



## Richland County Council

REGULAR SESSION  
March 20, 2018 – 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

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

**OTHERS PRESENT:** Michelle Onley, Brandon Madden, Larry Smith, Kim Williams-Roberts, Gerald Seals, Shane Kitchens, Beverly Harris, Tim Nielsen, Trenia Bowers, Dwight Hanna, Tracy Hegler, Stacey Hamm, Jeff Ruble, John Hopkins, Sandra Haynes, Michael Niermeier, Jamelle Ellis, Dale Welch, Shahid Khan, James Hayes, Jennifer Wladischkin, and Ismail Ozbek

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Norman Jackson
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Norman Jackson

4. **PRESENTATIONS**

- a. **Capital City/Lake Murray County: Miriam Atria, President/CEO** – Ms. Atria stated the Major League Fishing Show will air on April 7<sup>th</sup> on the Outdoor Channel. The fishing tournament was held on Lake Murray in June. She presented a video clip of the area that will air during the 36 hours the show is broadcast. In addition, she stated the organization has joined the US Bass Angling Federation in a world championship event. We are going to make bass fishing an Olympic sport. They have sponsored the US Bass Fishing Team. The team went to South Africa last summer and a total of 16 foreign countries joined them. They will be going on to Mexico where there will be 32 foreign countries. In 2018/2019 they will go to Canada. In 2020 they will coming to Lake Murray for 7 days with potentially 80 foreign countries. The Olympic angling will have 1,100 international airings.

The regional tourism office is spreading the message. We are promoting all aspects of leisure tourism, from outdoor recreation fishing, sailing, etc.

Ms. Atria presented Mr. Pearce with a “bottom of the barrel” with a map of Lake Murray in honor of his upcoming retirement.

- b. **WellPartners Update: Anita Floyd, Vice President Community Impact, United Way of the Midlands** – Ms. Floyd thanked the Richland County staff for their support of the United Way by raising over \$27,000, which represents a 23% over last year. The following six departments were given special recognition: Emergency Services, Alvin S. Glenn Detention Center, Ombudsman’s Office, Human Resources, Auditor’s Office and the IT Department. The IT Department had 98% participation in the United Way campaign.

WellPartners began when the agency that was running the children’s dental clinic for the last 50 years was closing. They feared that if we interrupted services for any amount of time we would lose

the hundreds of volunteer dentists that were providing services to the children. The United Way Board created the LLC to continue the services. At the same time, they partnered with Palmetto Health, Lexington Medical Center and Providence Hospital. They were hosting 2-day healthcare events at the fairgrounds. Over the span of 4 years, more than 6,000 people were served, but did not serve everyone that requested dental help. Therefore, they knew they had to collaborate to figure out a more efficient and effective way to reach the people. Fortunately, at the same time, Richland County was willing to expand their partnership with the United Way. The County offered a significantly greater amount of space in the Health Department. The new WellPartners Clinic was opened in February 2016. The clinic is 5,000 sq. ft. and cost approximately \$1 million to create. The impact of the expansion on services has been dramatic. In addition, to continuing the children's clinic the expansion included dental and eye care for adults. WellPartners serves individuals that are low-income and do not have coverage for eye care or dental care. While there is a smaller clinic in Lexington County, 75% of the people they serve are Richland County residents. Since the expansion, they have provided annual dental services (i.e. cleaning, specialty care) to over 3,000 people. Most of the people they serve have not had dental care for a long time and as many as a 1/3 of them need 4 visits to actually to get their health in order. Since July 2017, WellPartners has provided over \$1 million in dental care treatment. Palmetto Health reports that the number of emergency room visits for dental care has decreased by 50% since the expansion. Eye care is provided to 1,300 people annually. Of those provided eye care, 85% need corrective lens, 15% are seniors and 10% have diabetes. To date, they have provided \$30,000 in vision care.

In addition to their key partners, which include Palmetto Health, Lexington Medical Center, Providence Hospital and the Blue Cross Blue Shield Foundation, they depend on the support of over 200 volunteer dentists for the children's clinic. They receive referral from the schools. They receive transportation from the Healthy Learner's Program. The children are brought from school to the clinic, so the parents do not have to take time off from work to do so. Midlands Technical College hygiene students also help with the summer sealant program. The Lion's Club assists with individuals that need more care than they can provide in the clinic.

The free space provided in the Richland County Health Department assists them to reach these individuals and hopes to be able to continue the partnership with Richland County. Ms. Floyd invited Council members to tour the clinic.

Ms. McBride thanked them for being the voice for those people who are not able to speak for themselves and providing them the needed services.

5. **APPROVAL OF MINUTES**

- a. Regular Session: March 6, 2018 – Mr. Livingston moved, seconded by Mr. Pearce, to approve the minutes as distributed.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized that former Council member Torrey Rush was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Rose recognized Mr. Vince Ford and Dr. Lonnie Randolph were in the audience.

6. **ADOPTION OF THE AGENDA** – Mr. N. Jackson requested to add a time sensitive contractual matter related to Chao & Associates to the agenda.

Mr. N. Jackson moved, seconded by Mr. Pearce, to add a contractual matter regarding Chao & Associates to the agenda.

Mr. Malinowski requested a legal opinion on this. Maybe the Administrator can weigh in. The Administrator may be preparing and ready to send an answer out tomorrow.

Mr. Seals stated he could be ready tomorrow, but he does not know what Mr. N. Jackson is talking about.

Mr. N. Jackson stated it is just to get the question answered to move forward with a contractual item.

Ms. Dickerson inquired if Mr. Seals could send Council that information.

Mr. N. Jackson stated he wanted it to be on the record.

Ms. Dickerson inquired if Council got it in an email if that would that not answer the question.

Mr. N. Jackson stated that could answer the question. He just wants it to be on the record.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous to add a contractual matter related to Chao & Associates to the agenda.

Mr. Malinowski stated it was his understanding there are (2) personnel matters under the Report of the Chair.

Mr. Malinowski moved, seconded by Mr. Pearce, to amend the agenda to reflect there are (2) personnel matters under the Report of the Chair.

In Favor: Malinowski, C. Jackson, Myers, Kennedy, Manning, Dickerson, N. Jackson, Livingston, and McBride

The vote in favor was unanimous to reflect there are (2) personnel matters under the Report of the Chair.

Mr. Livingston moved, seconded by Ms. Kennedy, to adopt the agenda as amended.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

Opposed: Manning

The vote was in favor of adopting the agenda as amended.

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION** – Mr. Smith stated the following items are potential Executive Session Items:

- a. Legal Advice: Real Estate Transaction

- b. Legal Advice: PDT Services Debriefing
- c. Personnel Matters (2)
- d. Contractual Matter: Chao & Associates
- e. Items 12(a) and 14(a): “An Ordinance Amending and Supplementing Ordinance No. 039-12HR to add the requirement that procedures be established for: (i) entering into intergovernmental agreements with other political subdivisions for completion of infrastructure projects within those political subdivisions, (ii) securing required audits from organizations receiving funds from the transportation sales and use tax, (iii) approving future changes to the infrastructure projects being funded with the transportation sales and use tax, including cost and scope; and (iv) the annual budgeting process; ratifying prior actions including: (i) changes in the cost and scope of infrastructure projects, (ii) prioritization of said projects, and (iii) appropriation of fund for said projects; and providing for the appropriation and expenditure of the transportation sales and use tax for the remainder of fiscal year 2017-2018; and other matters related thereto” – Mr. Smith stated the County Administrator forwarded a memo from bond counsel regarding these items to Council. To the extent, Council has any questions regarding the memo that would qualify as Executive Session.

Mr. Malinowski stated the memo recommended deferral of these items until more specific information is received. Based on the memo, he moved to defer these items rather than go to Executive Session. Mr. N. Jackson seconded the motion.

Mr. Smith stated those items relate to the amendment of the 2012 Ordinance Council passed, which we have had several work sessions and Executive Session regarding.

Mr. Pearce inquired if the document that is being referred to the memorandum dated March 15<sup>th</sup>.

Ms. Dickerson responded in the affirmative.

Mr. Pearce stated he had trouble printing the document out.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

Opposed: Manning

The vote was in favor of deferring Items 12(a) and 14(a).

Ms. Myers inquired if we can defer to a specific date.

Ms. Dickerson stated we will defer it the April 3<sup>rd</sup> Council meeting.

Mr. Smith recommended not setting a date at this point. As you recall, one of the things Council talked about was having a work session on parts of this.

Ms. Dickerson stated the next work session will the 3<sup>rd</sup> Tuesday. She inquired if this item was time sensitive and if the 3<sup>rd</sup> Tuesday in April would work or if Council needs to have a Special Called Meeting.

Ms. Myers requested clarification. She inquired if this is the list of projects Council has been waiting on since before Christmas.

Ms. Heizer stated the ordinance they are requesting Council to defer, not date certain, will include a number of amendments to the original ordinance from 2012. Those amendments will include the guidelines currently under discussion and the list of projects, as they have been prioritized. There are many different pieces of information that needs to come together in this one document. The meeting on April 3<sup>rd</sup> will not be enough time, but the meeting on April 17<sup>th</sup> should allow enough time to amend the document.

Ms. Dickerson stated Council can hold their workshop from 2:00 – 4:00 PM to obtain the information and then take the item up at the Council meeting that evening.

Ms. Heizer stated some of the things in the ordinance will be dictated by decisions that Council has to make to give guidance as to what to put in the ordinance.

Ms. Dickerson stated she had requests from Council members about having an additional workshop on this item. She will set the workshop for the 3<sup>rd</sup> Tuesday from 2:00 – 4:00 PM. Council will then take the item up in Executive Session at the Council meeting that evening at 6:00 PM.

Mr. Livingston moved, seconded by Ms. Myers, to defer Items 12(a) and 14(a) until the April 17<sup>th</sup> Council meeting.

Ms. Dickerson made a friendly amendment to hold the workshop from 2:00 – 4:00 PM.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

Opposed: Manning

The vote was in favor of deferring Items 12(a) and 14(a) until April 17<sup>th</sup> and to hold a workshop prior to the Council meeting from 2:00 – 4:00 PM.

8. **CITIZENS' INPUT: For Items on the Agenda Not Requiring a Public Hearing** – Mr. Robert Dibble spoke on Item #9(b): “Cedar Cove & Stone Point Subdivisions Sanitary Sewer System Upgrade”.

Ms. Helen Taylor Bradley and Ms. Lottie Wesley spoke regarding Item #23(a): “Move forward with the last version approved by Council of the Lower Richland Sanitary Sewer Plan. Note: Action on this motion does not necessarily need to go to a committee. It was already approved and construction was supposed to start in February 2018. Any action should be the schedule.”

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. **FY2017 CAFR Revisions** – Mr. Seals stated this item concerns the annual financial report, generally referred to as the CAFR, which is an acronym for the Comprehensive Annual Financial Report. The CAFR was submitted to Council; however, there was some additional information that prompted revisions. The County is required to alert Council of these revisions.

Ms. Hamm stated the Equitable Sharing grant was not included in the Single Audit Section. The following changes were made:

p. 174 – Federal Awards, Internal Control over major federal programs – Material weakness identified changed to Yes.

p. 181 – 2017-012 Control Over Bank Account was added as a finding.

p. 184 – US Department of Justice – Direct Assistance Equitable Sharing Program, \$71,778 was added, which changed the total to \$928,770.

Mr. Seals stated this basically pertains to the funding structure. The setting aside of funds for County government can be complex. However, in the State of South Carolina it is interesting and complex. There is a requirement, in some cases, where we are supposed to account for all funds and bank accounts. However, as Council is aware, all banking accounts do not necessarily run through the County Administrator. The auditor has discovered there are some bank accounts that fall under the County, but the County Administrator was not aware of. The County Administrator has now been made aware of those. Council has now been made aware, as well. We must account for them and have a monitoring mechanism in place for those. The finding, basically says, at the point we discovered them we were not accounting for them because we were not aware of them. The finding is appropriate. The correction is now that we know about them we will manage and monitor them.

Mr. Pearce inquired if we can now assume that we know where every bank account is. Could there be additional bank accounts that we do not know where they are?

Mr. Seals stated there could be more accounts. He stated, in the State of South Carolina, elected officials can sometimes hold bank accounts that do not necessarily run through the normal system of the County. When that happens, the County Administrator and Council may not be aware of it. The good thing about this finding is that it provided us with a clear opportunity to team up and make sure we are all talking to each other and there are no such accounts hanging out there.

Mr. Pearce stated Mr. Seals' response the other day regarding elected official's accounts was that we do not have any control over them.

Mr. Seals stated what we are dealing with now are 1 or 2 accounts that we do not have control over, yet they run through the County.

Mr. Pearce inquired if there are accounts that we are aware of that need to be incorporated into the CAFR.

Mr. Seals stated the accounts need to be covered and reported in the CAFR.

Mr. Malinowski stated he sent an email requesting some additional information and inquired if it would be forthcoming.

Mr. Seals stated it will be forthcoming.

Mr. Manning stated for clarification when we are referring to elected officials we are not talking about Council members. We are talking about those constitutional officers elected countywide.

Mr. Seals stated he does not believe any of this is saying there was any wrongdoing. It was just that we were not aware of them. We discovered them. We put a correction in.

- b. Cedar Cove & Stoney Point Subdivisions Sanitary Sewer System Upgrade – Mr. Seals stated this item concerns the Cedar Cove and Stoney Point Subdivisions. Since 2017, we have corresponded with Council about the situation where we have some failure. We have been trying to look for some solutions. Staff and Mr. Malinowski have meet with the community a couple times. We are now at a point where we need direction from Council. While there is no action to be taken this evening, it is fair to say in our discussions with the residents that they are of a mind that the County needs to consider a greater responsibility for the correction than we have had authorization to offer at this point. He thinks the best way to deal with that is to have a workshop, followed by a public hearing that would allow the residents to be heard. Then for Council to deliberate the issue and make a decision.

Ms. Dickerson inquired if it was time sensitive.

Mr. Seals stated it is not time sensitive in the sense that Council is going to make a decision tonight. It is time sensitive in the sense that those residents have been dealing with the issue for quite a long time and they are tired of it. We recognize that. We are trying not to be bureaucratic about it. He would strongly urge Council to set some time so the residents do understand this is on your agenda and you are looking to try to resolve the matter.

Mr. Malinowski stated he was not sure if the work session called for on the 3<sup>rd</sup> Tuesday is going to be lengthy enough to take the entire 2 hours.

Mr. Seals stated it will not.

Mr. Malinowski made a motion, seconded by Mr. N. Jackson, to place this matter on the April 17<sup>th</sup> work session agenda.

Ms. Dickerson stated Mr. C. Jackson has requested there only be one item per workshop, but if Mr. Seals is saying the first item will take less than an hour.....She stated she is not going to rush, so if we need 2 hours for the one we have already set then we may have to move the Cedar Cove/Stoney Point matter to May.

Mr. Malinowski stated he considers this a time sensitive item. The people are having problems with their sewer. It is backing up into their homes and yards. The pump station is overflowing. Sewage may possibly be going into the lake or, at least, other debris is because of this. Therefore, he thinks it is quite time sensitive. It needs to be addressed before we have DHEC coming out and ordering the County to take care of it. He would like to get it on there and if we need a special called work session he liked to be able to do that.

Mr. Seals stated, if Council recalls, when we initially weighed in on this issue we provided a series of options. Perhaps, we can resurrect those issues and facilitate the discussion, so that when we meet Council is in action format. If we get that to Council this week, it gives them quite a bit of time to go through the history and recommendations.

Ms. Dickerson stated, judging from what she heard tonight, if we are going to have that kind of workshop we will have a lot of people coming. She is not sure a split format will give Council the amount of time to hear from the community. In order to give Mr. Malinowski's residents the time they need to participate, we need to schedule the work session in May.

Mr. N. Jackson inquired if we need the citizens input again to move it forward. The objective is to move it forward and get it fixed.

Ms. Dickerson stated it was her understanding they wanted to have a workshop and have the residents participate.

Mr. Smith stated what may have facilitated a portion of this. If Council recalls, Mr. Dibble came forward and indicated he represented most of the individuals that reside in Cedar Cove and Stoney Point subdivisions. He also indicated, we intend to meet next week. A lot of these issues are legal matters. Some are technical matters. Once we meet next week and exchange information, we may have a better idea whether or not there is that much of a difference in our legal and technical positions. Once the meeting is held, he will commit to forwarding a report to Council.

Ms. Dickerson inquired if Mr. Malinowski will consider reporting back on this item at the April 3<sup>rd</sup> Council meeting and, if needed, we can add it the April 17<sup>th</sup> work session agenda.

Mr. Malinowski stated that would be fine. He also pointed out bond counsel thought they would be done with information they need to present to Council for the PDT/Supreme Court ruling work session. They are not even sure it will be ready. Therefore, there be a larger opening on that work session date anyway. He thinks when you have extenuating circumstances you need to deal with sometimes you have to put a little extra work into it. If Mr. Smith does not come to resolution with Mr. Dibble, then he thinks we need to put that extra work in. He stated just think about how you would feel if public sewer was causing backup of sewage into your home and property. You would not want to put it off addressing the problem 30 – 60 days. He thinks we need to do this as soon as possible. Placing it on the April 3<sup>rd</sup> agenda, with input from Mr. Seals and Mr. Smith, would be most appropriate.

Mr. C. Jackson stated this does not have to be an either or. He would not disagree with Mr. Malinowski the issue he is referring to is a pressing issue; however, he would also state the issue before us that is on the scheduled workshop agenda now is equally pressing, if not more so. It involves potentially millions of dollars and the way we do business going forward. He thinks that both of them is equally important. Since we made the determination, earlier tonight, the workshop agenda would be the topics of Items 12(a) and 14(a), he would hope we give it ample time and not rush, as we so often do in those type workshops.

Mr. Manning stated he is not quite sure this would be an item for a work session. Eight or nine years ago, we had a work session like once a quarter. Now we are having them all the time. He is not quite sure why this would not be something staff and the Council member from that area would not be working on in some way. We have a meeting scheduled for the first Tuesday in April. If you can take care of the business and bring the recommendation to Council like we have done for a good number of years.

Mr. Manning made a substitute motion, seconded by Mr. Malinowski, that the Council agenda for April 3<sup>rd</sup> include this item with the community input, as necessary, be given to the appropriate County staff, in conjunction with knowledge of the Council member that represents that area, and that the appropriate packet be a part of the agenda packet for the Council to vote on the matter.

In Favor: In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.



- c. Interior Planning & Design Services – Columbia Place Mall – Mr. Seals stated the next (2) items pertain to the Richland Renaissance. The first one deals with Columbia Place Mall. The Procurement Office will give a brief report and then there will be a presentation, as a response to the solicitations.

Ms. Wladischkin stated this process was issued as a Request for Qualifications for the interior planning and designing of Columbia Place Mall. We were seeking out design built firms who could send submittals with their qualifications, as to how they would renovate the area without tearing it down and make it into a use for the County to move into when we vacate this area. We received (3) submittals. The submittals were evaluated by a team of County personnel and established the highest ranked submittal. They are here this evening to let us know a little more about their intentions for the area.

Mr. Pearce inquired as to how many buildings.

Ms. Wladischkin stated there are currently (3) of the anchors of Columbia Place Mall.

Mr. Seals stated we are starting to get used to the reality of moving in and referring to it as “Richland Gateway at Columbia Place Mall”. At some point, we will come to you and inquire as to what you want to name the facility. It is his understanding that Mr. Mashburn leads the team. Mr. Seals invited Mr. Mashburn to come forward.

Ms. Dickerson stated for clarification there were (3) submittals. She stated she wanted to ensure that local preference was taken into consideration.

Ms. Wladischkin stated there was a stipulation in the package that we wanted small, local business participation. If not by the prime, then by subcontracting.

Mr. Pearce stated he was a little bit unclear about what we are doing. He stated we put out a RFQ. The RFQ came back and Procurement has the (3) highest...

Ms. Wladischkin stated all of the submittals were qualified. They established the highest ranked offer and requested a proposal.

Mr. Pearce inquired if the company is going to present their proposal to Council at tonight’s meeting.

Ms. Wladischkin responded in the affirmative.

Mr. Malinowski stated in the past when Council received RFQs and RFPs they were written in the agenda. Council reviews them and then make a decision if we want to move forward or not. He does not understand why we are hearing some verbal comments when we have not seen anything in writing. It seems like we are jumping the gun. He respectfully said Council should wait until they have it as an agenda item for review.

Ms. Dickerson stated she has to agree with Mr. Malinowski. Most of the time when an RFQ is sent out, Council knows who they are. The Procurement Department does not make that determination until the Council members have seen who the applicants were and how they were ranked. Council has always been a participant in the selection.

Mr. Pearce inquired if Council is being asked to take action after the presentation.

Mr. Seals stated Council can take action. He will be asking Council, at some point, to consider authorizing finalization of a contract, which will be brought back to Council.

Mr. Manning moved, seconded by Mr. Malinowski, to defer this item, for Council to receive, in writing, the packet of information for their review and then Council be prepared for the presentation at the April 3<sup>rd</sup> Council meeting.

Mr. Seals recommended that Item 9(d): “Judicial Center Architect of Record” also be deferred.

Ms. McBride inquired if the information will include all of the applicants.

Ms. Dickerson stated Council wants to receive the full package.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- d. Judicial Center Architect of Record – Mr. Manning moved, seconded by Mr. Malinowski, to defer this item, for Council to receive, in writing, the packet of information for their review and then Council be prepared for the presentation at the April 3<sup>rd</sup> Council meeting.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce expressed his appreciation for the Mashburn Company for coming in. This was not procedurally how Council is accustomed to doing this. We look forward to the presentation at another time. He also apologized, but stated this is not how we have generally done business.

- e. Contractual Matter: Chao & Associates – This item was taken up in Executive Session.

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

- a. COMET Service Change Public Hearings – Ms. Roberts stated the COMET will be hosting (5) public meetings regarding the proposed schedule and route changes. The meetings are as follows:

North Main Library, 5306 N. Main St., April 5<sup>th</sup>, 6:00 – 8:00 PM  
Sandhill Library, 763 Fashion Dr., March 27<sup>th</sup>, 5:00 – 7:00 PM  
Eastover Library, 608 Main St., April 10<sup>th</sup>, 5:30 – 7:00 PM  
Main Library, 1431 Assembly St., April 14<sup>th</sup>, 10:00 AM – 12 Noon

11. **REPORT OF THE CHAIR**

- a. Personnel Matters – This item was taken up in Executive Session.
- b. American Heart Association Heart Walk, March 24, 8:00 a.m., Colonial Life Arena – Ms. Dickerson thanked everyone that has contributed or will be participating in the American Heart Association Heart Walk on March 24<sup>th</sup>.

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Amending and Supplementing Ordinance No. 039-12HR to add the requirement that procedures be established for: (i) entering into intergovernmental agreements with other political subdivisions for completion of infrastructure projects within those political subdivisions, (ii) securing required audits from organizations receiving funds from the transportation sales and use tax, (iii) approving future changes to the infrastructure projects being funded with the transportation sales and use tax, including cost and scope; and (iv) the annual budgeting process; ratifying prior actions including: (i) changes in the cost and scope of infrastructure projects, (ii) prioritization of said projects, and (iii) appropriation of fund for said projects; and providing for the appropriation and expenditure of the transportation sales and use tax for the remainder of fiscal year 2017-2018; and other matters related thereto – This public hearing was deferred.
- b. 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) – No one signed up to speak.
- c. An Ordinance Authorizing deed to the City of Columbia for certain sanitary sewer lines to serve the Hollywood Hills Sewer System Improvements; Richland County TMS # 11807-08-21, 22, 39, 40 & 42 – No one signed up to speak.

13. **APPROVAL OF CONSENT ITEMS**

- a. 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 [THIRD READING]
- b. 17-042 MA  
Avon Banks  
RM-HD to OI (26.14 Acres)  
5071 Percival Road  
TMS# 28800-02-25 [THIRD READING]
- c. 17-046MA  
David Gates  
RU to NC (8.21 Acres)  
1700 Dutch Fork Road  
TMS# R02408-02-02 [THIRD READING]
- d. 17-047MA  
Sharon Mann  
RU to GC (3.2 Acres)  
2250 Legrand Rd. & Pinnacle Point Drive  
TMS # R17108-01-05 [THIRD READING]
- e. 18-001MA  
Matt Mungo  
RM-HD to RS-HD (10.39 Acres)  
Bush Road  
TMS # R20200-01-53 [THIRD READING]

- f. 18-002MA  
Jesse Bray  
RU to RS-E (40.67 Acres)  
Koon Road  
TMS # R03400-02-56 [THIRD READING]

Mr. Malinowski moved, seconded by Mr. Livingston, to approve the consent items.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

14. **THIRD READING ITEMS**

- a. An Ordinance Amending and Supplementing Ordinance No. 039-12HR to add the requirement that procedures be established for: (i) entering into intergovernmental agreements with other political subdivisions for completion of infrastructure projects within those political subdivisions, (ii) securing required audits from organizations receiving funds from the transportation sales and use tax, (iii) approving future changes to the infrastructure projects being funded with the transportation sales and use tax, including cost and scope; and (iv) the annual budgeting process; ratifying prior actions including: (i) changes in the cost and scope of infrastructure projects, (ii) prioritization of said projects, and (iii) appropriation of fund for said projects; and providing for the appropriation and expenditure of the transportation sales and use tax for the remainder of fiscal year 2017-2018; and other matters related thereto – This item was deferred under the Report of the Attorney for Executive Session Items.
- b. An Ordinance Authorizing deed to the City of Columbia for certain sanitary sewer lines to serve the Hollywood Hills Sewer System improvements; Richland County TMS # 11807-08-21, 22, 39, 40 & 42 (portion) – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

15. **SECOND READING ITEM**

- a. Authorizing the execution of the amended and restated master agreement governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina, and Fairfield County, South Carolina, confirming the boundaries of the I-77 Corridor Regional Industrial Park; and other related matters – Mr. Livingston moved, seconded by Mr. N. Jackson, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl; Section 5-4, Community Cat Diversion Program; so as to amend the language therein – Mr. Pearce moved, seconded by Mr. N. Jackson, to approve this item.

Mr. Pearce stated there was considerable discussion at the previous meeting about what the policy was in Greenville County. He distributed a letter from the Greenville County Animal Care Division Manager in which she clarifies Greenville County's position. He read the following excerpt from the letter: "In some cases citizens insist they do not want the cats returned. In these instances, we explain the Community Cat Resolution permits outdoor cats, as long as they are spayed/neutered. We will still return them outside to the cat's known community home area; however, we explain to these citizens that we will not release the cats back onto their property." Secondly, he thinks this vote is very clear. Council can vote for it and we can try to get the feral cat population under control or they can vote against the ordinance, in which we will commit that we will continue to euthanize a large number of cats on an annual basis. He stated because we have not been doing this we do not know if this will work or not.

Ms. Kennedy requested clarification when it was stated we can go along with the vote to put them back in the communities, it means the cats will be put in any community.

Ms. Haynes stated the cats will go back to the address where they were picked up from, not just any community. She stated she wanted to clarify what Mr. Pearce stated earlier, there is no more euthanasia. The City of Columbia does not euthanize. The healthy cats will not be euthanized; therefore, it is either participate in the program or the resident does not have to request a trap. It is a courtesy for Animal Services to come out and pick up the cat and have it spayed/neutered then return it.

Ms. Kennedy stated for clarification the cats will be picked up, spayed/neutered and then returned where?

Ms. Haynes stated the address of the property owner that calls and requests it.

Ms. Kennedy thought the cats were just being returned to the community, but not to a particular address.

Ms. Haynes stated if a resident calls in and request a trap, Animal Services will let them know the cat is coming back. There is euthanasia. The City is not euthanizing. She believes what the confusion is, is there was euthanasia in the past. The City was euthanizing the cat. They have decided not to, which is why the cats were passed along to another agency to take them out. The County caused them to take matters into their own hands. The relocation is what confuses everyone. Everybody thinks we can take the cats somewhere else (i.e. a barn or farm) and we cannot. If the property owner refuses to have the cat returned, they will not be provided a trap. The resident does not have to participate in the program. It is just a benefit if they do.

Ms. Kennedy stated so in other words the cat is return to the community and let it roam around.

Ms. Haynes stated, for clarification, Animal Services does not pick it up.

Ms. Kennedy inquired if she called and said she had 3 cats roaming around in her yard...

Ms. Haynes stated Animal Services would tell her about the Community Cat Program and we will let you know that once it is spayed/neutered we will bring it back to your address.

Ms. Kennedy inquired even if the cat does not belong to her.

Ms. Haynes responded in the affirmative.

Ms. Kennedy stated she has no right as a citizen...

Ms. Haynes stated if they do not belong to you when they come back and you do not feed them they will go away.

Ms. Kennedy stated but the cats are still roaming on her property; therefore, she has the right to sue the County because they are bringing something to her property that does not belong to her and dumping it out on her property.

Ms. Haynes stated there is no euthanasia and no relocation. If the cat is not returned to your property then you are saying take them somewhere else in the community and drop them off.

Ms. Myers stated her understanding is that only people who want Animal Services to pick up a cat and bring it into the program are the ones the County is servicing. We are not going around looking for cats. We are responding to calls.

Ms. Kennedy stated if they respond to her call because she has cats running around in her yard that do not belong to her. They take them away and then bring them back and dump them in her yard again. We are wasting the taxpayers' money picking them up and then bringing them back and dumping them in the yard.

Ms. Dickerson stated after the cats have been spayed or neutered.

Ms. Kennedy stated who cares if the cats are spayed or neutered, if they are bringing them back to her yard. That is her personal property and she has a right to say she does not want them there.

Ms. Myers stated the letter provided says Greenville County generally uses a 300 yd. rule when the cats are returned to their home area, but are not returning them directly on the property that they were originally found. Therefore, the citizen's request is achieved while insuring cats are returned to a recognizable home area. She inquired if the County is using that theory, so they are not necessarily put in a private yard, but returned to the area.

Ms. Haynes stated the County is not using that theory. Greenville County is using that theory. They are set up totally different. Their citizens take the cat in to get them spayed/neutered. Therefore, the citizens take them back. They only use that when a citizen does not return to pick up the cat. They will take it 300 yd. away from the address of the person who took the cat in. Because Animal Care officers are doing this it would cause the cats to be moved from one neighbor's house to the other neighbor's house, so we do not need that option.

Mr. Malinowski stated yesterday morning he spoke with a prominent and well-respected individual in the community. In their conversation about this particular matter, it was mentioned that we have a problem out there with these feral cats. To this point, we have not done anything to resolve it. The question becomes, do you want to try to resolve it or do you want to let the problem continue to proliferate. Therefore, he feels we need to take the steps necessary to try to solve the problem and he will be supporting this tonight.

Ms. McBride stated she is kind of confused regarding Mr. Pearce's statement and this letter because she also contacted the Greenville County and we did not get the same information. We say there is a no-kill community with a cat ordinance when it is really a resolution. She again says there is no empirical data to support that the trap-neuter-return policy works. There is a lot of subjective data, which she can appreciate. She wants the people to know she supports saving the lives of as many

cats as she can. She also wants her colleagues to know her issue is not about the cats. Her issue is about an individual's civil rights. She thinks with the passing of the ordinance and removing the last statement on it is a violation of the property rights of a citizen. She thinks it is a violation of our nuisance ordinance. Right now, she does not think the County wants to be in violation of any law. She would like to defer this until we can get clarification from the legal office as to whether we are violating our property rights or the nuisance law.

Ms. McBride made a substitute motion, seconded by Ms. Kennedy, to defer any action on the cat ordinance until we get clarification and an opinion from Legal regarding whether we are in violation of a citizen's property rights or if we are in violation of our nuisance act.

Mr. Livingston made a 2<sup>nd</sup> substitute motion, seconded by Mr. C. Jackson, to move forward with 2<sup>nd</sup> Reading and make sure the information Ms. McBride requested be provided prior to 3<sup>rd</sup> Reading.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Manning, Dickerson, N. Jackson, Livingston, and Rose

Opposed: Kennedy and McBride

The vote was in favor of the 2<sup>nd</sup> substitute motion.

16. **FIRST READING ITEM**

- a. An Ordinance Repealing Ordinance Number 039-17HR and Authorizing a deed to ZDR Realty, LLC for One Summit Parkway, which is the former Summit Parkway Library; also described as TMS # 23000-03-07 – Mr. C. Jackson moved, seconded by Mr. Livingston, to approve this item.

Mr. Pearce stated it has been a long time since we repealed an ordinance. He inquired as to what the 3 Readings and a public hearing will do.

Mr. Smith stated what this ordinance actually does is authorizes the deed, but also repeals the previous action. If you recall, the County entered into an agreement...

Mr. Pearce stated ...with one group. We are going to cancel that and give it to this new group. He inquired if the use of the property is still the same.

Mr. C. Jackson stated it was not. Council voted on it at a previous meeting, wherein we approved the revised PDD.

Mr. Pearce inquired if Mr. C. Jackson was pleased with that.

Mr. C. Jackson stated he met with Ms. Hegler and her staff and he is pleased with it.

Ms. Myers stated on most of the supporting documents for Council's review they are approved by the Legal Department as to form only. She inquired as to who is approving these documents as to content. She is concerned there is no legal sign off on most of these documents, so are we approving later as to content? She stated it is pretty consistent when she looked back through her notes. She stated she wanted to be sure what the normal custom, so that she understands.

Mr. Smith stated the normal custom is to go over them and, to the extent that Legal is reviewing them, they are reviewing the content as well. The stamp reflects the fact Legal may have some

issues with the content, in some situations they negotiate that, but the final resolution is to try to make sure they get a document that protects the County the best it can.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration, Article VII, Boards, Commissions and Committees, Subsection 2-327(a), so as to allow for the reappointment of members after one year of non-service – Mr. Malinowski moved, seconded by Mr. N. Jackson, to approve this item.

Mr. Livingston stated he thought that already existed.

Mr. Malinowski stated for clarification it was brought to his attention this had fallen through the cracks, so to speak. It was passed unanimously by Council as rule change. However, in researching the rules it was found this actually needed to be an ordinance change, which is why it is before Council.

Mr. Manning stated, for clarification the one year of non-service, if we do not appoint someone and the term runs out that member would continue to serve until there is an appointment. He stated this will be one year from when...

Mr. Malinowski stated the one year would be from when the term ends. If they are continuing on because no one has been appointed.

Mr. Manning inquired as to why we would not say that instead of non-service. Because they are still serving.

Mr. Malinowski stated because they are still serving.

Mr. Livingston inquired if we could amend the language so we are clear on the fact that it is when their terms ends opposed to when they stop serving because they could serve 6 months after the term ends. He inquired if they would still have to wait a year.

Mr. Malinowski stated they are still serving for 6 more months; therefore, they would begin their year when they stop serving.

Mr. Smith stated Mr. Manning is correct. There could be a situation where a board member's term has expired; however, the successor has not been appointed so they would continue to serve until the successor is appointed. He believes what is being asked now is that the language of the ordinance would reflect what Mr. Manning was suggesting.

Mr. Manning made a substitute motion, seconded by Mr. Livingston, to change the language as follows: "An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration, Article VII. Boards, Commissions and Committees, Subsection 2-327(a), so as to allow for the reappointment of members after one year of their terms expiration".

Mr. Malinowski stated he thought when this was passed the first time unanimously by Council the purpose was that someone would remain off that Board, Committee or Commission for one year in



time versus from when their term ended. As was said, you could have someone, for whatever reason (i.e. no applicants), that serves an additional 10 months, so they only sat out 2 months. If our intent was to have them out for a year, then he does not see what is wrong with the language that is there.

Mr. Livingston stated his reason is that it is not the person's fault that Council did not fill the term in time; therefore, they are going to have to wait longer to get reappointment because we chose not to fill the position in a timely manner.

Ms. Dickerson stated maybe we could not find someone. Would it be Council's fault because nobody applied? There are some where they do not apply and we have to re-advertise. There are several positions we have advertised for them 2 or 3 times.

Mr. N. Jackson stated he believes there is some misunderstanding. Are we talking about someone that is returning that has been off the board? It takes them a year before they can return. His understanding is Mr. Manning is saying when the term expires, if we have not appointed anyone, someone can serve up to a year.

Mr. Smith stated he does not believe the motion is to allow that person to serve a year. It just allows that person to continue to serve until their successor. In some instances, we have had situations where some boards could not meet because we could not get a quorum. If, by example, you say the person is going to leave when their term expires then you do not allow for them to continue to serve until their successor is appointed and some of these boards will not have a quorum.

Mr. N. Jackson stated his understanding was that someone served their term and they have to be off for a year before they could return. What Mr. Manning is saying is totally different. Mr. Manning is saying that if someone is off, but we have not appointed someone, that person can continue to serve that term until we appoint someone.

Mr. Smith stated the question is when does that year start? What Mr. Manning is saying is that the year does not start until the person who is serving their successor is appointed.

Mr. Manning stated that is not correct. What it says now is that when they stop serving that is when they become non-service and is when the clock starts. He thinks the clock should start when their term expires. If there is no one else they keep serving. He thinks that is clear cut. If we appoint a citizen to serve for 3-year term and it ends on December 31<sup>st</sup> then that is when their term ends. If we do not have someone else appointed. If nobody else applied, we do not wait until April, May, etc. and now we tell them your service is no longer wanted or needed. Thank you for staying on extra and your clock starts now. He thinks it is clear and clean that when your term expires for one year you are not eligible to be re-appointed. When the year is up, you are eligible for re-appointment.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

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

18. **NOTIFICATION OF APPOINTMENTS**

- a. Board of Zoning Appeals – 3 – Mr. Malinowski stated there are 3 vacancies and 7 applicants. The incumbent, Mike Spearman, was left off the agenda. All of the interviews did not take place. One

individual has been having a family matter to deal; therefore, we are holding this item in committee. The person has been instructed they have to be interviewed by April 3<sup>rd</sup>.

19. **ITEMS FOR ACTION FROM RULES AND APPOINTMENTS**

- a. Electronic Voting Rule – Mr. Malinowski stated the committee unanimously recommended to approve the following language: *“Voting shall be by electronic means (i.e., via the electronic voting system) unless conditions at the time of a given vote do not permit use of the electronic voting system (e.g., it is inoperable, not working properly, there is a power failure or other condition prohibiting electronic voting). In such a case, voting by a show of hands shall be in order. Also, nothing in this rule prohibits a voice vote or vote by show of hands for matters where there reasonably appears to be no opposition, such as a vote to adjourn, or a vote for unanimous consent to issue a resolution in honor of a citizen, group, achievement or the like; provided, however, that any member may call for an electronic vote on any matter for which a vote is required or called for, if any member shall feel that a voice vote or vote by show of hands is not sufficient; further provided that the electronic voting system is operable at the time of the call for an electronic vote. Votes shall be recorded in the minutes.”*

Mr. Rose stated he found the language of the rule to be somewhat confusing. When we get down to *“Also, nothing in this rule prohibits a voice vote or vote by show of hands for matters where there reasonably appears to be no opposition”* that could make an exception to the rule. Years past when this was taken up and we did not have the technology. Now we have the technology. To him it works extremely efficiently. It was not that long ago an overwhelming majority of Council said do electronic voting on everything and it has been working fine.

Mr. Rose made a substitute motion, seconded by Mr. C. Jackson, to continue electronic voting on each item and for whatever reason the technology is not working that we do a show of hands.

Mr. Malinowski stated that is fine with him; however, before we get this approved we need to send it back to Legal to make sure we have the language as Councilman Rose and Councilman C. Jackson are now requesting.

Mr. Rose stated what he just said is pretty straightforward. We do electronic voting. We have the technology. The meeting runs very smoothly with it. We vote electronically on every item. If, for whatever reason, electronic voting is not available we raise our hands on every item. That does not need a legal analysis.

Mr. Malinowski stated he is not asking for a legal analysis. This all started because of making sure the Council Rules were complete and accurate, so we need to make sure what is going in there is whatever language you want it changed to.

Ms. Myers stated the examples that were put in are things that Council never vote electronically on. We definitely do not wait around and vote electronically to adjourn. This would mean at the end of the night, we would be voting electronically to adjourn. All those small things where we clearly move based on the action of the group. She thinks the suggestion being in there was helpful to cover those small category of things.

Mr. N. Jackson stated, if the machines are not working, we just go back to the way we used to do before we had the machines. How much different is it from what we used to do?

Mr. Rose stated it is different in that we would raise our hands rather than doing voice voting. If we show up one day and electronic voting is down, we would not go to voice voting. We would raise our hands.

Mr. N. Jackson stated so everything is raise your hand, but previously certain things...

Mr. Rose stated if the technology is not available.

Mr. Malinowski requested clarification of the motion.

Mr. Rose stated the motion is to do what we have been doing. We vote electronically on each item. If, for whatever reason, electronic voting is not available we do a show of hands, so everyone's vote is recording accurately.

Mr. Malinowski stated it is going to end after the four line where it says, "...and shall be in order."

Mr. Rose stated the only change is that if we show up and the technology is down, it clarifies what we are to do. We are to do a show of hands on the item. Nothing in the rules says it prohibits a voice vote. It is vague about what reasonably appears to be no opposition. It seems to make the exception to the rule that we could just do voice voting, if we wanted.

In Favor: Livingston, Rose, Pearce, C. Jackson, and Myers

Opposed: Malinowski, Dickerson, McBride, Kennedy, Manning and N. Jackson

The substitute motion failed.

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

Opposed: C. Jackson, Pearce, and Rose

Abstained: Manning

The vote was in favor of the committee's recommendation.

20. **OTHER ITEMS** –

- a. A Resolution to appoint and commission Devin Andrew Hass as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {Animal Services Department} – Mr. Manning moved, seconded by Ms. Myers, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. A Resolution to appoint and commission Rachel Christine Malampy as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {Animal Services Department} – Mr. Manning moved, seconded by Ms. Myers, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

21. **CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda** – Mr. Jackson Hammond spoke against the proposed paving of Pineview Road.

Ms. Linda Hammond shared her concerns about a halfway house located at 312 Pineview Road.

Mr. Mark Talbert requested the County work with the local news media to do some PSA regarding yielding to emergency vehicles. In addition, he stated Lower Richland needs the Richland Renaissance. There needs to be some small business startups in Lower Richland.

22. **EXECUTIVE SESSION**

In Favor: Malinowski, C. Jackson, Myers, Pearce, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous to go into Executive Session.

*Council went into Executive Session at approximately 8:10 PM and came out at approximately 9:36 PM*

In Favor: Malinowski, C. Jackson, Myers, Pearce, Dickerson, N. Jackson, Rose, and McBride

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

- a. Legal Advice: Real Estate Transaction – Received as information.
- b. Legal Advice: PDT Debriefing – Ms. Myers moved, seconded by Ms. McBride, to proceed as discussed in Executive Session.

In Favor: Malinowski, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

Opposed: C. Jackson and Manning

The vote was in favor.

- c. Personnel Matters – Ms. Dickerson requested Ms. Myers to bring forth the motion regarding how to proceed regarding the clerks.

Ms. Myers stated for clarification she sent out the email earlier in the day and is awaiting responses from Council members.

Ms. Dickerson stated she thought they talked about setting a date for next week.

Ms. Myers stated that was included in the email.

Ms. Myers moved, seconded by Ms. Kennedy, to move forward with dates in the next two weeks as discussed in Executive Session.

In Favor: C. Jackson, Myers, Pearce, Kennedy, Dickerson, Livingston, Rose and McBride

Opposed: Malinowski and N. Jackson

Abstained: Manning

The vote was in favor of moving forward with the dates in the next weeks as discussed in Executive Session.

Mr. Malinowski stated the other item is to reconsider a motion Council previously acted on regarding the evaluation process for the Administrator.

Mr. Malinowski moved, seconded Mr. Rose, to reconsider the motion regarding the evaluation process for the Administrator.

Mr. Manning requested the motion to be read to Council as it was recorded in the minutes.

Ms. Dickerson requested Mr. Malinowski to give Council a general synopsis of the prior motion since the motion was not presently available.

Mr. Malinowski withdrew his motion.

Mr. Malinowski moved, seconded by Mr. N. Jackson, that in conjunction with the Human Resources Director, Mr. Hanna, determine how we can hire an outside firm to guide Council in the process of creating an evaluation for the Administrator.

Mr. N. Jackson inquired if Council could go back and use the process that was previously presented and continue with it to save time.

Mr. Malinowski stated one of the questions was whether or not we needed to go through Procurement to handle something like this. Mr. Hanna is going to get us that answer.

Mr. N. Jackson stated, for clarification, the committee meet the last time and made a recommendation; however, Council rejected it. Now Mr. Malinowski is telling us what the recommendation of committee was. We are trying to reconsider it, so we could use the same people, which did not cost us anything.

Mr. Malinowski stated we cannot move forward on that because Mr. Manning would like the exact wording, as it was in the minutes and we do not have that.

Mr. N. Jackson stated we can get it from the Clerk.

Mr. Malinowski stated she does not have it either.

Ms. Dickerson stated she can send it to us.

Mr. Malinowski stated then we cannot take any action tonight and we are still going to wait.

Mr. Pearce requested that we expedite this and make it a priority to get it done. Preferably, by the next Council meeting.

Mr. Manning stated, as he recalls, in October, under the Chair's Report, this was already moving along. He does not recall what happened back at the Decker Center, but he thought it passed and was moving along. On the Chair's Report it was brought up, and the question asked in October was whether it was in Personnel or Procurement. He stated the last thing Council has officially heard on this matter was Madam Chair asking staff if this was in Personnel or Procurement because it was moving ahead on Council's direction. He thinks we have already said we wanted that 360 process and was it in Personnel or Procurement to move forward. He is of the opinion that it never got stopped and if we figure out whether it is in Personnel or Procurement to get that firm or to put out whatever for that firm and any other firm to do the same product and it will happen.

Ms. Dickerson stated Mr. Manning was basically correct. Based on Council's instructions, she has been working with Mr. Hanna. She requested Mr. Hanna to help her put this in perspective. Where we were starting in October. We were instructed to talk the people from USC. That is where we were in December. She asked Mr. Hanna to bring it to the Retreat.

Mr. Hanna stated when he got involved Procurement had done some things.

Mr. Manning stated, for clarification, can he have an idea of what had done some things means. He thinks that is part of what happens to us. We get wording like that. We try to figure out what we were trying to get done was it in Personnel or Procurement. If, whatever was in Procurement, he would like to know what "we have done some things" means because we have Procurement processes.

Mr. Hanna stated it was his understanding Council had asked Procurement to look into the forms that were obtained before by the individuals that work for the USC. Also, to look at possibly procuring services from an external vendor. When he was asked to get involved, he contacted Mr. Bill Tomes, who is retired but formerly worked at USC and developed the forms. He also spoke with Mr. Dennis Lambries, who worked with Mr. Tomes at USC. Mr. Lambries is also retired. He obtained a copy of those forms that were done at that time. He also inquired, if the Council wanted to, if they would be willing to assist Council in developing different forms, working with the existing forms, or a process. Mr. Tomes and Mr. Lambries tentatively agreed with the understanding it would be up to the Council to decide if they want to work with Mr. Tomes, Mr. Lambries, someone else or no one at all.

Mr. Manning stated that is the one piece. The second piece about contracting with a third-party, what about that piece.

Mr. Hanna stated he has only talked with Mr. Tomes and Mr. Lambries about the possibility.

Mr. Manning stated Procurement had two things, those guys and about the third-party group that Council had heard about.

Mr. Hanna stated he shared with Procurement all of the information that he received from Mr. Tomes and Mr. Lambries. He also shared with Chair. The information was not presented at the Retreat, but was in the Retreat package.

Mr. Manning inquired if Mr. Hanna went to the Procurement Director to find out what they had.

Mr. Hanna responded in the affirmative.

Mr. Manning stated Mr. Hanna said Procurement had two things.

Mr. Hanna stated, as he recalls, Procurement had a memorandum addressed to the County Administrator that summarized the process. The memo appeared to be looking into securing a vendor to assist the Council.

Mr. Rose requested Mr. Malinowski to restate his motion and is it for Mr. Hanna to bring the information back to Council at the next meeting.

Mr. Malinowski restated his motion as follows: to direct Mr. Hanna to determine, with Procurement, if Council can hire a third-party, as Mr. Manning described, to assist Council in doing an Administrator evaluation and compare that to what was received from Mr. Tomes and Mr. Lambries. Bring this information back to the April 3<sup>rd</sup> Council meeting, so Council can act on it and move forward.

Mr. C. Jackson stated he was here when Council used the last vendor, but from everything he has heard tonight that experience was not very successfully. He is not sure why we would want to revisit that as opposed to the vendor he and Mr. Malinowski presented who has a long track record of success.

Mr. C. Jackson made a friendly amendment to consider the recommended external evaluator that we presented at the Council meeting last year.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

Abstained: Manning

The vote in favor was unanimous to direct Mr. Hanna to determine, with Procurement, if Council can hire a third-party, as Mr. Manning described, and consider the recommended external evaluator that was presented at the Council meeting last year to assist Council in doing an Administrator evaluation and compare that to what was received from Mr. Tomes and Mr. Lambries. Bring this information back to the April 3<sup>rd</sup> Council meeting, so Council can act on it and move forward.

Mr. Pearce stated the County Administrator and the County Attorney needed to be evaluated. We just resolved the County Administrator. He inquired if we resolved the County Attorney.

Ms. Dickerson stated we did not actually discuss that.

Mr. Pearce moved, seconded by Mr. Livingston, to defer action on the County Attorney's evaluation until the April 3<sup>rd</sup> Council meeting.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride

Opposed: Manning

The vote was in favor of deferring the County Attorney's evaluation.

- d. Contractual Matter: Chao & Associates – Mr. N. Jackson stated he will bring the information back to Council.

27. **MOTION PERIOD**

- a. Move forward with the last version approved by Council of the Lower Richland Sanitary Sewer Plan. Note: Action on this motion does not necessarily need to go to a committee. It was already approved and construction was supposed to start in February 2018. Any action should be the schedule. [N. JACKSON] – Ms. Dickerson stated we had a discussion and workshop on this today.

Ms. Myers stated for clarification the work session was on the sewer rate study and not this particular issue. This came up as a side issue. We discussed the issue of whether or not it was appropriate to be considered as a motion for several reasons. (a) It had already been decided by Council and everything that was being put forward by the Utilities Department was a modification that was necessary to move the project forward. That is, to remove the 23 lift stations out of people's backyards, on personal property, and move it to public property. (b) To allow for the system to include the 3<sup>rd</sup> school that has now failed rather than just 2 and come back later and add millions of dollars to the project. (c) We have spent with leave of the Chair and Vice Chair the last year doing, what you allowed me, which was to go and have community meetings to discuss moving this project forward without the issues. The first part is now not in contention. That was the piece that moved all of the contentious pieces out of the project. She thinks Mr. N. Jackson was pointing to Phase II and III, which have not been approved by this Council. He is absolutely right those two phases have to come before Council, but Phase I was approved. The modifications do not take it over the budget. They are well under the budget and do not require additional regulatory approval. She was at a loss as to why this would need Council approval.

Mr. N. Jackson stated his motion was to move forward, as agreed by Council. It was supposed to start in February and no action has been taken yet. It did not have to go to a committee, but it is to let the Administrator know to move forward with the last thing approved.

Ms. Dickerson stated this is just to move forward. We do not have to do anything.

Ms. Myers stated this whole project is in her district and she would ask Council...if we move forward as Mr. N. Jackson is suggesting...she has no idea why he would suggest moving forward in a way that is 100% objectionable to the people we are trying to serve.

Mr. N. Jackson stated he understands what Ms. Myers is saying, but when he heard about the rate hikes it affects his district also.

Ms. Myers stated it is not a rate hike. We discussed it today.

Mr. N. Jackson stated, when had the discussion about the rate hikes earlier today, 15,000 customers are in his district. What he asked to do it move forward because there was a move by staff and some Council members to add a second and third portion that would drive the price up from \$17 million to \$34 million.

Ms. Dickerson stated we are not dealing with those phases.

Mr. N. Jackson stated he is just saying that is why he put his motion on the floor. It was his understanding there were several portions added to move this forwarded and it costs a significant amount more. Some of the lines where it was running, ran to nowhere and the costs was going to be a lot more. His motion was to move what we approved forward because it was approved. Move it forward. Unless you come up with a motion not to move it forward, then we don't. We discuss it and send it to committee.



Ms. Dickerson stated she is only trying to determine whether or not this needs to go to a committee since it has already been through approval. She is trying to figure out with Phase I of this already been approved by Council do we just proceed. This should not go to a committee because it has already been approved by Council and it is under budget from what she got from the workshop.

Mr. Seals stated this has already been approved by Council. It is within the budget parameters that Council set. It is his understanding, although things have gotten strange here, that what we do is proceed, so we are proceeding. We have met with the community. We have even met that requirement. He does not know of any reason why this would come back to Council.

Ms. Myers stated because there has been so much confusion put out in her community. The group she represents. She would like to speak to the fact that today was the first day there was a rate study discussed. We are not discussing rates. We are discussing the project. The same thing that we have 6 meetings straight discussed within the community and clarified the boundaries of within the community. She appreciates Mr. N. Jackson's concern, and everyone else's, but it seems to her that since this is going to hit the community she represents...It is not a rate issue. It is a network issue and we are not discussing anything other than the lines that have been approved. To the extent that those lines were approved, they were modified by the staff because you cannot condemn people's property to put a lift station on it if they do not want it. We are moving forward, not with an old plan with 23 lift stations in a backyard, but we have modified it and that does not require regulatory approval. It does not require anything further by Council because it is now \$4 million under what the Council approved, which provides for, if necessary, Phase II and III. One in 2026, which clearly we would have to come back and vote and the other in 2028, which we would also have to vote on. The only thing that is before us is Phase I and that has already been approved with what we discussed with the community. She would like her community to know that all of this continued stuff about the sewer has nothing to do with anything other than what she has told you. Whatever you are hearing is a misrepresentation of the facts.

Ms. Dickerson stated this item does not require to go to a committee. It has already been approved.

- b. Move forward with the feasibility of placing a hospital/emergency care facility in the Lower Richland Community. Note: It is mentioned in the Renaissance Plan but no solid documentation has been presented. This motion will start the process of working with the healthcare community of developing a plan and placing a facility in the Lower Richland community [N. JACKSON] – Mr. Seals stated he does not want to get into continued disagreement with Mr. N. Jackson, but the elements he is talking about has not been included, in fact are included, and are a part of the definitional aspects of Richland Renaissance for the Southeast area.

Ms. Dickerson inquired if this item needed to be forwarded to a committee for further discussion.

Mr. Seals stated it is the Chair's prerogative, but the definitional aspects or the elements...Richland Renaissance has 7 modules. In the area for Southeast Richland it includes emergency care. It includes other items. All modules have several items under it. These items are included. He stated the Chair has discussed assigning oversight responsibility as we move the various modules together. He stated it seems premature, when you are having a pending discussion with him, and these items are already included.

Mr. N. Jackson stated they talk about a hospital in the Lower Richland community. They have \$8 million, which has nothing to do with the hospital. What he does not want the citizens of Lower Richland to think is that they are going to get a hospital but we are not talking to anybody. There is not a committee discussing it. In the next 10 – 20 years, oh we told you, but we are not doing

anything. He wants to make sure if it is put in the Renaissance Plan that you are going to have a hospital in Lower Richland, at least you have a committee talking to someone to give a report on where we are and how we are trying to move forward. Not just say it and do nothing.

Mr. Manning inquired as to why the screen does not denote who the maker of the motion is.

Ms. Dickerson stated staff needs to work on that.

This item was referred to the D&S Committee.

- c. Any change to any Transportation project must be forwarded to the Transportation ad-hoc committee then recommendation forwarded to full Council. Administration cannot modify or approve any changes with full Council participation. Note: The Southeast Rural Neighborhood plan was changed through legal and administration without notice to the Council member. This raises concerns about spending and the process. Please let's start off by doing it right this time [N. JACKSON] – This item was referred to the Transportation Ad Hoc Committee.
- d. The Administrator and staff must follow HR policy in nondiscriminatory practices with employees, customers, contractors, businesses and citizens. Note: Firing an employee because they do not fit is unacceptable. Employees must be allowed an opportunity to improve or correct themselves through warning, reprimand, necessary training and other means, not to be fired or forced to resign. Contracts shall have similar languages in order not to show preference or discrimination. Administration should be dealt with according to HR policies without exception. Richland County practices a nondiscriminatory policy [N. JACKSON] – This item was referred to the A&F Committee.
- e. Resolution honoring Carol Lewis on her retirement from LRADAC [PEARCE] – Mr. Pearce moved, seconded by Mr. Manning, to adopt a resolution honoring Carol Lewis on her retirement.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- f. In 2007, Richland County Council approved Ordinance No. 029-07HR, filed with the Clerk of Court on April 12, 2007, Book 010, Page 386 and states in part (summarized): This motion is to direct the Finance Department to provide an accounting for these funds since July 1, 2007, so users know how the system currently stands financially [MALINOWSKI] – This item was referred to the A&F Committee.

**ADJOURN** – The meeting adjourned at approximately 10:10 PM