



## Richland County Council

SPECIAL CALLED MEETING  
October 17, 2017 – 6:00 PM  
Decker Center  
2500 Decker Boulevard, Columbia, SC 29206

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

OTHERS PRESENT: Gerald Seals, Brandon Madden, Jamelle Ellis, Tracy Hegler, Beverly Harris, Sandra Yudice, Michelle Onley, Brad Farrar, Shahid Khan, Stacey Hamm, Ismail Ozbek, Jennifer, Wladischkin, Laura Renwick, and Kimberly Willams-Roberts

**CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 6:00 PM. He stated that Chairwoman Dickerson and Councilman Livingston were out of town on an Economic Development trip.

**INVOCATION** – The invocation was led by the Honorable Norman Jackson

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Norman Jackson

### **APPROVAL OF MINUTES**

- a. **Regular Session: October 3, 2017** – Mr. Manning moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

Mr. Malinowski stated on p. 10 of the agenda it appears an item was reconsidered, but never approved the remaining minutes. He requested the Clerk’s Office to review the audio to ensure the minutes were approved. If they were not the minutes will need to be added to the next Council meeting for approval.

Additionally, Mr. Malinowski stated on p. 16 of the agenda notates the debate between himself and Mr. Smith regarding the grantor vs. the grantee. It has come to Mr. Malinowski’s attention, there was a document missing from Mr. Smith’s report that clarified the matter. Mr. Madden has been requested to provide the document to full Council, as well as the Clerk’s Office for inclusion in the minutes.

Mr. Malinowski further inquired if the language on p. 22 “Executive Session” Item a. should be “discussed” instead of “directed”.

Mr. Rose stated is should be discussed.

Mr. Manning moved, seconded by Ms. Kennedy, to approve the minutes as amended. The vote in favor was unanimous.

## **ADOPTION OF AGENDA**

Mr. Manning moved, seconded by Mr. N. Jackson, to adopt the agenda as published.

Mr. Malinowski stated the following items needed to be added to the agenda:

- a. Report of Rules & Appointments Committee – Notification of Vacancies: LRADAC – 2
- b. Presentation of Resolutions/Proclamations: Proclamation Recognizing October 2017 as National Cooperative Month

Mr. Manning moved, seconded by Mr. N. Jackson, to adopt the agenda as amended. The vote in favor was unanimous.

## **PRESENTATION OF RESOLUTIONS/PROCLAMATIONS**

- a. End Child Hunger Proclamation – Mr. Malinowski presented a proclamation in honor of End Child Hunger SC Week.
- b. A Resolution honoring Brownstone and its President Dale Collier – Mr. Manning presented a resolution to Dale Collier honoring him, and Brownstone Construction Group, for the contributions to Richland County.
- c. A Proclamation recognizing National Disability Employment Awareness Month – Mr. Manning presented a proclamation to SC Able recognizing National Disability Employment Awareness Month.
- d. A Proclamation Recognizing October 2017 as National Cooperative Month – Ms. McBride presented a proclamation to City Foods Cooperative Marketplace recognizing October as National Cooperative Month.

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

- a. Richland County Recreation Commission: Potential Litigation/Proposed MOU – Mr. Farrar stated he could give the litigation in open session.

Mr. C. Jackson moved, seconded by Mr. Rose, to receive the litigation update in open session. The vote in favor was unanimous.

Mr. Farrar stated last week there was a hearing before Judge Manning in Circuit Court regarding the following case: Don Weaver, a taxpayer vs. the Richland County Recreation Commission and the Richland County Treasurer and Auditor. Mr. Farrar represented the Treasurer and Auditor, which were named in their official capacity for administrative duties and tax collection. The case essentially boils down to Mr. Weaver's attorneys allege the legislation that created the Richland County Recreation Commission and set up its governance is special legislation, violated Home Rule and amounted to taxation without representation. Recreation Commission's attorney stated they do not agree with that. There was a potential the court would be interested in asking for a breach from others, such as Richland County. Judge Manning did not require an Amicus Brief on behalf of the County.

Mr. Pearce inquired if this is the follow-up to the 1989 suit, which apparently did not get resolved by the court.

Mr. Farrar stated Mr. Weaver was a Plaintiff in a case several years and he prevailed in that case. The Court said going forward to create a lot of issues for special purpose districts going retroactively to try to deal with this. Going forward the legislature was to come up with a fix within a year or so on how to deal with the special purpose districts. Mr. Weaver has come to the conclusion that the fix was not satisfactory; therefore, he is going for Round #2.

Mr. Pearce inquired if the case will likely make it to the Supreme Court.

Mr. Farrar stated there is a chance that either side will appeal because it is a question of finality and not an interim position on it; therefore, it could end up at the Supreme Court.

Mr. Farrar further, stated Mr. Smith and the attorney for the Recreation Commission have exchanged correspondence about the proposed MOU. The Recreation Commission has requested to substantively tweak the document; therefore they have requested a joint meeting to discuss the issues in more detail.

Ms. Myers inquired about the areas the Recreation Commission wished to change.

Mr. Farrar stated that would be a matter to be taken up in Executive Session.

Mr. N. Jackson stated he had a motion based on the Recreation Commission accepting or not accepting the MOU. If the MOU is accepted or not accepted, he would like for his motion to go forward.

**CITIZENS INPUT: For Items on the Agenda Not Requiring a Public Hearing** – No one signed up to speak.

**REPORT OF THE COUNTY ADMINISTRATOR**

- a. Compensation Issues Update – Mr. Seals stated he provided Council with a memorandum that noted a number of compensation issues. As Council is aware, we are moving toward completion of the Class & Comp Study. Over the last year there have been a variety of tactical steps that will allow the compensation of the County's employees to be more competitive. The recommendations pertaining to the Detention Center and Emergency Services non-command staff should be reviewed by Council in the future.

Mr. C. Jackson inquired, given where the County is in the budget cycle, how does staff propose to implement the recommendations from a funding standpoint.

Mr. Seals stated they are fundable and there is not requirement for a budget amendment. Everything that has been recommended is in the current budget and does require the utilization of any of the fund balance.

Ms. McBride inquired if there is a Mental Health Specialist be included for the Detention Center.

Mr. Seals stated a Mental Health Specialist is not included at this time. That is not to say it is not an issue. Mental health, as well as some other issues, are being dealt with strategically and will be brought back on Council.

Ms. Myers stated for clarification, there is no funding being taken from the General Fund.

Mr. Seals stated the positions that are were not filled to date produced available funding, which comes to approximately \$900,000.

Ms. Myers inquired as to when the recommendations are to be implemented.

Mr. Seals stated the adjustment to the starting salaries is recommended to be implemented on November 1. The adjustment to the existing salaries is recommended to be implemented on December 1. The issue of compression has also been addressed in the recommendation.

Ms. Myers inquired if this fixing the problems in EMS or is it an ongoing issue.

Mr. Seals stated it is ongoing. The County began addressing the matter last year and it is continuing. This is not going to solve everything. As you know, one of the things discussed since the Priority Setting Sessions last year is how many EMS personnel does the County need. In terms of the strategic plan, the need is for 24-48 additional employees. The employees will be added over the next part of the Biennium and Biennium II. Staff is putting the plan together to ensure that it is fundable and is sustainable. It should not go unnoticed that Council authorized 8 positions toward this goal in the current fiscal year.

Ms. Myers inquired if the County Administrator is seeking Council's direction on restructuring or readings and a public hearing.

Mr. Seals stated if Council were so inclined it could be accomplished with a motion.

Ms. McBride stated for clarification the newspaper stated there were 100 vacancies. Based on the Administrator's memo that is not accurate.

Mr. Seals stated there are 10 vacancies presently. Eight of those vacancies were the ones that were included in the current budget. Approximately a year ago there were 20 vacancies.

Mr. Manning stated he thinks this is admirable and needs to be done immediately. He further stated the Administrator brought this to Council as information and he feels it sets a bad precedent to make a motion and take action regarding a \$1 million. But if we're not doing anything that requires a change in the budget, it's not right to set a precedent for the County Administrator if they are moving money around within the budget that does not take any amendments and also moving positions. If we start that kind of micromanagement just because this has been in the paper and on TV and decide to take a motion, he feels we are opening the door and would be remiss to allow any positions to be adjusted or any money moved in the future if this requires action by Council.

Mr. Rose inquired if the Administrator felt he needed a motion from Council. He stated this is a pressing issue for him and for Council. He wants to ensure that the Administrator feels empowered to make these changes.

Mr. Seals stated there are 2 things that he believes are important: (1) This has not been something new. It is our reactive plan. As you know, we have been talking about how to address these issues. This is something where we are all getting together and it represents Council's vision. It is important that it is at least presented to you before taking any action. In a strict sense, Mr. Manning's comments are correct, but in the spirit of trying to work together it is important for the plan to be brought to Council. (2) Council requested the Administrator to research how to create efficiency and what we can do strategically and to not always be reactive. As we are able to hit the vision with tactical action it is important that it be brought to your attention. Finally, he does not want the staff

to ever come away with the feeling that Council is not attentive to their needs. In fact, Council has given him clear direction in the last 15 months. He feels this moment is important and the sentiment of Council is that we will make this happen, but there are other things that have to come forward. As you know, the County is embarking on the Class & Comp study which will take approximately \$1.8 million to implement. Staff is working hard to be efficient and get the things done that have been requested, but also create room in the budget in order to accomplish that. It is important that everyone understands that this has been an ongoing process and this is a moment of tactical action. There are a variety of things that we must now continue to do.

Mr. Rose moved, seconded by Ms. Kennedy, to adopt the Report of the County Administrator.

Mr. Manning stated procedurally he is very concerned because, in his opinion, all of the reports Council has received since the County Administrator has been brought on to the job would be null and void. He believes in our form of government, if any Council members is not in favor of the well documented, immediate fix should speak up now and say you do not like the idea. But for Council to begin going on record, procedurally, is opening a Pandora's door to what we have not done in the past, how it reflects by this and what it means in the future. Therefore, he feels a motion is out of order for this.

Ms. Myers stated instead of Mr. Rose's motion to issue a directive thanking the County Administrator and staff for finding a way to start moving forward and that all agree is in the best interest of the County, EMS and Detention Center.

Mr. Rose agreed to accept Ms. Myers' language.

Mr. Pearce stated he is in agreement with Mr. Manning. The intent of what is being recommended he supports 100%. Although he is uncomfortable with parts of it that he feels may require a budget amendment. The proposed plan moves approximately \$1 million around in a budget. He believes part of the plan can be done and then do a budget amendment to deal with the remaining parts. He stated he is not sure we have ever done anything like this without doing a budget amendment. We're creating new positions, moving a large amount of money around and he feels uncomfortable, but he also feels the quicker we can get this done the better off we will be. He also stated he believes the Administrator has the authority to adjust salaries without a budget amendment.

Mr. Seals responded in the affirmative.

Mr. Pearce stated it is his understanding the Administrator wants to create additional positions.

Mr. Seals stated not at this time. The strategic plan includes 24 positions, which will be brought back to Council. Essentially the proposal is as follows: (1) Increase the starting pay for the non-command staff at the Detention Center and EMS by 10%, effective November 1; and (2) Incumbents would receive a 5% salary increase, effective December 1. Provisions and adjustments have been made that any kind of compression issues are addressed, specifically to prevent an incumbent from making less than a new hire.

Mr. Pearce stated based on that the proposal would not require a budget amendment.

Mr. N. Jackson stated he is finally glad this happened. He made a motion in 2008 for an increase. He believes there have been 2 Class & Comp studies done and nothing happened. For the County Administrator to have found a way to not amend the budget and finally get something done deserves applause.

Mr. Seals stated in response to Mr. Pearce's comments and concerns earlier, there is one item that will be brought back to Council in late November/early December and that is the details of tuition reimbursement.

Mr. C. Jackson stated the reason he inquired about the impact on the funding and where the funds were coming from was to ensure that it would not require action by the County. When he was reassured by Mr. Seals, he was satisfied with that answer. The only other point he wanted to make was there is a difference between the number of vacancies and what is need is for adequate staffing. Though we may have 8 vacancies in that department. The bigger question, which will hopefully be answered at the upcoming D&S Committee meeting, is that adequate staffing to meet the needs of the department. If not, then he assumes the Administrator will have to come back for a budget amendment because it would require the creation of new positions.

Mr. Seals responded in the affirmative. From a preliminary standpoint, in EMS Departments, we are a weak County in South Carolina. He often hears Richland County should be compared to Greenville and Charleston County. In reality, we are doing comparisons which are not correct. Greenville does not have a world class university or a military base of size. There are a variety of considerations, for example, EMS very often is covering high school football, various events at USC, in addition to covering the rest of the County's needs. We are working with Michael Byrd and staff to arrive at what is tailor made to deal with Richland County. In Mr. Seals' opinion, in the next year to year and a half an additional 48 positions need to be added, which will require some adjustments.

Ms. Kennedy stated she wanted to thank to Administrator for his efforts. She can remember when there were only 4 ambulances for the entire County.

Mr. Malinowski stated Council is going to accept Mr. Seals' report as information and he will proceed as he feels necessary.

Mr. Farrar stated Mr. Manning's comments were correct as far as the delineation between the budget responsibilities for Council and the personnel responsibilities. SC Code of Law Title 4-9-30(7) gives the Administrator all kind of authority to deal with personnel systems, setting up classifications, etc. Adjusting salaries is certainly within his purview. To the extent, if this is going to involve transferring money that is already appropriated, not a budget amendment and does not take three readings and a public hearing, Title 4-9-140 deals with designation of fiscal budget years. For example, supplemental appropriation during the fiscal year. ("The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for purposes other than as specified in such annual budget when such transfers are approved by the council.") For example, you approved a budget and you said this amount of money is available to be used by the departments and it is going to be used in a different way, then some Council assent is appropriate under this particular statute, but it is not of the level of a budget amendment which is what Mr. Manning was getting to. To the extent Council is in favor of the transfer of the funds that have already been appropriated, but does not involve a budget amendment, a one-time motion is not out of order.

Mr. C. Jackson stated, being picky for a second, if there are funds in the personnel line item and there are positions in the personnel budget that have gone unfilled; therefore, attrition has taken effect. Those dollars being used and redirected still within personnel doesn't seem to be out of line at all. They are not being transferred.

Mr. Farrar stated that is exactly the key. If there is no transfer you don't need to do anything. If there is a transfer then you would have a motion.

Mr. Malinowski inquired of the Administrator if there is a transfer.

Mr. Seals stated there is not a transfer.

Mr. Farrar stated so it is on the record, if there is no transfer then you would not need to take any action.

Mr. Malinowski stated his statement that we will accept the Administrator's report as information and he will proceed as he deems necessary if correct.

#### **REPORT OF THE CLERK OF COUNCIL**

- a. REMINDER: Revivify Richland Debriefings – Ms. Onley reminded Council of the upcoming Revivify Richland debriefings. There are 3 options for Council members to attend.
  1. October 19, 1:00 – 2:30 PM, Administration Conference Room
  2. October 25, 11:00 AM – 12:30 PM, Administration Conference Room
  3. November 1, 2:15 – 3:45 PM, Administration Conference Room
  
- b. REMINDER: Transportation Work Session, October 23, 9:00 AM – 12:00 PM, 4<sup>th</sup> Floor Conference Room – Ms. Onley reminded Council of the upcoming Transportation Work Session on October 23<sup>rd</sup> at 9:00 AM in the 4<sup>th</sup> Floor Conference Room.
  
- c. REMINDER: Council Priority Setting Sessions, October 26 – 27, Columbia Metropolitan Convention Center – Ms. Onley reminded Council of the Priority Setting Sessions scheduled for October 26<sup>th</sup> & 27<sup>th</sup> at the Columbia Metropolitan Convention Center.

Mr. N. Jackson stated on October 26<sup>th</sup> there are 5 members of Council that will be attending the Central Midlands Council of Governments meeting from 11:00 a.m. – 12 noon.

#### **REPORT OF THE CHAIR**

- a. Personnel Matter – Mr. Malinowski advised Council members that Council has stated they want to begin evaluations of the employees Council is responsible for, i.e. Administrator, Attorney, and Clerk of Council. A decision needs to be made on whether Council wants Procurement to create a Request for Proposal or Request for Qualifications in an attempt to obtain the needed assistance in creating the evaluation process for those employees.

Mr. Rose inquired if Council would need professional assistance or could Council not do it as a body and have discussions.

Mr. Malinowski stated the reason that it was thought this is the way we should go, was during discussions with the Chair and himself was in the past when the Council tried do it themselves it was difficult to get Council members to submit their particular evaluation forms. It would turn out there were only 4 or 5 people evaluating the employees. The process we are looking for is a way to ensure everyone gets on board. Not just Council, but department heads and other officials.

Mr. Rose stated he does not think bringing in outside entities is necessarily going to mean there is going to have more participation. He believes Council can come together as a body and figure out the best way to proceed and should probably be a discussion when the Council members not present are able to attend.

Mr. N. Jackson stated for the past several years Council has been doing it themselves. Twice consultants were hired to offer advice or information on the process and develop a format to evaluate. He does not feel that Council needs to spend money on another consultant to tell them what to do when Council has the documents. Council members need to participate in the process.

Mr. Manning stated he thought Council had discussions about this and the Vice Chair procedurally sees to this being accomplished. He stated he is confused because these he's hearing all the same things for and against and he thought there was some movement forward on the part of the Vice Chair.

Mr. Malinowski stated he thought he had made some movement forward on this, but it was brought to his attention that if we were going to hire an outside firm we would need Council approval to do so. Secondly, Council would probably get pushback if we do not open it up to individuals to show us what they have, what they can provide us and at what costs.

Mr. Manning moved, seconded by Mr. Pearce, to go through the Procurement process to continue what the Council had previously discussed and started moving forward on.

Mr. Rose stated he just does not think that an outside firm is necessary. He does not think someone giving him a form they have brought together is going to change my opinion, for better or worse, of an employee.

Mr. N. Jackson stated for clarification Council is going to pay a consultant to tell them to do what they have already been doing with the forms provided by the past consultants.

Mr. Malinowski stated Council is going to try to get a process in place that will let Council know what areas we need to look into for evaluation of Council's employees. What individuals possibly, in addition to Council members, should be included in the evaluation process? A timeframe this should take place.

Mr. N. Jackson inquired if Council already has a process.

Mr. Malinowski stated he would have to defer to the Clerk's Office or Mr. Pearce.

Mr. N. Jackson stated Council has done evaluations over the years of the Administrator, Clerk and Attorney. If Council has a process and has done it in the past, why are they spending money to get a consultant to tell them about something they are already doing? They have documents on how to proceed; therefore, Mr. N. Jackson fails to see at this stage and time the need for a consultant to tell them how to evaluate someone.

Mr. Malinowski stated there are some that feel the process in the past had been flawed and did not work. They wanted to move forward and try another process. In addition, in the 11 years he has been on Council he has never seen an evaluation of the Attorney.

Mr. C. Jackson stated he is one of the newer members of the group and he is not going to put Mr. Seals on the spot to ask if he has some performance document he is working off of now that Council gave him when he was hired that they will now be evaluating him on. And if that document does not exist for Mr. Seals, he is wondering how Council is going to evaluate how Mr. Seals is has been effective this year without some structured document in place that he is working off of. If that has not happened all the nice comments about Council working together are nice to say, but a Chief Executive Officer like the County Administrator, and the Attorney are on a whole other level than an

employee that we simply evaluation and review in passing. He hopes Council would not minimize the level of evaluation that needs to be done on the Administrator in comparison to any employee within the organization. It is different. It is unique. It requires a different set of rules, standards, measurements and methods that are used to ensure what he/she is doing at level is appropriately documented and recorded and is in fact mentioned or listed in their performance review and evaluation when they start and at their anniversary period. Unless there is one that has not been shared with Mr. C. Jackson he is not aware that Mr. Seals has one tonight.

Ms. Kennedy stated we have done this in the past and should have some of the information on file. We should not have to hire another firm to do this over and over again.

Mr. Pearce stated for those of you who were here during the last attempt to evaluate an Administrator, we did hire an outside firm. We did generate an evaluation document that was based against the job description of the County Administrator; however, you will also recall due to the inability to get the documents completed and turned in that process never finalized. He further stated he is unsure where those documents are located. Mr. C. Jackson touched on Mr. Pearce's other point, which is to his knowledge Mr. Seals was not provided with any type of document. So at this point, he would have to agree he does not know what Mr. Seals would be evaluated against. He would suggest Council devote their time to developing a document that Mr. Seals could be evaluated on in the future. Furthermore, Council has been woefully inadequate in the various time they have tried to develop said document on their own.

Mr. N. Jackson stated the job description has not really changed. He further stated we have failed as a Council to evaluate, or to have at least 6 members of Council turn in an evaluation form in the past. Council only evaluates the Administrator, the Clerk and the Attorney. Not regular employees. They have never done it in the past and this discussion is only for the Administrator, the Clerk or the Attorney. If Council is going to evaluate the Administrator, Council has to give him expectations first. They cannot decide to hire a consultant firm to develop a document or form to evaluate the Administrator, but at the same time not provide him with their expectations. Mr. N. Jackson stated he has requested Council members meet with the Administrator in the past and have a discussion about their expectations so they will have a format to evaluate the Administrator on, but to date that has not taken place.

Mr. Malinowski stated in his discussions with a firm that does evaluations, it was mentioned that Council needs to identify the duties and expectations of the individuals being evaluated and to obtain a copy of the job description and contract. The evaluation form will be credited based upon the job description and contract.

Ms. McBride stated she was not prepared to take a vote because she is not aware of what does or does not exist. She inquired about who would know what exists and where can the information be obtained.

Mr. Malinowski agreed with what Mr. Pearce said about not know what exists, or if it does, and where it is.

Mr. Manning stated as a point of personal privilege to the constituents of District 8 that he filled out each and every evaluation form ever presented to him.

Mr. N. Jackson made a substitute motion, seconded by Ms. Kennedy, to request Council members meet with the County Administrator to inform him of Council's expectations and develop a template where he can be evaluated in the future.

Ms. Myers stated she felt it might be out of order for Council to create something without some kind of professional input because Council could be unfairly treating the employees that work directly for them. There needs to be some standard by which we are developing protocol.

Mr. N. Jackson stated there has to be guidelines. Human Resources would have to be involved. At the end of the day, Council cannot evaluate the Administrator if he does not have their expectations.

Ms. Myers stated the Human Resources person the County employs works directly for Mr. Seals; therefore, it might be difficult to use that HR person because they report to the very person they need to developing protocols for. It may well be the way to get that done is to have someone that does not report to Council's employees to help develop the protocols for evaluating them.

Mr. Rose inquired if something went through Procurement if it would come back to Council before funds would be allocated.

Mr. Seals stated it would depend on whether it was a Request for Qualifications or a Requests for Proposals, but either way it would come back to Council.

Mr. Rose stated he would like to see what something like this would cost before making a final decision. He is fine with putting it through the Procurement process to see what Council is looking at.

Mr. N. Jackson inquired if the initial motion was to hire a consultant.

Mr. Malinowski stated the original motion was to have Procurement get the process started to either have a Request for Proposals or Qualifications, whichever Procurement deemed was the way to go.

Mr. N. Jackson stated for clarification we are talking about evaluating the Administrator and Council does not have a document or a template to evaluate the Administrator. In his understanding, the consultant was to develop a template on how to evaluate the Administrator. He stated his argument is that you cannot do that because Mr. Seals has not been provided Council's expectations. At end of the day, is the RFP or RFQ to evaluate the Administrator or to develop a document to provide him Council's expectations and how to evaluate on those expectations.

Mr. Malinowski requested Mr. Manning to clarify his motion.

Mr. Manning stated there is discussion on a motion that is not before us because we have a secondary motion. He requested a friendly amendment on the substitute motion to do that tomorrow since the taxpayers are paying a salary for somebody that we are saying we need to meet and get some idea of what they should do on their job.

Mr. N. Jackson stated he is not sure all of the Council members can meet tomorrow unless we have a meeting; therefore, he cannot accept that as a friendly amendment.

POINT OF ORDER – Mr. N. Jackson stated he could ask for clarification on the original motion to make a decision on the motion he is making.

Mr. Malinowski inquired if Mr. N. Jackson had received his clarification.

Mr. N. Jackson stated he had not received clarification. He would like to know what the original motion is so he can be clear on his substitute motion.

Mr. Malinowski stated the original motion is that Procurement get the process started toward the evaluation of the employees are responsible for. Be it with a RFP or a RFQ.

Ms. Myers moved, seconded by Mr. Rose, to call for the question. The vote in favor was unanimous.

In Favor: N. Jackson, Kennedy

Opposed: Pearce, Rose, Malinowski, Myers, McBride

The substitute motion failed.

In Favor: Pearce, Rose, Malinowski, Kennedy, Myers, Manning

Opposed: N. Jackson

The vote was in favor of the motion to begin the Procurement Process.

#### **APPROVAL OF CONSENT ITEMS**

- a. An Ordinance authorizing a quit claim deed to David Hodge for a parcel of land located in Richland County, known as a portion of the Olympia Alleyways, and abutting TMS # 08815-04-02 [SECOND READING]
- b. An Ordinance Authorizing Richland County to grant, without charge, to South Carolina Electric and Gas Company ("SCE&G") a permanent easement in certain real property near the intersection of Farrow and Pisgah Church Roads in Richland County, being approximately 0.32 acre to be acquired by Richland County from the South Carolina Department of Disabilities and Special Needs ("DDSN") and the South Carolina Department of Administration ("DOA") for the purpose of relocating, constructing, maintaining, providing and otherwise operating electrical utility services, all in furtherance of a transportation improvement project for the Transportation Penny Program [SECOND READING]
- c. An Ordinance Authorizing the conveyance by quitclaim deed of all right, title, and interest that the County of Richland may have, if any, in certain real property near the intersection of Bluff Road and Rosewood Drive, in the City of Columbia, County of Richland, for purposes of identifying and establishing the property boundary lines between the private property with a physical address of 711 Bluff Road and the public property of Rosewood Drive and Bluff Road and thereby finalizing a proposed settlement with landowner concerning the pending condemnation action bearing Civil Action No. 2016-CP-40-046541 related to the transportation improvement project generally known as the Bluff Road Widening Project [SECOND READING]

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

#### **ORDINANCES – THIRD READING**

- a. An Ordinance authorizing a deed to Empire Equities Capital, Ltd. for One Summit Parkway, which is the former Summit Parkway Library; also described as TMS # 23000-03-07 – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

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

The vote in favor was unanimous.

## **SECOND READING**

- a. An Ordinance Authorizing the re-direction and expenditure of unspent proceeds of certain of the County's bond issues; and other matters relating thereto – Mr. Manning moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski stated he had previously requested what these dollars would be spent for by the various agencies. He did receive a general breakdown, but he would like more specific details on what the funds were to be used for (i.e. Detention Center expansion, automobiles, etc.)

Mr. Seals stated most of these things were written very generally. Staff is attempting to clean this up and in moving forward to be able to track and give more specificity.

Ms. Myers inquired as to who wrote the descriptions.

Mr. Seals stated what is before Council is what he put together, but the information it comes from bonds, etc.

Mr. Malinowski stated what he is inquiring about is where the funds are going (i.e. EMS Vehicles/Equipment, Sheriff's Dept. Technology upgrades and various capital projects, General County facility, etc.)

The vote in favor was unanimous.

## **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

- a. Additional Office Space for the Public Defender's Office – Mr. Pearce stated there is a side by side comparison of the 2 properties in the agenda packet. As you recall the item was held up because Mr. Strickler had not visited the properties. After the sites were visited, it was determined 1501 Main Street would not meet the Public Defender's needs.

The item was forwarded to Council without a recommendation; therefore, Council can move forward with the lease of 1730 Main Street.

Mr. Manning moved, seconded by Mr. Pearce, to move forward with the lease of 1730 Main Street.

Mr. Malinowski inquired if this was a one reading item.

Mr. Farrar stated it is a one reading item.

Mr. Malinowski inquired about the length of the lease on this property. It was his understanding from previous documentation this is a 5-year lease. He thinks prior to entering into a lengthy lease the County needs to know what the penalty would be for breaking the lease. Especially in lieu of the Richland Renaissance the Administrator has proposed. Also, in reviewing the budget motion made by Mr. Pearce, the motion was for "up to \$1 million for relocation to eliminate overcrowding at the Judicial Center." The motion did not say the overcrowding must be relieved by the Public Defenders moving out. It could be CASA. It could be some of the Clerks of Court. It could be someone else. Maybe they would be able to be relocated into the lesser facility, at lesser cost, for a lesser lease time and the Public Defender then could utilize the space in that building. There are still unanswered questions that Council should have answers to before moving forward.

Mr. Malinowski made a substitute motion to defer this item until the November 7<sup>th</sup> Council meeting and have the Administrator to provide the information. The motion died for a lack of second.

Mr. N. Jackson stated the utility rates are \$4,000 per month at the 1730 Main Street location. He inquired if the \$48,000 per year is in addition to the \$145,500 annual rent.

Mr. Seals stated it is included in the annual rent total.

Mr. Malinowski inquired about the costs for office furniture.

Mr. Seals stated he does not have a cost because that is a decision by the Public Defender.

Ms. Myers requested clarification on the total rental costs for 1730 Main Street.

Mr. Madden stated the annual rent is \$97,500 and the monthly utilities are \$4,000. The total annual rental is \$145,500.

In favor: Pearce, Rose, Kennedy, Myers, Manning, McBride

Opposed: N. Jackson, Malinowski

The vote was in favor.

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

#### **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

- a. Authorizing the execution and delivery of an amendment to the July 28, 2009 Fee Agreement effecting a conversion of that certain lease agreement dated as of December 15, 1996 between Unum Group, Colonial Life & Accident Insurance Company, and Unum Life Insurance Company of America, and Richland County, South Carolina; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Manning stated the committee recommended approval of this item. The vote in favor was unanimous.
- b. Authorizing the execution and delivery of an amendment to a 2014 Fee Agreement by and between Richland County, South Carolina [and Project Meds] to provide for certain infrastructure credits; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Manning stated the committee recommended approval of this item. The vote in favor was unanimous.
- c. A Resolution certifying property located at 1087 Shop Road and 1115 Shop Road as abandoned building sites pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67 of the Code of Laws of South Carolina, 1976, as amended – Mr. Manning stated the committee recommended approval of this item.

Mr. Malinowski inquired about an apparent contradiction in the language of the resolution. The resolution states, "...is eligible either for a credit against certain income taxes, license fees, or premium taxes, or a credit against local property taxes", but also states the following: "shall have no fiscal impact on the County".

Ms. Harrison stated the taxpayer will receive an income tax credit and not a property tax credit. State law provides for an income tax credit for a certified abandoned building.

In favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

The vote in favor was unanimous.

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

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

- a. Accommodations Tax – Five (5) Vacancies (One applicant must have a background in the Cultural Industry; Three [3] applicants must have a background in the Hospitality Industry; and One is an at-large seat) – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- b. Hospitality Tax – Two (2) Vacancies (Applicants must be from Restaurant Industry) – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- c. Internal Audit Committee – One (1) Vacancy (Applicant must be a CPA) – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- d. Business Service Center Appeals Board – One (1) Vacancy (Applicant must be an attorney) – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- e. Board of Assessment Appeals – Two (2) Vacancies – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- f. Richland Memorial Hospital Board of Trustees – Three (3) Vacancies – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- g. Central Midlands Council of Governments (CMCOG) – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- h. Building Codes Board of Appeals – Two (2) Vacancies (One applicant must be from Architecture Industry and One from the Contractor Industry) – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- i. Employee Grievance Committee – One (1) Vacancy (Applicant must be a Richland County employee) – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- j. Procurement Review Panel – Two (2) Vacancies (One applicant must be from the Public Procurement Arena and One applicant must be from the Consumer Industry) – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- k. Community Relations Council – Two (2) Vacancies – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.

- l. Township Auditorium Board – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- m. Historic Columbia Foundation – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- n. Airport Commission – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- o. East Richland Public Service Commission – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- p. Planning Commission – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- q. Central Midlands Regional Transit Authority (CMRTA) – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- r. Lexington Richland Alcohol and Drug Abuse Council – Two (2) Vacancies – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.

**II. NOTIFICATION OF APPOINTMENTS**

- a. Transportation Penny Advisory Committee – 3 – Mr. N. Jackson stated the committee recommended appointing Mr. Brian Colclough, Mr. Karim Johnson, and Ms. Tiajuana “Tia” D. Evans to the Transportation Penny Advisory Committee for 4 year terms.

In favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, McBride

The vote in favor was unanimous.

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

Mr. Pearce stated the Blue Ribbon Ad Hoc Committee met on October 4<sup>th</sup>, which was the 2<sup>nd</sup> Anniversary of the flood. The committee took note that they never expected to be meeting for 2 years and have yet to resolve the issues with the Federal Government.

- a. FEMA Hazard Mitigation Grant Program – Mr. Pearce stated the County submitted 9 applications ranging from community outreach, infrastructure strengthening and buying out properties damaged in the flood. Three of the property buying applications have been awarded, totaling 49 residential properties. The committee unanimously recommended approval of 3 Tetra Tech project management task orders for grant management. The costs are all included in the FEMA grants requiring no County funds.
  - 1. Task Orders for Implementation – Mr. Pearce stated the committee unanimously recommended approval of 3 Tetra Tech project management task orders for grant management. The costs are all included in the FEMA grants requiring no County funds.

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

The vote in favor was unanimous.

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

2. RFQ Postings for Implementation – Mr. Pearce stated the committee recommended posting of 3 RFQs for 3<sup>rd</sup> Party services: appraisal, legal closing and property demolition/restoration. The costs of these services are included in the FEMA grants.

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

The vote in favor was unanimous.

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

3. Extension of temporary fee waivers for flood-related work – Mr. Pearce stated the committee recommended the 2-year extension of temporary waivers for building permits, plan review and business license fees for flood-related work. Immediately following the flood, Council approved a waiver of these fees when proven to be for the repair of flood damaged properties or for the businesses performing this work. Given the release of Federal funds this repair work will continue, if not increase, over the next couple years.

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

The vote in favor was unanimous.

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

b. Community Development Block Grant-Disaster Recovery:

1. Action Plan Amendments – Mr. Pearce stated the committee unanimously recommended County Council approve the CDBG-DR Action Plan Amendments, including the substantial amendment for the additional \$7.25M and establishment of a new intake period.

In favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

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

- c. CDBG-DR Second Allocation Update Mr. Pearce stated the committee unanimously recommended County Council approve the CDBG-DR Action Plan Amendments, including the substantial amendment for the additional \$7.25M and establishment of a new intake period.

In favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

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

## **OTHER ITEMS**

- a. Contract Award for Engineering Services for Stoney Point/Cedar Cove Sewer Rehab Project – Mr. Manning moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski inquired as to what the bid amounts were for the firms.

Ms. Wladischkin stated this was a Request for Proposal; therefore, all of the costs associated were negotiable. The amount in the agenda packet was the negotiated with the highest ranked offer, Joel E. Woods & Associates.

In favor: Pearce, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

The vote in favor was unanimous.

- b. A Resolution to appoint and commission George Person, Jr., as a residential building inspector for the proper security, general welfare, and convenience of Richland County – Mr. Manning moved, seconded Ms. Myers, to approve this item. The vote in favor was unanimous.
- c. FY18 – District 4 Hospitality Tax Allocations – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

In Favor: Pearce, N. Jackson, Malinowski, Kennedy, Myers, Manning McBride

The vote in favor was unanimous. Mr. Rose, for the record, was not present during this vote.

- d. FY18 – District 7 Hospitality Tax Allocations – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

In Favor: Pearce, N. Jackson, Malinowski, Kennedy, Myers, Manning McBride

The vote in favor was unanimous. Mr. Rose, for the record, was not present during this vote.

- e. FY18 – District 8 Hospitality Tax Allocations – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

In Favor: Pearce, N. Jackson, Malinowski, Kennedy, Myers, Manning McBride

The vote in favor was unanimous. Mr. Rose, for the record, was not present during this vote.

**CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda** – Mr. Charles Cammisa spoken regarding abandoned roads in his subdivision.

*Council went into Executive Session at approximately 8:06 PM and came out at approximately 8:17 PM.*

## **EXECUTIVE SESSION**

- a. Richland County Recreation Commission: Potential Litigation/Proposed MOU – Ms. Myers moved, seconded Mr. N. Jackson, to direct the Richland County Council liaisons meet with the Richland County Recreation Board and discuss with them Council's needs and concerns. The vote in favor was unanimous.

Mr. N. Jackson stated he would like for his motions regarding the Recreation Commission to continue moving forward.

**MOTION PERIOD**

- a. I move that we re-allocate some of the funding we used to increase the general fund balance farther above the minimum policy amount than it already was, and given that the FY 16-17 budget produced a surplus, to EMS [MANNING] – This item was referred to the D&S Committee.
- b. I move that 2020 Hampton Street discontinue the practice of scheduling meetings for Council members at the same time [MANNING] – This item was referred to the Rules & Appointments Committee.

**ADJOURNMENT** – The meeting was adjourned at approximately 8:20 PM.

X

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Joyce Dickerson  
Chairwoman

X

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Bill Malinowski  
Vice Chair

X

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Calvin "Chip" Jackson  
District Nine

X

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Norman Jackson  
District Eleven

X

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Gwendolyn Kennedy  
District Seven

X

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Paul Livingston  
District Four

X

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Jim Manning  
District Eight

X

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Yonne McBride  
District Three

X

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Dalhi Myers  
District Ten

X

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Greg Pearce  
District Six

X

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Seth Rose  
District Five

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