



## Richland County Council

REGULAR SESSION  
June 6, 2017 – 6:00 PM  
Council Chambers

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Calvin “Chip” Jackson; Norman Jackson; Gwendolyn Davis-Kennedy; Paul Livingston; Jim Manning; Yvonne McBride; Dalhi Myers; Greg Pearce; and Seth Rose

OTHERS PRESENT: Beverly Harris, Jamelle Ellis, Brandon Madden, Sandra Yudice, Michelle Onley, Gerald Seals, Larry Smith, Ismail Ozbek, Tracy Hegler, Brad Farrar, Kimberly Williams-Roberts, Chris Eversmann, Jeff Ruble, Roger Sears, Lillian McBride, Tony Edwards, Shawn Salley, and Pam Davis

**CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM.

**INVOCATION** – The invocation was led by the Honorable Joyce Dickerson.

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Joyce Dickerson.

### **APPROVAL OF MINUTES**

- a. Regular Session: May 16, 2017 – Mr. Malinowski moved, seconded by Ms. Myers, to approve the minutes as distributed. The vote in favor was unanimous.
- b. Zoning Public Hearing: May 23, 2017 – Ms. Myers moved, seconded by Ms. Kennedy, to approve the minutes as distributed. The vote in favor was unanimous.

### **ADOPTION OF AGENDA**

Mr. Malinowski moved, seconded by Ms. Kennedy, to adopt the agenda as published. The vote in favor was unanimous.

### **REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS**

- a. Clemson Road & Sparkleberry Lane Intersection Improvement Project: Right-of-Way Acquisition
- b. Clemson Road Widening Project: Right-of-Way Acquisition
- c. North Main Street Contract
- d. Contractual Matter: USC

- e. Richland County lost millions of dollars by not collecting taxes on (SOB) for the past five years. I [Councilman N. Jackson] move that the Legal Department along with Administration explore recovering the funds from Sexual Oriented Businesses directly
- f. Potential Sale of Property
- g. Sale of County Property
- h. Employee Recruitment Status

*Council went into Executive Session at approximately 6:06 PM and came out at approximately 6:19 PM.*

**CITIZENS INPUT: For Items on the Agenda Not Requiring a Public Hearing** – Mr. Daryl Nations signed up to speak regarding Item 11.g. “Hangar Leases....”

**REPORT OF THE COUNTY ADMINISTRATOR**

- a. An Ordinance Amending the Elections & Voter Registration Budget – Mr. Seals stated this item is in reference to amending the Elections & Voter Registration budget. There was erroneous information provided to Council at the September 20, 2016 Council meeting. The information provided by staff stated that the Elections & Voter Registration budget would be overrun by approximately \$400,000. A written apology, as well as a public apology, has been conveyed to the Elections & Voter Registration Department.

The recommendation is to correct the erroneous information through a budget amendment. The budget amendment is listed as Item 12(a) on the agenda.

- b. Employee Recruitment Status – Mr. Seals stated there are several employee issues that will be discussed in Executive Session.

Mr. Pearce inquired if a department has an overrun should that be brought to Council’s attention so an adjustment can be made via a budget amendment.

Mr. Seals stated there are two answers to the inquiry. If there is an overrun from departments that report to the County Administrator, those are corrected without bringing them to Council. If it is not correctable then it will be brought to Council for further action.

**REPORT OF THE CLERK OF COUNCIL**

- a. BUDGET REMINDER: June 8, FY17-18 Budget 3<sup>rd</sup> Reading, 6:00 PM – Ms. Onley reminded Council of the upcoming budget 3<sup>rd</sup> reading on Thursday, June 8<sup>th</sup> at 6:00 PM.
- b. Moving Forward Together Youth Summit: June 12 & 13, 8:30 AM – 5:00 PM, Convention Center – Ms. Onley invited Council to attend the upcoming Moving Forward Together Youth Summit that has been spearheaded by Chairwoman Joyce Dickerson.
- c. 53<sup>rd</sup> Annual Community Relations Council Luncheon & Award Presentations, June 14, 12:00 noon, Convention Center – Ms. Onley stated the annual Community Relations Council Luncheon & Award Presentation is scheduled for June 14<sup>th</sup> at 12:00 noon at the Convention Center. The Council has a tabled reserved for those that wish to attend.

- d. County Council Workshop, June 27, 11:00 AM – 2:00 PM, Columbia Museum of Art – Ms. Onley stated there is a County Council Workshop scheduled for June 27<sup>th</sup> at 11:00 AM at the Columbia Museum of Art.

**REPORT OF THE CHAIR**

- a. OSBO Office Status – Ms. Dickerson stated she has been getting updates from the County Administrator. He is proceeding as outlined.
- b. Budget Motions List – Ms. Dickerson stated a number of Council members have requested a budget motions list.

Mr. Pearce stated the budget summaries forwarded to Council by Dr. Yudice would in effect represent a motions list. Council members that have individual motions could make a motion within the defined categories at 3<sup>rd</sup> Reading.

Ms. Dickerson requested that Administration ensure the Clerk’s Office has a copy of the referenced budget summaries.

- c. Quarterly Meeting with Lexington County – Ms. Dickerson stated the meeting with the Lexington County Administrator, Council Chair and Vice Chair will continue.

**APPROVAL OF CONSENT ITEMS**

- a. 17-012MA, Matt Mungo, RU to RS-MD (65.4 Acres), North Pines Road, TMS # R14800-04-18 [SECOND READING]
- b. Petition to Close Portion of Appleton Lane
- c. Petition to Close Portion of Jilda Drive near Olga Road
- d. An Ordinance authorizing deed to the City of Columbia for certain water lines to serve the Ballentine Branch Library, Dutch Fork Road; Richland County TMS # 03303-01-06 & 02 (portion) [FIRST READING]
- e. Richland County lost millions of dollars by not collecting taxes on (SOB) for the past five years. I [Councilman N. Jackson] move that the Legal Department along with Administration explore recovering the funds from Sexual Oriented Businesses directly
- f. Award of the Broad River Wastewater Treatment Facility UV Disinfection System 2017 Project
- g. Sale of County Property

Mr. Pearce moved, seconded by Ms. Kennedy, to approve the consent items. The vote in favor was unanimous.

**ORDINANCES – FIRST READING**

- a. An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate Four Hundred Thirty Three Thousand Nine Hundred Eighty-Eight Dollars (\$433,988) to increase funding to the Board of Voter Registration & Elections Department so as to credit received reimbursement amounts for cost of conducting elections – Mr. N. Jackson moved, seconded by Ms. Myers, to approve this item.

Mr. Malinowski inquired if the Board of Voter Registration & Elections Department was shorted approximately \$434,000 last year.

Mr. Seals responded in the affirmative.

Mr. Malinowski further inquired if the \$126,000 in the additional budget amendment summary total was included in the \$433,988.

Mr. Seals responded in the negative.

Mr. Malinowski requested a line item budget and explanation regarding this item prior to 2<sup>nd</sup> Reading.

<u>FOR</u>	<u>AGAINST</u>
Pearce	Malinowski
Rose	
C. Jackson	
N. Jackson	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote was in favor.

**REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

- a. Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County – Mr. C. Jackson moved, seconded by Mr. Rose, to table this item.

Mr. Malinowski inquired why this item is being tabled.

Mr. C. Jackson stated after reviewing the item and hearing from the community, there is an opportunity to improve the language and provide clarification before the item is voted on. This will also give the community an opportunity to weigh in on the matter.

Mr. Malinowski stated there is a State law that allows Richland County to move forward in this manner. He is simply asking that we follow the law.

Mr. Malinowski further stated he does not think holding someone hostage to receive water service by making them sign an agreement that says if you receive our water service you must agree to annexation in the future is business friendly. It is also not business friendly to charge people that are not within the City of Columbia as much as 3 times the amount for the same water.

Mr. Malinowski made a substitute motion to proceed with the committee's recommendation. The motion dies for lack of a second.

Ms. Myers stated she supported the motion in committee, and still supports it. She does not think there is any harm in allowing time to flesh it out so the parties being impacted understand the County is not

swooping in to do them any harm or to make it more difficult to do business. It will be helpful to have more time to allow for discussion and to clarify what needs to be done upon implementation.

Mr. Malinowski stated the City of Columbia was given notice over a year ago.

Mr. Smith stated there was a letter sent April 14, 2015 by the former County Administrator regarding this matter. Mr. Seals sent a subsequent letter on December 16, 2016.

Mr. C. Jackson stated he also supported the initial motion in committee. Since the matter has not been acted on in 2 ½ years, he does not see the harm in waiting a few more weeks. Also, he does not want the public being confused with annexation vs. the conversation of approval.

Ms. Kennedy stated her concern is being held hostage by the water situation.

Mr. N. Jackson made a substitute motion, seconded by Ms. Kennedy, to defer the item until the June 20<sup>th</sup> Council meeting to receive input from the community.

Mr. Manning stated he was unclear why the motion would not be to send the item back to committee when more input is being sought.

Mr. C. Jackson stated he would accept a friendly amendment to his motion to table.

Ms. Dickerson rules the friendly amendment out of order.

**FOR**  
N. Jackson  
Malinowski  
Dickerson  
Kennedy

**AGAINST**  
Pearce  
Rose  
C. Jackson  
Livingston  
Myers  
Manning  
McBride

The substitute motion failed.

**FOR**  
Pearce  
Rose  
C. Jackson  
Livingston  
McBride

**AGAINST**  
N. Jackson  
Malinowski  
Dickerson  
Kennedy  
Myers  
Manning

The motion to table this item failed.

Mr. Manning moved, seconded by Mr. C. Jackson, to refer this item back to the D&S Committee.

**FOR**  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

**AGAINST**  
Malinowski

The vote was in favor of referring this item back to the D&S Committee.

**REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

- a. Hangar Leases: In November of last year, I [Councilman Pearce] made a motion for the County Legal Department to review the standard Hamilton-Owens Airport hangar lease. Legal has now completed its review, and it is now appropriate for Council to move toward finalizing any revisions or changes to the model agreement. As such, I [Councilman Pearce] move that this matter be forwarded to the appropriate committee of Council and then on to full Council to consider the standard lease – Mr. Pearce stated these leases have been under discussion for quite some time. The Airport Commission took the matter up and sent the matter forward to County Council. In November, the recommendations of the Airport Commission were sent to the Legal Department for review. The Legal Department reported out their recommendations at the May A&F Committee meeting.

There is one point of contention with the tenants is the issue of access to the hangars. The current lease reads “reasonable access” and the tenants want varying degrees of prior notice.

Mr. Farrar and Mr. Eversmann are available to address any questions regarding this matter.

Mr. Farrar stated this began with a rewrite of the “dated” hangar lease. During the process, there were various meetings of the Airport Commission and the tenants. Eventually, a meeting was held with an attorney, Mr. Hodge, who represents a number of the tenants. The majority of the issues were resolved with the exception of the access issues. A number of leases were reviewed in this regard.

The County lease reads as follows: “The lessor, Richland County, shall have the right to inspect the leased premise at reasonable times.” Reasonable times takes out evenings and weekends and only applies to normal business hours.

There was not a lot about notification in the leases reviewed. The notice piece is, as understood by Legal, is that the inspectors would include the Fire Marshal does not give notice because they want to inspect what is there.

Mr. Eversmann stated if the airport does receive notice of inspections a good faith effort is made to inform the tenants of the inspections by placing the notice on the bulletin board in the airport. Mr. Eversmann further stated that access would be given by Airport staff or FOB (Fixed Base Operator – Eagle Aviation) staff via a master key.

Mr. Manning inquired if there was a log kept.

Mr. Eversmann stated there is not a log kept per se. The notice of the fire marshal visits and maintenance requests are documented.

Mr. Malinowski inquired with the exception of the fire marshal inspection why would the hangars be accessed and by whom.

Mr. Eversmann stated the FOB enter the hangars routinely to pull the aircraft out and then return the aircraft after they have been flown. In addition, the FOB periodically inspects the hangar for compliance with the hangar lease agreement.

Mr. Eversmann stated the industry standard regarding notification is reasonable or no notification at all.

Mr. N. Jackson requested clarification on what is allowed to be housed in the hangar.

Mr. Eversmann stated the minimum is an aircraft. Extraneous items are allowed as long as there is an aircraft stored in the facility.

Ms. Myers inquired if anyone lives in these hangars.

Mr. Eversmann stated no one should live in these hangars.

Ms. Myers inquired if there were occasions when reasonable notice has not been provided.

Mr. Eversmann stated the fire inspection would be posted at least 7 days in advance.

Ms. Myers inquired if tenants have claimed things were disrupted in their hangars and is there a provision for negotiating with those tenants.

Mr. Eversmann stated since he became Airport Manager in 2010 if someone reported something being misplaced or stolen from their hangar, his first question has always been has the Columbia Police Department been notified and a police report taken to document the incident.

Mr. Eversmann stated the only reason Facilities and Grounds personnel enters the hangars is to respond to a maintenance request.

Mr. Manning stated it seems the fire inspections should be the ones without notice, but it appears there is a week's notice for fire inspections and no notice for County staff to enter the hangars.

Mr. Eversmann stated the only reason County staff would enter the hangar would be in response to a maintenance request initiated by the tenant or airport staff. There are a select number of vendors that assist with maintenance (i.e. bi-fold door repair and security system repair). There is a log of the maintenance request received that is maintained.

Mr. Rose moved, seconded by Mr. Livingston, to call for the question.

**FOR**  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

**AGAINST**

The vote in favor was unanimous to fall for the question.

Mr. Pearce stated the committee's recommendation was to approve the lease as distributed.

**FOR**  
Pearce  
Rose  
C. Jackson  
Dickerson  
Livingston  
Kennedy  
Myers  
McBride

**AGAINST**  
N. Jackson  
Malinowski  
Manning

The vote was in favor of the committee's recommendation to approve the lease as published.

**REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

- a. Committing to Negotiate a Fee-in-Lieu of Ad Valorem Taxes Agreement between Richland County and Project Flag: Identifying the project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

**FOR**  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

**AGAINST**

The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce recognized the new Voter Registration and Election Director was in the audience.

## **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

### **I. NOTIFICATION OF VACANCIES**

- a. Accommodations Tax – 5 (One applicant must have a background in the Cultural Industry; Three applicants must have a background in the Hospitality Industry; One is an at-large seat) – Mr. Malinowski stated the committee recommended advertising for the vacancies.
- b. Hospitality Tax – 3 (Two applicants must be from the Restaurant Industry; the other is an at-large seat) – Mr. Malinowski stated the committee recommended advertising for the vacancies.
- c. Internal Audit – 1 (Applicant must be a CPA) – Mr. Malinowski stated the committee recommended advertising for the vacancy.
- d. Business Service Center Appeals Board – 1 (Applicant must be an attorney) – Mr. Malinowski stated the committee recommended advertising for the vacancy.
- e. Board of Assessment Appeals – 2 – Mr. Malinowski stated the committee recommended advertising for the vacancies.
- f. Richland Memorial Hospital Board of Trustees – 1 – Mr. Malinowski stated the committee recommended advertising for the vacancy.
- g. Central Midlands Council of Governments (CMCOG) – 1 – Mr. Malinowski stated the committee recommended advertising for the vacancies.
- h. Building Codes Board of Appeals – 2 (One applicant must be from Architecture Industry & one from the Contractor Industry) – Mr. Malinowski stated the committee recommended advertising for the vacancies.
- i. Employee Grievance Committee – 1 (Applicant must be a Richland County employee) -- Mr. Malinowski stated the committee recommended advertising for the vacancy.
- j. Procurement Review Panel – 2 (One applicant must be from the public procurement arena & one applicant must be from the consumer industry) – Mr. Malinowski stated the committee recommended advertising for the vacancies.
- k. Community Relations Council – 4 – Mr. Malinowski stated the committee recommended advertising for the vacancies.
- l. Transportation Penny Advisory Committee – 5 – Mr. Malinowski stated the committee recommended advertising for the vacancies.

**FOR**

**AGAINST**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

The vote in favor of advertising for the vacancies was unanimous.

**II. NOTIFICATION OF APPOINTMENTS**

- a. River Alliance – 1 – Mr. Malinowski stated the committee recommended appointing Mr. Jonathan M. Harvey to the River Alliance.

**FOR**

**AGAINST**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

The vote in favor of appointing Mr. Jonathan M. Harvey was unanimous.

- b. Township Auditorium Board – 2 – Mr. Malinowski stated the committee recommended appointing Mr. Vince Ford to the Township Auditorium Board and to re-advertise for the remaining vacancy.

**FOR**

**AGAINST**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

The vote in favor of appointing Mr. Vince Ford and re-advertise for the remaining vacancy was unanimous.

**REPORT OF THE BLUE RIBBON AD HOC COMMITTEE**

- a. Mobile Home Replacement Vendor Approval – Mr. Pearce stated the committee recommended approval of the mobile home demolition and replacement vendor selection process.

**FOR**

**AGAINST**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Malinowski, to reconsider this item. The motion for reconsideration failed.

**REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

- a. Clemson Road Widening Project: Right-of-Way Acquisition – Mr. Manning stated the committee recommended approval of the settlement agreement lease and give First Reading to the Ordinance for Lease of the Premises.

**FOR**

**AGAINST**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

The vote in favor was unanimous.

- b. Clemson Road and Sparkleberry Lane Intersection Improvement Project: Right-of-Way Acquisition – Mr. Manning moved to move forward as discussed in Executive Session.

**FOR**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

**AGAINST**

The vote in favor was unanimous.

- c. Gills Creek A Greenway Project: Executive Summary – Mr. Manning stated the committee recommended approval of the Executive Summary.

Mr. Pearce offered the following friendly amendment to the motion: (1) to request a binding, legal agreement with the City of Columbia for long-term maintenance and security; and (2) to request a legal agreement be made available to any homeowner organization wanting assurance that the route of the greenway will not be moved to the east bank of the Gills Creek.

Mr. Rose requested clarification that if the legal agreement with the City of Columbia for maintenance and security is not executed then the money will not be allocated and the project will not go forward.

Mr. Pearce stated he would hate for this project to be designed and then find out there is no money for security and maintenance.

**FOR**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Kennedy  
Myers  
Manning  
McBride

**AGAINST**

The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Malinowski, to reconsider this item. The motion for reconsideration failed.

**OTHER ITEMS**

- a. FY17 – District 1 Hospitality Tax Allocations – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

- b. FY17 – District 10 Hospitality Tax Allocations – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor was unanimous.

**CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda** – The citizen chose not to speak at this time.

#### **EXECUTIVE SESSION**

*Council went into Executive Session at approximately 7:39 PM and came out at approximately 8:30 PM.*

- a. North Main Street Contract – Mr. Manning moved, seconded by Ms. Kennedy, to proceed as discussed in Executive Session. The vote in favor was unanimous.
- b. Potential Sale of Property – Mr. Malinowski moved, seconded by Ms. Kennedy, to direct staff to proceed as discussed in Executive Session. The vote in favor was unanimous.
- c. Employee Recruitment Status – Mr. Manning moved, seconded by Mr. Livingston, to schedule a Special Called meeting for June 8<sup>th</sup> at 4:30 PM. The vote was in favor.

#### **MOTION PERIOD**

- a. I move to direct staff to immediately make efforts to acquire property along Rabbit Run in conjunction with the Southeast Richland Neighborhood Project, a Transportation Program Project. This acquisition whether through eminent domain action will provide an opportunity to made immediate drainage improvements. Currently, County residents residing in neighbors such as Alexander Pointe suffer flooding and road closures during heavy rain events. Furthermore, I request this item to be routed to the next Transportation Ad Hoc Committee for consideration so that it may be acted on by Council before summer recess. [N. JACKSON] – This item was referred to the Transportation Ad Hoc Committee.
- b. I move that staff abide by Council rules and have motion items on the proper committee agenda at the proper time with backup materials and an impartial opinion. If staff is unable to carry out the necessary tasks/duties then Council should consider hiring additional staff [N. JACKSON] – This item was referred to the Rules & Appointments Committee.
- c. I move that the old practice of listing items that have not been completed in all standing committees once again be listed as "Items Pending Action". This will hopefully prevent items from "disappearing" that have

not had complete action taken by staff/Council [MALINOWSKI] – This item was referred to the Rules & Appointments Committee.

- d. A resolution recognizing New Light Beulah Baptist Church 150 years of service to the community [N. JACKSON] – Mr. Pearce moved, seconded by Mr. Malinowski, to adopt a resolution recognizing New Light Beulah Baptist Church’s 150 years of service to the community. The vote in favor was unanimous.
- e. Resolution honoring Richland County Military personnel who gave their lives in the Korean War. These veterans will be recognized at the VA Hospital’s June 24<sup>th</sup> ceremony [MANNING] – Mr. Manning moved, seconded by Mr. N. Jackson, to adopt a resolution honoring the Richland County Military personnel who gave their lives in the Korean War. The vote in favor was unanimous.

**ADJOURNMENT** – The meeting was adjourned at approximately 8:35 PM.

X

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Joyce Dickerson  
Chairwoman

X

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Bill Malinowski  
Vice Chair

X

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Calvin "Chip" Jackson  
District Nine

X

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Norman Jackson  
District Eleven

X

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Gwendolyn Kennedy  
District Seven

X

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Paul Livingston  
District Four

X

---

Jim Manning  
District Eight

X

---

Yvonne McBride  
District Three

X

---

Dalhi Myers  
District Ten

X

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Greg Pearce  
District Six

X

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Seth Rose  
District Five

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council