



Richland County Council

REGULAR SESSION

March 3, 2020

Council Chambers

2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Michelle Onley, Kimberly Williams-Roberts, John Thompson, Ashiya Myers, Ashley Powell, Angela Weathersby, James Hayes, Stacey Hamm, Judy Carter, Jeff Ruble, Tariq Hussain, Beverly Harris, Leonardo Brown, Larry Smith, Sandra Haynes, Brittney Hoyle-Terry, Michael Niermeier, Michael Maloney, Christine Keefer, Michael Byrd, Dwight Hanna, Ronaldo Myers, Hayden Davis, David Bertolini, Allison Steele, Geo Price, Synithia Williams, Art Braswell, Sienna Flynn, Jennifer Wladischkin, Robin Carter, Eden Logan and Shane Kitchen

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Dalhi Myers
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Dalhi Myers
4. **PRESENTATION OF RESOLUTIONS**
 - a. **A Resolution Recognizing March 2020 as Bleeding Disorders Awareness Month** – Ms. Terracio presented a resolution recognizing March s Bleeding Disorders Awareness Month in Richland County.
5. **PRESENTATION**
 - a. **On the Table Impact Report, Central Carolina Community Foundation** – Ms. Cherise Arrendale, Strategic Initiatives and Communication Manager, presented a brief overview of the “On the Table” initiative. The initiative was launched to bring community members of Richland and Lexington Counties together to informal communications about how we can make the community a better place. The full results of the report can be found on their website at www.onthetablecola.org.
6. **APPROVAL OF THE MINUTES**
 - a. **Regular Session: February 18, 2020** – Ms. McBride moved, seconded by Ms. Kennedy, to approve the minutes as submitted.

Mr. Walker noted, on p. 8 of the minutes, Item 18: “Executive Session”, that he did not second the motion to go into Executive Session.

Mr. Walker made a substitute motion, seconded by Ms. Myers, to defer this portion of the minutes until the Clerk's Office and review the record and correct the minutes.

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

Opposed: Manning

The vote in favor was unanimous.

- b. Zoning Public Hearing: February 25, 2020 – Ms. Terracio moved, seconded by Ms. Newton, to approve minutes as submitted.

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

Abstain: Newton

Present but Not Voting: Manning

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

Ms. Newton stated she was not in attendance for the Zoning Public Hearing, which is her reason for abstaining from the vote.

- c. Special Called Meeting: February 25, 2020 – Ms. Myers moved, seconded by Ms. Kennedy, to approve the minutes as submitted.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

7. **ADOPTION OF THE AGENDA** – Ms. McBride moved, seconded by Ms. Kennedy, to adopt the agenda a published.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

8. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS**

a. Richland County vs. SC Dept. of Revenue Update

b. 911 Contract Update

Ms. McBride moved, seconded by Ms. Myers, Kennedy into Executive Session.

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

Opposed: Malinowski and Manning

The vote was in favor.

Council went into Executive Session at approximately 6:18 PM and came out at approximately 6:45 PM

Ms. Kennedy moved, seconded by Ms. Terracio, to come out of Executive Session.

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

The vote in favor was unanimous.

Ms. McBride moved, seconded by Ms. Dickerson, to instruct the Administrator to move forward with the due diligence for the Burlington store to be used for the 911 Services and contract modification, as discussed in Executive Session.

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

Abstain: Manning

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

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

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

Present but Not Voting: Manning

The motion for reconsideration failed.

9. **CITIZENS' INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing – Mr. Bart Walrath spoke in opposition of Item # 17(b): “Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for Public Infrastructure Credits to a company identified for the time being as Project Novel; and other related matters”.

10. **CITIZENS' INPUT**

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

11. **REPORT OF THE COUNTY ADMINISTRATOR**

a. Fairfield County's Proposed Wastewater Treatment Facility – Mr. Brown stated there was a public hearing held on February 25th in Fairfield County related to the facility. Utilities and Conservation staff attended the meeting. The proposal is to construct a wastewater treatment. It was noted the population of Fairfield County has been declining, and it was hoped this project would boost economic development and the population. Fairfield County looked at discharging into Cedar Creek, at a cost of \$30M; Broad River at an estimate cost of \$40M; or to connect to the City of Columbia sewer system, by constructing 40 miles of pipe, at an estimate cost of \$87M. Additionally, it was noted the VC Summer Nuclear Plant was projected to help with development, but is no longer viable.

b. Sale of Utility Bonds – Mr. Brown stated the County had a sale of bonds related to the sewer system.

Mr. Walter Goldsmith, Tryon Advisors, stated the County sold \$31M of bonds on February 6th. Wells Fargo was the underwriter on the transaction. Due to this being the first time the County had sold revenue bonds, they had to get a credit rating for the bonds. The County got AA3 (Moody's) and AA- (S&P) ratings. The interest rate on the bonds is 2.68% for a 30-year bond, at a cost of approximately \$1.7M per year. As a part of the transaction, a USDA loan had to be refunded. The savings from that was \$475,000.

Mr. Goldsmith also updated Council on the Transportation Program Bond Anticipation Note. They were sold through a competitive sale, and will mature this time next year. There were 8 bids, and Bank of America was the winning bidder, at an interest rate of 0.97%.

12. **REPORT OF THE CLERK OF COUNCIL**

a. Shuckin' on the Shoals, March 7, 9:00 AM – 2:00 PM, Saluda Shoals Park, 5605 Bush River Road – Ms. Roberts reminded Council of the upcoming Shuckin' on the Shoals event.

b. Transportation Greenway Informational Meeting, March 11, 5:30 – 7:00 PM, Columbia Metropolitan Convention Center, 1101 Lincoln Street – Ms. Roberts reminded Council of the upcoming Transportation Greenway Informational Meeting.

13. **REPORT OF THE CHAIR** – No report was given.

14. **OPEN/CLOSE PUBLIC HEARINGS**

a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for Infrastructure Credits to Xplor Boatworks, LLC (a company formerly known to the County as Project Marion); and other related matters – No one signed up to speak.

15. **APPROVAL OF CONSENT ITEMS**

a. 20-002MA, Tommy Wood, RS-MD to GC (1.46 Acres), 7220 Frost Avenue, TMS # R09402-02-01(p) [SECOND READING]

b. 20-004MA, Deborah Stratton, RU to NC (2.17 Acres), 4133 Clemson Road, TMS # R20281-01-27 [SECOND READING]

- c. 20-005MA, Angie Dodson, NC to GC (1.46 Acres), 1526 Leesburg Road, TMS # R16415-07-04 [SECOND READING]
- d. Approval for the development, design, and advertisement of two CTC funded sidewalk projects
- e. Approval to Purchase and Install Cooling Tower – Alvin S. Glenn Detention Center
- f. Approval to Award Construction Contract – Lakeside at Ballentine Resurfacing
- g. Approval to Award – Contract for Construction – Shakespeare Crossing Community Center
- h. Approval to Award – Southeast Sewer and Water Project Division
- i. Approval to Award – Stormwater Drainage Ditch Maintenance Contract
- j. Approval of Annual DHEC EMS Grant-in-Aid
- k. Light Detection and Ranging (LiDAR) Elevation Data Grant Match
- l. Roll-off Containers Purchase Order Increase

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

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

Present but Not Voting: Manning

The vote in favor was unanimous.

16. **THIRD READING ITEM**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for Infrastructure Credits to Xplor Boatworks, LLC (a company formerly known to the County as Project Marion); and other related matters – Mr. Jackson moved, seconded by Mr. Walker, to approve this item.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

17. **SECOND READING ITEMS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for Public

Infrastructure Credits to 604 Huger, LLC; and other related matters – Mr. Jackson moved, seconded by Ms. Kennedy, to approve this item.

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

Opposed: Newton and Myers

Present but Not Voting: Manning

The vote was in favor.

- b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for Public Infrastructure Credits to a company identified for the time being as Project Novel; and other related matters – Mr. Jackson moved, seconded by Mr. Walker, to approve this item.

Ms. Terracio inquired about what the rate of occupancy is for similar existing student housing.

Mr. Tushar V. Chikhliker, Nexsen Pruettt, introduced Mr. Andrew Savoy and Mr. Mark Lecocq with CRG, which are the developers.

Mr. Savoy stated he is managing the entitlement and development of the project. CRG is also concerned about the supply in the market. They have conducted two (2) market studies in the last year, which indicated the in-place occupancy is approximately 95% and pre-leased at 63% for the following year. Their two (2) most competitive properties (The Hub and The Empire) are 100% and 85% pre-leased. This indicates that there is a robust demand for walkable student housing properties, which are close to the downtown amenities.

Ms. Terracio inquired about what the current rate for a room is in one of the similarly situated housing units. In addition, what the rate will be in their new development.

Mr. Savoy stated the current rates average \$950/per bed, and their development's lease rate will be approximately \$50 more.

Ms. Terracio stated you can rent a 2-bedroom in Brooklyn for about \$2,000, so we will be competitive with their prices.

Mr. Lococq stated their project, and even their primary competitors, are just a single aspect of the overall student market that includes many properties, at many different levels of affordability. They believe a healthy housing market has options for renters at any number of levels.

Ms. Terracio inquired as to what they feel is an affordable price for a student in Columbia.

Mr. Lococq stated he honestly does not know. The properties they referenced are highly occupied, and have been for many years, which is an indication the demand is there for the current prices. They assume a certain level of elasticity with rent prices, and apartment prices are very dynamic.

Ms. Terracio stated these kinds of developments are suitable only for students. She inquired if they see any potential to market this kind of housing to anyone else, besides students.

Mr. Lococq stated the projects are purpose-built student housing. However, they are not restricted to any type of renter.

Ms. Myers inquired about the size of the unit.

Mr. Savoy stated that depends on the type of unit. The range of units are studios up to a 5-bedroom.

Mr. Manning inquired if this item went through Economic Development.

Mr. Livingston responded in the affirmative.

Mr. Manning stated, since he first got on Council, he had a tremendous concern about things that he was tasked to vote for. He has never felt that it is the local government's job to decide whether we need another "hamburger joint", how much you are going to charge for the hamburger, and how much a hamburger costs in Florida. It is the business sector, and if they are not going to make money, then they go bankrupt. He thinks it is dangerous for local government to get into what are you going to sell, where are you going to sell, whether we have enough people buying whatever they are selling. He wants to go on record that he is concerned with us ever looking at how we are going to vote on something based on how we feel, or how constituents might feel about whether we need another one of "something".

Mr. Malinowski inquired if the developers have determined what the enrollment may be in the next 3 years (i.e. flat, increasing/decreasing).

Mr. Lococq stated the University of South Carolina's projections show approximately a 3% enrollment increase over the next 5 years. They also track the percentage of students that are admitted versus the percentage that apply, which indicates a strong demand from the public to attend the colleges.

Mr. Malinowski inquired what the 3% increase will equate to, in terms of students.

Mr. Lococq stated it would be approximately an increase of 1,000 students per year.

Mr. Malinowski inquired about the size of the project.

Mr. Lococq stated it would encompass 679 beds.

Ms. Dickerson inquired if the housing will only be open to the USC students, or other surrounding colleges and universities.

Mr. Lococq stated it is open to all students.

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

Opposed: Terracio, Malinowski, Newton and Myers

The vote was in favor.

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

- a. Approval to Award Governmental Affairs/Political Representation Contract – Mr. Livingston inquired about how this matter was advertised.

Ms. Wladischkin stated they advertised on the Richland County Procurement website, as well as, the SC Business Opportunities, which is an online publication provided by the State of South Carolina.

Ms. Newton inquired if only one firm responded, or were they the only responsive bidder.

Ms. Wladischkin stated they were the only firm that responded.

Mr. Manning inquired when these services were last bid out.

Ms. Wladischkin stated it would have been approximately 5 years ago. It was a one-year contract, with up to four (4) one-year renewals.

Mr. Manning inquired as to when this contract would go into effect.

Ms. Wladischkin stated they would have the contract prepared, so when it is executed by both parties it will be go into effect.

Mr. Manning noted we are in the middle of a legislative session, and we are going to change our lobbyist. He inquired if that was taken into consideration, when we determined when we put the bid out and have the new contract take effect. He stated it seemed like changing the lobbyist in the middle of the session is not smart timing.

Ms. Wladischkin stated they used the contract expiration date to drive the solicitation process.

Mr. Jackson, stated for clarification, we could approve the contract and not have it start until the current contract ends.

Ms. Wladischkin stated the way the current contract is worded it would have expired by its own terms. If it is Council's will to extend the contract to the end of the legislative session, they would have to negotiate with the current provider to extend the contract.

Mr. Jackson noted having someone come in this close to end of the legislative session and have them make an appreciable difference is likely unrealistic.

Mr. Manning stated the fact our current lobbyist had no interest in applying indicates they have had their fill of Richland County, so they may be eager to get out of their contract. Of all the lobbying firms out there, we were lucky that one had an interest, which is a sad state of affairs.

Ms. Myers inquired if there is an overlap between what our individual lobbyist would be doing and what the SCAC is already doing for the County.

Mr. Smith stated the SCAC lobbyist handles matters related to all of the counties, and our lobbyist would be specific to Richland County issues.

Ms. Myers inquired if we have provided the lobbyist any specific issues in which to concentrate.

Mr. Smith stated he does not know the answer to that question.

Ms. Myers stated she has no objection to the County continuing the current contract for 2 months, if there is something specific they are working on.

Ms. McBride inquired if the number of bids received was consistent to when this matter was bid out previously.

Ms. Wladischkin stated she did not have the information tonight, but could provide the information to Council.

Ms. McBride inquired if the solicitation is limited.

Ms. Wladischkin stated the County does not have a practice of systematically seeking out vendors because we do want it to be viewed as if we are showing favoritism. We make the solicitation as objective as possible.

Ms. McBride stated she wondered if the County's outreach is far enough. Not only with this, but all over, as we recruit different companies.

Mr. Manning stated he is concerned there is no one in the room that can provide feedback on what the lobbyist has been doing for the County for the last 5 years. He noted that Ms. Terracio introduced a resolution for Council's support regarding the ERA that the lobbyist should have been working on with the Legislature. In addition, if we are paying dues to the SCAC to provide lobbyists, then why do we have this contract, and at whose bequest did we advertise for lobbyist services.

Ms. Dickerson moved, seconded by Ms. Kennedy, to defer this item until the March 17th Council meeting.

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

Opposed: Jackson, Newton, Myers, Manning and Walker

The vote was in favor.

- b. Adoption of 2018 Building Codes – Ms. Myers inquired if there are measurable differences from last year to this year, and are there distinctions the citizenry would need to know about before we adopt these changes.

Mr. Zaprzalka stated the building code cycles are every three (3) years, and you basically see small modifications. He noted the State Commission of Builders commission these changes down to the counties for adoption.

Ms. Myers inquired about how we put people on notice.

Mr. Zaprzalka stated whenever you permit is how they gauge which building codes will apply. Ms. Myers inquired if the building community was already aware of the changes.

Mr. Zaprzalka stated the builders write the changes, so they are aware.

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

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

Present but Not Voting: Manning

The vote in favor was unanimous.

- c. Increase FY20 Budget Allocation – Central Midlands Council of Government – Ms. Dickerson stated the committee recommended increasing the Central Midlands Council of Government budget allocation by \$10,866 to make the total allocation \$189,298.

Ms. Newton stated, for clarification, these are the dues the County is obligated to pay, per the agreement with the CMCOG.

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

Opposed: Malinowski and Walker

Present but Not Voting: Manning

The vote was in favor.

- d. Salary Adjustment for Richland County Magistrates [DENIAL] – Ms. Dickerson stated the committee sent this forward with a recommendation for denial. Since the committee meeting, she has received a request from Judge Edmond to defer this item, and bring it back at a later time.

Ms. Dickerson moved, seconded by Ms. McBride, to defer this item.

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

Opposed: Malinowski, Manning and Walker

The vote was in favor.

POINT OF ORDER – Mr. Manning inquired if this item was being deferred back to committee or a Council meeting.

Ms. Dickerson stated it was deferred back to committee.

Mr. Manning asked that the record reflect that he voted against this item because it was not clear whether it was going back to committee or a Council meeting.

- e. Senior Resources – Request for Matching Grant Funds – Ms. Dickerson stated the committee forwarded this to Council without a recommendation.

Mr. Andrew Boozer, Executive Director of Senior Resources, stated they have a unique opportunity to receive State funding. The request before Council is for matching grant funds. He stated they have built a coalition, as he had suggested, when he appeared before Council a few weeks ago. In addition to the \$60,000 the board has committed, they have been pledged \$40,000 from two (2) corporate sponsors, and received a \$25,000 commitment from the City of Columbia, contingent upon the

award from the State. The additional \$25,000 from Richland County would fully meet the \$150,000 match required by the State of South Carolina Department on Aging.

Mr. Malinowski stated, if you are looking at a \$350,000 with a 30% match it does not total \$150,000. It equals \$105,000, so why is requested match \$150,000.

Mr. Boozer stated that was the amount dictated by the Department on Aging. The total project is \$500,000 with \$350,000 being provided by the Department on Aging's competitive grant, and the remaining \$150,000 in matching funds.

Mr. Malinowski inquired if the County has been provided any of the grant paperwork with the details of the grant.

Mr. Boozer stated he has not shared the full grant package with Council. He conferred with the Government and Community Services Department the day after the publication of the grant on January 9th.

Mr. Malinowski inquired if Senior Resources is planning to enter into a MOU with the County.

Mr. Boozer responded that was not his intention, but he is happy to work with the Legal Department and Administration to fulfill any obligations on behalf of Senior Resources. His intention is to take the money and serve the seniors of Richland County. He stated Senior Resources has over 5 decades of loyal service, and has worked closely with Richland County and will continue to do so.

Mr. Malinowski inquired what Senior Resources offers that the Lourie Center does not offer.

Mr. Boozer responded the Lourie Center is a membership- based senior center that was originally built in 1991 with the same grant funds before Council. Senior Resources serves needs-based to Richland County seniors who are in need of food, education, exercise and in-home services, at no cost to the seniors. Senior Resources services, as opposed to the Lourie Center, which is membership-based, are provided to the seniors through their relationship with the Central Midlands Council of Governments' Agency on Aging.

Mr. Malinowski stated the Lourie Center requested one-time funding years ago, yet they continue to receive funding year-after-year.

Mr. Boozer stated Senior Resources has not submitted a one-time capital request to Council in over 30 years. They purchased the building they operate in outright, with their own funds. They funded a \$300,000 renovation to the Meal-on-Wheels kitchen in 2017, without any funding requested. He stated they are honored the County supports Senior Resources, and its services, with their operating budget.

Mr. Malinowski stated he is aware Senior Resources receives \$500,000 from the County each year, but they also receive other outside donations. In 2019, they received at least \$50,000, and he does not know where those funds went.

Mr. Boozer stated those private funds are dedicated to the services, and not designated toward the capital fund.

Mr. Malinowski inquired as to what kind of responsibility the County will have to Senior Resources if the County provides the requested funding.

Mr. Smith stated, since this will be in reference to matching grants, he does not know if there will be any grant stipulations, but he would imagine that tied to this will be some type of requirements. The requirements will be in writing, in terms of what they are supposed to do with the money, and how they are to account for it.

Ms. Newton stated, looking at the briefing document, it says, limited funding is available, and it is advised that we not exceed \$25,000. She interpreted that to me there is \$25,000 available to meet the matching request.

Mr. Hayes indicated that was correct.

Ms. Newton stated, for clarification, this item was referred to Council without a recommendation; therefore, it will require a motion.

Ms. Dickerson responded in the affirmative.

Ms. Myers moved, seconded by Ms. McBride, to approve the one-time matching grant fund request for Senior Resources in the amount of \$25,000.

Ms. Newton made a friendly amendment to make the receipt of the funds contingent upon them securing the matching funds for the grant.

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

Opposed: Malinowski

The vote was in favor.

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

In Favor: Malinowski

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

The motion for reconsideration failed.

19. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

- a. Approving the sale of certain property located on Farrow Road; and other related matters [FIRST READING] – Mr. Jackson stated the committee recommended approval of this item.

Mr. Malinowski stated he hopes when this comes back for 2nd Reading that additional details are provided. The only information provides is there is 200+ acres for sale. We do not know who is buying it, and there are no maps provided. It was his understanding that we recently passed rules that govern the sale of County property. One of the important matters, in selling County property, was that it was supposed to be publicly listed with a realty company. If we start selling property to people or entities because they want to have it, it seems that is not transparent.

Mr. Jackson stated some of the questions raised by Mr. Malinowski were discussed in Economic Development Committee, and he will ensure the answers are provided in the briefing documents at 2nd Reading.

Ms. Dickerson inquired if this is the same property we were using for the soccer and baseball fields.

Mr. Ruble indicated it was not.

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

Opposed: Terracio, Malinowski and Newton

Abstain: Manning

The vote was in favor.

20. **REPORT OF RULES & APPOINTMENTS COMMITTEE**

a. **NOTIFICATION OF VACANCIES**

1. Accommodations Tax – Two (2) Vacancies (1 applicant must have a background in the lodging industry & 1 applicant must have a background in the cultural industry)
2. Hospitality Tax – Three (3) Vacancies (Two applicants must be from the Restaurant Industry)
3. Employee Grievance Committee – Eight (8) Vacancies (Must be a Richland County employee; 2 seats are alternates)
4. Board of Assessment Appeals – Six (6) Vacancies
5. Board of Zoning Appeals – One (1) Vacancy
6. Building Codes Board of Appeals – Six (6) Vacancies (One applicant must be from the Architecture Industry, One from the Gas Industry, One from the Building Industry, One from the Electrical Industry & Two from the Fire Industry, as alternates)
7. Procurement Review Panel – Two (2) Vacancies – (One applicant must be from the public procurement arena & one applicant must be from the consumer industry)
8. Internal Audit Committee – Two (2) Vacancies (applicant with CPA preferred)
9. Community Relations Council – Six (6) Vacancies
10. Historic Columbia – One (1) Vacancy
11. River Alliance – One (1) Vacancy
12. Music Festival – Two (2) Vacancies
13. LRADAC – One (1) Vacancy

14. Central Midlands Council of Governments – Three (3) Vacancies

15. CMRTA – Two (2) Vacancies

Mr. Malinowski stated the committee recommended advertising for the vacancies.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

Mr. Livingston stated there was discussed about the CMRTA Board, and not having both of the vacancies filled by citizens.

Mr. Malinowski stated that matter has not been taken up by the Rules and Appointments Committee. The advertisement will state there are two (2) vacancies, but does not stipulate if they are citizens or Council member vacancies.

b. NOTIFICATION OF APPOINTMENTS

- I. Planning Commission – Three (3) Vacancies – Mr. Malinowski stated the committee recommended appointing Ms. Beverly Diane Frierson, Mr. Terrence J. Taylor, Sr. and Mr. Bryan Grady.

Mr. Jackson stated he has not been given the opportunity to review the applicants. He has not seen their resumes, or any information on their qualifications to fill the Planning Commission vacancies. However, he trusted the Rules and Appointments Committee has vetted them appropriately. Therefore, he will trust their recommendations based on that, and that alone.

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

Opposed: Jackson and Manning

The vote was in favor.

Mr. Manning inquired if the Council Rules are on the website.

Mr. Malinowski stated according to the Clerk's Office they are not on the website.

Mr. Manning suggested taking that up during the discussion of the updated Council Rules, so citizens are aware of the rules governing Council.

Mr. Malinowski stated Ms. Terracio has forwarded a recommendation to place the Council Rules on the website.

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

- a. Gills Creek Maintenance Agreement [FOR INFORMATION] – Mr. Jackson stated this item is only for information and refers to the City’s role and responsibility with the Gills Creek Maintenance Agreement once it has been signed by the Administrator.
- b. SERN Financial Participation Agreement between SCDOT and Richland County – Mr. Jackson stated this agreement, if executed, will enable SCDOT to reimburse the County \$33,000 for addressing a drainage issue on Rabbit Run, as a part of the County’s SERN Project. The committee recommended approval of this item.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

- c. Mitigation Bank Credit Sales – City of Sumter, Shot Pouch Greenway – Mr. Jackson stated the revenue generated will be approximately \$122,000, and the funds will go back into the Transportation Penny Program Fund. The sale of the mitigation bank credits does not have any adverse impact on the available mitigation bank credits needed to continue. The recommendation is to approve the sale of the mitigation bank credits to the City of Sumter.

Mr. Walker inquired if this sale represents, at least, a net break even, that we have in this mitigation bank, on a per credit sale, or a profit.

Mr. Niermeier stated he does not have the answer, but he believes we have data to support it. Mr. Epps from Conservation was unable to attend tonight’s meeting, and may be able to provide that information.

Mr. Jackson moved, seconded by Ms. Dickerson, to defer this item until the March 17th Council meeting.

Mr. Livingston inquired if this item was time sensitive.

Mr. Niermeier stated that Mr. Epps did not indicate it was time sensitive.

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

Opposed: Livingston

Present but Not Voting: Manning

The vote was in favor.

- d. Shop Road Extension Phase I Road Transfer – Mr. Niermeier stated the matter before Council is the turnover of Shop Road Extension Phase I to the State in return for an equivalent lane mile assumption by the County. The State ordinance dictates they cannot take anymore roads into their system, so for every lane mile that gets built an equivalent amount has to go back to the other body (i.e. Richland County). We were given a list of roads to by SCDOT that would equate to the

approximate 4.25 lane miles created by Shop Road Extension Phase I. The County Engineer reviewed the list, and those roads are included in the briefing document included in the agenda packet. The roads are primarily within subdivisions.

Mr. Jackson stated the committee recommended approval.

Ms. Myers inquired about how the recommended roads were determined. It seems to her that a contiguous section would be easier to maintain.

Ms. Steele stated the list of roads were determined in consultation with SCDOT and County staff. Presently, there is a mixture of State and County roads in these communities, so with us taking the roads over it will make the community more uniform.

Ms. Myers inquired if it would not be easier on our maintenance program to take over a span of road that is 1.6 miles, rather 1.6 miles spread over the County. In addition, what is the logic behind taking over this many short stretches of road, each of which will require separate maintenance?

Ms. Steele responded it is not an exact 1 mile for 1 mile, since Shop Road is 4-lanes and the roads we are taking over are 2-lanes. Therefore, we have to take over 4 miles, and it is hard to find one road at that exact length. She stated ½ of the roads are SCDOT and ½ County. Some of the SCDOT roads have been recently resurfaced, so it is in our best interest to take over these roads, make it a more uniform neighborhood, and receive roads that have been resurfaced over the last year.

Ms. McBride stated she believes the recommendation makes sense. This is one time we are looking at the community, and the needs of the people. We have a hodgepodge of roads, and this brings more consistency.

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

The vote in favor was unanimous.

- e. Department Transfer of Funds between Projects – Mr. Jackson stated this item was brought up before with regards to giving the Transportation Department the ability to transfer up to \$100,000 within their budget to keep the projects moving. However, one of the conditions is that they will report any transfer actions to the Transportation Ad Hoc Committee on a quarterly basis. The committee recommends approval of this item.

Ms. Newton inquired if the Transportation Department would be making the accounts whole, which you transfer from, on a regular basis.

Mr. Niermeier stated they will be reallocating, as needed, within an approved Council budget. Therefore, in the next budget cycle they would plan to make the project whole, as necessary.

Mr. Livingston stated one concern he has, and he expressed at the committee meeting, is with the size of some of the projects he is not sure \$100,000 is enough.

Mr. Brown responded they are going to phase into this, and show Council staff has the ability to manage this appropriately. If, at a future time, Council realizes there needs to be an additional amount, then you will have an opportunity to review our performance.

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

Abstain: Myers

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

- f. Staff Augmentation Selection Approval – Mr. Jackson stated the recommendation is to approve the seven (7) firms that are listed in the briefing document.

Mr. Walker stated his only concern is the noted deficiency in not having a CPA certified accountant vetted in the Transportation Program. He hopes that is taken into consideration when growing our Transportation Department.

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

Abstain: Newton

Present but Not Voting: Manning

The vote in favor was unanimous with Ms. Newton abstaining from the vote due to a potential conflict of interest.

- g. North Main CEI Services Contract Approval – Mr. Jackson stated because the cost exceeded \$100,000 the project had to be competitively solicited. There are eight (8) vendors on the County's pre-qualified CEI vendor list. Of those eight, five submitted proposals. After consolidating evaluations, Brownstone Construction was the highest ranked offeror. As you may know, Brownstone was one of the organizations that worked as a part of the PDT.

Mr. Walker stated he continues to be concerned with engaging in and letting contracts with entities with which we have not completely remedied, or rectified, outstanding issues.

Mr. Jackson stated, for clarification, Brownstone is not directly linked in any litigation. The larger entity may be, but they are a separate independent contracting organization that is not tied to any current lawsuit or litigation that is ongoing.

Mr. Smith stated, a couple months ago the County amended the Complaint to include the joint venture, as well as, the individual members of the joint venture. The Complaint was amended out of concern that once the dissolution occurred we would not be in a position to figure out their respective positions.

Ms. Myers stated, for clarification that would then be a direct conflict?

Mr. Jackson moved, seconded by Ms. Kennedy, to defer this item for clarification.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

Mr. Livingston noted there was a recent incident on North Main regarding a gas line. He inquired if CEI Services play a role in that.

Mr. Niermeier responded it is typically the contractor's responsibility, but they work with the utility company, who is responsible for marking the utilities. In this incident, the utility was not marked.

22. **REPORT OF THE DETENTION CENTER AD HOC COMMITTEE**

- a. Architect Firm to Design a Medical and Mental Health Housing Unit for the Alvin S. Glenn Detention Center – Ms. Myers stated there was a RFQ solicitation completed utilizing the County's standard procurement guidelines. The bidders were qualified, and Moseley Architects was selected from the qualified bidders. The proposal would allow the Detention Center to build a new medical facility to house detainees. Approximately 42% of the current critical space beds are being used by mental health patients who cannot be housed with other people. There are currently 336 inmates with mental health needs, and 223 of those are seriously mentally ill.

Ms. Myers stated the committee recommended the use of up to \$185,000 to direct Moseley Architects to design a medical and mental health housing unit for the Detention Center.

Mr. Malinowski stated he did not see in the briefing document where the amount of up to \$185,000 was listed.

Ms. Myers stated the amount was discussed in committee. It was discussed whether the whole contract should be let, or just the portion for design. The design portion is what is being let now, and we will come back once we have what the engineers have brought back to us for the full amount.

Mr. Malinowski inquired if the firms that submitted their qualifications aware of the amount, when they submitted their proposal.

Ms. Wladischkin stated the prices would have been negotiated, based upon our budget. There is a budget for the building in its entirety, and the design portion is a percentage of that amount.

Mr. Malinowski inquired if we know what these individual companies will charge because when you look at the evaluations there is a 2 point difference between the one that was chosen, and the second place one.

Ms. Wladischkin stated State Law prohibits us from awarding based on price, so that is why we use the RFQ process. The County can then enter into negotiations. If the County does not feel the \$185,000 is fair and reasonable, they are welcome to negotiate with highest ranked offeror. If they are unable to reach a mutual agreement with that offeror, they can move to the 2nd ranked offeror, and so on until they feel the County's best interest has been met.

Mr. Malinowski inquired if it is automatic that the highest ranked offeror gets the first right of refusal. One of the things he was looking at is that the 2nd ranked offeror scored higher on their ability to do business with the County, and he would think you would want a company that has a better ability to work with the County.

Ms. Wladischkin stated they look at the overall score to come up with the highest ranked.

Mr. Malinowski noted that the needs assessment was done 3 ½ years ago. He inquired how accurate that is compared to today.

Mr. Myers stated the project was put on hold, so they did not get anything until they started back looking at trying to build the mental health and medical facilities. The RFQ solicitation was done in February 2019.

Mr. Malinowski stated he does not believe the RFQ and the needs assessment are one and the same.

Mr. Myers stated they are moving forward to do what CGL recommended.

Mr. Manning inquired, in terms of the mental health unit, if someone is assessed by a counselor and determined to be at an extreme risk for suicide, and the counselor calls 911 the First Responders that respond will take the individual to the Detention Center instead of the hospital.

Mr. Myers stated he could not speak on that. He does know they get a lot of detainees that have mental health problems. He does know, if they are calling to get a bed, it difficult to get a bed through the Department of Mental Health, even if it is an emergency. You may be go to the hospital and be admitted, but normally there is a long waiting period through the Department of Mental Health.

Mr. Malinowski stated, for clarification, the intent is to build two separate facilities.

Mr. Myers responded one will be for mental health needs, and the other will be for medical needs.

Mr. Malinowski stated it would seem to him it would be less expensive to build one large facility with a wall in the middle and two separate entrances.

Mr. Myers stated this part of what Moseley Architects is being tasked to help us decide on, and where to build the facility.

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

Opposed: Malinowski

Abstain: Manning

The vote was in favor.

23. **OTHER ITEMS**

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

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

Opposed: Walker

Present but Not Voting: Myers, Manning and McBride

The vote was in favor.

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

In Favor: Walker

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

Present but Not Voting: McBride

The motion for reconsideration failed.

24. **EXECUTIVE SESSION** –

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

Opposed: Malinowski, Jackson, Manning and Walker

The vote was in favor of going into Executive Session.

Council went into Executive Session at approximately 8:31 PM and came out at approximately 9:19 PM

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

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

- a. Richland County vs. SC Dept. of Revenue – Ms. Myers moved, seconded by Ms. Newton, to accept the settlement recommendation, discussed in Executive Session, to resolve fully, and finally, all outstanding SCDOR claims.

Mr. Jackson stated he wanted to go on the record stating the decisions we make are serious decisions each time we meet, and have a lasting impact on the entire County. He tries to give it his best effort. He is not an accountant, lawyer, etc., so he depends on the advice, recommendations, and guidance of those experts in making decisions he thinks will benefit. Once he gets their best advice, he is willing to make the tough decision and let the chips fall where they may. However, he does not want anyone to mistake our decision as a body to be taken lightly, or without serious grave concerns. Tonight, this is one of those for him. Even though he is going to support the decision, it is with grave concern that he supports it.

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

Opposed: Malinowski, Manning and Livingston

The vote was in favor.

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

In Favor: Malinowski and McBride

Opposed: Terracio, Jackson, Newton, Myers, Kennedy, Manning, Walker, Dickerson and Livingston

The motion for reconsideration failed.

Ms. Myers moved, seconded by Ms. Terracio, to reconsider the agenda to add the Motion Period.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

25. **MOTION PERIOD**

- a. Move to halt RC's demolition of the 200 year old church on Tolliver St. in Little Camden, and use some or all of the \$300,000 secured by Councilwoman Myers and ED to establish (with significant community consultation and input) a community center and playground area on that site, while safeguarding whatever portions of the structure remain and are structurally sound [MYERS] – This item was referred to the A&F Committee.
- b. Move to mobilize the \$2 Million approved through budgeted year 2018 and 2019 to expand the current Richland County Magistrate's facility in Hopkins to include the Historic Trail Building and a Sheriff's CAT Team Headquarters as desired and requested by the community [MYERS] – This item was referred to the A&F Committee.
- c. Move to empower the Administrator to immediately begin working with local, regional and state officials to prepare Richland County for any needed action in response to the Coronavirus (employing the use of emergency funds), if such actions become necessary [MYERS] – Ms. Myers moved, seconded by Ms. Terracio, for unanimous consent to move this item forward.

Mr. Manning stated he agrees we want the Administrator too immediately, if he has not already, begun working. The concern he has with this is it seems like this is work the County Administrator should do. If we are starting a precedent that things, he thinks, a County Administrator ought to do, then where do we draw the line on what he can do without waiting for a motion to say, if there is an emergency, do something. If you need money in the budget, what he has the ability to expend, he can. If he needs more funding than he has the authority to expend, we can have a Special Called meeting. He wants the Administrator to do anything, and everything, in regards to this virus. He just believes procedurally, if we are going to start a precedent of he only does those kinds of things, when there is a motion, then it sets a bad precedent for when and what an Administrator can do.

Ms. Myers stated her motion goes toward funding. The Administrator might be at a point where it becomes a problem, and he would have to have a Special Called meeting to access funds. Rather than have a Special Called meeting, we would give him the authority, and allow him to report back to us.

Mr. Livingston stated the Mayor, the City of West Columbia, and himself have exchanged emails to schedule a time to meet in the near future.

Mr. Malinowski stated when we had the floods and other disasters we did not give the Administrator direction. The Administrator took action and utilized the funds, as needed. He trusts the Administrator's expertise and opinion to do what he needs to do, when he needs to do it, and spend what funds he needs. He does not believe the Administrator is going to use the whole reserve fund.

Mr. Manning stated with this motion the Administrator could use the whole reserve fund.

Ms. Myers withdrew her motion.

The motion was referred to A&F.

26. **ADJOURNMENT** – The meeting adjourned at approximately 9:30 PM