



## Richland County Council

SPECIAL CALLED MEETING  
November 7, 2017 – 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Bill Malinowski, Vice Chair; Calvin “Chip” Jackson; Norman Jackson; Gwendolyn Davis-Kennedy; Paul Livingston, 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, Pam Davis, Dwight Hanna, Ashiya Myers, Terry Wise, Larry Smith, Roger Sears, Tony Edwards, Ashley Powell, Shane Kitchens, James Hayes, and Kimberly Willams-Roberts

**CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 6:00 PM.

**INVOCATION** – The invocation was led by the Honorable Greg Pearce

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Greg Pearce

Mr. Malinowski stated Chairwoman Dickerson was in Washington, DC attending National county meetings and meeting with other elected officials.

### **APPROVAL OF MINUTES**

- a. Special Called Meeting: September 12, 2017 – Mr. N. Jackson moved, seconded by Mr. Pearce, to approve the minutes as distributed.

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

The vote in favor was unanimous.

- b. Regular Session: October 17, 2017 – Mr. N. Jackson moved, seconded by Mr. Pearce, to approve the minutes as distributed.

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

The vote in favor was unanimous.

- c. Zoning Public Hearing: October 24, 2017 – Mr. Pearce moved, seconded by Mr. N. Jackson, to approve the minutes as distributed.

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

The vote in favor was unanimous.

**ADOPTION OF AGENDA** – Ms. Myers moved, seconded by Ms. Kennedy, to adopt the agenda as published.

Mr. Seals stated Jdg. Simons requested to introduce an item related to the Decker Center under the Report of the County Administrator.

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

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

The vote in favor was unanimous.

**REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS** – Mr. Smith stated there were no items for Executive Session.

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

**REPORT OF THE COUNTY ADMINISTRATOR**

- a. Project A Update – Mr. Seals stated Council Memorandum 11-2, which includes the financing mechanisms related to Project A, has been provided to Council. This will provide Council an opportunity to first read the report prior to attending one of the established work sessions. At the work sessions, Council will receive a complete and thorough debriefing. He further requested that this be slated for the Council meeting on November 14<sup>th</sup>.
- b. Total Rewards Vendor – Mr. Seals stated this matter concerns the Comp & Class Study. Proposals were received from two (2) vendors: Conduit Consulting and People and Pay Consulting. Council is requested to authorize negotiation, and upon the successful negotiation, then award a contract with the highest ranked offeror in response to the request for proposal. Per the procurement ordinance, there is a team that is established that represents a cross section of County employees and will be conducting the independent evaluations. In order for us to stay on track and keep our promise to Council and employees to complete the study by April 2018, this item is being brought to Council to expedite the process. The expedited process is provided for in the County's procurement. As you are aware, cost is not before Council because this is a negotiation and is kept confidential until after the award. RFPs are a negotiated process and if the negotiations fail, in terms of the highest offeror or the one receiving the highest ranking, then the County would make the decision whether or not it would go to the next highest ranker offeror. In effect, to do this right, we do not want to show our hand too early. If Council is uncomfortable, there is an option to designate a not to exceed; therefore, we would abide by that. What is important for Council to remember is the funding for the study is a part of the First Year of Biennium Budget I. Although it would be inappropriate to give that number out while negotiations are ongoing. Again, the request is for Council to approve staff entering into negotiations and render the negotiations complete. The item will be brought back to Council.

Mr. Livingston stated for clarification there is money in the budget for this item.

Mr. Seals responded in the affirmative.

Mr. Livingston inquired if the negotiated amount is beyond the budgeted amount will it be brought back to Council.

Mr. Seals responded in the affirmative.

Mr. Livingston inquired as to where the companies are located.

Mr. Malinowski stated while the Administrator has requested Council's permission to move forward on this, do we need a motion before there is discussion.

Mr. Smith stated Mr. Livingston is only asking for information at this point; therefore, a motion is not necessary until Council is ready to proceed with a vote.

Mr. Seals stated this was a national solicitation and two (2) firms responded. One of the firms is based in Illinois and the other is based in New Jersey.

Mr. N. Jackson moved, seconded by Mr. Livingston, to proceed with the Administrator's recommendation.

Mr. Rose stated for clarification we are proceeding with staff's recommendation.

Mr. Malinowski responded in the affirmative.

Mr. Pearce requested the motion be restated.

Mr. N. Jackson stated the Administrator would like Council's permission to move forward with negotiations and bring back information to Council.

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

The vote in favor was unanimous.

- c. Jdg. Simons' Decker Center Report – Jdg. Simons stated he provided Council members with a copy of a presentation entitled "From Strip Mall to Courthouse: Bringing Justice to the Community". The project was submitted to the AIA (Architectural Institution of America) by the architectural firms, Carter Goebel and Boudreaux Group, which designed and did the work on the building. The project was discussed at AIA's Fall Conference. They felt the project had a lot of unique characteristics you do not find in courthouses. One is the fact a strip mall was converted to a first-class courthouse with the Sheriff's substations, community room, and that the community is able to hold festivals in the parking lot. Additionally, the way the roof was constructed to ensure the water is not wasted, but is used for irrigation.

**POINT OF PERSONAL PRIVILEGE** – Mr. Manning thanked everybody for their contribution to the project. In addition, he stated he was curious when Richland County is going to be on the cover of the SCAC Focus magazine.

Mr. Pearce stated he will take care of that on the County's behalf.

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

- a. Reopening Richland Library – St. Andrews Branch, November 15<sup>th</sup>, 10:00 AM – Noon, 2916 Broad River Road – Ms. Roberts reminded Council of the Re-opening of the Richland Library's - St. Andrews Branch on November 15<sup>th</sup> at 10:00 a.m.
- b. REMINDER: Midlands Technical College Annual Oyster Roast & Shrimp Boil, November 9<sup>th</sup>, 6:00 – 8:00 PM, MTC Northeast Campus – Ms. Roberts reminded Council of the Midlands Technical College's

Annual Oyster Roast & Shrimp Boil on November 9<sup>th</sup> at 6:00 PM at the Midlands Technical College's Northeast Campus.

- c. November Council and Committee Meetings – Ms. Roberts reminded Council of the remaining November meeting dates.
  - 1. November 14 – Special Called Meeting
  - 2. November 16 – D&S and A&F Committee Meetings & Zoning Public Hearing
- d. Recreation Commission Final Executive Director Candidates Meet & Greet, November 9, 5:00 – 5:30 PM, Parklane Adult Activity Center, 7494 Parklane Road – Ms. Roberts reminded Council of the Recreation Commission's Final Executive Director Candidates Meet & Greet on November 9<sup>th</sup> at 5:00 PM at the Parklane Adult Activity Center.
- e. Midlands Business Alliance, November 9, 5:30 PM, Riverbanks Zoo – Mr. Pearce informed Council of an invitation to the Midlands Business Alliance event. He stated Council members were sent individual invitations and not the Clerk's Office; therefore, it was not on Council's master calendar.

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

- a. SC Alliance Conference with Congressional Delegation – Mr. Malinowski stated he mentioned that Chairwoman Dickerson was in Washington, DC at the beginning of the meeting.

#### **OPEN/CLOSE PUBLIC HEARINGS**

- 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 – No one signed up to speak.
- 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 – No one signed up to speak.
- 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 – No one signed up to speak.
- d. An Ordinance Authorizing the re-direction and expenditure of unspent proceeds of certain of the County's bond issues; and other matters relating thereto – No one signed up to speak.

- e. An Ordinance allowing for the temporary waiver of building permit fees and plan review fees for homeowners, contractors, and "Volunteer Organizations Active in Disaster" (VOADs), and allowing for the temporary waiver of business license fees for contractors and "Volunteer Organizations Active in Disaster" – No one signed up to speak.
- f. 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 – No one signed up to speak.
- g. Authorizing the execution and delivery of an amendment to a 2014 Fee Agreement by and between Richland County, South Carolina, the Ritedose Corporation and TRC Propco, Inc. to provide for certain infrastructure credits; and other related matters – No one signed up to speak.

#### **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 [THIRD 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 [THIRD 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 [THIRD READING]
- d. 17-017MA, Larry S. Umberger, GC and RM-MD to OI (2.06 & 1.6 Acres = 3.66 Acres Total), 2605 Seminole Road, TMS # R06015-04-03 & 06 [SECOND READING]
- e. 17-018MA, James Huggins, GC to LI (4 Acres), Dutch Fork Road, TMS # R02408-02-04 [SECOND READING]
- f. 17-020MA, Jimmy L. Thompson, RR to RU (22.79 Acres) 510 Koon Store Road, TMS #R12110-01-14 [SECOND READING]
- g. 17-024MA, Inga Brooks, RS-HD and NC to GC (1.01 Acres), 4120 Bluff Road, TMS #R13509-02-36, 37 & 38 [SECOND READING]

- h. 17-030MA, Thomas O. Milliken, RU and OI to GC (50.54 Acres), Legrand Road, TMS # R17110-02-02, 03, 05; R17113-01-19; R17117-01-10, 11, 13; R17109-04-01 [SECOND READING]
- i. 17-031MA, Thomas O. Milliken, RU and OI to RS-MD (72.6 Acres), Legrand Road, TMS # R17110-02-01; R17111-02-01 & 04 [SECOND READING]
- j. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new Flood Insurance Rate Map [SECOND READING]
- k. An Ordinance Amending the “2015 Richland County Comprehensive Plan – Putting the Pieces in Place”, adopted on March 17, 2015, by incorporating the “Capital Mill District Area and Corridor Plan” into the plan [SECOND READING]

Mr. N. Jackson moved, seconded by Ms. Myers, to approve the consent items.

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

The vote in favor was unanimous.

**ORDINANCES – THIRD 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. N. Jackson moved, seconded by Ms. Myers, to approve this item.

Mr. Malinowski inquired if the dollar amounts provided to Council for the different groups were included in the budget and we are receiving the funds from the excess of the bonds and is not coming out of the General Fund.

Mr. Seals responded in the affirmative and the information was provided to Council through the Administrator’s Report.

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

Opposed: Malinowski and Manning

The vote was in favor.

**ORDINANCES – SECOND READING**

- 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 – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

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

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 the Ritedose Corporation and TRC Propco, Inc. to provide for certain infrastructure credits; and other related matters – Mr. Livingston moved, seconded by Mr. C. Jackson, to approve this item.

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

The vote in favor was unanimous.

- c. An Ordinance allowing for the temporary waiver of building permit fees and plan review fees for homeowners, contractors, and “Volunteer Organizations Active in Disaster” (VOADs), and allowing for the temporary waiver of business license fees for contractors and “Volunteer Organizations Active in Disaster” – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

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

The vote in favor was unanimous.

#### **ORDINANCES – FIRST READING**

- a. An Ordinance authorizing the issuance and sale of not exceeding \$ ----- General Obligation Bond, Series 2018A, or such other appropriate series designation of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto – Mr. Livingston moved, seconded by N. Jackson, to approve \$240,000,000 in General Obligation Bonds.

Mr. Pearce stated it was his impression the amount should be \$250 million and not \$240 million.

Mr. Livingston stated he would be fine with \$250 million too, but he went with \$240 million based on his conversations and observations.

Mr. N. Jackson stated he did not know this was related to the penny. He inquired if there was a motion to bring this item to Council.

Mr. Smith stated this item was taken up in Executive Session and bond counsel was present to brief Council members. At the September 12<sup>th</sup> Council meeting this item was taken for First Reading and failed. At the subsequent meeting, a motion was made to reconsider the item and was then deferred to the November 7<sup>th</sup> Council meeting.

Mr. N. Jackson inquired if items usually go to committee first or was the motion to just take it to First Reading without going to committee.

Mr. Smith stated this particular item did not go through a committee, but a Special Called meeting was held to discuss this item in detail. If you recall, the majority of that meeting occurred in Executive Session.

Mr. Malinowski stated it was his understanding this item was taken up by the Transportation Ad Hoc Committee and was forwarded to Council.

Mr. N. Jackson inquired if it is a General Obligation bond and if the Penny can be General Obligation bonds.

Ms. Heizer stated in the November 2012 successful referendum there was a specific question to authorize the issuance of not to exceed \$450 million of General Obligation bond to be paid from the penny. So this is referendum approved, General Obligation debt, which does not count against the County's 8% constitutional debt limit. We will all have to have a very high comfort level before these bonds are issued that there will be enough penny revenue every year to make the debt service payment, so there would never be a realistic possibility that millage would have to be on. Technically, they are General Obligation bonds, but they are intended to be paid solely from penny revenue.

Mr. N. Jackson inquired if we are certain we have the annual revenue available to handle a \$240 million bond.

Ms. Heizer stated numbers have been run that would indicate there is enough revenue. Before the bonds are issued there would be an opportunity for Council to see the proposed debt service detail and be comfortable with it. She noted the concern about the availability of the revenue relates to ongoing litigation. The plan is for the bonds to be sold sometime the first part of February. As a practical matter, if you choose to go forward tonight, there would be opportunities, and counsels' responsibility, to update Council so the bonds are not sold unless they have the comfort that the revenue is going to be there and satisfied with the debt service schedule.

Mr. Manning requested clarification that Council is only moving ahead on First Reading and not making the final decision tonight.

Mr. Cromartie responded in the affirmative.

Mr. Manning requested clarification that Mr. Livingston's motion is for "up to" \$240 million.

Mr. Livingston responded in the affirmative.

Mr. Manning stated that amount can be modified on Second or Third Reading. He further stated he did not know if Mr. Livingston had an opportunity to study Council Memorandum 11-1, which had a figure of \$311 million. It appears the \$311 million figure was the Administrator's recommendation to Council. He requested to reserve the right to look at the document more deeply.

Mr. Seals stated he appreciates the fact Council is going to look at the memorandum; however, it needs to be noted the Administrator has not made a recommendation. And will not. He stated he was requested to provide Council with options and the consequences of those options.

Mr. C. Jackson stated the Administrator is not making a recommendation. It sounds like the bond attorneys are not making a recommendation. Is there anyone making a recommendation or are we going to assume the sole responsibility of this is coming from Council?

Mr. Seals stated there have been a variety of issues placed before Council. We could easily say the \$250 million was a PDT recommendation, but we recently became aware the PDT does not necessarily agree with that. The Acting Director of Transportation was requested to prepare a drawdown schedule, which is what it would take to satisfy a certain level of funding. The total provided was \$311 million. The 3<sup>rd</sup> option is pay as you go. He further stated his understanding of Council's direction was to respond to the three options and provide their consequences. Therefore, he did not direct staff to give any recommendations and he is not making any recommendations.

Mr. Manning stated County staff is not making a recommendation. The PDT made a recommendation, but they disagree with themselves. It is his understanding the bond attorneys are not going to make a recommendation, but he has not heard from the financial advisor. He inquired if they would make a recommendation.

Mr. Seals responded it would not be appropriate for the financial advisor to do that. If it is Council's wishes and direction the recommendation would come from the Administrator. He stated he is not providing a recommendation because he did not believe that was his assignment.

Ms. Myers stated there are experts on staff and they have evaluated what has been submitted by the PDT. It would help her immensely to have a recommendation from staff.

Ms. McBride stated this was discussed at the Special Called meeting and the Transportation Ad Hoc Committee meeting. It is her understanding there is a time element we are dealing with and this is First Reading, so we have an opportunity to come back and make changes.

Mr. Malinowski stated it is his understanding we have until December to come in with a final recommendation.

Ms. Heizer stated that is correct. One thing she wished to point out is that this item requires a public hearing and it is bond counsel's recommendation you do not increase the amount to be borrowed after the public hearing.

Mr. Pearce stated he is concerned about Ms. Heizer's previous comments regarding the pending litigation in the Supreme Court.

Ms. Heizer stated the Supreme Court has certain issues with the case that Richland County brought against the Dept. of Revenue.

Mr. Pearce inquired if the other lawsuit is germane to present item.

Ms. Heizer stated the 2<sup>nd</sup> suit is not of the same level of concern as the 1<sup>st</sup> lawsuit. As you recall, the reason the County filed the lawsuit was there was a threat from DOR to withhold the penny. And that is the big issue. Does somebody have the legal right to withhold the penny revenue? We certainly want the Supreme Court to say no the DOR does not have the right to withhold that revenue. If the revenue flowed the numbers would work. We need to be sure a Third Party and an agency of the State does not have the legal authority to unilaterally decide to withhold the penny.

Mr. Pearce stated what concerns him is the County does not have an indefinite amount of time and the Supreme Court is sitting on a decision that affects this.

Ms. Heizer stated she does not think it is their role to advise Council whether or not to issue bonds or a certain of bonds, but if they see legal issue that could inure to the disadvantage of the bonds being paid Council will receive a clear recommendation from bond counsel. The County Attorney, disclosure counsel and bond counsel are monitoring this closely.

Mr. Pearce stated it was his understanding the financial advisor advised Council on issues related to financing.

Mr. Seals responded in the affirmative.

Mr. Pearce inquired as to why the financial advisor would not be available to Council to offer counsel on this issue.

Mr. Seals stated the financial advisor is available. It was his understanding Council was looking for the advisor to give a recommendation on the level of issuance. The financial advisor does not do that. The financial advisor has done an analysis and the results are included in the Council Memorandum. When the issue last came up, some Council members expressed frustration about what the \$250 million figure meant. We have gone forward and done a drawdown schedule. The drawdown schedule was to be based on what came from the PDT, which was the \$250 million. If you compare the drawdown schedule with the \$250 million, the expenditures comes to approximately \$280 million. The financial advisor shared this information with Council. In order to arrive at a recommended level of bonding, if the drawdown schedule is operative, then it is going to require more than \$250 million. It is going to require more like \$311 million just to match the drawdown schedule. He stated the reason he is reluctant to give a recommendation is because he is not sure he has clear understanding from Council what Council wants. If Council has a specific goal, he can recommend that. Each approach has consequences. Once the bonds are issued there is a significant level of interest payments that have to be made; therefore, that is going to deduct the amount of dollars available for doing projects. The only scenario that has been studied and has been discussed with Council that is pure in the sense that the money that is available will be used for projects is the pay as you go. When that was brought up it became a matter of controversy. Council can certainly do any bond issuance that falls within the parameters of the original ordinance; however, it has to be kept in mind that \$250 million is going to go to projects. Approximately \$17 - \$18 million will go into interest payments.

Mr. C. Jackson stated he thought there was another figure given that would not require as much interest.

Mr. Seals stated that is correct. It was \$114 million.

Mr. C. Jackson inquired if Mr. Livingston's motion would take the \$114 million figure into consideration. He further stated he thought that figure was a more appropriate one based on his understanding that would have a far less impact on the amount of interest to be paid.

Mr. Livingston stated his motion was based on the information that he received during the meeting from the financial advisors. According to the financial advisors it will cost \$5 million on a \$100 million. He has also consulted with some other sources that had a lower projection. He also took into account that if you delay the work it is going to cost you more than the interest on the bonds.

Mr. N. Jackson stated his concern is if all of the projects presented in the referendum will be completed or will we get a bond and only complete some much and have to inform the citizens we ran out of money. He is concerned that he has seen projects completed in the City of Columbia and USC, but when it comes to the unincorporated area it is a drag. He further stated it is hard for him to approve a bond and hope to complete the projects.

Mr. Manning stated he represents mostly unincorporated Richland County and what they ask him is, "I'm not seeing anything get done. When are you going to borrow the money that we voted for? A bond, so we can go ahead and get these projects done." He believes the citizens understood there was a list of projects, but that they were voting on that, as well as borrowing the money. As a fact, he had citizens tell him they voted against the penny, but they voted for the bond because if the penny passed they wanted to get the money borrowed and get the work done.

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

Opposed: Malinowski and N. Jackson

The vote was in favor.

**REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

- a. Council Motion: Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County [MALINOWSKI] – Mr. Rose stated this item was discussed at a work session and received public input on how this would impact the business community and others. The City of Columbia was present at the work session. They stated they would issue a letter stating they would inform the County prior to any utility being put into the ground. The committee did not feel that the letter addressed the issue as indicated at the work session. Mr. Rose it was his understanding that this item was to be held in committee or to be forwarded to Council without a recommendation.

Mr. Malinowski referred to p. 175 of the agenda packet wherein it states, “The committee recommended staff draft an IGA between the City of Columbia and the County to address the notification process of upcoming water and sewer projects in unincorporated Richland County.”

Mr. Rose stated the IGA needs to be drafted.

Mr. Malinowski moved, seconded by Mr. Manning, to proceed with the recommendation from the October 24<sup>th</sup> committee meeting to direct staff to create the IGA and move forward.

Mr. Rose stated for clarification had staff not already been directed such and bring back the particulars for Council to approve.

Mr. Malinowski stated if they have we keep going back and forth with it, so he is making a definitive motion on this.

Mr. Rose stated his understanding of the motion is to have staff draft the IGA and bring it back to Council for approval.

Mr. Malinowski stated once the IGA has been drafted it will have to be presented to Council for approval.

Mr. Manning stated he deferred to the committee chair as to whether they wished the draft IGA to go to full Council or back to committee for their review.

Mr. Rose stated he will do whatever the will of Council is but certainly the purpose of committees is to vet things out and bring back to full Council.

Mr. Manning made a substitute motion, seconded by Mr. C. Jackson, to direct staff to prepare a draft IGA and send back to committee.

Mr. N. Jackson inquired if the committee had a recommendation.

Mr. Malinowski according to p. 175 of the agenda packet they did.

Mr. N. Jackson stated according to the Committee Chair they did not have a recommendation; therefore, when it comes to Council any Council member has a right to make a motion to move forward, defer or deny. Mr. Malinowski was in order when he made the motion.

Mr. Rose stated he was surprised to see this item on the agenda because it was his understanding that the committee asked for the IGA to be done prior to the next committee meeting. Then it would be vetted and moved through the normal processes. Obviously, the IGA was not a part of the packet and it was his understanding that was going to be done and come back to the committee. There was never a motion to move it forward at all.

Mr. Malinowski inquired if both motions are appropriate.

Mr. Smith responded in the affirmative.

Ms. Myers requested that both motions be restated.

Mr. Malinowski stated the substitute motion is, "to have the staff draft an IGA between the City of Columbia and Richland County, send it back to the D&S Committee for vetting" and the main motion is, "have staff draft an IGA between the City of Columbia and Richland County and bring it back to Council for voting on."

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

Opposed: Malinowski and N. Jackson

The vote was in favor.

**POINT OF PERSONAL PRIVILEGE** – Mr. C. Jackson stated this is an example of why certain committee actions and certain decisions made by both committees and Council probably will require a much more accurate recording of what takes in those meetings. He wanted to put it on the table that at some point we might want to revisit more of a professional recording effort, mechanism or personnel to ensure that we can have these types of actions clearly and adequately recorded, so we do not run into similar problems. This is now the 2<sup>nd</sup> or 3<sup>rd</sup> issue of a major matter because of inaccurate recording of it is causing a challenge moving forward. He just wanted to be put it on the table the incorporation of professional recording at certain sessions.

Mr. N. Jackson inquired when the Horizon Scan meetings are held is everything on the agenda discussed before moving forward.

Mr. Malinowski responded in the affirmative.

Mr. N. Jackson stated he would think at the Horizon Scan meeting when it is discussed what the committee decision was made the Clerk would have the minutes or information to make sure it is there before it gets on the agenda. Items are not just placed on the agenda arbitrarily.

Mr. Malinowski requested the Clerk's Office to verify the committee action on this item.

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

- a. Contract award for the Motorola 800 Megahertz Mototrbo System for Alvin S. Glenn Detention Center – Mr. Pearce stated this is the purchase of 800 Megahertz Motorola System to provide

additional communications at the Alvin S. Glenn Detention Center. The expenditure is \$217,442.88. It received a unanimous recommendation for approval.

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

The vote in favor was unanimous.

Mr. Pearce stated he heard that in 2019 all of the 800 Megahertz systems used by EMS, the Sheriff and the Detention Center are going to have to be replaced.

Mr. Seals stated that is correct due to technology advancements.

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

- a. Authorizing (1) execution and delivery of a First Amendment to Fee in Lieu of Tax and Incentive Agreement by and between Richland County, South Carolina (the "County"), and Constantia Blythewood, LLC, f/k/a Constantia Hueck Foils, L.L.C., acting for itself, one or more affiliates, and/or other project sponsors (the "Company"), in connection with certain additional investment to be located in the County; and (2) other matters related thereto [FIRST READING] – Mr. Livingston stated the committee recommended approval.

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

The vote in favor was unanimous.

- b. A Resolution authorizing the extension of the investment period under a July 28, 2000 Fee Agreement by and between Richland County, South Carolina, and Unum Group, Colonial Life & Accident Insurance Company, and Unum Life Insurance Company of America – Mr. Livingston stated the committee recommended approval.

Mr. Malinowski inquired about the following language on p. 199 of the agenda packet: "WHEREAS, in the exercise of the foregoing powers, the County, Unum Group, Colonial Life...(collectively, the "Company)". He stated he does not believe the County is a part of the "Company".

Mr. Ruble stated he does not have the exact language before him, but the language can be changed.

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

The vote in favor was unanimous.

#### **OTHER ITEMS**

- a. FY18 – District 10 Hospitality Tax Allocations – Mr. Manning moved, seconded by Mr. Livingston, to approve this item.

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

The vote in favor was unanimous.

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

**EXECUTIVE SESSION** – There were no items for Executive Session.

**MOTION PERIOD**

- a. Direct staff, in conjunction with the legal department, to determine how a service fee can be imposed on property that is not taxed in Richland County. The purpose is that even though certain properties are exempt from taxes, they still receive all amenities provided by Richland County that others must pay for in addition to property taxes [MALINOWSKI and N. JACKSON] – This item was referred to the A&F Committee.
- b. Any entity placing a person in the Alvin S. Glenn Detention Center will be responsible for paying the daily fee as determined by Richland County, as well as all medical costs incurred to include mental needs [MALINOWSKI and MYERS] – This item was referred to the A&F Committee.
- c. Revisit the 2002 Richland County Water Plan, and any updates, for providing water to unincorporated areas of Richland County and in conjunction with the future Lower Richland Sewer Project [MALINOWSKI and MYERS] – This item was referred to the D&S Committee
- d. Cease all future public meetings by the PDT unless requested by a Councilmember for their District. NOTE: There were several public meetings before the referendum was approved by the citizens and three readings and a public hearing before the ordinance was approved. These meetings are confusing to the public with promises of changes to projects. The PDT cannot make any changes, any changes to the ordinance requires three readings and a public hearing by County Council [N. JACKSON] – This item was referred to the Transportation Ad Hoc Committee.
- e. I move that Council's standing Rules and Appointments Committee study the possibility of electronic voting. This would include due diligence of best practices generally and specifically models utilized by other South Carolina counties. Additionally, the South Carolina House of Representatives' process should be considered as it was presented as a model when Council voted to have on the record voting like the House did. Recommendations of the Committee should then be brought to Council for consideration and possible action [MANNING and C. JACKSON] – This item was referred to the Rules & Appointments Committee.
- f. Staff shall use the NAICS codes approved per the ordinance in determining when a SLBE graduate from the program [N. JACKSON] – This item was referred to the Office of Small Business Opportunity (OSBO) Ad Hoc Committee

**ADJOURNMENT** – The meeting was adjourned at approximately 7:27 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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Yvonne 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