



Richland County Council
Regular Session
February 5, 2019 – 6:00 PM
Council Chambers

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

OTHERS PRESENT: Michelle Onley, Beverly Harris, James Hayes, Kim Williams-Roberts, John Thompson, Sandra Yudice, Stacey Hamm, Eden Logan, Larry Smith, Dwight Hanna, Nathaniel Miller, Jennifer Wladischkin, Mohammed Al-Tofan, Brad Farrar, Michael Niemeier, Ashley Powell, Janet Claggett, Donny Phipps, Ashiya Myers, Quinton Epps, Edward Gomeau, Shahid Khan, Ismail Ozbek, Sandra Haynes, Erica Wade, Geo Price, Michelle Rosenthal, Cheryl Cook, Bryant Davis, Christine Keefer, Dwight Hanna, Dale Welch, Tim Nielsen, Nathaniel Miller, Michael Niermeier, Mohammed Al-Tofan, Jennifer Wladischkin, Michael Byrd, Randy Pruitt and Melissa Watts

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The invocation was led by the Honorable Calvin Jackson
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Calvin Jackson
4. **APPROVAL OF MINUTES**
 - a. **Special Called Meeting: December 11, 2018** – Ms. Dickerson moved, seconded by Ms. Myers, to approve the minutes as distributed.

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

The vote in favor was unanimous.
 - b. **Zoning Public Hearing: December 18, 2018** – Ms. Dickerson moved, seconded by Ms. Myers, to approve the minutes as distributed.

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

The vote in favor was unanimous.
 - c. **Special Called Meeting: January 8, 2019** – Mr. Manning moved, seconded by Ms. McBride, to approve the minutes as distributed.

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

The vote in favor was unanimous.

5. **ADOPTION OF THE AGENDA** – Mr. Gomeau stated Items 6(a)(2) and 9(g)(2) entitled “Columbia Place Mall – Maintenance Agreement Cancellation” and 9(d) entitled “City of Columbia letter regarding funding the Three Rivers Greenway Project” need to be removed from the agenda.

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

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

Opposed: Manning

The vote was in favor.

6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** – Mr. Smith stated the following items are eligible for Executive Session.

a. Columbia Place Mall

1. Maintenance Fees

b. City of Columbia: Intergovernmental Agreement for Bulk Water Sale

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

8. **CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda**

a. Teresa Lancaster spoke regarding settling of estates when the property is off of a dirt road.

b. Brenda Timme also spoke regarding the settling of estates when the property is off of a dirt road.

c. Eloise Fomley Denson spoke regarding the health concerns related to the plumes that over the Westinghouse facility.

d. Valerie Marcil spoke regarding the management of the Penny Greenway projects.

e. Steve Hinson spoke regarding the sale of the property at 1400 Huger Street.

f. Jim Colwell spoke regarding the sale of the property at 1400 Huger Street.

g. Walter Cooper spoke regarding rental tenants not maintaining properties and having inoperable vehicles in the yards.

9. **REPORT OF THE INTERIM COUNTY ADMINISTRATOR**

a. **Employee Recognition:**

1. Utilities: Kelly Price
2. Transportation: Mohammed Al-Tofan
3. Animal Services: Tammy Brewer and Olin Towery

Mr. Gomeau recognized the above-mentioned employees for their outstanding service to County residents, and their efforts to better the County.

4. Government and Community Services: Christine Keefer, Director – Mr. Gomeau introduced the new Government and Community Services Director, Ms. Keefer, to Council.

b. **Results of Uranium Testing in Hopkins Area** – Mr. Gomeau stated 62 wells were tested. All of results came in below the EPA standards for uranium, so there was no evidence of that in any of the wells. There is a firm that is going to give the County an estimate on doing a more sophisticated hydrological study. We are not sure which way the water is flowing, but this study will allow us to take a look at that and take samples at distances that would not show up ordinarily.

Ms. Myers thanked Mr. Gomeau, Dr. Yudice and staff for the work that have done with the Westinghouse leaks, and working with citizens in Hopkins and Gadsden to get the testing done. And for suggesting the testing to find out which direction the water flow is actually going in so we have more information about what, or if anything, we should be warning the citizens about.

c. **Intergovernmental Agreements with the Town of Blythewood:**

1. Animal Care – Ms. Dickerson moved, seconded by Ms. Terracio, to approve the IGA for Animal Care.

Mr. Malinowski inquired if the County recoups all costs associated with the IGA.

Dr. Yudice stated the agreements indicate what we are currently charging on property taxes will cover those costs.

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

The vote in favor was unanimous.

2. Municipal Solid Waste Collection and Disposal – Ms. Dickerson moved, seconded by Ms. Terracio, to approve the Municipal Solid Waste Collection and Disposal IGA.

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

The vote in favor was unanimous.

3. GIS Support – Mr. Walker moved, seconded by Ms. Dickerson, to approve the GIS Support IGA.

Mr. Malinowski inquired if the County recoups all costs associated with the IGA.

Dr. Yudice responded in the affirmative. There is a schedule attached to the agreement.

Mr. Malinowski stated he asked because at the end of pp. 67 it says, "Such agreements may, where appropriate, include provision for payments...". If we are charging it should say "will".

Dr. Yudice stated staff will amend the language to "will".

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

The vote in favor was unanimous.

- d. City of Columbia letter regarding funding the Three Rivers Greenway Project – *This item was removed from the agenda during the Adoption of the Agenda.*
- e. Transportation Penny Program Audit Resolution – Mr. Gomeau stated this item concerns the Transportation Penny audit requirement that was in the original enabling ordinance that requires the County to have an audit of all expenses from the Penny Fund, regardless of their location. It was to cover from 2012, when we expended any funding, up to the current date. We are required to publish those audits. We will be starting the process to solicit bids for the audit of those records. We have already talked to some governmental accounting firms that do this type of work. It is a little more specialized than just general financial record checking. We are trying to find someone that will be appropriate for this to look at the whole program itself, rather than looking at the expenditures.

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

Mr. Manning stated the County did an audit a year or so ago that is still in the process of being completed and finalized, correct?

Mr. Gomeau stated he has a draft audit from the regular auditors that did a financial statement of the PDT for 2016 – 2017. He cannot find anything else, but that is not the requirement that was in the enabling legislation. It was for all expenditures, not just the PDT. It was any money that we spent out of the Penny Fund had to be audited. We will do a comprehensive look at this, in terms of where we have spent money, who is spending it, and come back with the audit reports for those years.

Mr. Manning stated, for clarification, County government, before Mr. Gomeau came to the County, did attempt to do some type of audit, but it was not the right kind, per the contract.

Mr. Gomeau stated he is not sure how the audit materialized. All he has the original "draft" from our auditors that said "2016-2017 Financial Statements". It was a 2-page audit of the PDT's financial statements, not of their detailed records. He is not sure that meets the criteria. He thinks at one-time the Legal Department was involved in looking at that. It may not have been for the reason that we are doing this, which is to comply with the original ordinance.

Mr. Manning stated, for clarification, the County did initiate an audit of some type and the PDT responded to that. Now we are at the point of realizing that what the County initiated, in the way of

an audit, was not in line with the contract. So, now that is what we are getting to.

Mr. Gomeau stated he does not know the origin of initiating the audit. That was year picked out, but there is nothing after, and there was nothing before that. He does not know why that particular audit was picked, and how the arrangements were made to do it.

Mr. Manning inquired, when we are looking at auditing all the finances through the Penny, will that also include the OETs, the contractors, SCDOT, COMET, and the County Transportation.

Mr. Gomeau stated that is their intention.

Ms. Newton inquired as to the approximate timeframe that it will take to complete the audit, understanding that there is a vendor that has to be selected.

Mr. Gomeau stated he thinks it will depend on the scope of where the records are, how many contractors we have had, and things like that. The biggest amount of that activity was with the PDT, which is centrally located. We can do that fairly quickly, and have it by mid-year. It's the question of where the rest of the money went, and looking at that and being able to audit it to ensure it went where it was supposed to, and that it was done the way it was supposed to. He would anticipate it would be a yearlong project.

Ms. Terracio inquired as to what fund would bear the cost of the audit.

Mr. Gomeau stated the funding would come from the Penny Program Administration fund.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

- f. Reimbursement of Transportation Fund with funds from the General Fund – Mr. Gomeau stated this is a resolution prepared by the Legal Department to begin the process of reimbursing the Penny Fund for those items the Supreme Court deemed were ineligible to come out of the Penny Fund.

Ms. Myers moved, seconded by Ms. Dickerson, to approve the resolution.

Mr. Malinowski stated, for clarification, we are saying is that we are reimbursing the Transportation Fund for expenses that are necessary for the program, but cannot come from the Transportation Fund.

Mr. Gomeau stated he could not categorize it that way because he does not have enough knowledge of what was considered unallowable transportation expenses, in terms of whether they were necessary, or whether it was something that was done and was not eligible to come out of the fund.

Mr. Malinowski stated the reason for his question is the way it was worded in the opening paragraph. It says, "...for unallowable Transportation expenses." It makes it sound like we have allowed something to take place that should not have taken place. He believes we need to clarify that we did not do anything that we were not supposed to do, it is just a matter of which pot of money it came from.

Dr. Thompson stated we have approximately \$3.4 million of expenses that should not have come from the Transportation Penny Fund budget because of the guidelines the Department of Revenue informed the County about last year. Based on that, we have done our own internal assessment and identified those expenditures.

Mr. Malinowski stated they are still expenditures that are needed for the Penny Program.

Dr. Thompson stated he agrees with Mr. Gomeau, in terms of being able to answer that question. A breakdown of the expenditures is attorney's fees, Office of Small Business Opportunity expenses, Mentor/Mentee Program expenses and Public Relations fees. Again, this is what the Department of Revenue are saying these costs are disallowable. The County is just making sure we follow their guidelines, so we are not held in contempt of court.

Mr. Smith stated, in terms of the question Mr. Malinowski asked, while some of these expenses are beneficial, as opposed to necessary, to the program, that is something that subject matter experts would have to address. The Court has said there are certain expenses, which were paid by the Penny that have been determine not to be eligible to come from that source of revenue. What we are doing now is correcting that situation, and reimbursing the Penny Fund from the General Fund, based on those things the Court indicated are not eligible to be paid for from Penny funding.

Mr. Jackson inquired if we do not approve the reimburse, and shifting of funds, does the County remain in violation.

Mr. Smith stated, based on the expenditures that have clearly been determined by the Court to be ineligible, he would have to say the County would remain in violation.

Mr. Jackson stated, for clarification, we are only talking about those that have been clearly identified as unallowable, and incorrectly assigned to the Penny Program, but have already been spent/used. Now, the question is, how do we correct the books to accurately reflect where they should be charged.

Mr. Smith stated, his interpretation is, we are attempting to determine the appropriate pot of money.

Ms. Myers stated, for the members of the public who are having a little trouble following this discussion, when the Court ruled last year there were expenses that should not have been paid out of Penny Transportation Fund, staff went through each of the invoices that had been paid to be compliant with what the Court said. Staff brought back a list of expenditures, and said these paid out of the Penny, but should have been paid out of the General Fund. What we are now doing is approving the Finance Department's ability to move the money that was allocated in the budget to reimburse the Penny.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

g. Columbia Place Mall

1. Maintenance Fees – *This item was taken up in Executive Session.*

2. Maintenance Agreement Cancellation – *This item was removed from the agenda during the Adoption of the Agenda.*

h. City of Columbia: Intergovernmental Agreement for Bulk Water Sale – *This item was taken up in Executive Session.*

POINT OF PERSONAL PRIVILEGE – Ms. Terracio recognized Lady June Cole with the League of Women Voters' Observer Corp. was in the audience.

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

a. Richland County's Legislative Night Out, February 6, 5:30 – 7:30 PM, Columbia Museum of Art, 1515 Main Street – Ms. Roberts reminded Council of the upcoming Richland County Legislative Night Out Event at the Columbia Museum of Art.

b. Richland One Superintendent's State of the District Address, February 7, 6:00 – 7:30 PM, C. A. Johnson High School – Ms. Roberts reminded Council of the upcoming Richland One Superintendent's State of the District Address.

c. City of Columbia Legislative Reception, February 12, 6:00 – 8:00 PM, The Venue on Main – TopGolf Swing Suite, 1624 Main Street – Ms. Roberts reminded Council of the City of Columbia's upcoming Legislative Reception.

d. SCAC Mid-Year Conference and Institute of Government Classes, February 20 and 21, Embassy Suites – Columbia – Ms. Roberts reminded Council of the upcoming Mid-Year Conference on February 20th and the Institute of Government Classes on February 21st.

11. **REPORT OF THE CHAIR**

a. Retreat Update – Mr. Livingston thanked Council for their attendance and participation in the Retreat. He thinks there was more information than we could adequately cover in that period of time. We were trying to ensure the new members got as much information as they would need to have, update the current members, and set priorities, at the same time. Keep in mind, we spoke about setting some work sessions. One of those was the Total Rewards Implementation. The others

were in reference to Annexation and Economic Development. In the Economic Development Committee meeting today, the committee recommended setting a work session for February 19th at 2:30 PM. He will work on setting the dates for the remaining work sessions. Also, at some point, it was recommended that we revisit the priorities we were working on. He stated one other thing we did not get an opportunity to discuss thoroughly was our Rules. He suggested that Council members submit their concerns about the Rules to the Clerk, and have the Rules Committee take those things up in the future.

Mr. Manning stated, as he recalls, one of the things that happened at the Retreat was that it was said the Rules we had were not current and up-to-date. His thought then, and now, was that we would get that copy before we submitted our concerns.

Mr. Livingston ensured that would be provided to Council.

Ms. McBride stated another issue that was discussed during the Retreat was looking at the disadvantaged conditions that many of our citizens are living in, and bridging the gap between the have and have nots and the County's responsibility to address the needs of its most vulnerable citizens.

- b. Blythewood Penny Project Priority List Resolution – Mr. Livingston stated he received a letter from the Manager of Blythewood requesting that we look at their current priorities, as it relates to the Penny Projects in Blythewood. It does not affect the amount of costs. His recommendation would be to forward the request to the Transportation Ad Hoc Committee and Transportation Penny Advisory Committee.

Ms. Dickerson stated that was in her district, and she would like a copy of that to review. She did get a call regarding these changes. She wants to make sure these changes are within the guidelines, so she would like to fully informed on every step of this particular change.

Ms. Myers noted, with regard to the priorities, that they were already set. Her concern would be, in sending this one to a committee, is the instruction to the committee that they take action to reset priorities. If we are opening up that can of worms that would create some problems across the program. She inquired as to what the instructions that ride along with sending the letter to committee.

Mr. Livingston stated there is some language in the referendum that was unique to Blythewood because they had not decided on certain things; therefore, they had the opportunity to come back and decide those things within the parameters of the referendum. That is what they are referring to. It does not change the amount of anything they are doing. It just allowed them to do the things they needed to do.

Ms. Dickerson stated that is probably not accurate. She stated she had been in Blythewood a lot on this particular project. She thinks those changes they asked for have been addressed. We need to see the letter, and a motion needs to be made so it can go to the committee because we made those changes and adjustments when they did the roundabout and bridge. As far as she is concerned, those changes have been addressed.

Mr. Manning stated he concurred with Ms. Dickerson that there was that interesting caveat. He was a member of the Ad Hoc Committee when Blythewood came and addressed which ways they wanted it done, and it moved forward and was finalized.

Mr. Malinowski stated he also concurred.

Ms. McBride stated she concurred with Ms. Myers that we need to be very careful about opening up the potential to change priority because if that is the case she has a number of changes she would like to have made.

Mr. Livingston stated we will look at that, in conjunction with the language that was in the referendum.

Mr. Malinowski stated, in the resolution, it says, "...the Blythewood Penny Projects have no formal priority ranking...". He inquired if that is an accurate statement.

Dr. Thompson stated the Town of Blythewood may not have a priority list, but the County has its own list. He stated he has had an opportunity to talk to Mr. Beaty about this particular item, and on the PDT's monthly summary report, you will see 5 projects in the PDT's report. In the resolution, you see 4 projects, which are similar. The PDT broke up 2 of the projects, so that is why they have 5 projects, but again, all are similar projects. The prioritization is a little different from the PDTs, but other than that it seems like the same projects.

Mr. Livingston stated that is what the committee will address.

12. OPEN/CLOSE PUBLIC HEARINGS

- a. An Ordinance Authorizing deed to the City of Columbia water lines for Richland Library Southeast, 7421 Garners Ferry Road; Richland County TMS # 16409-04-02 (Portion); CF # 191-10A – No one signed up to speak.
- b. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; so as to limit noise in the unincorporated areas of Richland County – No one signed up to speak.
- c. An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to define vehicles subject thereto – No one signed up to speak.

Mr. Jackson inquired if the comments, during Citizens' Input, by Mr. Cooper can be assigned on the record as responding to this issue because he spoke specifically to that when he spoke about cars being up on blocks in front yards.

Mr. Livingston stated we will look back at the comments and see if they can be tied back into the public hearings.

Ms. Dickerson stated there are several members of public that did not speak, but are here representing this issue.

- d. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification—No one signed up to speak.

Ms. McBride stated there are community members here that have spoken on this matter numerous

times in the past.

- e. An Ordinance Amending the Transportation Tax line item in the Fiscal Year 2019 Budget Ordinance of Richland County, South Carolina; delegation of authority; and matters relating thereto – No one signed up to speak.
- f. An Ordinance Amending the Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; so as to standardize this chapter more closely with the Municipal Association of SC’s model business license ordinance and to reflect enhanced enforcement priorities to pursue enhanced quality of life for the Richland County Community – Mr. Malinowski moved, seconded by Ms. Dickerson, to defer the public hearing until after the work session has been held on this item.

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

Opposed: Manning

The vote was in favor.

13. **APPROVAL OF CONSENT ITEMS**

- a. 18-046MA, Kenyatte Jones, GC to RM-MD (.4 Acres), 5406 Monticello Road, TMS # R09310-04-14 (Portion of) [SECOND READING]
- b. 18-047MA, Inga Black, RS-HD to GC (1.21 Acres), Bluff Road and Harlem Street, TMS # R13509-02-07, 42 & 43 [SECOND READING]
- c. An Ordinance Amending the Fiscal Year 2019 Fire Service Fund Annual Budget by \$368,410 to cover the personnel expenses for the 11 positions under the SAFER Grant from January 1 to June 30, 2019 with funds from Fund Balance in the Fire Services Fund [FIRST READING]
- d. An Ordinance Amending the Fiscal Year 2019 Broad River Utility System Fund Annual Budget to fund a corrective action plan in the amount of \$3,103,000 incident to a South Carolina Department of Health and Environmental Control Administrative Process responded to by the Department of Utilities with funds from the unassigned funds from General Fund Fund Balance [FIRST READING]ts and to remove the special exceptions requirements for radio, television, and other similar

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

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

The vote in favor was unanimous.

14. **THIRD READING ITEMS**

- a. An Ordinance Authorizing deed to the City of Columbia water lines for Richland Library Southeast, 7421 Garners Ferry Road; Richland County TMS # 16409-04-02 (Portion); CF # 191-10A – Ms. Myers moved, seconded by Ms. Newton, to approve this item.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

- b. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; so as to limit noise in the unincorporated areas of Richland County – Ms. Dickerson moved, seconded by Ms. Myers, to approve this item.

Ms. Newton stated on pp. 111, item d., it specifies that violating the ordinance is punishable by a fine up to \$500 or imprisonment, not to exceed 30 days. She inquired about the process for how that would practically work, if someone was playing loud music in their car. She inquired if they could be arrested and sent to jail at the discretion of the officer. Do they present before a court? Is there due process? What happens before those punishments take place?

Mr. Smith stated, typically, an officer would issue a ticket to the individual. The individual would then appear in Magistrate's Court and would typically be fined, but that is within the discretion of the Court.

Ms. Newton stated, if that is typically occurring, or what we would prefer to occur, then she would like that language to appear. She would hate for someone to have the opportunity to lose their civil liberties because someone chose to exercise the maximum extent of the law. This is not written as an option. It does not say they will be ticketed. It says they will be fined or imprisoned.

Mr. Smith stated the fine would come as a result of a ticket, which is issued in the form of a summons for them to appear for the violation.

Ms. Newton stated that is a perfectly reasonable process. The ordinance does not specify that, unless she misread.

Mr. Smith stated the ordinance was not intended to identify the process, but the substance of the violation and the punishment attached to it. It does not describe the process.

Ms. Dickerson made a substitute motion, seconded by Ms. McBride, to defer this item until the February 19th Council meeting, so Ms. Newton can get all of the information she needs.

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

The vote in favor of the substitute motion was unanimous.

- c. An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to define vehicles subject thereto – Ms. McBride moved,

seconded by Mr. Manning, to approve this item.

Mr. Malinowski stated this has been going on for years. On more than one occasion, we have instructed staff to bring back to us an ordinance that is not a one-size fits all. He sees this as what we have been trying to avoid. It is a one-size fits all. If you look on pp. 113, #5(b) says, "...in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or General Residential". In the rural area, you have development of homes that is allowable. In #5(c) it states, "in any residential zoning district in the unincorporated areas". A rural area is a residential area, which can be developed. He does not think we have been given what we asked for all this time. Again, in #5(c), in the redlined portion where it has been changed from (1) to (3) acres. Upon inquiring about that, he was told they changed it to (3) acres, so it conforms with the other areas of the ordinance that have (3) acres. We are dealing with 2 separate things. The (3) acres we are dealing with vehicles that are inoperable, unlicensed, and up on blocks. In the (1) acre, we are talking about a truck driver that comes home at the end of the day and has (1 - 2) acres and wants to park his vehicle there until he gets up in the morning to hit the road the next day. It is not a matter of making them all (3) acres. It is a matter of what each one is addressing. He would like to see it changed back to the (1) acre for the benefit of our hardworking individuals will not have to incur additional expenses in getting to and from where they park their truck, or incur storage fees. He fully supports Mr. O'Brien and the people that he has brought regarding these neighborhoods that are having these problems. We need to do something about them, but we cannot fix their problem by imposing that on all the other rural areas that do not have the problem. We need to have staff to create a true ordinance that addresses the needs of the overall County.

Mr. Jackson stated he concurs with the comments made by Mr. Malinowski. He thinks the issue that we are trying to resolve, and have not been successful in resolving, was the very issue that Mr. Cooper spoke to tonight. The issue is not a long distance truck driver parking overnight. It is cars parked on blocks with a covering on them that has been there for 4 - 6 years in a neighborhood. We need to make sure we address that. He sees we reduced it from 45 days to 30 days, but the whole code enforcement piece of it is the more critical part to ensure that when there are citizen complaints are addressed.

Ms. Dickerson stated she thinks staff really needs to work on this to make sure that this is correct. If you live in a small neighborhood, nobody wants a great big truck parked in their yard because they cannot get it in their driveway. Neighborhoods with the covered vehicles are looking like a graveyard. She has neighborhoods that has got 3 - 4 covered vehicles. It looks like a trash can. Nobody wants to live in something like that. She is going to request a deferral until staff can get it right. We may have to have a work session. Staff needs to listen to what we are saying and critique this so we can address it.

Ms. McBride stated she concurs with what Ms. Dickerson said. She has been working on this for 2 years with the communities throughout the County. She finds it very frustrating, and she knows this was an issue prior to her coming on Council. Staff, for one thing, needs to work on this, but all staff need to be involved, not part of the staff. She would request that staff go in with an open mind. Not what we cannot do, but what we can do to resolve this issue. We have been working under the philosophy that we cannot do it. Let's look at how we can resolve this issue and meet the unique needs of rural, urban and suburban Richland County. We definitely need to include the Sheriff's Department, and she does not want to hear about not having enough resources. She suggested the pilot project, and if we would do the pilot project we could evaluate what needs to be done. How well it is working. What else is needed to ensure our constituents have a beautiful community that

they are proud to live in. Unless we all come together, and come with like minds we are not going to get this resolved.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until the March 5th Council meeting.

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

Opposed: Manning

The vote was in favor.

- d. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification – Ms. McBride moved, seconded Ms. Dickerson, to approve this item.

Mr. Malinowski stated he agrees with everything with the exception of pp. 118, letter f, which says, “notice has been served, deposited in the United States Mail...”. He believes we need return receipt or registered mail. It further states, “...or posted upon the premises”. He stated, if he lives in Georgia, and its vacant and he’s trying to rent it, he’s not going to see the posting, so he thinks that needs to be eliminated. We need to send a certified or registered letter to the owner of the property, which is what should be in the ordinance.

Mr. Livingston stated you could do that and post to make sure you cover it.

Mr. Malinowski stated he thinks posting is a waste of time. If nobody comes around to look at this property because it is vacant. He does not think it should be in the ordinance. We will try to fall back on something that is not a real viable means of notification. In addition, further down in the paragraph, it says, “the cost...[if we send County services to clean up the property]...may become a lien upon the property affected, or may be recovered by the county through judgment proceedings.” He stated we are either going to fine them, or we are not going to fine them. We should just say it will be.

Ms. Myers stated she agrees we need to decide whether we are going to charge or not, but it may well be that someone is sent a notice, that includes a bill, and they come in and pay it, so there is no need to attach a lien to the home. She thinks the way this is written is meant to give the flexibility of just collecting the money.

Mr. Malinowski stated then we need to add, “May become a lien on the property affected, if not paid.”

Mr. Manning inquired if Mr. Malinowski was addressing a concern, or if he was making a motion.

Mr. Malinowski made a friendly amendment to add the language “deposited in the U. S. Mail via certified, return receipt or registered mail”.

Ms. McBride accepted the friendly amendment, but stated she wanted to keep the posting of the notice in the ordinance.

Mr. Livingston stated, for clarification, we are approving this with the change that , if not paid, there

will be a lien.

Mr. Malinowski responded in the affirmative.

Mr. Manning stated, for clarification, so we are not addressing the registered mail vs. posting.

Mr. Malinowski stated the method of mail, also.

Mr. Livingston stated he got the lien part. He inquired as to what Mr. Malinowski was amending, in terms of the mail.

Mr. Malinowski stated that it will be mailed using certified, return receipt or registered mail.

Mr. Manning stated, for clarification, that the posting remains.

Ms. McBride responded in the affirmative.

Mr. Malinowski stated we are still putting in the part about "if not paid".

Mr. Smith stated, on pp. 118, letter (d), it says, "It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of such in the United States mail, properly stamped, certified, and directed to the person..."

Mr. Malinowski stated he saw that, but it does not say that in letter (f). He stated we need to be consistent and put it both places.

Mr. Gomeau stated that is just a notice. It is a certified notice, and the other action comes if they do not do anything within the 14 days. Then we can go and do. We do not have to post a 2nd notice.

Mr. Malinowski stated you should still be constituent in your wording.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until the March 5th Council meeting, to ensure the language has been revised as outlined by Mr. Malinowski.

In Favor: Terracio, Dickerson and Malinowski

Opposed: Jackson, Newton, Myers, Manning, Walker, Livingston and McBride

The motion for deferral failed.

Mr. Livingston restated the motion is what is in the package with following amendments: (1) language in (f) is consistent with the language in letter (d); and (2) in (f) we indicated that if any fines are not paid it will become a lien on the property.

Mr. Malinowski noted for the record that new language has been added to the end of (d) that is not underlined or highlighted which states, "In the event that an offender has been previously cited within the last twelve months for or given notice of a violation of this section and has not cured the violation, enforcement action may be taken immediately without the requirement of an opportunity to cure the violation."

Ms. Myers stated, in reference to the new language Mr. Malinowski noted, if in January we send you a notice and send someone out to cut your yard at the end of January/beginning of February, and then in December we do the same thing, this means, for clarity, we do not have to notice you.

Mr. Smith responded in the affirmative.

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

The vote in favor was unanimous.

- e. An Ordinance Amending the Transportation Tax line item in the Fiscal Year 2019 Budget Ordinance of Richland County, South Carolina; delegation of authority; and matters relating thereto – Mr. Jackson moved, seconded by Mr. Walker, to approve this item.

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

Opposed: Malinowski, Myers, Dickerson

The vote was in favor.

15. REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

1. I move that the Magistrate's Office on Wilson Blvd. be constructed with brick siding and not metal [KENNEDY]
2. To make a change order to the Upper Township Magistrate contract to include brick for the outside of the entire structure. Additional funding associated with this change order must be identified and approved by County Council [KENNEDY]

Mr. Livingston stated, if you recall, we requested staff to look at some renderings and bring back some prices on what brick would cost vs. other options.

Mr. Niermeier stated they went back to the General Contractor to explore different options for bricking the building, as the motion request. They came back with 4 options: Brick Veneer; Thin-Brick; Brick Veneer/Wainscot, which goes about 4 ft. off the ground with the remainder of the building being steel; and the Thin-Brick/Wainscot, which also goes about 4 ft. off the ground with the remainder of the building being steel. Looking at the 4 options, they ranged from \$870,000 (Brick Veneer) - \$240,000 (Thin-Brick/Wainscot). Those are hard costs, which means it is actual construction and material, and does not account for redoing the drawings, re-permitting, delays in the project, and extending the lease on the current facility. The General Contractor brought in a structural engineer to look at the building, as it is a steel building for steel siding. The structural engineering brought up the points of how much reinforcement was required for each of the loads for the impact on the seismic activity the building would have to resist. The information was not available for inclusion in your packet last week. It was distributed to the Clerk's Office this morning, and should be in front of you this evening.

Ms. McBride stated she does not understand what Mr. Niermeier is saying.

Mr. Niermeier stated the General Contractor, in consultation with a structural engineer, came

back with 4 options. Option 1 – True Cavity Veneer Brick, which is regular size brick going all the way from fountain to the roof line; Option 2 – Thin-Brick ½ - in. real brick going all the way from the foundation to the roofline.

Ms. McBride stated she got it. She read it. Initially when we spoke she thought it would cost between \$70,000 - \$80,000 if we bricked it halfway. The facility looks nothing like the drawing provided. She stated she has been out there and seen the facility. It looks like a place for livestock, and not a place for a Magistrate's Office. It is not acceptable in the community. She stated she is speaking on behalf of Ms. Kennedy, as well as herself, the constituents in the district, as well as any citizen in Richland County that would have to use that facility as a Magistrate Office. We have the Chief Magistrate here. He had no idea the facility would be metal and look like that. It is totally unacceptable for the constituents in that district to have a facility, for our citizens to go to for services, that looks like a storage building or a livestock area. She does not know how much it is going to cost. She does not know where these figures came from. She inquired if Mr. Niermeier talked to 1 contractor, 2 contractors. She stated she is concerned about the whole cost of the facility, in fact. For an additional \$240,000. She cannot even imagine us having to pay for that. She would like to know who was contacted. She does not think it is fair for our citizens, in that district, to have to live with that type of facility in its community.

Ms. Myers inquired, on Option 3 – Veneer Brick Water-Table/Wainscot: Full size-real brick 48" up the wall, if Mr. Niermeier had a rendering of what the portion not bricked would look like.

Mr. Niermeier stated the portion would look like the rendering provided.

Ms. Myers stated the thin-brick would essentially be a brick façade all the way up, but ½".

Mr. Niermeier stated Option 2 would be a thin-brick going all the way up to the roofline.

Ms. Myers stated with that option it would be \$500,000. She inquired if there is a way to realize savings on the other magistrate courts? If, for example, we looked at how we could cut some of those costs (i.e. use thin-brick instead of real brick), so we can realize the savings so we do not blow the budget out of the water, but that we ameliorate the concerns.

Mr. Niermeier stated that is not really an option because the Hopkins Magistrate, which is the 2nd part of this new magistrate facility, is a framed building with brick on the outside. It is not structural brick. It is not like building a brick building. They have given us a guaranteed max price, and we are under contract with this company to do this work. He thinks it would be a disservice to everybody.

Ms. Myers stated, for clarification, she means across the program. Her point is, is there a way to look at how we can realize cost savings overall to effectuate the change here, and ameliorate the concern.

Mr. Niermeier stated he is not sure.

Ms. Myers requested staff to go back and look to see if there is a way to realize savings, overall, keep us within, or under, the budget, overall, and get this concern ameliorated.

Ms. Myers moved, seconded by Mr. Malinowski, to direct staff to go back and look at all of the magistrate's office budgets, overall, and see if we can realize cost savings, overall, so that we can

come back and ameliorate this issue without funding from other sources.

Ms. Newton stated, for clarification, looking at the facility, the facility is already being built.

Mr. Niermeier responded in the affirmative. It is under construction right now, and it looks like a warehouse.

Ms. Newton inquired if the way the building currently looks conforms with the designs previously approved.

Mr. Niermeier responded in the affirmative.

Ms. Newton inquired, when we look at the other magistrate facilities that under contract, are those going to be designed with the same design, or are those designs different.

Mr. Niermeier stated this magistrate was the last one that is supposed to be a repurposed building. It was voted on last year by the A&F Committee, as well as full Council, to move ahead with this particular design with input from the magistrates themselves. Moving forward it is a new design. It is a brick building. Same interior layout, whether it is flipped one way or the other. For the next ones programmed in the CIP, which will be Pontiac, Lykesland, etc., will be like the Hopkins facility, and not this.

Ms. Newton stated, for clarification, when we refer to moving forward, we mean the other facilities, but not this one.

Mr. Niermeier responded in the affirmative.

Ms. Newton inquired about the charge staff was given previously. Were they charged to come back with how we could make this a brick building, or were they asked to look at the current structure of the building, and look at any, and all options that we might have to allay concerns from the design prospective. Did Council prescribe a solution, make it brick, or did they say, "the community has concerns about how it looks", might there be other options we can look at.

Mr. Niermeier stated Ms. Kennedy made the motion to come back with some options for brick, and to find the funding for brick. There were community members that did come in and spoke on it. Again, what they are seeing now is the unformed clay. It is just a building that is being repurposed.

Mr. Manning stated, going back to the history, when we are looking at redoing or repurposing a building, or building a new building for the County, in this case, a magistrate's court building, is there a department in the County, or is this something that Mr. Niermeier does. Do we go out and meet with stakeholders and people in the community to talk to them about what their needs, interests, and desires are. We are doing this with Penny. We are having all kind of community meetings. When we do a Master Plan, we do all kind of meetings with "Engage Richland". Is this something, when we do buildings and magistrate court, that citizen involvement is not a part of.

Mr. Niermeier stated, as far as his involvement with this, it is previous to him, so he cannot address if there was community involvement for developing a summary court need. It came from the magistrates, who are the primary stakeholders. As far as having community meetings

about it, he cannot answer that, but not to his knowledge. The Chief Magistrate, dated back to 2015, was involved in the process, as well as staff.

Mr. Manning suggested to his colleagues, when we do things in the future, we look at having community and stakeholder meetings before we go building anything, whether it is real small, like this building, or a multi-story building.

Mr. Livingston stated, for clarification, the \$870,000 is for bricking the entire building.

Mr. Niermeier stated that is for the entire building, which is what the motion requested. The question he went back with is, can you do any of these options with only the magistrate portion, and how much of the structural reinforcement is still required. Rather than having a balanced load across the whole of the building, it is going to be unbalanced on one side. Again, it is a repurposed building. It is structurally sound for what it is designed to be, which is a steel framed building with steel siding.

Mr. Livingston inquired if there is a number here to half brick the magistrate portion of the building.

Mr. Niermeier stated there is not a number here for that.

Mr. Livingston stated he would like to know what the number would be for that. He would assume that it would be less than all of the numbers provided. He stated the renderings look a lot better. He knows when he was out there it was unfinished. He stated, depending on what kind of change we make, it is obviously going to have an impact on timing. For example, if Council says, "We are going to brick this whole building", how does that affect the project and the timing.

Mr. Niermeier stated it affects it a lot. Not only are you going to have to do all new structural drawings, get them reapproved, re-permitted, additional cost of delays, additional cost of new materials, and new trade to come in to put the brick in. It would definitely push it months into summer.

Mr. Livingston stated the reason he mentioned half brick is because he knows if you do it full brick you have to deal with the roofline, and that becomes a major issue.

Mr. Niermeier stated full brick would impact the roofline.

Mr. Malinowski stated, for clarification, on pp. 122 of the agenda, the only instruction that was given to staff was from the December 18th A&F Committee meeting, which was to "instruct[ed] staff to provide renderings on how to improve the façade of the building to Council. The renderings should also include the costs for each option." There was nothing mentioned about brick. It says, renderings on how to improve the façade, which indicates there may be some other options. Unless this is written wrong, that is what he is going on. Seems like we should have something else besides brick renderings and prices.

Ms. McBride stated, initially the magistrate offices, according to the information she received, were supposed to be of brick. Also, during the time she was working with the former person that was handling this, it was going to be a brick building. Somewhere during the conversations, the brick changed without her knowledge. She was under the impression that it would continue to

be brick, and she had no idea it had been changed to the steel. We have the Chief Magistrate here, and he too is concerned with the facility because all of these changes were made with a staff person, and the former Chief Magistrate. She does not know if it would appropriate, or not, but the Chief Magistrate is here, and it does concern him.

Mr. Malinowski stated he hears what Ms. McBride is saying, but he is just looking at quotes from previous minutes on pp. 123, near the bottom, where it indicates, "Staff presented the construction contract to the Administration and Finance Committee on April 24, 2018, approved 5-0, and sent to full council for approval." And, it says, "At the May 1, 2018, regular session meeting, Council approved the recommendation with a unanimous vote." That unanimity included the quote that says, "The exterior metal roof panels and metal wall panels will be replaced with new roof and wall panels." So, it was all there, and it was approved unanimously at the committee and Council levels. He does not have anything else to go on as to who thought what.

Ms. McBride stated it was approved with the understanding that it was brick. She thought the metal part was support. She had no idea the metal would actually be the facility.

Dr. Yudice stated she did the research on this item and she did not find anything in the documentation that talked about having a brick building. However, we will do what Council requests. If we need to find the funding; we will find the funding. If you want to change the metal to a brick building.

Ms. McBride stated she does not know how far back Dr. Yudice went in her research. She inquired if she went back 2, 3, 5 or 6 years.

Dr. Yudice stated she went back to 2015.

Ms. McBride stated the Council has been discussing this for years and years. It is her understanding; those were original plans. It behooves her that one building would be made of metal and everything else is made of brick.

Ms. Newton stated a lot of this predates her, but she wanted to take a minute and acknowledge the difficult position staff is in, and commend the work you have done so far. In that, we are dealing with a situation where there were designs that were made, designs approved, and a building that was built to those specifications. Now that the community is seeing it, they have problems with it. She understands that, and certainly would want that to be something that is attractive to the community. She just wanted to acknowledge that we have staff that is in this tough position, commend the work they have done, and to acknowledge that they are willing to do whatever the will of the Council is.

Mr. Malinowski moved, seconded by Mr. Walker, to call for the question.

Mr. Livingston requested Ms. Myers to restate the motion.

Ms. Myers stated she moved to ask staff to go back and bring us information as to whether or not we could realize savings across the entire program that would allow us to go forward with bricking the façade in the most efficient way.

Mr. Manning stated, for clarification, Ms. Myers' motion is to brick the facility the cheapest way

possible.

Mr. Gomeau requested a little more guidance.

Mr. Livingston inquired if Ms. Myers is talking about to bricking the entire facility.

Ms. Myers stated, with her limited understanding of construction, as a non-contractor, she is asking staff to go back, look across the program, see what is the most efficient way to achieve the goal of getting the building bricked with skinny bricks, thick bricks, whichever is the most efficient with realizing savings. She would like staff to have the flexibility and come back and say, "We can brick it. Here is how. Here is how much it will cost, and here is the source of funds."

Mr. Gomeau requested clarification on what Council would like to look at, so that Mr. Niermeier has something to bring back to you, so you can say, "That looks exactly like we want it." The other thing is, if you give them the latitude to look across the Capital Projects budget, as well as the magistrates, we may be able to solve that easier. The Budget Director thinks we may have an opportunity to look at under cost items in the Capital Projects budget, which might save time. He stated they would like some direction, whether it is Mr. Manning's direction, in terms of what you would like for us to do now, and then in the future. If you could give that some consideration on how you would like these buildings to be approved, we can give you specifications, but if there is a way you want us to look at it you need to tell us.

Ms. Myers amended her motion, based on Mr. Gomeau's comments, to look across the Capital Improvement Projects budget to see if we can realize savings across projects to create a source of funds to brick this building. In addition, to bring back a rendering to remove all doubt as to what it would look like when it is done.

Mr. Manning requested a friendly amendment to look for cost savings in the overall budget.

Ms. Myers accepted Mr. Manning's friendly amendment.

Mr. Livingston stated, based on Council's motion, is what determined what you brought to us. It is our decision to do something different with that, and offer something different from what we passed.

Ms. Myers restated that she moved to allow the staff to look across the budget to find savings to accommodate the changes needed for this magistrate's office, and to bring back solutions that would allow the magistrate's office to be bricked. Before it is bricked, to provide a rendering, so that we can all agree on the outcome.

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

Opposed: Malinowski

The vote was in favor.

POINT OF PERSONAL PRIVILEGE – Ms. McBride stated she thinks staff knows how much we appreciate the work that they do, and at points like this, when we are discussing, we are not really targeting, or having ill feelings about staff. We are just in a discussion. They know Council appreciates the work they do.

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

A. NOTIFICATION OF VACANCIES

1. Accommodations Tax – One (1) Vacancy (applicant must have a background in the Cultural Industry)
2. Hospitality Tax – Three (3) Vacancies (Two applicants must be from Restaurant Industry)
3. Employee Grievance Committee – Six (6) Vacancies (Must be a Richland County employee; 2 seats are alternates)
4. Board of Assessment Appeals – One (1) Vacancy
5. Board of Zoning Appeals – One (1) Vacancy
6. Building Codes Board of Appeals – Eight (8) Vacancies (One applicant must be from the Architecture Industry, One from the Plumbing Industry, One from the Electrical Industry, One from the Engineering Industry, One from the Gas Industry, One from the Building Industry and Two from Fire Industry as alternates)
7. Procurement Review Panel – Two (2) Vacancies (One applicant must be from the public procurement arena and one applicant must be from the consumer industry)
8. Planning Commission – One (1) Vacancy
9. Internal Audit Committee – One (1) Vacancy (applicant with CPA preferred)
10. Richland Memorial Hospital Board – Three (3) Vacancies
11. Midlands Workforce Development Board – One (1) Vacancy (Private Sector Business seat; must represent private sector business with policy-making or hiring authority)

Mr. Malinowski stated the committee recommended advertising the vacancies.

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

The vote in favor was unanimous.

17. **OTHER ITEMS**

- a. A Resolution certifying a petition received by Richland County, South Carolina, pursuant to Section 4-9-30(5)(a) of the Code of Laws of South Carolina, 1976, as amended, and other matters relating thereto [Lake Windsor Tax District] – Ms. McBride moved, seconded by Mr. Malinowski, to approve this item.

Mr. Malinowski stated he does not fully understand what is front of him, as he is not familiar with the petitions and how the voter board works. On the petitions themselves, it says name, address, and then it's a "No.", which he guesses stands for number, and signature. He inquired what the "No." represents.

Mr. C. D. Rhodes, Pope Flynn Law Firm, which represents the HOA in this matter, stated the number corresponds with the parcel # that the individual resides upon.

Mr. Malinowski inquired as to why we do not have anything dated in any of the documents. He stated they could have been done 5 years for all he knows. There are strikethroughs and write overs on some of the information. It is not initialed or dated to indicated that is what the person wanted. He does not think some of the signatures are legitimate, based on that.

Mr. Manning stated, as he understands it, the law provides for how to do that, and these signatures go to the Voter Board. They have the information, so at the point we are here, the Voter Registration Board has already done whatever they do with, whatever the concerns and issues Mr. Malinowski has, but that part is not before us because their work is already completed. Whatever they, and their board uses to certify and justify, they have said this meets the requirements to move forward.

Mr. Malinowski stated, for clarification, it makes no difference if we have questions, as long as they certified it.

Mr. Manning stated to a large degree that is correct.

Mr. Malinowski stated it indicates that 16.59% of the electors in the proposed district signed; therefore, that becomes the requisite number. So, we are now saying that out of 100% we only need 16% of the people to say we want it and it is done.

Mr. Rhodes stated it is certainly not done. That is to order the referendum.

Mr. Malinowski stated we do not need a majority, if that is the case.

Mr. Rhodes stated the statute requires that 15% of the voters within the district sign the petition in order for the referendum to be held. Of course, when you hold the referendum a majority of the voters have to vote in favor of it.

Mr. Malinowski inquired, if only 63 parcels are present in this community, why should it not be one vote per parcel because each parcel pays a tax, not each person within the parcel.

Mr. Rhodes stated there are a couple of multi-family units within this property. Of course, the citizens that reside within those multi-family units are voters within the district. The way you deal with that is you make it based upon the registered voters rather than the parcels.

Mr. Malinowski inquired if the \$2,500 is for life, based on the parcels or the voters. If you have 63 parcels, and each one will not exceed \$2,500 for life, that is only \$157,000. Where are you getting the \$1 million bond from?

Mr. Rhodes stated the preference here is an annual service charge. It could be \$2,500 per parcel, per year. But, in this particular case, because there are multi-family units within this proposed taxing district, he thinks the preferred course of action is to go with the millage rather than the fee. Either way you end up where you need to be.

Mr. Malinowski stated maybe with the millage you do. He does not know what the mills are, but where is says an annual user service charge levied against each parcel in the district, in an amount not to exceed \$2,500 for life. He takes that to mean that each parcel will not exceed a \$2,500

payment over the life of the special tax district, and that multiplied by 63 gives you \$157,500, which is nowhere near a million dollars.

Mr. Rhodes stated that is not the intent of how it is to be read. It is an annual fee of \$2,500.

Mr. Malinowski stated then you need to write in here the way it is supposed to read, not intent.

Ms. McBride stated part of the issues that Mr. Malinowski is raising comes from the Voter Registration Board that approves. She does know the community came and asked for support in getting this done. She knows the community met with the Auditor and several different entities within Richland County Government to insure they were doing it the proper way. The final decision will be left to the citizens within this community.

Ms. Myers inquired if renters or owners voting.

Mr. Rhodes stated it is registered voters. So, if your residence is within the taxing district, then you are a registered voter.

Ms. Myers stated, for clarification, so you can be a renter in the multi-family unit, and vote to impose a tax even though you do not own the parcel.

Mr. Rhodes responded in the affirmative.

Ms. Dickerson inquired as to what the purpose of all these special tax districts that have been coming up lately.

Mr. Rhodes stated, during the flood, the lakes along the Gills Creek Watershed their dams burst. The lakes and dams were owned by Homeowners' Associations. The only means these HOAs had to finance the repair of the dams is to create these taxing districts. There is a lot of effort that went into to finding a way that they could take on the costs of repairing these dams themselves, and get the job done. And, to be able to finance it so they can repair it now, rather than saving money for a decade and then repairing it.

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

The vote in favor was unanimous.

- b. A Resolution to appoint and commission Juan Pablo Torres as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {Animal Services} – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

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

The vote in favor was unanimous.

- c. A Resolution to appoint and commission Nicholas Jackson as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {Animal Services} } – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

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

The vote in favor was unanimous.

- d. A Resolution to appoint and commission Dantrell Laquinn Jones as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {Animal Services} } – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

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

The vote in favor was unanimous.

- e. A Resolution to appoint and commission Kimberly Van De Grift Todd as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County{Animal Services} } – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

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

The vote in favor was unanimous.

- f. The Richland Program Development Team (PDT)'s Wage Rate Increase – Mr. Jackson moved, seconded by Ms. Dickerson, to defer this item.

Mr. Malinowski made a substitute motion, seconded by Mr. Walker, to deny the requested wage rate increase.

Ms. Newton stated, for clarification, the motion is to move to deny the raise, which means that if you vote “yes” for the motion, you are denying the raise.

Mr. Jackson requested the Chair to state what his original motion would mean.

Mr. Livingston stated it would defer it.

Mr. Jackson stated that would allow more time for clarification and discussion. The same decision of denial at a later date.

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

Opposed: Jackson, Manning, Livingston and McBride

The vote was in favor of the substitute motion.

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

Mr. Manning inquired if this was time sensitive.

In Favor: Jackson, Manning, Livingston and McBride

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

The motion for reconsideration failed.

18. **EXECUTIVE SESSION** – Mr. Smith stated the following items are eligible for Executive Session.
Mr. Smith stated the following items are eligible for Executive Session.

a. Columbia Place Mall

1. Maintenance Fees

b. City of Columbia: Intergovernmental Agreement for Bulk Water Sale

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

Opposed: Jackson and Manning

The vote was in favor of going into Executive Session.

Council went into Executive Session at approximately 8:20 PM and came out at approximately 9:05 PM.

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

The vote in favor of coming out of Executive Session was unanimous.

a. Columbia Place Mall

1. Maintenance Fees – Ms. Myers moved, seconded by Ms. Dickerson, to allow the staff to go back and undertake discussions with the mall maintenance company, as discussed in Executive Session.

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

The vote in favor was unanimous.

b. City of Columbia: Intergovernmental Agreement for Bulk Water Sale – Ms. Myers moved, seconded by Ms. Terracio, to allow staff to explore options for water provision, as discussed in Executive Session. And, to allow the Chair and Vice Chair to undertake discussion with the City, as discussed in Executive Session.

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

The vote in favor was unanimous.

19. **MOTION PERIOD**

a. With regard to Section 5 in the Richland County 2019 Council Retreat and the presentation on Reintroducing and Revisiting the Renaissance Plan, I move that the County proceeds to remove the

**Regular Session
February 5, 2019**

Historic Trail out of the “Renaissance” so we can use the nearly \$ ¾ M already allocated in the FY16-18 Biennial Budget to begin this project now [MANNING] – Ms. Myers inquired as to why we need a motion on this. It has already been approved. All we would need to do is instruct staff to act on it.

Dr. Yudice stated it has been approved in the budget; however, this was a part of Richland Renaissance, which is deferred.

Ms. Myers inquired if we instruct the staff to go forward with this item, then...

Dr. Yudice stated we will do what Council asks.

Ms. Myers stated she is concerned that if we take it back into committee it would require a committee meeting, then a Council.

Ms. Myers moved, seconded by Ms. Dickerson, for unanimous consent to move forward with Historic Trail development.

Mr. Malinowski inquired, for clarification, this is only to use the funds already budgeted.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

Mr. Livingston stated the following motions were not on the printed agenda, but were received by the Clerk’s Office in a timely manner.

- b. I move that Richland County establish an Ordinance and/or Ordinance language revision to mirror or replicate that of the City of Columbia to reduce or eliminate the public safety concerns particularly with regard to those businesses that have had shootings on their business premises. That language is reflected below:

Nuisances offending the public decency, peace and order.

The following are hereby declared to be public nuisances affecting public decency, peace and order, whether such violations are of an intermittent, cyclical, continual, reoccurring or constant nature; and when the responsible party generates, enables, or contributes to the occurrence of the unlawful behavior by an absence or failure of property management policy or practice, absence or failure of control over the property, absence or failure of supervision of guests or invitees, absence or failure of security measures.

1. Any structure, whether commercial or residential, where gambling devices, slot machines, punch boards and other such contrivances of similar character involving any elements of chance as a consideration or any type of gambling, bookmaking, wagering or betting is carried on, and

all gambling equipment, except where such specific form of gambling is permitted by applicable law;

2. Any structure, whether commercial or residential, operated as a bawdy house, house of assignation, place of prostitution or used and maintained for the commercial or criminal purposes of unlawful sexual activity in violation of federal, state or local law;
3. Any structure, whether commercial or residential, where intoxicating liquors are manufactured, sold, bartered or given away in violation of federal, state or local law, or where intoxicating liquors kept for sale, barter or distribution in violation of federal, state or local law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place; or where required safety plans are not in place, or where persistent violations of law occur under a failed or ineffective safety plan;
4. Any structure, whether commercial or residential, where acts of sale, manufacture, possession or distribution of controlled substances occur in violation of federal, state and local law;
5. Any structure, whether a commercial operation or a residential use, where violations against the federal, state or county laws occur with disproportionate frequency or intensity that they required an excessive public safety response cost. "Excessive public safety response" means:
 - a. The reasonable deployment of five or more law enforcement officers to an emergency scene at one time, or the reoccurring need for public safety or code personnel or emergency vehicles at the location when compared to the frequency or intensity of law or regulation enforcement required at other similarly situated structures;
 - b. There have been more than two situations of unsafe traffic or crowd control issues which result in the request of emergency assistance or the need of law enforcement assistance from an emergency situation; provided, however, this does not include when traffic control or crowd control is requested in advance of a scheduled event pursuant to an issued permit or prior discussions with law enforcement.
 - c. There have been more than six incident reports, citations, or search warrants executed, or a combination thereof, at that structure for any of the following behaviors during any 12-month period:
 - I. Violation of any state or local alcohol law;
 - II. Violation of any federal, state or local narcotics law;
 - III. Violation of any state or local gun law;'
 - IV. Assaults; and/or
 - V. Crimes of violence against another person(s).
6. Any overgrown, uninhabited, undeveloped or vacant land, lot or property not licensed or zoned for camping that has been identified by law enforcement as an area used by persons other than the owner as an area to inhabit or camp, or any overgrown, uninhabited, undeveloped vacant land, lot or property used by persons as an area to flee or evade police upon approach, or used to avoid detection or investigation by law enforcement without regard to the time of day or night regarding such conduct, as identified by a citizen or police reported incident level of more than two times in a 60-day period.

7. Reentry upon a specified public place, after being ejected and excluded from a public place as a result of conduct that placed themselves or others in potentially dangerous situations on public places by disobedience to safety rules, disorderly conduct or breaches of the peace.

Then in another code section:

1. Authority of the County Sheriff. When the County Sheriff determines, upon investigation, that a business licensee has engaged in an unlawful activity or nuisance related to the business, or the business is operating without proper licensure s/he may shutter the business and suspend the business license. The business shall remain closed and all licenses are suspended pending a hearing before the proper County authority(s) for the purpose of determining whether the license should be revoked. [MANNING and KENNEDY] – This item was referred to the D&S Committee.
- c. Move for emergency authorization to allow staff to engage with the City of Columbia, the Columbia Housing Authority, and other staff-identified agencies (such as the United Way, Christ Central Ministries, the Red Cross, Harvest Hope, Christian Bridge Assistance, Catholic Charities, among others), who are providing help to the displaced residents of Allen Benedict Court, to mobilize up to \$150,000 to support the provision of direct access to laundry services, support for day-to-day necessities (like medicine and personal care items), and after school care/homework assistance for the children of those residents. Staff will develop a plan to mobilize immediate assistance to the residents and also will work with the RC Library, the COMET and the Parks and Recreation Commission to solidify all aspects of the direct assistance. Council will be made aware of the final details of the plan prior to its implementation, and all agencies receiving direct funding to meet immediate AB Court Residents' needs will be subject to RC Budget and Grants Office Audit of funds received. [MYERS, MCBRIDE, TERRACIO, DICKERSON, NEWTON, KENNEDY and MANNING] – Ms. McBride moved, seconded by Ms. Myers, to approve this item.

Ms. Dickerson stated we need to make sure these dollars go directly to the Allen-Benedict Court residents that were displaced. She stated she is happy to say up to \$150,000, but she would like to reserve the right to come back if they need additional funding.

Mr. Livingston inquired as to where the funds are coming from.

Mr. Gomeau stated there were 2 funding sources. He noted that Mr. Hayes and Dr. Thompson were coordinating the staff interaction with the agencies to make sure the money gets there.

Mr. Malinowski inquired about the City, and their efforts in this. He realizes they are talking about HUD and Federal agencies, but he is not known exactly what they are doing. He does not know whose fault it is that it was not maintained. He wants to make sure the City is also committing some type of funding to these efforts.

Ms. Dickerson stated her main concern was that we do not step out in front of the City. She requested that we do a coordinated effort to make sure we are not jumping out in front of them. We are here to help, and assist, which is why we need those necessities identified, so we will know how and where we need to disburse these funds.

Ms. Terracio stated she has been in close contact with City Council and they have assured her whatever the County would like to do, in terms of assistance, would not be duplicative of their efforts. They are working towards affordable housing. They are working with the Federal agencies.

They do not have access to the COMET and the Library system like we do. There are a lot of ways we will be helping that will in no way be duplicative to what the City is doing.

Ms. McBride stated she has gone to do volunteer work, and if anyone is willing to volunteer to work, please give them a call. The community is really coming forth and helping. The COMET is also working with them. The City has a lot of other entities working with them, but she agrees with Ms. Dickerson that we need to make sure that we are coordinating with the City, in terms of what is being done. They know the needs better than we do. She has also spoken to several residents to get input, in terms of their needs. She thanked Ms. Myers for her efforts to get all of us together because this is something we have talked about, and she is proud that the County is moving forward and doing something for those people are disadvantaged, at this time. And, particularly the Allen-Benedict Court residents. Finally, we are in a position now, with the Department of Social Services, that is similar to the condition to Allen-Benedict Court. She looks forward to working with the Council on taking up this issue.

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

The vote in favor was unanimous.

- d. Resolution honoring Ms. Margaret DuBard's service to Richland County and the Conservation Commission [DICKERSON] – Mr. Manning moved, seconded by Mr. Malinowski, to adopt the resolution for Ms. DuBard.

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

The vote in favor was unanimous.

- e. Resolution recognizing Chief Aubrey Jenkin's 40th Anniversary with the Fire Service [LIVINGSTON]
– The resolution for Chief Jenkins was unanimously approved.

- 25. **ADJOURN** – The meeting adjourned at approximately 9:22 PM.