead total consecutive years for their perspective terms for full retirement at 25, 28 and 30 years be granted full retirement benefits based on a total accumulated years served instead of consecutive years. The total years must be with Richland County Government – Ms. Dickerson stated the committee recommended denial of this item.

Ms. McBride stated, for clarification, if you worked for 20 years with the County, left for 2 years, and then came back for an additional 5 years, you would eligible for retirement.

Mr. Hanna responded in the affirmative. The proposed motion is for the County to consider the total years of service, including any time they may have separated and come back to the County.

Ms. McBride stated, currently if you worked for 20 years, left for a period of time, and then came back for an additional 5 years, it would not count as 25 years of service.

Mr. Hanna responded in the affirmative. According the policy passed in 2009, you have to work consecutive years.

Ms. McBride inquired if the State of South Carolina allows for full retirement with a break in service.

Mr. Hanna responded, in relation to PEBA, it does. If you are referring to their retiree health insurance, he cannot answer that question.

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

Opposed: McBride, Terracio and Manning

Not Present: Kennedy

The vote was in favor.

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

In Favor: McBride, Terracio, Manning and Myers

Opposed: Malinowski, Dickerson, Livingston, Walker and Newton

Not Present: Kennedy

The motion for reconsideration failed.

- c. FY20-21 Public Service Projects – Ms. Dickerson stated the committee forwarded this item to Council without a recommendation.

Mr. Walker moved, seconded by Ms. Dickerson, to approve staff's recommendation to approve the award of contracts to United Way of the Midlands for \$50,000; Central South Carolina Habitat for Humanity for \$30,000; Epworths Children's Home for \$39,275; Girl Scouts of South Carolina – Mountains to Midlands, Inc. for \$30,000; Clean of Heart (Catholic Charities) for \$35,000; The Cooperative Ministry for \$30,000; and the North Columbia Youth Empowerment Initiative for \$30,000 through the Community Development Block Grant (CDBG) funding for Public Service Projects for Fiscal Year 2020-2021.

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

Not Present: Kennedy

The vote in favor was unanimous.

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

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

Not Present: Kennedy

The motion for reconsideration failed.

- d. Grant Request for Community Beautification – Lake Elizabeth Homeowner's Association – Ms. Dickerson stated the committee forwarded this to Council with a recommendation for denial.

Ms. McBride stated she does not understand why this item is before Council.

Dr. Thompson responded this request came to staff; therefore, they followed the protocol to bring the request to the body.

Ms. McBride stated, when you make a request for discretionary funding, it goes through the Clerk.

Dr. Thompson responded, in his understanding, the request went to the Clerk's Office as well. The HOA had the chance to talk with the Clerk's Office, and also spoke to the Budget and Grants Office.

Ms. McBride stated the Councilperson sent this request to the Clerk. If the Clerk had issues she would have addressed it with Legal, and it appears Legal did not have any issues with the request.

Ms. Dickerson noted because this did not go through the proper protocol was why the committee recommended denial of the item.

Mr. Malinowski noted, under "Fiscal Impact", it states, "...the Budget and Grants Management Department and the Finance Department posit that this is not an acceptable use of discretionary funds." If we have rules and requirements, and it is not in those rules and requirements, those departments need to notify the HOA of this.

Ms. McBride stated this is not a grant. This is a discretionary funding request, and never should have went to Grants. She also noted there is nothing legally objectionable with the motion.

Ms. Newton noted in reading the Memo from Legal, dated April 23, 2012, it does not appear to directly address this issue.

Mr. Manning moved, seconded by Ms. McBride, to table this item.

Mr. Malinowski stated, it is his belief, the answer, from Legal, was given on p. 340, which states, "Categories of Non-Allowed Expenses" include using public funds for a private purpose.

In Favor: Dickerson, McBride, Livingston, Terracio and Manning

Opposed: Malinowski, Walker, Myers and Newton

Not Present: Kennedy

The vote was in favor.

17. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

- a. Authorizing a ten-year extension of the terms of certain existing fee-in-lieu of ad valorem taxes agreement; committing to negotiate a new fee-in-lieu of ad valorem taxes agreement between Richland County and Project Offer; identifying the project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Kennedy

The vote in favor was unanimous.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Project Offer to provide for payment of a fee-in-lieu of taxes; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Kennedy

The vote in favor was unanimous.

- c. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Yeti; identifying the project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Kennedy

The vote in favor was unanimous.

- d. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and infrastructure credit agreement by and between Richland County, South Carolina and Project Yeti to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Kennedy

The vote in favor was unanimous.

- e. 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 an infrastructure credit agreement to provide for infrastructure credits to Gable Oaks Housing Associates LP; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

Ms. McBride stated they have spoken with the concerned citizens, the City of Columbia, and the buyers. We have worked out an agreement, although she disagrees with a 40-year plan.

Mr. Malinowski requested Exhibit A be presented by Second Reading. On p. 436 of the agenda packet it reads as follows: Sec. 2.1(c): "THIS AGREEMENT AND THE INFRASTRUCTURE CREDITS PROVIDED BY THIS AGREEMENT ARE LIMITED OBLIGATIONS OF THE COUNTY..." It goes on to say the County does not have any responsibility, but he would like to know how we are obligated.

Ms. Luther assured Mr. Malinowski that Exhibit A will be available by Second Reading. Typically, when projects are being purchased receive new surveys, and they like to include the vesting legal description in the agreement. The reason the "limited obligation" language is included is, under the constitutional provisions applicable to County debt, they want to make clear the receipt of credits is not construed as an obligation to pay ongoing obligations, or pay anything to the investor, but rather to clarify it is a credit against their property tax payments, and not a payment obligation by the County in order to clearly separate it from the constitutional debt limits that are on the County.

Ms. Newton inquired as to how common it is for the County to approve agreements where there is an already existing development.

Mr. Ruble responded it is not common. It has only come up two or three times. Federal law changed to require HUD loan recipients to be for profit. Whereas, in the past, low-income housing was held by non-profits and not taxed. Due to the requirement by the Federal government, it makes these entities taxable. They are looking for a solution, which is how they came to Economic Development. They want us to use economic development tools to solve the problem. We hope this is a short-term solution, and the State addresses this.

Ms. Newton noted she would like for us to have a proactive way for us to address this.

Mr. Malinowski inquired as to what infrastructure is being referred to on p. 435 of the agenda.

Ms. Luther responded, under the State Law that permits the County to grant the infrastructure credits, infrastructure is broadly defined as real or personal property that supports the project. The project is making investments and improvements at the facilities on the property, and also some landscaping and grounds work. Under the definition of infrastructure, those improvements qualify as infrastructure. Additionally, in the County's Commercial Development policy, which we referred to in developing this agreement, affordable housing is considered infrastructure under that development policy.

Mr. Malinowski inquired if there is a minimum investment required by the requestor.

Ms. Luther responded the investor is making \$6M worth of improvements at the facility. There was no other minimum required or requested by the committee, when working with the investor. The provision of affordable housing was deemed the investment they wanted to incentivize

Ms. McBride stated it was difficult for her to agree with this because of past issues with other properties. She agrees we need to look at a different procedure for future investments.

Ms. Terracio inquired how long the "for profit" provision has been in place.

Ms. Luther responded a portion of the sources of funding being utilized is low-income housing tax credit equity, which is tax credits that are provided under the Federal Internal Revenue Code. Non-profit organizations, because they do not pay Federal taxes, do not receive any benefit from the low-income housing tax credits, so they partner with "for profit" entities that will invest in the partnership and purchase the tax credits for an upfront equity payment, in order to fund a portion of the improvements. That is why a lot of the investors in affordable housing nowadays are "for profit" entities. Under State Law there is a statutory property tax abatement, for non-profit housing entities that own affordable housing, but that State statute, and the Federal statute, which incentivizes investment into affordable housing, are mismatched. The State Legislature is trying to marry up the State Law to the Federal Tax Code realities better.

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

Abstain: Dickerson

Not Present: Kennedy

The vote in favor was unanimous.

- f. Approving the transfer of certain real property located in Richland County, the granting of certain options and other matters related thereto [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Kennedy

The vote in favor was unanimous.

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

I. NOTIFICATION OF APPOINTMENTS

- a. Central Midlands Regional Transit Authority – 1 – Mr. Malinowski stated the committee recommended to appoint Mr. Christopher Lawson. He noted, for the record, that Valerie Aiken withdrew her application prior to her interview.

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

Opposed: Livingston

Abstain: Manning

Not Present: Kennedy

The vote was in favor.

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

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

Not Present: Kennedy

The motion for reconsideration failed.

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

- a. Transportation Department Budget Transfers – Mr. Manning requested to divide the question. The vote on Attachment #1 failed in committee. Subsequently, there was a vote, which unanimously recommended approval to authorize the necessary budget transfers to allow the Spears Creek Church Rd. Widening project to move forward.

Mr. Manning stated the committee recommended Council authorize the necessary budget transfers to allow the Spears Creek Rd. Widening project to move forward.

Ms. Newton stated, for clarification, these budget transfers, which will facilitate these projects, are for the descoped projects Council approved.

Mr. Niermeier responded in the affirmative.

Ms. Newton stated, for clarification, presuming these budget transfers are approved, there is a reconciliation where the dollars are returned to the original budget they were transferred from. She inquired how frequently that reconciliation happens.

Mr. Niermeier responded, with each new budget year, each project would be reconciled.

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

Not Present: Kennedy

The vote in favor was unanimous

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

In Favor: Myers

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

Not Present: Kennedy

The motion for reconsideration failed.

Mr. Manning moved, seconded by Mr. Livingston, to approve staff's recommendation of Attachment #1 on p. 489 of the agenda packet.

Ms. Newton inquired as to why the Shop Road Extension is on hold.

Mr. Niermeier responded the project on hold is Shop Road Widening, not Shop Road Extension. In this case, the funding for Shop Road Extension is coming out of construction, and not design or right-of-way, which is still intact.

Mr. Malinowski noted, on p. 505 of the agenda, it says, "the Transportation Department has the ability to transfer up to \$100,000". Yet, several of these projects are having more than \$100,000 transferred.

Mr. Niermeier responded the Transportation Department was authorized by Council to transfer money between projects, up to \$100,000, without coming back to Council for approval. Those transfers would be briefed to the Transportation Committee quarterly. Any amount over \$100,000, we are required to come back to Council for approval.

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

Opposed: Malinowski and Myers

Not Present: Kennedy

The vote was in favor.

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

In Favor: Malinowski and Myers

Opposed: Dickerson, McBride, Livingston, Terracio, Walker, Manning and Newton

Not Present: Kennedy

The motion for reconsideration failed.

- b. Spears Creek Church Rd. Widening Design Service Order – Mr. Manning stated the committee recommended approval of staff’s recommendation to approve Holt Service Order #19.

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

Opposed: Walker

Not Present: Kennedy

The vote was in favor.

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

In Favor: Walker

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

Not Present: Kennedy

The motion for reconsideration failed.

- c. Transportation Organization – Mr. Manning stated the committee’s recommendation was to approve the organizational chart provided by staff, and have Legal clarify and bring changes to the ordinance that requires Council to approve a department’s organization.

Mr. Niermeier stated, subsequent to the vote by committee, it was clarified there is no ordinance that require Council to approve any department’s organization. However, in this case, since Council approved an organizational chart for the Transportation Department in March 2019, when they approved the transition plan and move the program within the County, it was believed to be appropriate to bring this matter back before Council.

Mr. Manning moved, seconded by Mr. Malinowski, to refer this item back to committee.

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

Not Present: Kennedy

The vote in favor was unanimous.

- d. Mitigation Credit Sales – Easley Combined Utilities – Mr. Manning stated the committee recommended approval of the sale of mitigation bank credits from the Mill Creek Mitigation Bank to Easley Combined Utilities for \$223,404.80.

In Favor: Malinowski, McBride, Livingston, Terracio and Manning

Opposed: Walker, Myers and Newton

Not Present: Kennedy

The vote was in favor.

- e. Mitigation Credit Sales – Fielding Homes LLC – Mr. Manning stated the committee recommended approval of the sale of mitigation bank credits from the Mill Creek Mitigation Bank to Fielding Homes LLC for \$131,842.90.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio and Manning

Opposed: Walker, Myers and Newton

Not Present: Kennedy

The vote was in favor.

Mr. Manning moved, seconded by Mr. Malinowski, to reconsider Items 19(a) and 19(b).

In Favor: Walker, Myers and Newton

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio and Manning

Not Present: Kennedy

The motion for reconsideration failed.

20. **REPORT OF THE EMPLOYEE EVALUATION AD HOC COMMITTEE**

- a. Clerk to Council Search Update – Ms. Newton stated Council members were invited to be interviewed by Find Great People to help draft a position profile. Subsequent to those interviews, the position profile was drafted and shared with Council. This profile is not the formal Richland County job description, although it does incorporate the prior duties of the position. Instead, Council approving this profile will allow us to advertise the position for Clerk to Council, and let Find Great People begin to identify candidates. The draft profile was discussed in the Employee Evaluation Ad Hoc meeting, and some changes were recommended. Those changes were forwarded to Council, with the changes highlighted.

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

Abstain: Dickerson, Manning and Myers

Not Present: Kennedy

The vote in favor was unanimous.

- b. Compensation for Interim Clerk to Council – This item was taken up in Executive Session.

21. **OTHER ITEMS**

- a. FY20 – District 5 Hospitality Tax Allocations – Mr. Manning moved, seconded by Ms. McBride, to approve this item.

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

Opposed: Walker

Not Present: Kennedy

The vote was in favor.

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

In Favor: Walker

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

Not Present: Kennedy

The motion for reconsideration failed.

- b. A Resolution to appoint and commission Charles Luke Williamson as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Manning moved, seconded by Mr. Walker, to approve this item.

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

Not Present: Kennedy

The vote in favor was unanimous.

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

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

Not Present: Kennedy

The motion for reconsideration failed.

22. **EXECUTIVE SESSION**

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

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

Opposed: Walker, Manning and Myers

Not Present: Kennedy

The vote was in favor.

Council went into Executive Session at approximately 9:34 PM and came out at approximately 10:56 PM

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

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

Not Present: Kennedy

The vote in favor was unanimous.

- a. Compensation for Interim Clerk to Council – Ms. Newton moved, seconded by Mr. Walker, to update the contract, as discussed in Executive Session.

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

Not Present: Kennedy

The vote in favor was unanimous.

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

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

Not Present: Kennedy

The motion for reconsideration failed.

23. **MOTION PERIOD**

- a. Amend the County's current ordinance, in order to allow lighting on Broad River Road [DICKERSON]
– This item was referred to the D&S Committee.

24. **ADJOURNMENT** – The meeting adjourned at approximately 11:07 PM