



## Richland County Council

### REGULAR SESSION

November 5, 2019 – 6:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

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

**OTHERS PRESENT:** Michelle Onley, Ashiya Myers, Beverly Harris, Angela Weathersby, Stacey Hamm, Leonardo Brown, Jennifer Wladischkin, Clayton Voignier, Kim Williams-Roberts, James Hayes, Ashley Powell, John Thompson, Quinton Epps, Michael Niermeier, Janet Claggett, Brad Farrar, Geo Price, Michael Byrd, Judy Carter, Sandra Haynes, Larry Smith, Jeff Ruble, David Bertolini, Allison Steele, Eden Logan, Brittney Hoyle Terry, Cathy Rawls, Tariq Hussain, Dwight Hanna, Casey White, Ronaldo Myers, Robin Carter and Chris Eversmann

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The invocation was led by the Honorable Joe Walker, III
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Joe Walker, III
4. **PRESENTATION OF PROCLAMATIONS**
  - a. A Proclamation Honoring the Beta Chi Sigma Chapter of Phi Beta Sigma Fraternity, Inc. International Gold Level Alumni Model Chapter of the Year Award – Ms. Dickerson presented a proclamation to the Beta Chi Sigma Chapter of the Phi Beta Sigma Fraternity.
  - b. A Proclamation Recognizing the Accomplishments of Lazarius L. Walker—Owner of the Twist Restaurant – Ms. McBride presented a proclamation to Mr. Lazarius L. Walker, owner of the Twist Restaurant, which is located in District 3.
5. **APPROVAL OF MINUTES**
  - a. Special Called Meeting – 2<sup>nd</sup> Reading of FY20 Budget: May 23, 2019 – Ms. Dickerson moved, seconded by Ms. Terracio, to approve the minutes as distributed.  
  
In Favor: Terracio, Malinowski, Jackson, Kennedy, Walker, Dickerson, Livingston and McBride  
  
Present but Not Voting: Newton, Myers and Manning  
  
The vote in favor was unanimous.
  - b. Special Called Meeting – 3<sup>rd</sup> Reading of FY20 Budget: June 10, 2019 – Ms. Dickerson moved, seconded by Ms. McBride, to approve the minutes as distributed.

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

Present but Not Voting: Terracio, Newton, Kennedy and Manning

The vote in favor was unanimous.

- c. Regular Session: October 15, 2019 – Ms. Terracio moved, seconded by Ms. Dickerson, to approve the minutes as distributed.

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

Present but Not Voting: Newton and Manning

The vote in favor was unanimous.

- d. Zoning Public Hearing: October 22, 2019 – Ms. McBride moved, seconded by Ms. Myers, to approve the minutes as distributed.

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

Present but Not Voting: Myers, Kennedy and Manning

The vote in favor was unanimous.

- e. Special Called Meeting: October 22, 2019 – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

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

Present but Not Voting: Jackson and Manning

The vote in favor was unanimous.

6. **ADOPTION OF THE AGENDA** – Mr. Jackson requested to remove Item 19(b)(4): “Staff Project Evaluation Findings and Recommendations”.

Mr. Livingston noted that Items 12(d): “Letter from Sheriff Lott re: Special Assistant United States Attorney and 12(e): “Richland School District II School Resource Officers” need to be taken up as action items due to them being time-sensitive.

Mr. Malinowski inquired if Council was going to receive any information regarding Item 12(e).

Ms. Roberts stated the supporting documentation was attached to the Clerk’s Report that was emailed out on Friday afternoon.

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

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

Opposed: Malinowski

Present but Not Voting: Kennedy and Manning

The vote was in favor.

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

- a. Richland County vs. SC Dept. of Revenue Update
- b. Richland County and City of Columbia Bond Court IGA

8. **CITIZENS' INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing – Mr. Jim Felder and Mr. Allan Brown spoke regarding the Transportation Penny Program.

9. **CITIZENS' INPUT**

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

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. The Government Finance Officers Association of the United States and Canada: Award of Financial Reporting Achievement – Mr. Brown recognized the Finance Department for being awarded the GFOA's Certificate of Achievement for Excellence in Financial Reporting.

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

- a. Midlands Technical College's Oyster Roast & Shrimp Boil, November 7, 6:00 PM, Midlands Technical College NE Campus, 151 Powell Road – Ms. Roberts reminded Council of Midlands Technical College's upcoming Oyster Roast & Shrimp Boil.
- b. CentralSC's Big Thursday Oyster Roast, November 14, 6:00 PM, 701 Whaley, 701 Whaley Street – Ms. Roberts reminded Council of CentralSC's upcoming Big Thursday Oyster Roast.
- c. Columbia Urban League's 52<sup>nd</sup> Annual Equal Opportunity Day Dinner, November 6, Reception – 6:00 PM; Dinner – 7:00 PM, Columbia Metropolitan Convention Center, 1101 Lincoln Street – Ms. Roberts reminded Council of the Columbia Urban League's upcoming 52<sup>nd</sup> Annual Equal Opportunity Day Dinner.

12. **REPORT OF THE CHAIR**

- a. Proposed 2020 Council Retreat Dates – Mr. Manning moved, seconded by Mr. Walker, to hold the 2020 Council Retreat on January 23 – 24.

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

Present but Not Voting: Dickerson

The vote in favor was unanimous.

- b. Proposed 2020 Council Retreat Locations – Ms. Dickerson moved, seconded by Mr. Manning, to hold the 2020 Council Retreat in Charleston County.

Mr. Walker made a substitute motion, seconded by Ms. Terracio, to hold the 2020 Council Retreat in Richland County.

In Favor: Terracio, Malinowski and Walker

Opposed: Jackson, Kennedy, Manning, Dickerson, Livingston and McBride

Present but Not Voting: Newton and Myers

The substitute motion failed.

Ms. Newton stated, at the last meeting, one of the things discussed was the potential collaboration with other areas that had challenges and/or projects they were doing that were similar to Richland County. She inquired if there was any exploration done, in terms of providing some of that collaboration.

Mr. Brown stated it is his understanding that is a part of the process. Charleston County had a similar Penny Program. The thought was to have onsite sessions and an opportunity for both the Councils and Administrations to meet one-on-one to discuss the various projects that we share in common, and the ways they have put policies and processes in place to address the projects.

Mr. Jackson stated, for the record, last year's Retreat was held in Charleston and one of the things we did was invite the Executive Director of the Fisher House, which is one of the projects that we put in this year's budget to establish a Fisher House here in Columbia. The facility in Charleston is phenomenal, and they spoke to us about the fundraising efforts to make that happen here.

Mr. Walker inquired if any of these counties have reached out to us about holding their retreats in Richland County, and seeking collaborative efforts with us.

Ms. Roberts stated they have not.

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

Opposed: Terracio, Malinowski and Walker

The vote was in favor of holding the 2020 Council Retreat in Charleston County.

Ms. Dickerson moved, seconded Ms. Myers, to reconsider this item.

In Favor: Terracio, Malinowski and Walker

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

The motion for reconsideration failed.

Ms. Myers requested, when we are looking at the conversations between the counties, we specifically ask for a person who worked on transition, funding or timing issues to be a part of those conversations.

Ms. Terracio requested staff to make arrangements to livestream the Council Retreat.

Ms. Roberts stated that has already been taken under consideration, and we will make sure that it is livestreamed.

Ms. Dickerson stated anyone that has any concerns, or may not be familiar with the process, to address them to the Administrator and the Clerk, so the details can be worked out. In the past, we had an agenda, which was approved by Council. She stated the majority of the discussion will be in Executive Session because there are things they have to work out contractually to ensure they give the public the correct information.

Mr. Malinowski stated, when we previously discussed livestreaming any of our meetings, it had to be voted on by full Council.

Mr. Manning stated he thinks Mr. Walker made a wonderful point that the County is a pioneer with the idea of us holding the retreat in another county and then learning from each other. It could be something we would like to present at the SCAC, and may even win an award for the idea.

- c. Proposed 2020 Council Meeting Calendar – Mr. Manning moved, seconded by Ms. Dickerson, to approve the calendar.

Mr. Livingston stated, in the past, the time for the first meeting in January was moved up to accommodate the Swearing-In Ceremony, but this year there will not be a Swearing-In Ceremony. The question before Council is whether they want to hold the meeting at the traditional time of 6:00 PM or hold the meeting at an alternate time.

Ms. Dickerson moved, seconded by Mr. Manning, to hold the January 7<sup>th</sup> meeting at 6:00 PM.

Mr. Livingston stated, as you recall, we are required by State statute to meeting in August. His suggestion is to consider the end of August, and holding the meeting either August 25 or 31.

Ms. McBride recommended to hold the meeting the first Tuesday of August.

Ms. Roberts stated the SCAC Conference is being held August 1 – 5, which would conflict with the first Tuesday in August.

Mr. Manning moved, seconded by Ms. Dickerson, to hold the August Council meeting on August 31.

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

Present but Not Voting: Walker

The vote in favor was unanimous.

Mr. Manning stated he was under the impression we were moving forward with making all Council meetings dates preset "Regular Session" and not "Special Called". In addition, he noted that

September 15<sup>th</sup> is the 3<sup>rd</sup> Tuesday of the month; therefore, it would be a regularly scheduled meeting, not a Special Called meeting. He suggested that we cancel the September 22<sup>nd</sup> Council meeting since there will only be a week between meetings.

Mr. Manning moved, seconded by Mr. Jackson, to not hold a Council meeting on September 22<sup>nd</sup>.

Ms. Myers inquired, for clarification, if all the "scheduled" meetings would be listed as Regular Session and not Special Called.

Ms. Newton stated the Rules and Appointments Committee is taking up that matter as a part of the Council Rules update, which was distributed to Council for feedback. The updated Council Rules have not been adopted; therefore, the meetings would still need to be listed as a Special Called meeting, at this time.

Ms. Myers inquired, if we can adopt it pending a rules change, so we do not have to come back to discuss something this pandemic.

Mr. Malinowski stated the reason he would suggest leaving them listed as Special Called, at this time, is because we normally meet on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays. Therefore, when he schedules meetings in the upcoming year, he bases the Council meeting schedule on that premise. If the meeting is deemed a Special Called meeting, he can still call in and participate in those meetings.

Mr. Brown stated, pertaining to the September meeting schedule, the Zoning Public Hearing meeting is historically held on the 4<sup>th</sup> Tuesday of the month, which would require the ZPH meeting to be held on September 22<sup>nd</sup>.

Mr. Livingston stated, to recap, the January 7<sup>th</sup> Council meeting will be held at 6:00 PM; the August meeting will be August 31<sup>st</sup>; the suggestion is to change September 15<sup>th</sup> to a Regular Session meeting; and September 22<sup>nd</sup> will be the Zoning Public Hearing.

Ms. Terracio inquired if the meeting listed on the calendar for Thursday, May 21<sup>st</sup>, should actually be listed as Tuesday, May 26<sup>th</sup>.

Staff responded the meeting was moved to Thursday, May 21<sup>st</sup> to accommodate the Memorial Day holiday.

Ms. Dickerson stated, for clarification, the September committee meetings should also be held on September 22<sup>nd</sup> and delete the September 29<sup>th</sup> date off the meeting calendar.

Mr. Manning noted the December 15<sup>th</sup> Council meeting should be listed as a Regular Session meeting.

Mr. Manning moved, seconded by Ms. Dickerson, to approve the 2020 Council Meeting Dates, as amended.

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

The vote in favor was unanimous.

- d. Letter from Sheriff Lott re: Special Assistant United States Attorney – Chief Cowan stated this is a temporary position, fully funded by the Federal government, to bring an additional attorney into the Sheriff’s Department that will be cross designated as a United States District Attorney. They will assist the Sheriff’s Department with prosecuting Federal cases, as well as local cases. The idea is to focus on the drug interdiction program, as a partnership between the Sheriff’s Department and other law enforcement agencies, and the DEA.

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

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

Present but Not Voting: Manning

The vote in favor was unanimous.

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

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

Present but Not Voting: Terracio and Manning

The motion for reconsideration failed.

- e. Richland School District II School Resource Officers – Chief Cowan stated this is a partnership between the Department of Education and the school districts within the State. The school districts in the State applied for funding to the Department of Education to hire School Resource Officers. Richland School District II was awarded four (4) positions. The Department of Education is fully funding those four (4) positions for salary and fringe. The Sheriff’s Department signed a Memorandum of Agreement with the school district requiring them to cover any additional expense, which would include their uniforms, vehicle, body cameras, etc. There is no expense to the County. The Sheriff’s Department has been working with Administration and the Budget Office to ensure that this MOA is in-line.

Mr. Jackson moved, seconded by Mr. Walker, to approve this request.

Mr. Malinowski inquired if this is for one year, or is this ongoing.

Chief Cowan stated, based on the documents they have been provided, these are recurring dollars, but when the Sheriff’s Department handles MOAs with the district, they are handled year to year.

Ms. Dickerson stated, for clarification, Richland County will not be responsible for any additional dollars, and it is fully funded by the Department of Education and the school district.

Ms. McBride stated she commends the schools, the Department of Education and the school district. She stated if the State legislators would take it seriously that the problems that we are having in our school system are beyond legal issues, and School Resource Officers. She noted we need more counselors, and she hopes the legislators will take heed and provide more counseling and other social services that are needed to help the students be educated.

Chief Cowan stated the funds that involved the Richland County Sheriff's Department are for School District II. There were funds provided to School District I for one (1) Officer and that officer was going to the City of Columbia. There was also one (1) for Lexington-Richland Five, but those funds are going to Lexington County.

Mr. Jackson stated, for clarification, all of the schools in School District I have a School Resource Officer. Not all of the schools in School District II do. The funds that were provided to School District I, they chose to send the monies to the City because all of their schools are already funded. As it relates to the budget, you will see it in the budget, but it will be in Richland School District II's budget, and not the County's budget.

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

The vote in favor was unanimous.

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

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

Present but Not Voting: Terracio and Manning

The motion for reconsideration failed.

13. **APPROVAL OF CONSENT ITEMS**

- a. 19-037MA, Fredine McNeal & John E. Mender, OI to RS-MD (1.04 Acres), 5718 Miramar Drive, TMS # R11711-05-07 [SECOND READING]
- b. 19-032MA, Charlotte Huggins, RU to RC (2.8 Acres), 10510 & 10512 Garners Ferry Road, TMS # R30600-02-16 [SECOND READING]
- c. 19-038MA, Keith McNair, PDD to RS-LD (2.8 Acres), Jacobs Mill Pond Road, TMS # R25810-03-09 [SECOND READING]
- d. 19-040MA, Krystal Martin, LI to RM-HD (2.4 Acres), 10539 Farrow Road, TMS # R17500-02-18 [SECOND READING]

Ms. Terracio moved, seconded by Ms. Myers, to approve the consent items.

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

Present but Not Voting: Manning

The vote in favor was unanimous.



14. **SECOND READING ITEMS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for public infrastructure credits to Ballpark, LLC; and other related matters – Mr. Jackson moved, seconded by Ms. Myers, to approve this item.

In Favor: Terracio, Jackson, Newton, Myers, Walker and Livingston

Opposed: Malinowski

Abstain: Dickerson and McBride

Present but Not Voting: Kennedy and Manning

The vote was in favor.

- b. An Ordinance Amending Ordinance 0309-12HR, the Ordinance Authorizing the one percent (1%) Transportation Sales and Use Tax; so as to amend the projects list as it relates to greenways – Mr. Jackson moved, seconded by Ms. Terracio, to approve this item.

Ms. McBride inquired if there was a funding recommendation for the Columbia Mall Greenway.

Mr. Niermeier stated, for clarification, Columbia Mall Greenway is one of the greenways that has not been developed. There has been some preliminary discussions between the PDT and the school district about how they might like to be involved, or even take over the greenway.

Ms. McBride inquired if the \$600,000 will be appropriated for the Columbia Mall Greenway.

Mr. Niermeier stated it would be in the budget, when we get to the point where we are able to construct that particular greenway.

Mr. Jackson stated, for clarification, the greenway in question is behind a new elementary school that was built in School District II (Jackson Creek Elementary). At the time the school was built, they had planned to develop an environmental study outside of the school. When the greenway came along, and this motion came up, the request was that staff contact the school district to see if they still had an interest in developing that for themselves. No commitment has been made by the school district, or the Department of Transportation, other than the discussion of whether the school will take over the responsibility, create an environmental space for themselves, and not use the funds.

Ms. McBride stated, for clarification, in other words, this project may not be funded. Based on what she just heard, it is just there, and perhaps, if District II would like to, or find the need to, they could negotiate with the County, and there would be some financial responsibilities on District II's part.

Mr. Jackson stated the question is whether the school district would do it to the extent that the County was designing and developing it, or would they do something different.

Ms. McBride stated, for clarification, there is not a plan for the Columbia Mall Greenway.

Mr. Niermeier responded only the discussion between the school district and the County. There is no real design plan.

Ms. McBride stated, for clarification, the project is here, but it may not be funded. The same information has been presented for a number of months, and there has been time to contact District Two. There has been time to do some negotiations, but nothing has happened.

Mr. Niermeier stated we have not moved forward, pending Council's final decision.

Ms. McBride stated she would like confirmation that we will do a greenway in the Columbia Mall area, based on the referendum. She stated this is the only greenway project that does not have a recommendation. There are greenway projects in almost all of the districts, with the exception of District 1 and 3. The issue, for her, is the process. We asked for a process, in terms of how to determine which projects we were moving on. We do not have a process. We have recommendations, and issues that support those recommendations. For example, a process would be that we are funding all the top 10 projects. Then, she could understand what was going on, and which ones were chosen. There is not a process, in place, that satisfies her, particularly given that she does not know what is going to happen to this project.

Ms. Dickerson "dittoed" Ms. McBride's comments. She stated she is getting perturbed with bringing things forward with recommendations, but there is no funding. She stated all the money is pumped into certain districts, and other districts are overlooked.

In Favor: Terracio, Jackson, Manning, Walker and Livingston

Opposed: Malinowski, Myers, Dickerson and McBride

Present but Not Voting: Newton and Kennedy

The vote was in favor.

15. **FIRST READING ITEMS**

- a. An Ordinance providing for the issuance and sale of Utility System Revenue Bonds of Richland County, South Carolina, and other matters relating thereto [BY TITLE ONLY] – Ms. Myers moved, seconded by Ms. Newton, to approve this item.

In Favor: Terracio, Newton, Myers and Livingston

Opposed: Malinowski and Walker

Abstain: Jackson, Dickerson and McBride

Present but Not Voting: Kennedy and Manning

The vote was in favor.

- b. An Ordinance providing for the issuance and sale of not exceeding \$35,000,000 Utility System Revenue Bonds, Series 2020, of Richland County, South Carolina, for the expenditure of the proceeds thereof, for the payment of said bonds, and other matters relating thereto [BY TITLE ONLY] – Ms. Myers moved, seconded by Ms. Newton, to approve this item.

In Favor: Terracio, Newton and Myers

Opposed: Malinowski and Walker

Abstain: Jackson, Manning, Dickerson and McBride

Present but Not Voting: Kennedy and Livingston

The vote was in favor.

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

- a. Quitclaim Deed for Right-of-Way – 1300 Block of Marion Street – Lofts Apartments – Ms. Dickerson stated the committee recommended approval.

Mr. Malinowski stated Mr. Smith mentioned, during the committee meeting, the County is mentioned in the title to the property. He inquired about the square footage the County is quit claiming, in this particular matter. According to the title, in 1966, \$94,000 was paid; therefore, he wonders what square footage that was for versus what square footage we are giving away.

Mr. Smith stated, on p. 171, the research showed the property, which might have been in the name of Richland County, was an 8 X 8 right-of-way extending westward from Marion Street for approximately 141 feet. He stated he did not calculate what the value of the square footage would be in today's dollars.

Ms. Myers stated there is a mention of an 8 X 8 piece in the first paragraph of the deed, but she agrees that we need to be sure that is what is being pulled out and not the whole piece. She stated there needed to be analysis of what we are giving away, and what pieces were paid for in 1966.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this until the November 19<sup>th</sup> Council meeting.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

17. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

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

Ms. Dickerson stated she is having serious problems with all of these ad valorem taxes, and agreements with Richland Count. She stated she did not have enough information to make a commit to this project. In her opinion, the unincorporated area always is always being "screwed" because they do not get the things they need. Everything else is going in other places. Until we can see where we are going, in the County, she cannot support things going in other areas, and the

unincorporated areas being left in the dark. Our constituents need to see where we are actually putting funds into their areas, so they can see some of the benefits.

Mr. Jackson stated, for clarification, this item is a request to start the clock for the subsequent item.

Ms. McBride stated, she has said this numerous times, there is no means of evaluating the benefits to Richland County, in terms of the number of jobs that our citizens receive. There is supposed to be an annual report, with an evaluation. For all these projects coming forth, she wants to know what the impact on Richland County is. She has never seen an evaluation of the number of jobs coming in, and who gets those jobs. She does not know how much we benefit from the projects we fund, and the reduction in funds/taxes. She is concerned about us continuing to do these tax abatements, and the citizens not knowing what they are getting. We have a number of underserved areas, and there is not much development in those areas. We need to take a hard look at the projects we are funding, where we are funding, and how the taxpayers' monies are being used.

Mr. Ruble stated "Project Planning" is located in the unincorporated area of Richland County, and employs 800 people. It has never received an incentive. We are trying to establish a fee-in-lieu to encourage them to continue to invest in the County.

Ms. Newton stated we need to look at economic development more strategically. Understanding what our tax environment is, she understands why businesses would come to us and request FILOT agreements. We are constantly looking at these on a one-on-one basis. She believes an opportunity to resolve some of these questions would be to look comprehensively across the County. In addition, she would be interested in seeing an inventory/list of the organizations we have these agreements with, and when their FILOTs expire.

Mr. Ruble stated the Economic Development Committee was informed today that the Economic Development Department plans to do a strategic plan this year. As a part of the strategic plan, they plan to interview each Council member, as well as other allies in development. In addition, Economic Development does an annual audit on all the companies, and the companies file compliance reports. As a part of the GASB 77 Report, they gather all of the different data, which could be provided to Council.

Ms. Dickerson inquired if the Economic Development items were time-sensitive.

Mr. Ruble responded in the affirmative. He stated these items are ordinance-based, so they have to go through three (3) readings and public hearing. Therefore, because we are at the end of the calendar year, the items are time-sensitive.

Ms. Myers stated she agrees with the points Ms. Dickerson and Ms. McBride have raised, but she is supporting, this particular item, because this is one of those companies that we want to continue to incentivize. Eight hundred County residents already work there, and encouraging them to continue to hire and retain that employee base helps the County. In support of the Economic Development Department, and what they are trying to do, the Economic Development Committee has been pushing for exactly what Ms. Dickerson and Ms. McBride are talking about, and pushing for a comprehensive strategic plan. Obviously, it is critical that we be able to tell our constituents they are getting something in exchange for the economic incentives we are giving out.

Ms. McBride stated she appreciated the work that Mr. Ruble is doing, but she is a process person, and she likes to look at the data and the impacts of it, which she has not been able to do that.

In Favor: Malinowski, Jackson, Myers, Walker and Livingston

Abstain: Terracio, Dickerson and McBride

Present but Not Voting: Newton, Kennedy and Manning

The vote in favor was unanimous with Ms. Terracio, Ms. Dickerson and Ms. McBride abstaining from the vote.

- 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 Planning] to provide for payment of a fee-in-lieu of taxes; and other related matters [FIRST READING] – Mr. Jackson stated the committee recommended approval of this item.

Ms. Dickerson stated she would meet with the Economic Development Director to discuss this item in more detail.

In Favor: Malinowski, Jackson, Myers, Walker and Livingston

Abstain: Terracio, Dickerson and McBride

Present but Not Voting: Newton, Kennedy and Manning

The vote in favor was unanimous with Ms. Terracio, Ms. Dickerson and Ms. McBride abstaining from the vote.

- c. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for public infrastructure credits to PDP Bull Street Apartments, LLC (and/or an affiliated entity); and other related matters – Mr. Jackson stated the committee recommended approval of this item.

Ms. Dickerson stated she is concerned about the relationship of I-77 Corridor with the Bull Street project.

Mr. Ruble stated the I-77 Multi-County Park is a tool to convert ad valorem taxes to a fee. The Multi-County Park is the tool they use to provide incentives to commercial projects. Almost every project the Economic Development Department does is put in a Multi-County Park. The Park is an agreement between Richland and Fairfield Counties. The real value of putting it in a Park is being able to convert the fee. They then take the fee and apply the special source revenue credits, which is how they provide an incentive to a project such as this one.

Ms. Dickerson stated, for clarification, we are taking an incentive to do the Bull Street project. She stated she cannot understand how we can be giving credits to Bull Street. She inquired as to how that is going to benefit Richland County.

Mr. Ruble stated, even if the project is located in the City, the County still derives taxes from it, so we still get our percentage of the fee.

In Favor: Terracio, Jackson, Myers, Walker and Livingston

Opposed: Malinowski

Abstain: Kennedy, Dickerson and McBride

Present but Not Voting: Manning

The vote was in favor.

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

a. NOTIFICATION OF APPOINTMENTS

1. East Richland Public Service Commission – One (1) Vacancy – Ms. Newton stated the committee recommended appointing Ms. Jennifer Creed.

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

Abstain: Jackson

Present but Not Voting: Manning

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

2. Procurement Review Panel – Two (2) Vacancies (One applicant must be from the public procurement arena & one applicant must be from the consumer industry) – Ms. Newton stated the committee recommended appointing Dr. Regina N. Givens and re-advertising for the remaining vacancy.

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

Abstain: Jackson

Present but Not Voting: Manning

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

3. Accommodations Tax – Two (2) Vacancies (1 applicant must have a background in the lodging industry & 1 applicant must have a background in the cultural industry) – Ms. Newton stated the committee recommended re-advertising the vacancies.

Ms. McBride stated she does not know why there is a need to re-open both positions for this particular committee. She inquired if it is because of the applicant's background.

Mr. Malinowski stated this committee deals with accommodations tax. All of the funds are collected within the unincorporated area of Richland County. He stated, if the applicant would like to be involved with accommodations tax, the applicant, which lives in the City, should apply with the City of Columbia and help them with their accommodations tax. Some Council members feel it is not right for an individual to have input on where taxes collected in unincorporated areas should go, when they do not reside in the unincorporated area.

Ms. Newton stated, to follow-up on Mr. Malinowski's comment, and to note that was not the unanimous feedback of the committee, she believes it is one of the things that should come back before Council because if something is a rule, then it should be implemented, as a rule, and communicated to applicants. She feels our job is to make sure we appoint the best people who can move the organizations forward. While there may be a preference to have someone who lives in unincorporated Richland County, she would hope that we would select the best person who serves the mission and vision of the organization, and can help the County, whether they live on one side of the road or the other. She does not want us to get into a position where we disenfranchise our residents who may reside in a municipality, but also reside in the County. There are several Council members whose constituents may all reside within the City of Columbia, and if we had a rule that did not allow those people to serve we would be, in essence, be saying those Council members would never be in a position to appoint their constituents to serve.

Ms. McBride made a substitute motion, seconded by Ms. Terracio, to recommend R. Lee Snelgrove for the Accommodations Tax Committee.

Ms. Terracio offered a friendly amendment to re-advertise the remaining vacancy.

Ms. McBride accepted the friendly amendment.

Ms. Kennedy stated it has been discussed several times that we were trying to put applicants that resided in Richland County on the committees.

Ms. McBride stated this person resides in Richland County. Just like, she resides in Richland County. If we follow that procedure, she would not be able to be on this board.

Mr. Malinowski stated, what Ms. Kennedy was saying is, if he were to apply to be on one of the City of Columbia, Forest Acres or Blythewood's boards, he would be rejected even though he resides in Richland County. He stated that is like putting one more person, from that municipality, on a board that is deciding what to do with funding collected strictly in unincorporated Richland County. The municipalities are already get 25% or more of the H-Tax funding now. He stated just because you live in Richland County does not always entitle you to certain boards, committees, and commissions. We are going to try, in the future, to address this through our Legal Department.

Ms. Dickerson stated, having served on numerous boards in Richland County, for the most part, these boards are inundated with citizens who are in the City limits and the County does not have any representation on those boards. She is currently serving on a board that 3 members live on the same block, and no one from the County serves on the board. Many times, we do not have proper representation from the unincorporated area.

Mr. Manning stated the problem he has is, when we advertise, we do not advertise for people to apply based on where they live. If we, as Council, want to make this policy, by majority vote, then he is good with that. Until we do that, he has a problem that we advertise and say, Richland County, where you live, in terms of paying County taxes, has these openings, and we are soliciting applications. Somebody applies, who pays Richland County taxes, because they live in Richland County. The map he has does not say Columbia. It says County seat. He is very unhappy, in the whole notion of transparency, we advertise, without that caveat, and then in the committee we apply that unwritten, unapproved policy. He stated he is going to vote in favor of the substitute motion because Mr. Snelgrove did not know that because he lives in the

County seat there were some Council members, on a committee, that had their own informal, unwritten policy, to exclude him. Until we get policy, or advertise differently, he is not ready to sit here and say we start the process by advertising anybody that lives in the County, but then we apply the unwritten, unannounced policy the people on the committee have, and you cannot get through the committee to Council.

Ms. Kennedy stated the committee has been checking the address of the applicants for the last 2 ½ - 3 years.

Ms. McBride stated, for clarification, she was previously on the committee, and the issue that she has now, she had while she was on the committee. Unless it is a policy, then we cannot exclude anybody. She agrees with Mr. Manning, if we want to make it a policy, then that is fine, but do not penalize this person.

Ms. Terracio moved, seconded by Ms. McBride, to call for the question.

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

Opposed: Malinowski, Myers, Kennedy, Manning and Dickerson

The vote was in favor of the motion to call for the question.

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

Opposed: Malinowski, Jackson, Myers, Kennedy, Walker and Dickerson

The substitute motion failed.

Mr. Manning stated, for clarification, it will be re-advertised with no explanation about the discussion that took place.

In Favor: Malinowski, Myers, Kennedy, Walker and Dickerson

Opposed: Terracio, Manning, Livingston and McBride

Abstain: Jackson and Newton

The vote was in favor.

19. **REPORT OF THE TRANSPORTATION AD HOC COMMITTEE** – Mr. Jackson thanked the PDT for the work they have done to get many of the projects, throughout the County, in the design, right-of-way, construction and completion phases. In addition, he thanked them for the transition that has taken place, by handing off the baton to the Transportation Department, under the leadership of Mr. Niermeier and his team. He thanked Mr. Niermeier for picking up “the ball” and accepting the responsibilities and challenges the Penny Program brings because there is more projects than there is money. Therefore, “the pie” can only be cut so small.
  - a. Items for Information:
    1. Transition Update – Mr. Niermeier stated the transition has been completed successfully. All of the projects currently underway are still being constructed. There are four (4) widening projects underway; 2 are being managed by SCDOT, and the other 2 by Richland County managers. Atlas



Road is ready to be advertised, pending a decision by Council. There are two (2) intersection projects underway; North Main/Monticello and Hardscrabble/Kelly Mill. Both are being concurrently done with other widening projects. There are two (2) other intersection projects, Garners Ferry Road and Screaming Eagle, are ready for advertising, pending a decision by Council. Under contract, but not yet started, is North Springs Road and Harrington. In the Special Projects category, Greene Street Phase 2 is under construction; pre-con is scheduled for the beginning of December. There are three (3) Neighborhood Improvement Projects under way: Broad River (50% Complete), Candlewood (Scheduled for completion in 2020) and the Southeast Richland Neighborhood Project (Scheduled for completion in Fall 2020). The only greenway under construction is the Three Rivers Greenway, and is 99% complete. They have been in discussions with the City about it, and should be turning it over within the next couple of months. Currently, there are two (2) resurfacing packages open. Resurfacing Package P has 52 roads; Resurfacing Package Q began last week, with night paving on Decker Boulevard. Resurfacing Package R is ready to be advertised, when the County is ready. The Transportation Improvement Program, which was a combination of resurfacing dirt roads and sidewalks, is approximately 99% complete. They are presently finishing up some work on that. Finally, Sidewalk Package 6 is under construction, and should be completed by the Fall. They just completed the punchlist items in Koon Road. There are two (2) sidewalk packages under advertisement; Harrison Road and Percival Road. Clemson Road has been developed, and can be sent to advertisement, when the County is ready. Presently there are four (4) dirt road packages under construction. Two (2) of them will be completed in the Winter 2019. Additionally, Package J is scheduled to be completed in April 2020. Package K, which contains 6 roads in Council Districts 1, 3, 5 and 10, is developed and ready to be advertised the first of the year. The projects that are over referendum are pending Council action, which will be brought forward at a later date. At the committee meeting, they discussed a work discussion where they can bring the information forward, and show the recommendations by staff, the budget, the process for approving projects, and how to make the decision, so they can get the most from the funding available. They are currently reevaluating the Years 1, 2, 3, and 4 roads. The intent of this department, and the Penny Program moving forward, is to make this type of information more readily available to the residents, stakeholders, staff and Council.

Ms. Myers thanked Mr. Niermeier for providing the helpful information. She noted the information was not in the agenda packet, and it was difficult to follow along without having the information before them. She requested Mr. Niermeier provide the information, and, in the future, to place the documentation in the agenda packet, so Council members can be prepared prior to the meeting.

Mr. Niermeier stated the intent was to give a verbal update tonight, and provide the information to the Clerk's Office for distribution.

Ms. Myers stated, she understands that might have been the intent, but some of us do not learn well that way. She stated she does not know what the different packages are, so having that information, when people ask about it, is more helpful.

Ms. Dickerson "dittoed" what Ms. Myers said. She stated she is a visual learner; therefore, she needs it presented to her in elementary visual context.

Mr. Jackson stated, as you may recall, at the last meeting, there was a written transportation update given out, so it was an oversight that one was not made available to you tonight. He assured Council, a written update will be provided prior to the next meeting.

Mr. Manning inquired, if the night paving on Decker Boulevard, is going from Percival to Two Notch.

Mr. Niermeier responded to Brookfield.

Mr. Manning stated, for clarification, it was originally the entire length of Decker Boulevard.

Mr. Niermeier stated the termini was always Brookfield and Percival.

Mr. Manning inquired if this project is funded by the CTC.

Mr. Niermeier stated there is some State funding.

Mr. Manning inquired if there is any way to have a discussion because the part down toward Two Notch, which is in Ms. McBride's district, we took out the landscaped medians, and the bids came in low for the resurfacing package, so we will be giving money back to the CTC. There is other money in the bond referendum, under the Neighborhood Improvement Program, out of the Planning Department, that was funded, but we are not doing along Decker. Therefore, he is wondering how, when or if there was any decisions made, which did not include Council, as to how we might maximize the pavement of Decker Boulevard.

Mr. Niermeier stated he is not aware of any decisions made without Council.

Mr. Manning stated he is glad to have that on the record.

Ms. McBride stated she found it difficult to follow the oral presentation. She found that several projects were missing. She requested, in the future, that Mr. Brown ensure the information is provided. She does not want to come back to a Council meeting, and be told that you have already been told that.

Ms. Dickerson stated she does not understand all of the moving parts in the transition. She is looking at the data that is being presented, but she may need a one-on-one workshop how the transition is working and why the dollar amounts have changed.

Mr. Brown stated, in reference to how we took money from projects and put into other projects over the last five (5) years, he is concerned about that request because he does not know the details of how and why that was done. As it relates to going forward and presenting you opportunities to address how, or if you will do that, you will be given a package and we can walk through that, as an individual member, as a Council body in a work session, so you can make decisions on these projects that are yet to be put forward.

Ms. Dickerson stated she is not worrying too much about the history. She wants to basically know if we had 10 projects, and when we did it we had funding to say that we had 10 projects. Over the years, the amount of the projects came in overpriced, from what the original amount. She wants to know how we are transitioning from the PDT Team into this, so she can have a firm reason as to why and how she votes on certain issues. In addition, how the funding is going be going forward. She believes Mr. Niermeier can show her, if we came up short on a project, how we can take money from one project and give it to another project.

Ms. McBride requested to be included in the meeting with Mr. Niermeier.

Mr. Jackson stated one of the things that he has heard is that the Procurement Ordinance that is outlined, and defined, does not require, once the list has been approved, for each individual contract let to be brought back to Council. He stated those firms that have not been given a fair opportunity to participate in the process, be given that opportunity. The list we had before, of the firms that were approved, regarding the OETs is alphabetical. The approved list does not require any further approval by this body, when contracts are being issued. He has requested the Transportation Department that it is proactive in keeping Council informed of any, and all, contract actions, and who is being awarded work, moving forward, so we can have a clear understanding of the diversity and inclusion of the contractors.

2. OET RFQ Short List Selection – Mr. Niermeier stated, in compliance with the Richland County Procurement Ordinance, as it pertains to the acquisition of professional services, the listed firms have been qualified to perform design, permitting, surveying, geotechnical investigation, utility and other work, as indicated. He stated just because you are qualified does not guarantee you work. There is a competitive process, among this group, in order to be awarded work. Transportation will ensure it is proactive in keeping Council informed of any contract actions, and whom they are awarded to.

Ms. Dickerson requested, in the future, that Mr. Niermeier indicate what the abbreviations/acronyms stand for.

Mr. Livingston stated, for clarification, no action is required for this item, and the succeeding item.

Mr. Niermeier stated we have gone through the procurement process, and been evaluated. This is the top 8, in alphabetical order, that were approved by the selection committee.

Mr. Malinowski stated, for the public, and new staff's benefit, Mr. Niermeier should include additional information to explain what exactly what an On-Call Engineering Team does.

Ms. Newton inquired if we have a policy where we list vendors the County currently has an issue or conflict with, and if they would be eligible to be awarded new contracts with the County.

Mr. Smith stated, it is his understanding, that unless the vendor has been suspended, they would be eligible.

Ms. Wladischkin stated Procurement has a method to suspend or debar vendors. If they appear on the suspension or debarment list, they would not be eligible for a contract award.

Ms. Newton inquired how someone is added to the list.

Ms. Wladischkin stated the ordinance lists several specific reasons a company could be suspended or debarred, which would include illegal activity, accepting bribes, collusion, etc.

Ms. Newton stated, for clarification, that a conflict issue or legal matter with the County would not trigger that.

Ms. Wladischkin stated not unless the legal matter lead to one of the reasons listed in the ordinance.

Ms. Myers stated, for clarification, we could be in active litigation, over a serious matter, with a company and we would engage them in new business. It would seem to her, that while it does not look like they touch or concern that matter, it might be unwise to be subject to discovery with that company, in the middle of litigation.

Mr. Smith stated he understood Ms. Myers' question, and his recollection of that portion of the ordinance, in terms of the reasons for debarment or suspension, are pretty specific. There may need to be an amendment to the ordinance, which covers the kind of situation Ms. Myers described. Certainly, there would appear to be an inherent conflict, if we are in litigation, but they are eligible. We would have to go back and look at the ordinance; although he believes that portion of the procurement ordinance is modeled after what the State does. He stated we would have to go back and see if we can encapsulated what Ms. Myers is describing.

Ms. Myers inquired if that would be something that would come quickly back to Council, or would it go to Rules. It seems to her, a best practice would take in what Ms. Newton referenced.

Mr. Smith stated, Ms. Wladischkin confirmed the way the ordinance is currently written, the reasons for disbarment or suspension are specific, so we would have to have 3 readings and a public hearing to amend the ordinance to cover a situation, as described by Ms. Myers.

Ms. Myers inquired, in the interim, how would we deal with this kind of issue. To her, there is something glaring problematic, so is there a way to deal with it.

Mr. Brown stated the County has gone through a process, but Mr. Niermeier clearly stated, in that process, there is a qualification. Qualification does not mean that tomorrow you will be given assigned work.

Mr. Manning stated we are in the transition, so when will these people begin working.

Ms. Wladischkin stated they are ready to move forward with the prime agreements, which basically says they may or may not do work under the scopes outlined in the RFQ. From there, they would be issued task orders.

Mr. Manning inquired, if we are past the appeal process, or if there an appeal process.

Ms. Wladischkin stated there would be the 10-day protest period; however, we are not awarding any contracts, at this point.

Mr. Brown stated there is work that is currently under construction, and that was under construction last week. That work is continuing, as a part of the transition, to encourage Council, and the citizens, who are concerned about moving forward with the Penny Program. Any work that has not been awarded, will not be awarded, until we have a session with Council to address those opportunities, which may need to come forward Council may need to decide on. Whether it is a money conversation, or project conversation. Council can feel confident the work that was worked on last week, is still being worked on this week. Anything that has not been awarded, designed, or the right-of-way purchased for, will not be done until Council has an opportunity to discuss, as a body, how you want to address transportation in those areas, particularly going forward. Hopefully, the update gives Council the ability to understand the work is still moving forward. You can also feel confident that you will have the opportunity to address the larger questions about the greenways, bikeways, and the future road construction

that has not been let out, including how we include better processes for including other businesses that may not have been a part of the previous process.

Ms. Dickerson stated, for clarification, Council would not know anything until the contract is awarded.

Ms. Wladischkin stated the projects will be competitively chosen through the RFP process, from the list of 8 firms. When they reach the threshold requiring Council approval, they will be brought back to Council.

Mr. Manning inquired as to when these firms can start. He stated, for clarification, the decision was not made until the list came to Council.

Ms. Wladischkin responded in the affirmative.

Mr. Manning stated that invokes the special purchase ordinance, correct.

Ms. Wladischkin stated, to her knowledge, it has not be invoked.

Mr. Manning stated, he knows, this is not on as an action item, but staff did not take action until after it was brought to Council.

Ms. Wladischkin responded in the affirmative.

Mr. Manning stated he thinks the County Attorney needs to think about that. It seems to him, the action was a determination, by staff, that it was coming to Council, and they were not acting prior to it coming to Council. He stated, if he were the public, he would say staff was waiting, and not moving forward on this until it came to Council. It is like everything else, under the "special ordinance", regarding the Penny. He raised that issue at the ad hoc committee, and we moved it from action to information, which was okay until now it has come to Council tonight, and staff did not proceed until it came to Council. He believes, this is vis-à-vis, that we determined we were not going to move forward, without Council, and thus we would be invoking the Special Purchase Ordinance. He is concerned that this has put us in a new legal mess. He stated, for clarification, everybody connected to the Program Development Team was done, as of Monday, November 4<sup>th</sup>, and everything that has continued has been done by a Richland County employee.

Mr. Brown stated it has continued under the management of Richland County.

Mr. Manning inquired if anyone connected under the PDT contract was still doing work, as of yesterday or today.

Mr. Niermeier stated there are no contractors from the PDT currently performing work on the Transportation Penny Program.

Mr. Manning stated, for clarification, it is Richland County employees that are doing all of the inspections and oversight.

Mr. Niermeier responded in the affirmative.

Ms. Myers stated, for clarification, that we are saying there are no parties working on Penny projects who are not direct Richland County employees.

Mr. Niermeier stated, outside of those managed by the SCDOT, and such things as material testing, which are being contracted out. He stated he cannot speak for SCDOT and who they may have as subcontractors, but for any of the Richland County managed projects, they are all Richland County employees.

Ms. Myers requested, for future reference, to have this information broken down and provided to Council. As to whether we are operating under the Significant Purchase Ordinance, it is not her understanding that we are, but she wants to clarify, for the record, that we are operating under normal procurement.

Mr. Brown stated, he has heard many times, we need to be more informative, there are actions that need to be taken, by communicating to Council what is going on, and that is a function of their process. Therefore, he is concerned or confused about how he is to go about doing this.

Ms. Myers stated, for clarification, where you all were, with Ms. Wladischkin, was providing us information because we have consistently said we do not have enough information, but you were not asking us to move into a new arena and do anything. It is just information, correct.

Mr. Brown responded in the affirmative.

Ms. McBride inquired about how many members were on the evaluation team for the RFQs.

Ms. Wladischkin stated there were 7 members on the OET evaluation team, and 4 members on the CE&I evaluation team. All of which were County employees.

Ms. McBride inquired if there was a ranking sheet for each of the reviewers.

Ms. Wladischkin responded in the affirmative.

Ms. McBride stated she is assuming we are ensuring that we have an inclusive process.

Ms. Wladischkin stated small business participation was a part of the evaluation criteria.

Mr. Malinowski stated, further in the agenda, there is something about inspectors with these other companies, and possibly to continue using these inspectors. He inquired if that is a part of Mr. Niermeier's answer to only using Richland County employees.

Mr. Niermeier stated that item was removed from the agenda; therefore, the backup is not relevant at this moment. Originally, we were looking at contract options available to us.

3. CE&I RFQ Short List Selection – See previous item.

b. Items for Action:

1. Mitigation Credit Sales: Alpine and Percival Road Inspections – Mr. Niermeier stated before Council is the request to sell mitigation credits for two (2) SCDOT projects (Alpine and Percival Road Intersections). The committee forwarded this item to Council for approval.

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

Abstain: Dickerson

Present but Not Voting: Newton, Manning and McBride

The vote in favor was unanimous with Ms. Dickerson abstaining from the vote.

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

Opposed: Terracio, Malinowski, Jackson, Walker and Livingston

Present but Not Voting: Newton, Myers, Kennedy, Manning, Dickerson and McBride

The motion for reconsideration failed.

2. Edmonds Farm Rd./Railroad Crossing Closures – Mr. Niermeier stated there are two (2) railroad closures before Council. One is at Edmond Farm Road, and the other is between Black Swamp Road/Old Hopkins at the north end of Lower Richland Boulevard. The Norfolk Southern Railroad will pay \$25,000 per railroad closure. The funds would go back into dirt road paving. The committee forwarded this item to Council to approve staff proceeding with the railroad crossing closures.

Ms. Myers stated the backup documentation to this project says that once Council votes, and provides the information to Norfolk Southern, they will immediately move to reclaim and close those crossings. In the committee, we discussed the fact that there was no communication with the community to let them know that the manner of ingress and egress would be closed. It concerns her, as well, this is a road in years 3 – 4 of paving, and we are leapfrogging it above years 1 – 2 with no process. She is also concerned with what the County is being given as an exchange for these permanent closings. It is curious to her that there is no cost of paving listed. It is going to cost close to \$500,000 to pave this road. It seems to her, this closure is 100% in the railroad's favor and 0% in that of the residents of the area. If we are giving this exchange, either the road gets paved first, and they bear that cost, or this gets on the list, and when we get ready to pave the road, in the natural order of things, we revisit this and see if we can negotiate something better from the railroad. As it stands, she does not think this is a fair exchange for the residents in that area.

Ms. Myers made a substitute motion, seconded by Mr. Malinowski, to deny the request.

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

Opposed: Jackson, Manning and Livingston

The vote was in favor of the substitute motion.

3. Cash Flow Model Presentation – First Tryon – Mr. Niermeier stated before Council is three (3) models, based on an original schedule developed by the PDT, and modified by County staff. The first scenario is to take out a \$175M General Obligation Bond; the 2<sup>nd</sup> scenario is to pay off the current debt we have of \$25M, and convert the remaining \$150M BAN to a General Obligation Bond; and the 3<sup>rd</sup> is to pay off the BAN off, with cash on hand, and proceed with projects as a

pay-as-you go. Staff's recommendation was to go with the 2<sup>nd</sup> scenario of a partial pay off and convert the remaining \$150M BAN to a General Obligation Bond.

Mr. Malinowski stated, at the last meeting, there was a lengthy Executive Session, whereby a lot of information was discussed after some Council members met with the SCDOR. He inquired if this overview was done subsequent to the SCDOR meetings. If not, that may have some drastic effect on what is being requested here.

Mr. Brown responded that the conversations, in Executive Session, were not shared with First Tryon to make any alterations to any projections, related to this matter.

Mr. Malinowski inquired, since First Tryon did not have this information, would this information still be valid.

Mr. Brown stated there would need to be some assumption changes, which he cannot speak to specifically.

Mr. Malinowski moved, seconded by Mr. Jackson to defer this until after Executive Session.

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

Present but Not Voting: Newton and Manning

The vote in favor was unanimous.

Mr. Jackson moved, seconded by Ms. Dickerson, to defer this item until the November 19<sup>th</sup> Council meeting.

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

Present but Not Voting: Manning and McBride

The vote in favor was unanimous.

4. Staff Project Evaluation Findings and Recommendations – This item was removed from the agenda.

## 20. **OTHER ITEMS**

- a. Town of Eastover Sewer Bills – Mr. Brown stated, as Council may recall, there was some disputes in monies, related to services, the Town of Eastover was trying to get resolved. In that time, Council took action to withhold payments to the Town of Eastover until the matter was resolved. The matter has been resolved, and staff inquired if the County could release payment to the Town of Eastover. Since it was determined there was Council action, it required us to come back to Council for action to release payment. The Town of Eastover is current on all of their payments; therefore, staff recommends the release of payment to the Town of Eastover.

Ms. Myers moved, seconded by Ms. Newton, to approve this item.

Mr. Malinowski inquired if the Town of Eastover is current on all payment, or only the sewer bills.



Mr. Brown stated he is not aware of any delinquent accounts, but he cannot answer the question definitively, at this time.

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

Abstain: Jackson

Present but Not Voting: Manning

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

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

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

Abstain: Jackson

Present but Not Voting: Kennedy and Manning

The motion for reconsideration failed.

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

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

Oppose: Walker

Abstain: Jackson

Present but Not Voting: Kennedy, Manning and Dickerson

The vote was in favor.

***Council went into Executive Session at approximately 8:51 PM and came out at approximately 9:59 PM***

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

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

Oppose: Dickerson

Present but Not Voting: Manning

The vote was in favor.

22. **MOTION PERIOD** –

- a. Resolution in Support of Dreamers by Congress [MANNING] – This item was referred to the D&S Committee.

- b. FY20 – District 4 Hospitality Tax Allocations: \$2,500 – Skipp Pearson Jazz Foundation [LIVINGSTON] – Ms. Dickerson moved, seconded by Ms. Myers, to approve this item.

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

Present but Not Voting: Manning and Walker

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

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

Present but Not Voting: Manning and Walker

The motion for reconsideration failed.

- c. Unless there are truly extenuating circumstances agenda items should not be listed as “Title Only”. (Somebody was late getting it to us” is not extenuating). This only gives the public two opportunities to see an item prior to final approval by Council when in fact there should be three [MALINOWSKI] – This item was referred to the Rules & Appointments Committee.
- d. FY20 – District 9 Hospitality Tax Allocations: \$12,000 – The Kemetic Institute for Health & Human Development’s Kwanzaa Festival [JACKSON] – Ms. Dickerson moved, seconded by Ms. Myers, to approve this item.

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

Present but Not Voting: Manning and Walker

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

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

Present but Not Voting: Manning and Walker

The motion for reconsideration failed.

**POINT OF PERSONAL PRIVILEGE** – Mr. Walker stated, based upon the exorbitant amount of abstaining vote tonight, that we make sure we pay attention to our rules of order, specifically Rule 5. 21 – Voting, which states, if a member is voting in absentia they must state and record, in the minutes, the reason for abstaining. He requested the Clerk’s Office to collect statements from those members that abstained from voting.

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