



Richland County Council
Regular Session
March 19, 2019 – 6:00 PM
Council Chambers

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

OTHERS PRESENT: Michelle Onley, Beverly Harris, James Hayes, Kim Williams-Roberts, John Thompson, Stacey Hamm, Eden Logan, Larry Smith, Dwight Hanna, Jennifer Wladischkin, Mohammed Al-Tofan, Brad Farrar, Edward Gomeau, Ismail Ozbek, Dale Welch, Jeff Ruble, Trenia Bowers, Cathy Rawls, Ted Powell, Ashiya Myers, Ashley Powell, Sandra Yudice, Shahid Khan, Allison Stone, Pam Davis, Kim Toney, Janet Claggett and Tiffany Harrison,

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. **APPROVAL OF MINUTES**

- a. **Regular Session: March 5, 2019** – Ms. Kennedy moved, seconded by Ms. Myers, to approve the minutes as distributed.

Mr. Manning noted the minutes on p. 25 were not completed and requested that portion of the minutes be deferred until the April 2nd Council meeting.

Ms. Kennedy accepted the request to defer that portion of the minutes.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

5. **ADOPTION OF THE AGENDA** – Mr. Smith stated the following items needed to be added under the Report of the Attorney for Executive Sessions: “Pending Litigation: Weaver vs. Richland County Recreation Commission” and “Contractual Matter: Cedar Cove/Stoney Point”.

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Mr. Walker moved, seconded by Mr. Malinowski, to adopt the agenda as amended.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

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

- a. Blythewood Industrial Site Financing Plan Presentation
- b. Project Kline
- c. Pending Litigation/Legal Advice: Bond Counsel
- d. Pending Litigation: Weaver vs. Richland County Recreation Commission
- e. Contractual Matter: Cedar Cove/Stoney Point
- f. City of Columbia: Intergovernmental Agreement for Bulk Water Sale
- g. Contractual Matters: City of Columbia:
 1. Belvedere Cost Share Proposal – IGA
 2. SE Richland Sewer Issues
 3. Greenway Project at Riverbanks – IGA
 4. Murray Point Water Contract
- h. Administrator Search Update

Mr. Walker moved, seconded by Mr. Malinowski, to go into Executive Session.

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

Present but Not Voting: Manning

The vote in favor was unanimous for going into Executive Session.

Council went into Executive Session at approximately 6:11 PM and came out at approximately 6:39 PM

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

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

Present but Not Voting: Jackson, Myers and McBride

The vote in favor was unanimous to come out of Executive Session.

7. **CITIZENS' INPUT: For Items on the Agenda Not Requiring a Public Hearing** – Mr. Livingston stated Council Rules states there is a total of 30 minutes per public hearing. Once we reach the time limit, the public hearing will come to an end or a Council member will have to make a motion to waive the rules to suspend the rules to continue.

Ms. Myers noted that if you speak tonight you will waive your right to speak on this matter when a public hearing is held.

Ms. Angela Koska, Theresa Montgomery, Christine Blaber, Mr. Tom Hoecker, Mr. Carroll Lucas, Mr. Noble Cooper and Ms. Iris St. Marie spoke regarding the re-zoning of the Crickentree Golf Course property.

Ms. Mary McCants spoke regarding the blight in her neighborhood. For the record, she provided pictures of her neighborhood to the Clerk's Office.

Mr. Darrell Sims, Mr. Jason Sanders, Ms. Leukeia Brown, and Mr. James Randolph spoke regarding the proposed nuisance ordinance.

Mr. Malinowski moved, seconded by Ms. Myers, to suspend the rules and allow the remaining citizens to speak.

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

Present but Not Voting: Jackson

The vote in favor was unanimous.

Mr. Jeff Goodwin, Mr. Paul Spenser, Ms. Renee Gardner, Mr. Robert Decker and Mr. Mickey Spillane spoke regarding a potential lawsuit being filed against the County by the Spring Valley HOA.

8. **CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda** – No one signed up to speak.

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

- a. **Budget Transfer Policy** – Mr. Hayes stated the representative from our internal auditor spoke, at a recent meeting, about the findings from the audit. One of the findings had to do with strengthening our current budget transfer policy. Specifically, as it relates, to the volume of our transfer, and the dollar amount. Even before the finding, he had some reservations and had planned to speak to Administration. As a result, staff has been working on a budget transfer policy, which is reflected on pp. 38 of the agenda packet.

- Transfers must in whole dollars and must be a minimum of \$50.
- Transfers in excess of \$100,000 require prior approval from the Office of Budget and Grants Management
- Transfer in excess of \$200,000 require notification to the County Administrator's Office
- Budget Transfers must have the appropriate justifications and, if applicable, supporting documentation;
- Budget Transfers with description such as the "default" or "re-budget" will not be approved. A brief description must be included
- Budget transfers are permitted only for the first 45 business days of the fiscal year. After 45 business days, transfers will be permitted once per quarter on designated days as determined by the Office of Budget and Grants Management (beginning July 1, 2019)
- Budget transfers will not be authorized after June 1 of each fiscal year

Mr. Hayes stated under extenuating circumstances the department could contact the analyst assigned to their department, and the analyst would be able to do the transfer for them.

Ms. Myers stated, for clarification, these are transfers within a department, subject to prior budgetary approval and we are simply making a shift. There are no transfers between departments.

Mr. Malinowski stated, on p. 38, it says, "Funds may not be transferred from operating accounts 521600, 521700, and 521900". He requested Mr. Hayes explain what those accounts are.

Mr. Hayes stated 521600 is Fuel, 521700 is Contract Auto Repair and 521900 is Non-Contract Auto Repair. Those items are pre-populated, based on information they receive from Fleet Maintenance, so they do not allow departments to move those funds.

Mr. Livingston inquired if the Administrator could approve a budget transfer if there is more than one transfer needed in a quarter.

Mr. Hayes stated they are not trying to take away the ability of a department to make a transfer, but to limit the amount of transfers. As of February, they have had approximately 800 batches of transfers.

Ms. McBride stated, for clarification, within the first 45 days, the departments can do transfers without approval.

Mr. Hayes stated, within the first 45 days, we are simply saying to look at the budget and reallocate the resources at one time, instead of throughout the year.

Ms. McBride inquired if there was a 10% transfer policy without having to get approval.

Mr. Hayes stated not that he is aware of.

Mr. Manning inquired if we have considered a 10% transfer policy.

Mr. Hayes stated when looking at the policy on a percentage basis, as opposed to a dollar amount, because we have such a wide difference between the size of department budgets, a percentage policy would not work.

Ms. McBride moved, seconded by Ms. Myers, to approve the budget transfer policy.

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

Abstain: Manning

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

- b. Monthly Fund Summary Report – Mr. Hayes gave an overview of the monthly fund summary report included in the agenda packet. There are some departments that are projected to be negative in their Personnel line items. They plan to work with those departments to transfer funds from their operating budget to cover the overages. Overall funds are within budget.

Ms. Newton inquired if Mr. Hayes could let Council know the source of the over budgeting is, and

what they can do to address it.

Mr. Hayes stated the previous Budget staff budgeted according to the position control, which lists every County employee and their salaries. In addition, Budget was not a part of the PAF process, so department heads have signed off on salary increases and the funds have not been there. Administration has already begun steps to address these matters.

- c. Retreat Report – Ms. Powell stated Administration has been tracking any action that have come forth from items captured in the Retreat Summary Report.

Mr. Jackson stated the volume of items, and stages and phases they all will appear in, he would like to see a periodic update of how we are doing with these items, so we are sure they are being addressed.

Mr. Manning stated on pp. 48 of the agenda it says, “At its February 19, 2019 meeting, County Council approved staff’s recommendation to bring Renaissance out of deferment via the approval of the modified plan and...” At the time of the February 19th meeting, there were a number of comments, in terms of public involvement. Public involvement would be a mainstay of that. Engaging the public and stakeholders. Robust citizen involvement. Since so many Councilmembers addressed the notion of public involvement, he believes a reference to all the comments needs to be noted in addition to “approve the modified plan.”

Ms. Powell noted we are currently drafting a path forward document, as a result of those conversations, and plan to bring that to at the next Council meeting. A comprehensive public outreach strategy is in the document that points to exactly what Mr. Manning mentioned.

Mr. Gomeau stated they will provide a monthly update at the Administration and Finance Committee meeting.

- d. Transportation Transition Plan Update – Dr. Thompson stated the transition began on March 5th when Council directed staff to begin the process of bringing the Transportation Penny Program in-house.

- March 6 – Administration met to solidify staff’s roles and responsibilities
- March 11 – Met with Operational Services to look at office space to accommodate the entire team; expect to move into the new location on July 8th
- March 11 – Met with Fleet Management to discuss the acquisition of 5 additional vehicles; expect to have the vehicles by September 30th
- March 12 – Posted 4 jobs, including the Manager of Transportation Penny Program
- March 14 – Met with the Attendance Management System vendor; time clock system will ensure that we are in compliance with DOR guidelines; expect to be in place by May 27th
- March 18 – Hired Assistant Director, Allison Steele; expect to fill Director’s position by March 25th
- March 25 – Kickoff meeting with PDT to discuss transition plan
- March 25 – Will post other 4 jobs for the Engineering Inspectors; expect to be able to fill those positions by July 12th

Ms. Terracio and Ms. Myers requested that Dr. Thompson share the transition plan in writing with Council

- e. Introduction of the Community Planning and Development Director – Ms. Powell introduced Mr. Clayton Voignier to Council.
- f. City of Columbia: Intergovernmental Agreement for Bulk Water Sale – This item was taken up in Executive Session.

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

- a. Procurement Open House Drop-In, March 26, 3:00 – 5:00 PM, 2020 Hampton Street, Suite 3064 – Ms. Roberts reminded Council of the upcoming Procurement Open House Drop In.
- b. 7th Annual Wellness Luncheon, March 27, 12:00 – 2:00 PM, Columbia Metropolitan Convention Center, 1101 Lincoln Street – Ms. Roberts reminded Council of the upcoming Annual Wellness Luncheon.

11. **REPORT OF THE CHAIR**

- a. Upcoming Work Session:
 - 1. Annexation
 - 2. Business License Ordinance
 - 3. Council’s Goals and Priorities

Mr. Manning stated it is his recollection that Mr. Gomeau indicated that it would be helpful for staff to have the “Goals and Priorities of Council” in order for them to develop the budget. He believes that would be the top priority of the 3 upcoming work sessions.

Ms. Myers requested the Clerk’s Office to send out an email to Councilmembers requesting their preference on which work session should be next, and their availability for the upcoming work sessions.

Mr. Walker requested the Interim County Administrator’s input on the order in which Council should take up these matters up.

Mr. Gomeau stated the ability to have specific goals and timelines would give staff a target to allocate resources, would allow Council to see how much the resources are going to cost, and whether or not you want to spend that kind of money. He also stated the Business License Ordinance has been pending since August 2018.

Mr. Livingston suggested holding one of the work sessions next Tuesday, March 26th from 3:00 to 5:00.

Mr. Manning stated, earlier in the meeting, Council was invited by the Procurement Office to an event on March 26th at 3:00 PM. He would hate for us to schedule something else at the same time.

Ms. McBride agreed with Mr. Manning and out of respect we need to honor what has already been planned.

Mr. Livingston stated he will work with the Clerk's Office to send out several dates to hold the work sessions.

b. Contractual Matters: City of Columbia

1. Belvedere Cost Share Proposal – IGA – This item was taken up in Executive Session.
2. SE Richland Sewer Issues – This item was taken up in Executive Session.
3. Greenway Project at Riverbanks – IGA – This item was taken up in Executive Session.
4. Murray Point Water Contract – This item was taken up in Executive Session.

c. Administrator Search Update – This item was taken up in Executive Session.

13. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Amending the Fiscal Year 2019 Broad River Utility System Fund Annual Budget to fund the upgrade of the Cedar Cove and Stoney Point communities low energy treatment (LET) Sanitary Sewer System in the amount of \$2,500,000 with funds from the fund balance of the Broad River Utility System Proprietary Fund – Mr. Smith stated this item is related to an item that will be discussed in Executive Session. He did not know if Council wanted to postpone taking up the public hearing until after the briefing in Executive Session.

Mr. Livingston stated he would suggest moving this item, and the related 2nd Reading item, until after Executive Session.

Mr. Malinowski inquired, if no one signed up to speak, why are we postponing the public hearing.

Ms. Myers stated, she believes, Mr. Smith's point was we may want to hold the public hearing and item until after Executive Session.

13. **APPROVAL OF CONSENT ITEMS**

- a. 18-042MA, Cynthia Watson, RS-HD to MH, Bluff Road, TMS # R16103-05-03 [THIRD READING]
- b. 18-048MA, James A. Kassler, RU to NC (1 Acre), 3970 Leesburg Road, TMS # R25000-01-40 [THIRD READING]

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

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

Present but Not Voting: Manning

The vote in favor was unanimous

14. **THIRD READING ITEMS**

- a. An Ordinance Amending the Fiscal Year 2019 Broad River Utility System Fund Annual Budget to fund the upgrade of the Cedar Cover and Stoney Point communities low energy treatment (LET)

Sanitary Sewer System in the amount of \$2,500,000 with funds from the fund balance of the Broad River Utility System Proprietary Fund – This item was held until after Executive Session.

15. **SECOND READING ITEMS**

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 18, Offenses, to add Section 18-7, Public Nuisances; and Amending Chapter 16, Licenses and Miscellaneous Business Regulations, Section 16-18, relative to license suspension and revocation for a business determined to be a public nuisance – Mr. Manning moved, seconded by Mr. Walker, to approve this item.

Mr. Malinowski inquired if staff has obtained numbers from other similar sized counties to confirm these types of incidents take place at these kinds of establishments.

Mr. Gomeau responded that he was not aware of any. The issue would be the commonality of what we are looking at. It would be hard to define exactly what kind we are talking about. If we isolate it, we certainly could get that information.

Mr. Malinowski stated he is trying to figure out how we arrived at the disproportionate numbers listed in the agenda, when we do not have anything to compare it with. In addition, he did not see a definition for determining what is disproportionate. On pp. 71; (b) says, if “There have been two (2) or more situations...the need for law...enforcement assistance from an emergency situation during the preceding twelve (12) months...” He stated the Wal-Mart probably has two (2) or more incidents in twelve (12) months, so are we going to lock their doors. Not to mention, what if he has a Super Bowl party in January and somebody breaks a glass and cuts themselves severely, so an ambulance has to be called. Then, he has a 4th of July party and someone has a firework mishap; the music was too loud at the graduation party; and the wedding party was too noisy. That is four (4) incidents where either EMS or law enforcement could respond to his house, so now his house is going to be closed and he will be put out into the street because it reads, any structure, residential establishment or commercial. He thinks the ordinance is too broad and he would like to see it go back to the drawing and have these things narrowed down a little bit.

Ms. Myers stated she generally agree with Mr. Malinowski. She was shocked that residential homes are included, and she does not know that the appeals process is sufficient for that, if that is meant to be included because you do not appeal to the Business License Office to get your home reopened. She would also add there should be some exceptions in the “Nuisances offending public decency, peace and order” section for charitable endeavors. She stated there is not enough clarity, in terms of whether we are talking business days or calendar days throughout the ordinance. She also noted there is no provision for the owner to be granted immediate access to secure possessions in the establishment, or refrigerated goods. She believes there should be some parameters placed around that. In her opinion, the definitions that we are using are loose for such an extreme remedy. We ought to be in a position where the Administrator, in conjunction with the Sheriff’s Department, can shutter these businesses that are nuisances, but we need a narrowly tailored definition of nuisance, and a very narrowly defined period in which these nuisances can occur. The timespan within which we are defining this needs to be shortened. She thinks a year is much too long if we are talking about a nuisance, and the number of incidents in that time should be increased so that we have a benchmark. We need to look at what other places have used as benchmarks and see what courts have said is acceptable, so we know we are on good ground when we implement it. Where we have the review by the Business License Office, and then subsequently by the Council, it says, the Council will take up this matter at its next regularly scheduled meeting, which means if the business is shuttered on July 20th, and they go through the appeal process, the business could be shuttered

throughout August. She believes we need to refine the time periods to make sure we protect the due process rights of the business owners.

Ms. Newton stated if we are going to have an extreme remedy like this, then Council needs to make extreme accommodations to make sure that due process is done. She would feel extraordinarily uncomfortable voting for something that had the ability to deprive somebody of their livelihood for a month, or more because Council did not want to have a Special Called meeting to address it. Additionally, if you look at the appeals process, (f)(1) says, Council may waive the requirement of timeliness, in terms of when someone files an appeal. Otherwise, the appellant would be required to abide by our timeframes when we submit things to the agenda. She thinks that is something that should be waived automatically. If someone wants to appeal having their business closed, they should not have to conform to our Thursday by 5:00 PM deadline. Anything that deprives people of their business, we need to be extremely vigilant to ensure there is due process. Finally, on pp. 72, it says, "In the event the Business License Official suspends or revokes... the business shall remain secured ... or closed until an appellate authority lifts the suspension or revocation." Her understanding of this is that, if a business is shuttered, and we go to the Business License authority and they say this was done wrongly, their business still has to be closed.

Mr. Smith stated the way this was initially envisioned was that the first step for the appeal would be the Director of the Business Service Center, and if she does not agree with the shuttering of the business, the business would be allowed to reopen.

Ms. Terracio inquired as to when Council will be notified of an issue like this.

Mr. Smith stated the first opportunity to inform Council would be whenever the information comes in with the Sheriff's Department and Administrator. At point, the Administrator would have an opportunity to let Council know that there is a business that is being considered, as it relates to this particular ordinance.

Ms. Terracio inquired if that process could be written into the ordinance.

Mr. Smith stated any of the recommendations being made by Council can be included in the ordinance. They just need to know which ones you want to be included, and they can go from there.

Mr. Manning requested to amend his motion to approve this on 2nd Reading, and include all of the changes that have been suggested tonight.

Mr. Malinowski stated he is not sure we are going to get all of this information prior to the next Council meeting and he would like to defer this item. He wants to ensure that the statistically data that shows what truly is a disproportionate number, and information from other communities.

Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item.

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

Opposed: Kennedy, Manning and Walker

The vote was in favor.

Ms. Myers stated for the record that this does not affect the 60-day emergency ordinance that was

previously passed.

Mr. Jackson stated, in all of the fact gathering, he hopes staff will look at what the City does in Five Points. There must be some strategy the City Police are utilizing that we may want to think about as we develop this policy.

Mr. Livingston requested a list of issues brought up by Council at tonight's meeting.

Mr. Gomeau stated we want to make sure this is uniformly applied. We cannot take someone's rights away from them by singling them out for a particular kind of business.

- b. An Ordinance Authorizing pursuant to Title 12, Chapter 44, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Richland County, South Carolina and Amcor Rigid Plastics USA, LLC, a limited liability company organized and existing under the laws of the State of Delaware concerning a new project; authorizing and providing with respect to an existing project for the conversion of an arrangement for fee-in-lieu of tax payments between Richland County and Amcor Rigid Plastics USA, LLC Under Title 4, Chapter 12, South Carolina Code of Laws, 1976, as amended, to an arrangement under Title 12, Chapter 44, South Carolina Code of Laws, 1976, as amended; and matters relating thereto – Mr. Malinowski moved, seconded by Ms. Kennedy, to approve this item.

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

Present but Not Voting: Manning and McBride

The vote in favor was unanimous.

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

a. NOTIFICATION OF APPOINTMENTS

- 1. Richland Memorial Hospital Board – Three (3) Vacancies – Ms. Newton stated the committee recommended appointing Ms. Mary P. Mazzola Spivey and Ms. Bethany Bell, and re-advertise for the remaining vacancy.

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

Opposed: McBride

Present but Not Voting: Manning

The vote was in favor.

b. ITEMS FOR ACTION

- 1. I move that we establish rules for electing persons to serve on Boards/Commissions rather than going by the Parliamentarian's recollections of how it was done in the past with serious consideration to include appointments require a majority of Council member's vote [MANNING] – Ms. Newton stated this item was held in committee for Legal staff to make recommendations.

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

Present but Not Voting: Myers and Manning

The vote in favor was unanimous.

2. All Board and Commission staffed with volunteer citizens have various opportunities for multiple terms. It has become the practice of the Rules and Appointments Committee to treat incumbents seeking additional terms exactly the same as new applicants. No “extra credit” is given for an incumbent whose service may have been exemplary. I believe this practice is unfair and potentially detrimental to the welfare of the Boards and Commissions as valuable, experienced individuals are being lost simply because new candidates may have performed better in their 5 – 1 minute interviews. I move that the Rules and Appointments Committee review this situation and begin to provide some type of consideration for candidates seeking additional terms [PEARCE] – Ms. Newton stated the committee recommended tabling this item.

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

Present but Not Voting: Manning and Walker

The vote in favor was unanimous.

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

a. **Project Funding Authorizations for Miscellaneous Projects:**

1. Magnolia/Schoolhouse Sidewalk Project – Mr. Jackson stated the committee recommended approval of request for the additional \$550,000. The project will still be under the referendum amount.

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

Present but Not Voting: Manning and Walker

The vote in favor was unanimous.

2. Blythewood Area Improvements Project – Mr. Jackson stated the committee recommended approval of the request for an additional \$350,000. The project will still come in under the ordinance amount.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

3. Three Rivers Greenway Project – Mr. Jackson stated the requested amount of \$2,100,000 will take the project over the ordinance amount by \$366,265.96.

Dr. Thompson stated his conversation with the PDT was to ensure they will be able to complete the project within the ordinance amount.

Mr. Beaty stated he went back and looked at some of the numbers the staffs have been looking at, and he there was an opportunity for better communication between the numbers. The numbers you were presented are a little bit of “apples and oranges”. It looks like they will be able to complete the project within the referendum amount. The only variable may be the close out accounting process. He stated the request is for Council to approve up to the referendum amount for this budget year to ensure that when the contractor completes the work, prior to June 30th, there will be no budget issues for paying him.

Mr. Jackson moved, seconded by Mr. Malinowski, to allow the project to continue up to the actual dollar amount that it was in the ordinance.

Ms. Myers stated she does not understand the point of approving an open ended amount, up to the referendum amount, when we are all agreeing that the goal is to come in under that amount.

Mr. Beaty stated, when the FY19 budget was put together in January 2018, they had to estimate how much work would be done in FY18, and then the remainder would be done in FY19.

For example, we predict that \$2 million that would be done in FY19, so that was the approved budget amount. The contractor did not get all of his work in FY18, so in FY19 he is going to do \$3 million worth of work, but the budget only said \$2 million. He is still going to stay under his contract amount, but the approved budget is only \$2 million. Even though the total contract has not changed, it just moved from one fiscal year into the next.

The issue they have been faced with, up to this point, is not being able to keep those projects moving forward and paying the contractors because it was not in an approved budget.

Ms. Myers inquired as to the referendum amount.

Dr. Thompson stated the ordinance amount is \$7.9 million.

Ms. Myers inquired about the estimated total costs.

Mr. Beaty stated the project is estimated to be right at \$7.9 million. The only variability will be the accounting charges placed at the end of the project.

Mr. Jackson stated, if you look at the total that was appropriated, there is a 2nd number that needs to be considered, which is the \$6.1 million that has already been spent. That only leaves approximately \$1.8 million to be spent. The overwhelming majority of the money has been spent and the project is almost in its final stages of completion.

Mr. Walker stated, for clarification, the contractor is currently under a fixed contract amount, so short of a change order, their price is fixed.

Mr. Beaty responded in the affirmative.

Ms. Myers stated, if we have a contract amount, and the fear is that it will get paid slow, the instruction should be that Mr. Gomeau pay it when it comes due. She does not know that we

need to approve all the money that is there, so they can get all the money.

Mr. Jackson stated, that looking at it, in terms of what we created with this Council when we required that they start providing an annual budget, we put that in place. Prior to now, we would not have done this because it was an annual budget being requested each year. Because an annual is requested each year, not all of the money is being spent in one fiscal year budget and we are not allowing them to carry it over to the next year, so the next year's budget exceeds the amount of the annual budget. As a result of that amount exceeding the budget, they do not have the authority to pay those contractors with a budget that is exceeding the amount that we approved. He thinks the request is whether or not we can allow them enough money, in the next year's budget to pay the bills that are going to be due.

Mr. Hayes stated with Capital Projects the funds are rolled over into the next fiscal year. Council approved \$117.5 million for the PDT. They budgeted that amount according to certain projects. Some of those projects have exceeded the budgeted amount, and they have been told they cannot move money from other projects without Council authority.

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

Abstain: Myers

Present but Not Voting: Manning

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

Mr. Malinowski moved, seconded by Mr. Jackson, to reconsider this item.

Opposed: Terracio, Malinowski, Jackson, Newton, Kennedy, Walker, Livingston and McBride

Abstain: Myers

Present but Not Voting: Manning

The motion for reconsideration failed.

18. **OTHER ITEMS**

- a. FY19 – District 8 Hospitality Tax Allocations – Mr. Malinowski moved, seconded by Ms. Newton, to approve this item.

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

Present but Not Voting: Manning and Walker

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. McBride, to reconsider this item.

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

Present but Not Voting: Manning and Walker

The motion for reconsideration failed.

19. **EXECUTIVE SESSION** – Mr. Smith stated the following items are eligible for Executive Session.
- a. Pending Litigation/Legal Advice: Bond Counsel
 - b. Weaver vs. Richland County Recreation Commission
 - c. Cedar Cove/Stoney Point
 - d. City of Columbia: Intergovernmental Agreement for Bulk Water Sale
 - e. Contractual Matters: City of Columbia
 1. Belvedere Cost Share Proposal – IGA
 2. SE Richland Sewer Issues
 3. Greenway Project at Riverbanks – IGA
 4. Murray Point Water Contract
 - f. Administrator Search

Ms. Newton moved, seconded by Ms. Terracio, to go into Executive Session.

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

Abstain: Malinowski

Opposed: Manning

Present but Not Voting: Jackson and Walker

The vote was in favor of going into Executive Session.

Council went into Executive Session at approximately 8:42 PM and came out at approximately 10:17PM

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

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

The vote in favor was unanimous.

- a. Blythewood Industrial Site Financing Plan Presentation – Mr. Jackson stated the committee recommended to instruct the Economic Development Office to proceed as discussed, and prepare the appropriate ordinance for inclusion in the April 2nd Council meeting agenda.

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

The vote in favor was unanimous.

- b. Project Kline – Mr. Jackson stated the committee recommended to instruct the Economic Development to proceed as discussed, and prepare the appropriate ordinance for inclusion in the April 2nd Council meeting agenda.

**Regular Session
March 19, 2019**

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

Abstain: Kennedy, Manning and McBride

Present but Not Voting: Newton

The vote was in favor.

- c. Pending Litigation/Legal Advice: Bond Counsel – No action was taken.
- d. Weaver vs. Richland County Recreation Commission – No action was taken.
- e. Cedar Cove/Stoney Point – Mr. Malinowski moved, seconded by Ms. Myers, to defer Item 12(a) – Public Hearing and Item 14(a) – Third Reading, to allow staff to obtain the needed information, as discussed in Executive Session.

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

The vote in favor was unanimous.

- f. City of Columbia: Intergovernmental Agreement for Bulk Water Sale – Mr. Smith stated Council has some concerns they want Legal to address, as it relates to the agreement. Legal will proceed as discussed in Executive Session regarding this matter.
- g. Contractual Matters: City of Columbia
 - 1. Belvedere Cost Share Proposal – IGA – No action was taken.
 - 2. SE Richland Sewer Issues – No action was taken.
 - 3. Greenway Project at Riverbanks – IGA – No action was taken.
- h. Administrator Search Update – No action was taken.

20. **MOTION PERIOD**

- a. FY19 – H-Tax Contingency Allocation [LIVINGSTON] – Mr. Livingston stated there is a request from the Columbia Convention Center and Visitor’s Bureau regarding \$50,000 in funding for the NCAA Basketball tournament. The request was forwarded to the Budget Department to prepare the Request of Action, so it could be presented to Council. In addition, he requested a list of expenses and the reason why this money was not allocated during the normal budget process.

Mr. Malinowski stated, before we commit our entire contingency amount, we need to find out what is needed. He spoke with Bill Ellen and he said they needed \$30,000 - \$35,000 for the buses to transport the teams back and forth. After that discussion, he allocated \$20,000 from his individual H-Tax funding.

Ms. Terracio inquired if it would be appropriate to identify some line items that add up to approximately \$50,000 and allocate the funding for those specific items, since some of the listed expenses are not allowable.

Mr. Livingston responded that would be different than the way we treat everybody else, when we give them funding.

Ms. Newton inquired if we have any procedures or policies about how we allocate funds from the contingency H-Tax fund.

Mr. Livingston responded we do not. It is usually used for significant events that will take place in the County.

Mr. Manning moved, seconded by Mr. Livingston, to allocate the \$50,000 in contingency H-Tax funding for the NCAA Basketball Tournament.

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

Present but Not Voting: Walker

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Manning, to reconsider this item.

Opposed: Terracio, Malinowski, Jackson, Newton, Kennedy, Manning, Livingston and McBride

Present but Not Voting: Myers and Walker

The motion for reconsideration failed.

POINT OF PERSONAL PRIVILEGE – Mr. Manning stated the Richland County Anti-Human Trafficking Task Force was in contact with the University of South Carolina about placing the toll-free hotline number, related to human trafficking, on the back of the door in the bathroom stalls in the Colonial Life Arena. The University of South Carolina was very favorable to that; however, the NCAA takes over the facility from USC. The University ran that request by the NCAA for approval, and the NCAA has approved the request. The Richland County Anti-Human Trafficking Task Force will have volunteers placing these posters throughout the bathrooms.

- b. I move, based on my being horrified as I heard for the first time the week of March 4, 2019 of the need to address current critical needs for Administrative office space as the number of vacancies we currently have in our County Administration is tremendous, but we are limited in filling these vacancies by physical office space; and that we don't have anywhere to put the people we need to hire and that addressing this need will also create a County level employment opportunity, that the Interim County Administrator commandeer the unneeded office formed and assigned to me, Richland County District 8 Councilman Jim Manning, by the former County Administrator with no official input by the Richland County Council so as to create a currently funded Richland County employment opportunity, the ability to address to a degree the critical need for an Administrative office space, and the opportunity for citizens and stakeholders to have needs met that are going unmet or service enhancements because we did not have an Administrative office space for the unfilled vacant position [MANNING] – This item was forwarded to the D&S Committee.
- c. A Resolution Designating the 24th Day of April Two Thousand Nineteen as Richland County Alumnae Chapter, Delta Sigma Theta Sorority, Incorporated Day [LIVINGSTON and MYERS] – Ms.

Myers moved, seconded by Ms. Newton, to adopt the resolution designating April 24, 2019 as Richland County Alumnae Chapter, Delta Sigma Theta Sorority, Incorporated Day.

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

The vote in favor was unanimous.

- d. I move that Council review the staff space needs requirement document provided in 2018 to begin an evaluation of the severe 2020 Hampton Street space needs and begin evaluating alternatives to alleviate the acknowledged current space constraints [MYERS] – This item was referred to the Renaissance Ad Hoc Committee.
- e. I move that Council consider holding one meeting per quarter in unincorporated Richland County to keep all county needs before its policy makers [MYERS] – This item was referred to the Rules and Appointments Committee.
- f. I move that Council work with staff to conduct a comprehensive review of Council rules and recommend changes to streamline the rules to improve the functioning of Council business [NEWTON] – This item was referred to the Rules and Appointments Committee.

21. **ADJOURN** – The meeting adjourned at approximately 10:39 PM.