



Richland County Council
Regular Session
May 1, 2018 – 6:00 PM
Council Chambers

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

OTHERS PRESENT: Michelle Onley, Jamelle Ellis Beverly Harris, James Hayes, Kim Williams-Roberts, Wanda Kelly, Randy Pruitt, Cathy Rawls, Tyler Kirk, Steven Gaither, Tim Nielsen, Tamara Rodriguez, Brittney Hoyle Trenia Bowers, Michael Niermeier, Nathaniel Miller, Nancy Stone-Collum, Quinton Epps, Kecia Lara, Michelle Rosenthal, Melissa Watts, John Thompson, Brandon Madden, Jennifer Wladischkin, Tracy Hegler, Sandra Yudice, Sandra Haynes, Stacey Hamm, Chris Eversmann, Ismail Ozbek, Larry Smith, Jeff Ruble and Brad Farrar

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 Dalhi Myers.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Dalhi Myers.
4. **APPROVAL OF MINUTES**
 - a. **Regular Session: April 17, 2018** – Ms. McBride moved, seconded by Ms. Myers, to approve the minutes as distributed.

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

The vote in favor was unanimous.
 - b. **Zoning Public Hearing: April 24, 2018** – Ms. Myers moved, seconded by Mr. Pearce, to approve the minutes as distributed.

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

The vote in favor was unanimous.
5. **ADOPTION OF AGENDA** – Ms. Myers moved, seconded by Ms. Kennedy, to adopt the agenda as published.

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

The vote in favor was unanimous.

6. **PRESENTATION OF PROCLAMATION/RESOLUTION**

- a. Employee Safety Week Proclamation – Mr. Malinowski presented Ms. Rodriguez and Ms. Hoyle a proclamation in recognition of Employee Safety Week.
- b. Resolution Recognizing a Richland County Sheriff’s Department Officer’s Accomplishments – Ms. Kennedy presented a resolution to Chief Deputy Roxana Meetze in honor of her being named the first female Chief Deputy with the Richland County Sheriff’s Department.

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

- a. Personnel Matter
- b. Architect of Record Contract: Judicial Center
- c. Payment of invoices submitted by Chao & Associates related to their work on Pinewood Lake Park Phase 2
- d. Release of Hospitality Tax Funds to Pinewood Lake Foundation
- e. Report of the Chair: Personnel Matter
- f. An Ordinance Authorizing a deed to 908 Group Holdings, LLC for 1328-1400 Huger Street; also described as TMS # 09009-11-04 and 09009-11-05

Ms. Kennedy moved, seconded by Mr. Pearce to go into Executive Session.

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

Opposed: Myers

The vote was in favor.

Council went into Executive Session at approximately 6:16 PM and came out at approximately 6:59 PM.

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

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

- a. Personnel Matter – No action was taken.

8. **CITIZENS’ INPUT: For Items on the Agenda Not Requiring a Public Hearing**

Mr. Jack McKenzie and Ms. Gloria Tanner spoke regarding the “Architect of Record Contract: Judicial Center”

Ms. Eaddy Willard spoke regarding the “Payment of invoices submitted by Chao & Associates related to their work on Pinewood Lake Park Phase 2”.

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

- a. Second Year of Biennium Budget I Fiscal Year 2018-2019 Budget Amendment Calendar – Dr. Yudice stated at the last Council meeting Council revised the calendar. The budget work sessions are scheduled for May 17th and 24th at 3:00 – 5:00 PM. The public hearing and 2nd Reading will be held on June 7th and 3rd Reading will be June 14th.

Mr. Malinowski stated it is his recollection the public hearing and 2nd Reading was held on 2 separate nights because we have no idea how many people will sign up for the public hearing. If we set the schedule as we have done in the past it would push 2nd Reading to May 14th and 3rd Reading to May 21st.

Ms. Dickerson inquired if the reasoning behind scheduling the meetings as outlined in the agenda was because this is a biennium budget and not an annual budget; therefore, there may not be as many people to speak.

Dr. Yudice stated they had proposed the schedule the way it had been done in the past, but at the last Council meeting Council requested a revised calendar.

Mr. Malinowski moved to change 2nd Reading to June 14th and 3rd Reading to June 21st. The motion died for lack of a second.

Mr. Manning moved, seconded by Mr. Pearce, to approve the budget schedule provided by Administration.

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

The vote in favor was unanimous.

- b. Architect of Record Contract: Judicial Center – Dr. Yudice stated Council was provided the draft contract for the Architect of Record. Staff is requesting Council to approve and execute the contract with MGA Partners to be the Architect of Record for the Judicial Center project, with the following revisions:

- Sec. 1.1.1 is to include, in the last sentence, approval of the program by the County’s Judicial Center Building Committee through the Richland Renaissance Ad Hoc Committee and County Council prior to the start of the design phase.

Mr. Malinowski inquired as to who the building committee is.

Dr. Yudice stated it is going to be a technical committee comprised of County staff and stakeholders. We will be proposing the membership of this committee to the Richland Renaissance Ad Hoc Committee, which in turn will bring it to Council for review and approval.

Ms. Myers inquired if this committee could include the Richland County Bar.

- Sec. 1.1.7 – Replace the County Administrator name to the Assistant County Administrator.
- Sec. 1.1.11 – Change the contractor’s name from Civic Liaison to Community and Contractor Outreach

Mr. Pearce stated the document he has does not follow what Dr. Yudice is referencing.

Mr. Malinowski inquired as to what we are doing with Sec. 1.1.11.

Dr. Yudice stated we are changing the name of the firm from Civic Liaison to Community and Contractor Outreach.

Mr. Malinowski stated his says Electrical Engineer.

Mr. Niermeier stated Sec. 1.1.11.1.3 of the contract essentially is changing the name given to Osmium’s function from Civic Liaison to Community and Contractor Outreach.

- Sec. 4.2.2 – The last sentence will read, “The architect shall not proceed to provide the following additional services until the architect receives the owner’s written authorization.”

Mr. Malinowski stated he does not see any highlighted changes.

Dr. Yudice stated they replaced the first sentence, “To avoid delay in the construction phase, the architect shall provide the following additional services.”

Mr. C. Jackson moved, seconded by Ms. Myers, to approve staff’s recommendation.

Mr. Livingston stated at the previous meeting there were 2 different negotiations. There was one regarding the courthouse and there was a second one regarding the mall. He inquired as to why the contract for the mall was not before Council.

Dr. Yudice stated they recently received the contract and they are going through the negotiations. They will bring that contract to the May 15th Council meeting.

Mr. Malinowski stated on p. 3 of the contract under 1.1.4 (2) and (3) it gives a construction start date for the courthouse of October 1, 2019. Yet construction start date for the Administration Building says to be determined. He stated you cannot start the courthouse until the Administration Building is vacated and a new Administration Building built, so how can you say you are starting in October 2019, but you do not have a date for construction of the other one.

Dr. Yudice stated they will coordinate with the Architect of Record once we vacate this building the schedule will be modified.

Mr. Pearce stated the Administration Building the contract is referring to is the building across the street.

Dr. Yudice stated the Administration Building will house the support staff for the Judicial Center.

Mr. N. Jackson stated the last time he heard about the Administration Building there was some

discussion about purchasing the property and Allen University owning a part of the property and if we purchase it what would be done. Now he is hearing that are moving with that first. First of all, and as was discussed earlier, the Administration Building at Columbia Place Mall has to be redesigned, completed and the current Administration Building vacated before we can consider doing any construction here. He thinks the contract for the Columbia Place Mall should be first before we can deal with this. He's not saying we cannot have the architectural drawing. He had a concern about 1.1.1.113 where it was Community Outreach that also related to the County being hit with the Supreme Court ruling about the SLBE/OSBO Office as Community Outreach and we are spending taxpayers' money to pay a firm to do the same thing we have an office to do.

Dr. Yudice stated it is her understanding that is not the function of that firm. MGA Partners is here if you would like to ask questions.

Mr. N. Jackson stated there is a lot of confusion because what he saw with that firm and what was on that paper. We had 2 contracts and the person over that office it said SLBE and Community Outreach. We have an SLBE Office. It may change its name, but the function has not changed. His concern was also the transparency. We have a former Councilmember who is over that division. He has a concern with that for transparency. The former Councilmember is on both contracts, so he has a concern with that. And now he is hearing it was not advertised properly. Even the process was not proper. We heard that you had a team. The team went through, ranked the team and here is the final and here they are to present it to us. We knew nothing was happening. We just found a presentation, at the last meeting, at a Council meeting and we saw these 2 contracts and we are supposed to accept it. Now Councilmembers are confused at what is Administration Building and what is not. What is at the Columbia Place Mall that is supposed to be the Administration Building? Now we are hearing there is an Administration Building for the courthouse. He has concern with the process. How it was sent out or it was not properly advertised so small and local business could be involved in the process. He has serious concern in moving forward with this because he does not see the transparency.

Mr. Pearce stated when the group made their presentation they were going through their local people. He inquired if the entire cadre of firms that have been hired are listed on pp. 5-7 of the contract. And they have been hired for these specific duties.

Dr. Yudice stated that is correct.

Mr. Pearce inquired as to who is the architect that will design the building itself.

Dr. Yudice stated MGA Partners will be the lead architect.

Mr. Pearce stated he recalled later in the presentation they mentioned a local firm that was going to do the courthouse and then another local firm that was going to do the building across the street. He requested Ms. Wladischkin ensure that he does not say anything that will violate the Procurement Code. He then stated that during the presentation by MGA Partners they noted a certain local architect that was going to do the courthouse and then another architectural firm that was going to do the building across the street. He inquired why that decision was made in that manner and one was chosen over the other.

Mr. Kelly stated they believe it is important when they do projects in other cities that they include

the local professional community. They interviewed 15 firms over a course of weeks to find out which firms they felt had the capacity, enthusiasm, experience and abilities to take on the project. There are 2 primary buildings: Courthouse and Courthouse Administration Building. They felt it would be a good idea to split up the work among architectural firms in the City/County and offer one to one firm and the other to another firm. From a combination of understanding their capabilities, personality, and chemistry with MGA Partners they selected one to one project and another firm to do the other project. The teams will be working together for 3 ½ years to deliver a lot of important services to the County. He stated they are both wonderfully qualified firms and located in Columbia. They have had subsequent lunches and dinners with them to make sure they are enthusiastic and behind the project. They think they did their due diligence and have a wonderful team of Columbia and Richland County firms, as well as South Carolina firms. When they look at the gross fees, 60% of the gross fees will be from firms in South Carolina, 42% gross fees are from firms in Richland County and 17% fees will be going to small local business and minority firms.

Mr. Pearce inquired as to how many courthouses the firm selected for the courthouse has done.

Mr. Kelly stated that firm is currently working with an outside firm to coordinate their work for the Federal Courthouse in Greenville. He stated when they looked at this firms, they not only looked at their courthouse experience, but also their experience in public institutional buildings. MGA Partners has a lot of courthouse experience and they have also hired a Columbia-based consulting firm that understands the South Carolina State and County courthouses. They feel they have covered the courthouses, both with their experience, and the local firm that is participating. He also stated they felt the firm they selected for the Administration Building was a great fit because they have in-house engineering, in-house space planning and interior design. The Administration Building includes the Solicitor, the Public Defender, and many other court-related agencies that are equally important in the space planning, as is the courthouse itself.

Mr. Pearce inquired if the consulting firm was listed in the contract.

Mr. Kelly stated it is located on p. 6 of the contract.

Mr. Malinowski stated he heard Mr. Pearce inquire about how many courthouses this firm has built and he did not hear any number response.

Mr. Kelly stated the local firm they hired for the courthouse component is not a courthouse specialist. The firm has done several, but that is not their role that will be MGA Partners role for this project.

Mr. Livingston stated they touched on his question, but he did not get the number of SLBE participation in this project.

Mr. Kelly stated they have 17% SLBE and minority business. The structural engineering firm from Greenville is a minority owned.

Mr. Livingston stated, for clarification, the 17% includes SLBE and DBE.

Mr. Kelly stated it includes the SLBE and the minority participation, as well. The Greenville structural engineering firm will design the structural frames of the 2 buildings. There are several other firms

that comprise the minority component of the full project team.

Mr. Livingston inquired if the County's OSBO Office got an opportunity to look at and verify what the SLBE participation is in this particular project.

Dr. Yudice stated she is not sure that they did, but they will ensure that the OSBO Office works with the Architect of Record to hire minority contractors.

Mr. Manning inquired if the document he was provided is a public document.

Ms. Wladischkin stated it is not a public document.

Mr. N. Jackson stated the engineering firm is from Greenville. He inquired if there was not a minority engineering firm in Richland County. Also, Mr. Kelly stated there was 17% SLBE and minority participation. He inquired about the percentage in Richland County.

Ms. Stein stated there is 6% minority participation in Richland County.

Mr. Kelly stated when they say all the project that is the architectural and engineering fees. That does not include the construction of the projects. The percentage given are percentages of participation by engineering and architectural professional under the contract. That does not include whatever broad-based minority participation you would have when you build the building. He noted that the Greenville firm is a very highly regarded minority firm that provides high quality structural engineering services.

Mr. N. Jackson stated we have those firms here too in Richland County.

Mr. Livingston made a substitute motion, seconded by Mr. Malinowski, to defer this and bring it back at the same time as the Columbia Place Mall contract. He stated what he liked about the last time was they both were intertwined and they came together. If he votes on this one, it does not matter if he does not like the next one because this dictates what will happen there. It makes more sense to take both of them at the same time since one is contingent upon the other one.

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

Opposed: C. Jackson and Myers

The vote was in favor.

- c. 911 Communications Center – Extension of Agreement with City of Columbia – Dr. Yudice stated this item is the 911 Communications Center Extension Agreement. If you recall, last year Council approved an extension of the 911 Communications Center agreement with the City of Columbia. That extension will expire on June 30, 2018. The Sheriff's Department is having regular discussions between the Sheriff's Department, the City of Columbia Police Department, the Fire Chief and additional potential agency partners on the best approach for the Sheriff's Department handling the operations and supervision of the 911 Center. The request tonight is to approve the extension of the agreement through June 30, 2019. The draft agreement has been sent to the Acting City Manager and they will take it up tonight or

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at next City Council meeting.

Mr. Livingston moved, seconded by Ms. Myers, to approve staff's recommendation.

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

The vote in favor was unanimous.

- d. Payment of invoices submitted by Chao & Associates related to their work on Pinewood Lake Park Phase 2 – This item was taken up in Executive Session.
- e. Release of Hospitality Tax Funds to Pinewood Lake Foundation – This item was taken up in Executive Session.

10. **REPORT OF THE CLERK OF COUNCIL** – No report was given.

11. **REPORT OF THE CHAIR**

- a. Personnel Matter – This item was taken up in Executive Session.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson thanked staff for the Family Fun Day. She also stated she tried to go to the Sweet Potato Festival, but not able to get in.

POINT OF PERSONAL PRIVILEGE – Mr. C. Jackson stated the Sparkleberry Fair was equally exciting.

POINT OF PERSONAL PRIVILEGE – Ms. Myers noted the Food Truck Festival was also held.

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; by the addition of Section 18-7, Enhanced Trigger Devices Declared Illegal; exceptions; so as to prohibit the use of "bump stocks", "trigger cranks", and other such devices – No one signed up to speak.

13. **APPROVAL OF CONSENT ITEMS**

- a. 18-004MA, Olman Lobo, GC to LI (1.93 Acres), 10535 Farrow Road, TMS # R17500-02-02 [SECOND READING]
- b. 18-005MA, Salman Muhammad, HI to LI (3 Acres), 10500 Farrow Road, TMS # R17500-03-02 [SECOND READING]
- c. An Ordinance Authorizing the issuance and sale of not exceeding \$20,000,000 General Obligation Bond Anticipation Notes (Richland Renaissance Project), Series 2018B, or such other appropriate series

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designation, of Richland County, South Carolina; fixing the form and details of the notes; authorizing the County Administrator to determine certain matters relating to the notes; providing for the payment of the notes and the disposition of the proceeds thereof; and other matters relating thereto [FIRST READING]

- d. Lease Proposal for Upper Township Magistrate
- e. Memorandum of Agreement with Hughes Lake Owners' Association for Storm Drainage Pipe Replacement

Mr. Manning moved, seconded by Mr. C. Jackson, to approve the consent items.

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

The vote in favor was unanimous.

Mr. Rose moved, seconded by Mr. N. Jackson, to reconsider Item 13(c): "An Ordinance Authorizing the issuance and sale of not exceeding \$20,000,000 General Obligation Bond Anticipation Notes (Richland Renaissance Project), Series 2018B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the notes; authorizing the County Administrator to determine certain matters relating to the notes; providing for the payment of the notes and the disposition of the proceeds thereof; and other matters relating thereto".

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

Opposed: C. Jackson, Myers, Dickerson and McBride

The vote was in favor of reconsideration.

Mr. Livingston moved, seconded by Ms. Myers, to approve this item.

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

Opposed: Malinowski, Pearce, Kennedy, Manning, Dickerson, N. Jackson and Rose

The motion failed.

POINT OF CLARIFICATION – Ms. Myers inquired if we just voted not to approve the BAN for the Renaissance funding of the items we just voted on.

Mr. Livingston stated he does not know if that was everyone's intent, but that is what we did.

Mr. Pearce moved, seconded by Mr. Livingston, to reconsider this item.

Ms. Myers stated we are voting to reconsider the vote on the BAN for the funding for the Renaissance Plan, including the courthouse and the mall, which we essentially just declined.

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

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Opposed: Malinowski, Manning, N. Jackson and Rose

The vote was in favor of reconsideration.

Mr. Malinowski stated, after it was brought to his attention, he would think prior to issuing any type of bond or BAN we should have some more specific and exact figures from professionals in the building industry. While we were previously presented figures that it cost "X" number of dollars to rebuild or upgrade this particular facility. He would like see a professional tell us that is the cost that it is going to be. Not that it is going to be \$125/sq. ft.

Mr. Livingston stated he agrees with Mr. Malinowski; however, this is First Reading, so we will have some time to get those figures before we get to Second or Third Reading.

Mr. N. Jackson stated he would not like to move forward until we have the correct figures before us instead of trying to adjust it after. Because if the figures are ridiculous it could be stopped at First Reading. When he heard \$75/sq. ft. it was a personal decision that they thought it should be that price. It was not from a professional firm and he has concern that we are moving forward with something that is not from a professional. When we have something that is \$20 million and we are getting that figure, he thinks before we move forward with anything we should have the right figures in front of us. Not adjust it later.

Ms. Myers stated she agrees that accurate figures are critical. She reiterated this is First Reading and the motion said "not exceeding" so that we can be well below that number, but we give ourselves and contractors time to actually do the work that we are asking them to undertake.

Mr. Manning moved, seconded by Mr. N. Jackson, to defer this item until such time as we come back with the 2 contracts that we deferred earlier.

In Favor: Malinowski, Kennedy, Manning, N. Jackson and Rose

Opposed: C. Jackson, Myers, Pearce, Dickerson, Livingston and McBride

The motion failed.

Mr. C. Jackson stated the challenge for trying to move forward with Richland Renaissance is becoming clearer at each motion and each vote that is being taken tonight. He is wondered whether or not there is any real commitment to continue the effort. It is encouraging to see that we are not going to waste the time of our professionals from Philadelphia. If in fact we are not interested in doing it and we are simply not going to say it, but continue to defer and defer as a way of never bringing it to a vote and allowing those professional firms to initiate the work that is necessary.

Mr. Livingston moved, seconded by Ms. Myers, to approve this item for First Reading.

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

Opposed: Malinowski, N. Jackson and Rose

The vote was in favor.

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14. **THIRD READING ITEMS**

- a. An Ordinance Authorizing a deed to 908 Group Holdings, LLC, for 1328-1400 Huger Street; also described as TMS # 09009-11-04 and 09009-11-05 – Mr. Livingston moved, seconded by Ms. Myers, to take this item up in Executive Session.

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

Opposed: C. Jackson, Pearce and Dickerson

The vote was in favor.

- 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 Ms. Myers, to approve this item with the following amendment: Sec. (c)(3) last sentence, “Immediately be returned to the property owner’s address, unless the property owner or caretaker request the cat not be returned to their address. In these cases, the cat is returned to the known community/home territory from where it was found or trapped.”

Ms. McBride made the following friendly amendment so the City of Columbia and the County’s cat diversion programs are consistent: Sec. (c)(7) & (c)(8) – “The County may suspend or eliminate the program at its sole discretion” and “Treatment and return of any cat program shall be subject to the discretion of Richland County Director of Animal Care.”

Mr. Rose stated he is trying to understand the sole discretion component.

Ms. McBride stated she is following the City of Columbia ordinance. Some of the supporters said the City of Columbia has an excellent ordinance. It gives the County the sole discretion.

Mr. Pearce stated this has been vetted with all of the folks and they have agreed to this.

Mr. Malinowski stated he is supporting this. It is just that the red-lined version in front of us does not go with this, so when the final minutes come and everybody wants to read what we are passing with these amendments that they are written out properly.

Mr. Rose stated we have come a long way on this issue. He wants to be sure we get it right and we do not end up here again in a few months.

Mr. Rose made a substitute motion, seconded by Ms. Myers, to defer this item until the May 15th Council meeting.

In Favor: Malinowski, Pearce, Manning and Rose

Opposed: C. Jackson, Kennedy, Dickerson, N. Jackson, Livingston, McBride and Myers

The substitute motion failed.

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

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Abstain: Manning

The vote in favor was unanimous, with Mr. Manning abstaining.

- c. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; by the addition of Section 18-7, Enhanced Trigger Devices Declared Illegal; exceptions; so as to prohibit the use of “bump stocks”, “trigger cranks” and other such devices – Mr. Manning moved, seconded by Ms. McBride, to approve this item.

In Favor: C. Jackson, Myers, Kennedy, Manning, N. Jackson, Rose and McBride

Opposed: Malinowski, Pearce, Dickerson and Livingston

The vote was in favor.

15. **SECOND READING ITEMS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for Infrastructure credits to Project Reign; and other related matters – Mr. Livingston moved, seconded by Ms. Myers, to approve this item.

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

The vote in favor was unanimous.

16. **REPORT OF THE DEVELOPMENT & SERVICES COMMITTEE**

- a. Little Jackson Creek (LJC) Mitigation Project close out – Mr. Pearce stated this item is an Airport project where we had to do mitigation. The FAA wants to close this out. It will require a change order that will cost the County \$1,222.00. The committee recommended approval of this item.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

17. **REPORT OF THE ADMINISTRATION & FINANCE COMMITTEE**

- a. Approval to negotiate and enter into a Design/Build Contract for Two Magistrate offices – Mr. Malinowski stated the question was divided on this item in committee and a vote taken on each of the magistrate’s offices, so that one would not hold up the other if there were some glitch. Therefore, they need to be voted on individually here.

Ms. Kennedy inquired if we are referring to the magistrate’s office in the Northeast section.

Mr. Malinowski stated he is referring to both of the offices. We can vote on both of them together, but ensure they are divided out.

Mr. N. Jackson stated, for clarification, the motion is to vote on them together, but they need to be divided out. He requested Mr. Malinowski to explain.

Upper Township Magistrate Office – Mr. Malinowski moved, seconded by Ms. McBride, 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.

Hopkins Magistrate Office – Mr. Malinowski moved, seconded by Ms. McBride, to approve this item.

Mr. N. Jackson stated while he supports the Hopkins Magistrate’s Office he wants to make sure the community is aware that a courthouse will be placed in front of their neighborhood and there is some community input or discussion.

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

The vote in favor was unanimous.

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

19. **NOTIFICATION OF VACANCIES**

- a. Accommodations Tax – Five (5) Vacancies (One applicant must have a background in the Cultural Industry; Three applicants must have a background in the Hospitality Industry; One is an at-large seat)
- b. Hospitality Tax – Three (3) Vacancies (At least two applicants must be from the Restaurant Industry)
- c. Employee Grievance Committee – Three (3) Vacancies (MUST be a Richland County employee)
- d. Business Service Center Appeals Board – One (1) Vacancy (Applicant must be an attorney)

- e. Board of Assessment Appeals – Two (2) Vacancies
- f. Board of Zoning Appeals – Two (2) Vacancies
- g. Building Codes Board of Appeals – Four (4) Vacancies (One applicant must be from the Architecture Industry; One from the Plumbing Industry; & Two from Fire Industry as alternates)
- h. Procurement Review Panel – Two (2) Vacancies (One applicant must be from the public procurement arena & one applicant must be from the consumer industry)

Mr. Malinowski stated the committee recommended to advertise for the vacancies.

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

The vote in favor was unanimous.

Mr. Malinowski stated the Transportation Penny Advisory Committee vacancies are not being advertised because it is an action item on the Rules and Appointments Committee to come forward with recommendations for appointing the two (2) vacancies. The two (2) vacancies recommendation will come forward at the May 15th once all of the applicants have been interviewed.

20. **NOTIFICATION OF APPOINTMENTS**

- a. Transportation Penny Advisory Committee (TPAC) – 2 – Mr. Malinowski stated this item was held in committee in order to complete the interview process.

21. **REPORT OF THE RICHLAND RENAISSANCE AD HOC COMMITTEE**

- a. Purchase Orders for Demolition of Dilapidated Structures – Mr. Livingston stated the committee met on April 10th. He chaired the committee by default because he was the senior member of Council on the committee. We did not elect a Chair of that committee at that meeting, but hopefully will do so at the next meeting.

The committee is requesting Council to consider the authorization to create a purchase order over \$100,000, not to exceed \$385,000, for the demolition of dilapidated structures around Richland County. Staff has identified approximately 50 dilapidated and unsafe structures that need to be demolished. This is a part of the FY17-18 Action Plan. The reason why we are looking at the \$100,000 is because individual and small groupings of properties will be issued as a request for a bid, as opposed to trying to them one at a time. So by grouping them together you may end up with more than \$100,000, so the idea is for us to be able to go up to a \$100,000 in order for us to advertise for these particular properties.

Mr. Malinowski inquired if the list will be bid individually or as a whole.

Mr. Livingston stated there are several identified contractors and different contractors will apply.

Mr. Malinowski inquired if any insurance payments were ever made on the burned structures. It would seem if the owner received an insurance payment and did nothing but keep the money and now the County is going out to demolish the structure they are in a win-win situation.

Ms. Hegler stated that will only apply to one structure and we have reason to remove that one. She stated maybe at another time she will be able to get an answer to your question, but for the purpose of this list that one has been removed for other reasons.

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

Abstain: Manning

The vote in favor was unanimous, with Mr. Manning abstaining.

22. OTHER ITEMS

- a. FY18-District 10 Hospitality Tax Allocations – Ms. Myers requested to add a \$4,000 allocation to the Town of Eastover.

Ms. Myers moved, seconded by Mr. Malinowski, to approve this item.

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

The vote in favor was unanimous.

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

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

Mr. Manning inquired if all of the checks have been issued for the H-Tax allocations that were previously passed.

Mr. Hayes stated he wanted to be sure he understood Mr. Manning's specific question. He inquired if for every "Request of Action" that has come before Council has those been paid.

Mr. Manning responded in the affirmative. The question is that we passed these at meetings and then do reconsideration. The reason we do reconsideration, particularly as the budget year is coming to an end, is so that we can get them quickly done. So, his question is for the ones that have been done prior to tonight have they all been paid out.

Mr. Hayes stated some of them have and some have not. The reason being is that once we send a grant agreement out, it is up to the grantee to send in a signed grant agreement. Also, they must submit request for payment and budget staff audits the request for payment. Once they meet the H-Tax guidelines then a request for payment is submitted to Finance and a check is cut.

Mr. Manning stated the ones that are already H-Tax recipients then they do not need to do the grant

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because they already have. Is that correct? What do they need to do?

Mr. Hayes stated, for clarification, the ones that are currently receiving money for FY18. H-Tax was a one year funded item, so we had individuals who received funding for FY18 who wished to apply for FY19.

Mr. Manning gave Mr. Hayes the following example to explain what he was referring to: EdVenture got H-Tax through the standing H-Tax committee and then individuals at the beginning of the year have often time given. He himself had a motion that came through the Finance Department and was passed by Council and moved for reconsideration. That is not FY19 that is now. They have applied and gotten funding, so have they gotten the check.

Mr. Hayes provided some clarification about the process. Once Council voted and agreed to funding, the budget staff goes into the system and set up that budget amount by transferring the allocated amount from the Councilmember's individual H-Tax discretionary account. Budget staff sends an award letter and grant agreement to the grantee for them to sign and return. Budget cannot proceed any further without a signed grant agreement because the grant agreement stipulates the "contract" between the grantee and grantor. The agreement specifies what the grantee needs to do to comply with receiving the funds. Once the grantee does that, staff audits the request for payment to make sure it is following the H-Tax guidelines. Once the audit is completed, he signs off on it and the request for payment is submitted to Finance for payment.

Mr. Manning stated all the ones that were done, just like we did for District 10, those letter all went out the next day or 2 after the Council meeting since we did reconsideration. That letter gets to them saying there has been additional money allotted and what they need to do to get that additional funding.

Mr. Hayes stated his staff is conducting an audit to ensure that everyone who was supposed to receive an award letter and a grant agreement has received it.

Mr. Manning requested a list of the ones that Council has approved since the initial allotments.

Mr. Livingston requested a copy of the process, so that he knows what the process is. He also requested to be copied on any correspondence with the entities he has allocated funds to so he can follow-up.

Ms. Myers stated she believes all of the Councilmembers would like to be copied on correspondence to the entities they have allocated funding to. She stated, for example, she allocated additional funds to the Sweet Potato Festival because they had an underrun when they did their advertising and they requested she provide additional funding for them. Would they have to start over?

Mr. Hayes responded budget staff would then send out an amended grant agreement.

Mr. C. Jackson reiterated it would be appropriate for all of the Councilmembers to receive the information Mr. Manning and Mr. Livingston requested.

Ms. McBride stated she did not understand because she thought she was told you had to submit the grant application, but now Mr. Hayes is saying that if Council approves the funding then budget staff would initially send a letter to them. They in turn would do what?

Mr. Hayes stated they will get an award and a grant agreement, which specifies the H-Tax guidelines.

They sign that and send it back to budget staff. The agreement specifies the steps they need to take to request the funding (i.e. the request for payment and documentation). Budget staff then audits it according to the H-Tax guidelines. Once staff is certain everything is in order, he signs off on it and turn it into Finance and AP cuts a check.

Ms. McBride stated, for clarification, so they do not go through a grant application on Zoom Grants.

Mr. Hayes stated that is the initial process. Once funding is approved out of the Council member's discretionary H-Tax account, his office is notified of that and they send out an award letter notifying them that Council has approved them for funding. They get a grant agreement specifying the steps they need to take to get the funding, which includes a request for payment with invoices, quotes, etc.

Ms. McBride inquired as to where the application comes in.

Mr. Hayes stated that is the first thing they do. In order to receive the funding, you have to apply for it through Zoom Grants. That is how they track all of the applicants.

Mr. N. Jackson stated, if a Council member has awarded an organization some funds, and it has been approved, they still have to apply for it.

Mr. Hayes stated the application process should be before the Council member approves it. The application is the first step.

Mr. N. Jackson stated if a Council member, from the discretionary H-Tax funds, award an organization some funding and it has been approved, they still have go through the Zoom Grant and apply for it.

Mr. Hayes stated the Zoom Grant portion is so staff can track all of the grantees. In that case, he does not know if you want to use the word apply, but you want to use the term registering because the Council member has already authorized them to get the funds.

Mr. N. Jackson stated there was some time after July when there was not a Grants Manager. He inquired as to when we got a Grants Manager.

Mr. Hayes stated Natasha Dozier left in September and we had an Interim Grants Manager. One of the Budget Analyst did both jobs between September and December, so we have always had one.

Ms. Kennedy stated, for example, if she donated some money in her community for them to purchase some equipment, does she have to apply to the Grants Department first.

Mr. Hayes stated Ms. Kennedy would tell the organization so they can track it through Zoom Grants. They would "register" through Zoom Grants. The Council member would contact the Clerk's Office to do a ROA. It would come before Council and it would be voted on. Staff would then set it up in the GL system. An award letter and a grant agreement would be sent out to the grantee informing them of the steps they need to take to secure funding.

Ms. Kennedy stated these funds would have to come back to Council before they can get them.

Mr. Hayes stated once Council votes on it staff goes into the system and set it up. Prior to that the

funding sits in each Council member's discretionary H-Tax account before they transfer it to each individual grantee's own account.

- b. A Resolution to appoint and commission Rodney Brinkley, Twila Jones, and Ladedra Manning as Code Enforcement Officers for the proper security, general welfare, and convenience of Richland County – Mr. Livingston moved, seconded by Mr. Manning, to approve this item.

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

The vote in favor was unanimous.

- c. A Resolution to appoint and commission Kevin Lee Powers as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Manning moved, seconded by Mr. Malinowski, to approve this item.

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

The vote in favor was unanimous.

23. **CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda**

Mr. Ronald Taylor, Mr. Collier Taylor, and Mr. Alan Brown spoke regarding the Small Local Business Enterprise initiative.

POINT OF ORDER – Ms. Kennedy stated we sit here and make different rules and regulations and we are not enforcing half of them. One in particular is the sign ordinance. She did not make the motion and was not crazy about doing it, but we voted on and passed it. If you ride through Richland County you see signs out everywhere. She has called the County on several occasions to have the signs picked up, as a fact, she has 20 in the back of her car.

24. **EXECUTIVE SESSION**

Mr. Livingston moved, seconded by Ms. Kennedy, to go into Executive Session.

In Favor: Malinowski, C. Jackson, 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 8:44 PM and came out at approximately 9:45 PM.

Ms. Kennedy moved, seconded by Mr. N. Jackson, to come out of Executive Session.

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

Opposed: Malinowski and Manning

The vote was in favor of coming out of Executive Session.

- a. An Ordinance Authorizing a deed to 908 Group Holdings, LLC for 1328-1400 Huger Street; also described as TMS # 09009-11-04 and 09009-11-05 – Ms. Dickerson moved, seconded by Ms. Myers, to approve Third Reading of the ordinance authorizing a deed to 908 Group Holdings and the execution of the deed at the closing.

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

Opposed: Manning, N. Jackson, Livingston and Rose

The vote was in favor.

Ms. Dickerson moved, seconded by Mr. C. Jackson, to reconsider this item.

In Favor: N. Jackson and Rose

Opposed: Malinowski, C. Jackson, Myers, Pearce, Dickerson, Livingston and McBride

The motion for reconsideration failed.

- b. Payment of invoices submitted by Chao & Associates related to their work on Pinewood Lake Park Phase 2 – Mr. Malinowski moved, seconded by Mr. Livingston, to pay Chao & Associates for work performed on Richland County property.

In Favor: Malinowski, Pearce, Dickerson, Livingston and McBride

Oppose: Rose

Abstain: C. Jackson, Myers, Kennedy, Manning and N. Jackson

The vote was in favor.

Dr. Yudice stated Council need to reaffirm that Chao & Associates needs to reimburse \$126,010.

Mr. Malinowski moved, seconded by Ms. Myers, that the land purchase transaction be handled according to staff's recommendation.

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

Opposed: Manning and Livingston

Abstain: N. Jackson

The vote was in favor.

- c. Release of Hospitality Tax Funds to Pinewood Lake Foundation – Ms. Dickerson moved, seconded by Mr.

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Livingston, to proceed with the payment of \$12,175.92 to Pinewood Lake Foundation and that they provide procurement documents for the remaining balance.

In Favor: Pearce, Manning, Dickerson, and Livingston

Opposed: Malinowski, Myers and Rose

Abstain: C. Jackson, Kennedy, N. Jackson

The vote was in favor.

- d. Personnel Matter – Ms. Dickerson moved, seconded by Mr. N. Jackson, to proceed with the Clerk’s salary as discussed in Executive Session.

Mr. Rose made a substitute motion, seconded by Mr. Malinowski, to defer this until the next Council meeting.

In Favor: Malinowski, Pearce, Manning and Rose

Opposed: C. Jackson, Myers, Kennedy, Dickerson, N. Jackson, and Livingston

The motion failed for deferral.

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

Abstain: Manning

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

25. **MOTION PERIOD**

- a. Move for a resolution honoring the life and service of Doug Strickler to Richland County [ROSE] – Mr. Manning moved, seconded by Mr. N. Jackson, to adopt the resolution honoring Doug Strickler.

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

The vote in favor was unanimous.

- b. Move for a resolution honoring the life and community advocacy of Jim Jaco of the Olympia community [ROSE and MYERS] – Mr. Manning moved, seconded by Ms. Myers, to adopt the resolution honoring Mr. Jaco.

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

The vote in favor was unanimous.

- c. To ensure that the current investments made on behalf of the citizens of Richland County are monitored and the programs and services identified in the Richland Renaissance Plan, get fully vetted, evaluated, and if approved, funded, I am requesting that Mr. Michael Niermeier assume the leadership role for this project. I further request that Mr. Niermeier become the direct point of contact for the Richland Renaissance Program and that he lead the efforts both internally and externally [C. JACKSON] – This item was referred to the Renaissance Ad Hoc Committee.

- d. In order to ensure that the interest and needs of the citizens of Richland County remain paramount in providing programs and services developed under the Richland Renaissance Concept, I am requesting that the programs and services in the identified areas for the implementation of the Richland Renaissance Plan, which exist countywide, be voted on independently and their budgets approved independently, unless it can be shown that their existence is directly dependent upon the approval of a Renaissance project in another area [C. JACKSON] – This item was referred to the Renaissance Ad Hoc Committee.

- e. In order to ensure that the investment of the citizens of Richland County are protected and used in the most efficient manner, I am requesting that the existing transportation contract with the PDT continue, along with that of its current primary SLBE subsidiary minority lead vendor, until the end of this current contract cycle in mid-2019. I further request that an internal audit of all unpaid invoices to the County from the PDT, the SLBE and all vendors be presented to Council. The current contract being modified, based on new guidelines that are being developed between the Department of Revenue and Richland County, will ensure that operational procedures and expenses will be allowable as defined by the recent South Carolina Supreme ruling [C. JACKSON] – This item was referred to the Transportation Ad Hoc Committee.

ADJOURN – The meeting adjourned at approximately 9:57 PM.