



## Richland County Council

### ADMINISTRATION AND FINANCE COMMITTEE

July 24, 2018 – 6:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Paul Livingston, Chair; Bill Malinowski, Dalhi Myers, Yvonne McBride, and Norman Jackson

OTHERS PRESENT: Brandon Madden, Michelle Onley, Jennifer Wladischkin, Trenia Bowers, Tim Nielsen, Sandra Yudice, Kimberly Williams-Roberts, Larry Smith, Jamelle Ellis, Art Braswell, Melissa Watts, Stacey Hamm, Hayden Davis, John Thompson, Nathaniel Miller, Steven Gaither and James Hayes

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **APPROVAL OF MINUTES**
  - a. June 26, 2018 – Ms. McBride moved, seconded by Ms. Myers, to approve the minutes as distributed.  
  
In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride  
  
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Mr. Malinowski moved, seconded by Mr. N. Jackson, to adopt the agenda as published.  
  
In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride  
  
The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
  - a. Amendment to lease for Economic Development Office – Ms. Harrison stated the Economic Development Office is requesting an amendment to its existing 5-year lease agreement. She stated they have been in this space since 2012, and they are out of space. They created, and hired, a new position at the beginning of the year. With the new position, they have 2 employees sharing an office. The request is approval of the amendment, which allows staff to move down the hall to a larger space. The new space increases the square footage by 500 sq. ft., and allows for the timeframe of the lease to be extended for 7 years, with an out clause at 5 years.  
  
Mr. Malinowski stated the information they have shows there was a strategic plan for the Economic Development Office in 2009, which stated the office would eventually have 5 full-time positions. Yet in 2014, ED Office entered into a 5-year lease term for the square footage they had, with apparently no consideration for the upgrades.

Ms. Harrison stated, at that time, she was not a member of staff, but she would think at time the thought was to utilize the space.

Mr. Malinowski stated this item is a one reading item that will be forwarded to the Council meeting tonight, but the amendments to the lease agreement are not notated in the document provided in the agenda packet.

Ms. Harrison stated she has the proposed lease terms with her, if the committee would like to go through them.

Mr. Malinowski stated the terms should have been provided prior to the meeting.

Ms. Myers moved, seconded by Mr. N. Jackson, to forward to Council with a recommendation to approve the lease amendment.

In Favor: Myers, N. Jackson, Livingston and McBride

Opposed: Malinowski

The vote was in favor.

- b. City of Columbia and Richland County Animal Care Facilities Intergovernmental Agreement – Mr. Madden stated, as you recall, in Winter of 2017, we entered into negotiations with the City to amend the IGA for Animal Care. One of the points in that was the change in the fee from \$14.00 to \$24.00. The request is for Council to approve the IGA. Additionally, Mr. Madden stated the funds are in the budget to cover the fee increase.

Ms. Myers moved, seconded by Mr. Livingston, to forward to Council with a recommendation to approve the IGA with the City of Columbia to increase the fee from \$14.00 to \$24.00.

Ms. Myers inquired as to the impact to other parts of the budget by this. This is an approximately \$200,000 per year increase.

Ms. Haynes stated it is not in her budget.

Mr. Madden stated, part of the budget amendment, includes an adjustment to the non-departmental line item.

Ms. Myers stated the backup documentation said the funds were available in their budget, but actually it is coming from the contingency fund.

Ms. McBride inquired if there are any other changes to the IGA besides the rate changes.

Ms. Haynes stated it is only the rate change.

Ms. McBride inquired if the County has any input, in terms of what happens.

Ms. Haynes responded in the affirmative.

Mr. Malinowski inquired if Council will be provided an Exhibit A prior to this item going to Council.

Ms. Haynes stated it is included on p. 24 of the committee agenda.

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Ms. McBride stated the estimated new cost is \$486,672 per year. She inquired if there are other expenses the County pays to the City.

Ms. Haynes stated there are no other expenses.

Mr. Malinowski inquired how the costs were determined.

Mr. Madden stated he believes the City has a cost for keeping an animal.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- c. Approval of an Intergovernmental Agreement (IGA) between Richland County and the City of Columbia regarding FY 2019 Transportation Penny Program – Mr. Livingston stated this is the same information that was discussed in the budget process.

Mr. Madden stated that is correct. This just formalizes it.

Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve the IGA.

Mr. Malinowski inquired if they will provide an Exhibit A for this item.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- d. Affordable Housing Development – Ms. Myers moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the request to award HOME funding in the amount not to exceed \$128,725 for the development of affordable housing for very low income household to Santee Lynches CDC.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- e. Candlewood Neighborhood Park Land Acquisition and Subsequent Deed to Richland County Recreation Commission for Park Maintenance – Ms. McBride moved, seconded by Ms. Myers, to forward to Council with a recommendation

Mr. Malinowski stated, in the backup documentation, out of the 9.7 acres they are going to take an acre out and give it to the Recreation Commission. They allocated funding in the amount \$120,000 from the 2018 Recreation Bond. He inquired if this particular acre and dollar amount in the original bond request, or is these monies left over and they are going to use it this.

Mr. Manning stated this was a Master Plan for District 9, but with the redistricting it came into District 8. The Richland County Recreation Bond had this project in it. Then there was the property acquisition that was going to be the County's, so we started moving ahead with the landowner, which was the original developer of Candlewood. There was an appraisal done in 2014, and the County wanted an updated appraisal done. When the new appraisal was done the price went up \$16,000, which is what is before the committee tonight.

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Mr. Malinowski inquired once this particular piece of property is developed is the Recreation Commission going to have, within their current finances, the wherewithal to handle the costs of staffing, maintaining, and doing whatever is needed to be kept afloat.

Mr. Manning stated it will be maintaining, not staffing because it is not going to be a park with an office. It is going to be a pocket park with a pavilion and playground equipment.

Ms. McBride inquired if the plans for the park are on p. 42 of the committee agenda.

Ms. Hegler stated that is the overall vision for the development of the park. The Recreation piece is just a minor portion of it.

Mr. N. Jackson inquired if the plan on p. 42 is to be placed on the 1 acre.

Ms. Hegler stated p. 42 is the full 9.3 acres.

Mr. Manning stated the master plans in the past had "pie in the sky". This is the "pie in the sky". Where we are now, in the pragmatic real world, is developing one acre, with some playground equipment and a picnic pavilion. He further stated there is no one in this neighborhood who has any dream that they are going to ever see anything like this because they are realist. They are just thrilled to think that Council may approve the additional \$16,000, with the current appraisal, so they can move ahead and pull down the money that was in the Recreation Commission bond.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- f. Approval to negotiate and enter into a contract for the modernization of the six (6) Judicial Center elevators located at 1701 Main St. – Mr. Madden stated this was before the committee last month. There was a question regarding the previous actions that were taken on the Judicial Center. There is a companion document that outlines the responses for those questions. Staff recommendation is for approval of this item.

Ms. McBride moved, seconded by Ms. Myers, to forward to Council with a recommendation to authorize the Procurement Department Manager and staff to move forward with entering into a contract with Carolina Elevator Service, Inc., the recommended contractor from solicitation RC-074-B-2018, to supply and install all required equipment, material, and labor to modernize six (6) elevators at the Judicial Center located at 1701 Main Street. The total project cost requested for approval is in the amount of \$1,060,350.79, with a contract amount of \$922,050.79 and a reserved contingency amount of \$138,300.00.

Mr. Malinowski stated, for clarification, we are not going to wait to see how long before a new Judicial Center may be approved, correct?

In Favor: Myers, N. Jackson, Livingston and McBride

Opposed: Malinowski

The vote was in favor.

- g. This is a request for Council to award a contract for the construction of a landfill gas control system to include perimeter and in-waste active landfill gas extraction wells connected by piping to a

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vacuum blower system, along with ancillary systems – Mr. N. Jackson moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the contract to Tri Con Works, LLC.

Ms. Myers stated this is remedial in nature. It will be a good thing to get these fixes in place to stop the gases from seeping into the ground.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- h. Council Motion: Reconsider the order to request the return of funds used to purchase four acres for county projects by CHAO and Associates and move the project forward immediately giving appropriate time to complete the project [N. JACKSON] – Mr. N. Jackson stated we gave CHAO and Associates funds to purchase property.

Mr. N. Jackson moved, seconded by Ms. McBride, that we accept the property so we can move forward with the project.

Ms. McBride stated, for clarification, the property we are speaking about is the property that Mr. Chao now, and wants to give back to the County. At this point, we are just voting on this issue.

Mr. Livingston stated it also mentioned something about immediately giving appropriate time to complete the project.

Ms. Myers stated this is not just for Mr. Jimmy Chao to give the County a piece of property. This is for a forced purchase of a piece of property, and to take other actions tied to it. She stated this is the County buying it from Mr. Chao.

Mr. N. Jackson stated in the master contract, that was passed in Phase II, we set aside \$140,000 to purchase 4 acres of property. The County processed, and Chao and Associates gave a requisition for the purchase of the property. The County gave them the appraisal company the County used. The County wrote Chao and Associates a check for \$126,000 to purchase the property. Chao purchased the property from the check the County gave them. The previous Administrator stated he had no documents that 4 acres was to be purchased. As you can see, in Phase II, we now have the document where \$140,000 was set aside to purchase the property. The check went through Procurement, Legal, Finance, etc. Richland County gave him a check for \$120,000 to purchase the property. He purchased the property. What he is trying to do now is to turn the property over to the County. The project has been held up for over 10 months. The property is the only piece of property possible to complete the project. Most of the land is wetlands and cannot be used. Once we accept the property, we can continue with the project. The longer we keep the project on hold, the more it is going to cost to build that project.

Ms. Myers stated this is the question about the vote we took some time ago to require the repayment of the money to the County, not just accepting property, right? Ms. Myers inquired if staff ever found where there was a motion to purchase the property.

Mr. Madden stated he does not recall a motion to specifically purchase the property. He stated he thinks Mr. N. Jackson's intent is to reconsider the original directive given to staff, which was to request reimbursement of the funds.

Mr. N. Jackson stated the Administrator said he had no documentation. He did not know anything to do with a land purchase. He stated the document is here on p. 96-97 where when Council approved

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Phase II. It is in the document, acquisition of 4 acres. The former Administrator did not have the document and that is why he was against it.

Mr. Malinowski stated he is not arguing that the purchase was not approved by Council. The part he has the problem with is there is a process to go through, which this Council voted to uphold following the process, which is outlined in Attachment F. Chao and Associates was supposed to pay back a certain amount. The County would pay Chao and Associates for work done on County property, to date. Instead, we got a letter back that stated, "We will give you the money back, if you agree to purchase the property by a specific date." In his opinion, this is not what they were asked to do. We asked them to do certain things related to this overall matter. If they had done it, we may be moving forward now. Until it is done in the legal way, and not cutting corners, so every other company that comes along says, "Well they got with it, so why can't we do it." He inquired of Mr. Smith or Mr. Madden if his summary is correct.

Mr. Madden inquired if the document Mr. N. Jackson was referencing was located on p. 111.

Mr. N. Jackson responded in the affirmative.

Mr. Madden stated that was not a document staff had in its possession. The document was provided to the Clerk's Office by Mr. N. Jackson for inclusion in the agenda.

Mr. N. Jackson stated the documents on pp. 96-97 that referred to Phase II, with the land, was what he was speaking about. When it was brought to Council, there was no cutting of corners. Phase II was approved by Council. In Phase II, it had land acquisition, 4 acres. The \$140,000 was set aside to purchase 4 acres. We had a master agreement with Chao and Associates. This Phase II document was in the master agreement. The Administrator said that he had no copy of any of these documents showing that Council approved the purchase of land, and that is why he was against it. This did not go to committee. It was discussed in Executive Session, and we made a decision. If it had gone to committee and a search was done, and these documents were found, then we would have a different decision. These documents were not presented in Executive Session. It was never discussed. His point is, Mr. Malinowski said corners were cut. The way Council has been dealing with Pinewood Lake Park, no corners were ever cut. Everything was upfront. Richland County gave Chao and Associates \$126,000 to purchase 4 acres of land, which he did. For Richland County to say, Chao was wrong, or cut corners. We gave him the money. Now we are going to say, "Well give us back the money, and take the land." Mr. Chao does not need the land. The land is the only piece of property needed to complete the project. Because of our actions, this project has been on hold for over 10 months, and the price is escalating. His motion is to reconsider having Mr. Chao refund the money to the County, and accept the land and move forward.

Mr. Livingston stated he asked Administration whether or not the property was a part of the original plan? Is it essential for us to move forward with Pinewood Lake? If that is the case, then we will need the property. What is at stake now is the purchasing process. First of all, Council voted to ask Mr. Chao to pay the money back and keep the land. That is something this motion cannot change because this motion is not property before us because the reconsideration period is gone, which would require us to rescind the decision of Council. He stated he is willing, as a Councilmember, if Chao decides to give us the money back, and the property is essential for that, he would vote to buy the property back.

Mr. N. Jackson stated it is not a reconsideration of the item. It is to take the property because we gave him the money to purchase it.

Mr. Livingston stated Mr. N. Jackson is reconsidering Council's decision with this motion; therefore, it is not properly before us. You have to reconsider prior to the approval of the minutes. After that you have to rescind the action.

Mr. N. Jackson stated if you read the motion it says to reconsider what was done and move forward with accepting the property.

Mr. Livingston stated it says, "Reconsider the order to request the return of the funds used..." We made a motion that the funds be returned.

Mr. N. Jackson stated he believes the motion is properly before the committee, or we can make a substitute motion. At the end of the day, if the motion is not proper because the term reconsideration is used, his motion is to accept the property. That is all we need to do. It has been over 10 months. We gave the man the check to purchase the property, then we decided that he should not purchase the property. He stated we are hung on whether it is reconsideration or not.

Mr. Livingston stated what he is hung up on is what Council has voted for already.

Mr. N. Jackson inquired if he should wait 2 more months, until it has been a year to bring it back.

Mr. Livingston stated the quickest way for it to happen is for Mr. Chao to pay the money back, and then if Council wants the property, buy the property back.

Mr. N. Jackson stated it is in the agreement we approved for Phase II.

Mr. Livingston stated it is his opinion that this is not properly before us.

Mr. Smith stated under Council's rules a motion to reconsider an item must be introduced on the day of the decision in question, or at the next succeeding session of Council. Any subsequent motions to alter a decision already made must come in the form of a motion to rescind. To Mr. Livingston's point, the motion to reconsider would not be appropriate, at this point, because it does not come on the day of the decision, or the next meeting. However, there can be a motion made to rescind the previous action Council has taken.

Mr. Livingston stated he is going to rule this motion out of order, but he is willing to work with Mr. N. Jackson if the property is essential to the project.

Mr. N. Jackson stated he will make a motion in September to rescind the action, so we can get the property to move the project forward.

- i. Council Motion: Appropriate up to \$300,000 from the Gills Creek Part A project to repair the emergency spillway and an additional \$300,000 to build the boardwalk where the temporary bridge was removed [N. JACKSON] – Mr. N. Jackson stated, during the flood, the emergency spillway at Pinewood Lake Park was damaged. Initially, we were told that we could repair the dam because the easement only allowed us to go 10 inches because we only own 10 inches of the dam. There is nothing that states it only goes 10 inches deep. He is not sure where that came from. Without the repair of the dam, we do not have a lake. DHEC is pressuring us to fix it as soon as possible. The funding is there to repair the dam. It needs to be repaired since it is for public use. He is requesting the County use \$300,000 from the Gills Creek Part A funding.

Mr. N. Jackson moved to forward to Council with a recommendation to accept the proposal to appropriate the funding to repair the dam.

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The motion died for lack of a second.

- j. Council Motion: Allocation of additional \$3M in funding for the Pinewood Lake Park project [N. JACKSON] – Mr. N. Jackson stated this project has been approved since 2013. As he spoke earlier regarding the land, this project is costing more as construction costs are going up. He stated the building has been designed. The longer we sit, and do nothing, the more the costs increase.

Mr. N. Jackson moved to forward to Council with a recommendation to encumber \$3M for the Pinewood Lake Park project.

The motion died for lack of a second.

- k. Council Motion: Conservation Commission to revise the proposed contract agreement with the Pinewood Lake Park Foundation [N. JACKSON] – Mr. N. Jackson stated, when the former Administrator was here, he was supposed to meet with the people at the park to discuss how to move forward. This meeting did not happen because the Administrator left. Some Councilmembers were also supposed to go to the meeting, but there was a mix up on the date. The decision on how to move forward was based on having a meeting with the citizens, at the park. A decision was made, without meeting with the community, and he thinks it disrespectful to develop a project without meeting with the citizens of the area. He is requesting a meeting with the community and the Interim Administrator/Administrator to develop an agreement based on the citizens' input.

Mr. N. Jackson moved to defer this item until the community meets with the Interim Administrator/Administrator to express their concerns.

The motion died for lack of a second.

- l. Council Motion: Council review of the Hospitality Tax process [KENNEDY] – Mr. Malinowski stated this motion is a rather general motion. He thinks the maker of the motion needs to review the backup documentation, and bring back what needs to be updated and changed.

Ms. Myers moved, seconded by Ms. McBride, to forward with Council with a recommendation to provide the flowchart, she received from Mr. Madden, to the grantees, when they are notified of their award, in an effort to help them understand the flow of the process.

Mr. Malinowski inquired if the grantees are provided this flowchart now.

Mr. Madden stated it is not provided in the format described by Ms. Myers.

Mr. N. Jackson inquired if the flowchart has been accepted by the Finance and/or Grant's Office.

Ms. Myers stated it was developed by staff.

Mr. N. Jackson inquired if it was something new.

Mr. Madden stated it was a response to a request. If it is the will of the committee, we can develop an official flowchart, with input from all of the impacted departments. The flowchart can then be provided to the grantees upfront.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

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- m. The Richland Program Development Team (PDT) requests a wage rate increase for Calendar Year (CY) 2018 and retroactive payment for wage rate increase for CYs 2016 and 2017 – Mr. Madden stated staff reviewed the request from the PDT. There was a difference in the manner in which the PDT developed their recommended increases versus what staff saw in the actual contract. On pp. 170-171, it provides a breakdown of staff’s vetting of the request. Specifically, on p. 170, the 2% base of the rate as of 11/3/14 column, plus the NAICS percentage change. Per the contractual agreement with the PDT, the increase should be their salary increased by those 2 percentages combine. As he understands it, what the PDT submitted in their request, their wage increase was to include those amounts, but the base amount they were using for the increase was the previous fiscal year’s, if those increases were approved. And, those increases were not approved in those years. There are 3 alternatives provided by staff. At this time, we are seeking direction from Council.

Mr. Malinowski stated, from what he is understanding, the wage increases have already been denied for previous years.

Mr. Madden stated he believes that is correct.

Mr. Malinowski stated now the PDT wants us to go back and undo what was previously denied.

Mr. Madden stated they want to bring all their increases they did not have since 2014.

Mr. Malinowski stated on p. 168 under the “Background” it says, “Compensation for Task I was based on 2014 wage rates. The Contractor shall be eligible on the following dates for cost of wage increases...” It does not say, “They will be given.” It says, “They are eligible.” If it was decided they should not get them, then they do not get them. He could not support going back and retroactively giving them something that is not an automatic within their contract. In addition, on p. 168 it states, “County Administrator Gerald Seals advised the PDT that he could not recommend wage rate increases for either year because the County did not grant cost of living increases to County personnel for 2016 and had not considered pay increases for County personnel for 2017.” He stated he would have to agree. If we did not give our own in-house personnel wage increases, then he does not believe we should be giving other people a wage increase. He inquired if staff was given wage increases in 2017. If the answer is no, then he recommends to provide no salary increase.

Mr. Malinowski moved, seconded by Ms. Myers, to forward to Council with a recommendation to provide no salary increase.

Mr. C. Jackson stated, before the committee casts its vote, there needs to be some degree of certainty about whether or not County staff got a pay increase in any of the years in question. If that is the case, we should honor and be consistent. If that is not the case, he would agree with Mr. Malinowski’s motion. However, he would ask the committee to make sure the statement that staff did not get an increase during any of those years is verified before action is taken regarding the PDT’s request.

Mr. Livingston made a substitute motion, seconded by Mr. Malinowski, to defer this item until the September committee meeting.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- n. Request from the University of South Carolina’s Center for Applied Innovation and Advanced Analytics to partner and implement (including funding) a project that would provide rural internet to

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those areas of unincorporated Richland County that do not have access to broadband – Mr. Malinowski inquired as to how this item got on the agenda.

Mr. Madden stated the University of South Carolina has been working on a project for increasing internet access throughout the County. They presented some information to staff, and has been working with Councilwoman Myers for a number of months. This is a request to get Council feedback on whether or not it is their pleasure to move forward with this.

Ms. Myers stated this is a really exciting proposal that was presented to her to get high speed access and make Richland County green with 4G or 5G. The project would be partnering with ETV, USC, and their IBM Watson Smart Computer to get the County green all over.

Mr. Malinowski stated the documentation says “a partnership”, but he does not see who is paying what. It appears the County is paying for the whole thing.

Ms. Myers moved, seconded by Mr. N. Jackson, to defer this item until the September committee meeting.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. Council Motion: Funding the Senior programs should be distributed equally and fairly. It is not right for one organization to be receiving hundreds of thousands of dollars annually while other areas receive none. All areas pay taxes and all seniors should get the same and equal opportunity in receiving funding. I move that funding for seniors (Senior Activities) be distributed equally in all eleven districts [N. JACKSON] – No action was taken.

5. **ADJOURNMENT** – The meeting adjourned at approximately 7:00 p.m.