



Richland County Council
Special Called
December 11, 2018 – 6:00 PM
Council Chambers

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

OTHERS PRESENT: Michelle Onley, Beverly Harris, James Hayes, Kim Williams-Roberts, Cathy Rawls, John Thompson, Sandra Yudice, Stacey Hamm, Eden Logan, Larry Smith, Dwight Hanna, Nathaniel Miller, Jennifer Wladischkin, Mohammed Al-Tofan, Brad Farrar, Michael Niemeier, Ashley Powell, Janet Claggett, Trenia Bowers, Donny Phipps, Ashiya Myers, Quinton Epps, Edward Gomeau, John Hopkins, Shahid Khan, Jeff Ruble and Ismail Ozbek

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

4. **APPROVAL OF MINUTES**

- a. **Regular Session: December 4, 2018** – Mr. Pearce moved, seconded by Mr. Livingston, to reconsider Item #16(c): “Use of Assigned Funds – Salary Adjustments”. He stated there appears to be some confusion about cost of living versus this new program. He would like to reconsider the item to clarify what the plans are for the employee raises.

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

The was in favor of reconsidering Item #16(c): “Use of Assigned Funds – Salary Adjustments”.

This item was moved to Item #6(c) on tonight’s agenda.

Mr. Pearce moved, seconded by Ms. Myers, to approve the minutes as amended.

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

Opposed: Manning

The vote was in favor.

**Regular Session
December 11, 2018**

5. **ADOPTION OF THE AGENDA** – Ms. Myers moved, seconded by Mr. Pearce, to adopt the agenda as published.

Mr. Smith requested to remove Items 13(a) (Public Hearing) and 15(a) (Third Reading) entitled: “An Ordinance Amending and Supplementing Ordinance No. 039-12HR to add the requirement that procedures be established for: (I) Entering into Intergovernmental Agreements with other political subdivisions for completion of infrastructure projects within those political subdivisions, (II) Securing required audits from organizations receiving funds from the Transportation Sales and Use Tax, (III) Approving future changes to the infrastructure projects being funded with the Transportation Sales and Use Tax, including cost and scope; and (IV) the annual budgeting process; ratifying prior actions including: (I) changes in the cost and scope of infrastructure projects, (II) privatization of said projects, and (III) appropriation of funds for said projects; and other matters related thereto” from the agenda. In addition, there are outside attorneys and consultants for Item 21(a): “Approval of Resolution Authorizing the Issuance and Sale of Not to Exceed \$158M for the General Obligation Bond Anticipation Notes”; therefore, he is requested this item be moved up on the agenda.

Mr. Malinowski stated we will move Item 21(a) to Item 6(c) and make the reconsidered matter Item 6(d) on tonight’s agenda.

Mr. Manning stated, for clarification, Item #19 is “Report of the Rules and Appointments Committee”, which he believes did not meet today. He stated Item #20 is a standalone item that not a Report of the Rules and Appointments Committee. He wanted to make sure that Item #20 was going to be properly on the agenda for action.

Mr. Malinowski stated Item #20 is an item that was in the Rules and Appointments Committee, but the way the system is set up it has to be listed as a standalone separate item. It would have been a report from the Rules and Appointments Committee.

Mr. Manning stated, for clarification, the agenda, because of formatting of software, is inaccurate here, and possibly any number of other places, as well.

Mr. Malinowski stated he could not speak for other places, but he has asked the Clerk’s Office previously and this is the only place that formatting does not allow it to be placed like the other items. The other items are all correctly formatted.

Mr. Manning stated, given that, he would like to like to request unanimous for Item #20 to indeed be a standalone for Council’s action this evening.

Mr. Malinowski requested the Parliamentarian to give an opinion on whether an item that was not taken up in committee can be taken up by full Council since it was not properly staffed.

Mr. Smith stated, on the issue of whether this matter was properly handled and reported out of committee, the rules do talk about matters going to the committee, and then them being forwarded properly to Council. In terms of the staffing issue, he does not know that the rules speak to staffing, but they do speak to the fact that matters that go to a committee must be reported out of committee. If Mr. Manning’s motion is now to waive the rules so that this matter can be heard, then this issue would go to the issue of the matter being report out of committee, and if Council wishes to take the matter up, you would need unanimous consent in order to accomplish his motion.

Mr. Manning moved, seconded by Mr. C. Jackson, for unanimous consent for all procedure necessary for us to take up Item #20 (a)-(k) as a part of tonight's agenda.

Mr. C. Jackson stated, for clarification, that this item is simply to announce the vacancies.

Mr. Malinowski stated it is so the vacancies for the boards, committees, and commissions can be advertised by the Clerk.

Mr. C. Jackson stated, for clarification, that all of these have vacancies currently.

Mr. Malinowski responded in the affirmative.

Mr. C. Jackson stated without doing this we would not be able to announce solicitation for people to apply.

Mr. Malinowski stated we would not be able to advertise until we come back in February.

Mr. N. Jackson stated these are notice of vacancies, which means the committee does not have to take action. Whenever these things are available, we post a notice that they available. Normally, when the committee meets they may do interviews or discuss an item and give a report on that item. This is nothing to be discussed. The Clerk sees there is a vacancy available, and they post a notice. It does not necessarily have to go to committee to be discussed. He does not see why we need permission to put it on the agenda when it is just notice of vacancies.

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

Opposed: Dickerson and McBride

The motion to take up Items #20(a)-(k) failed.

Mr. Pearce stated, for clarification, it means, by this vote, that all of those boards are going to be without people because we cannot advertise for the vacancies.

Mr. Malinowski stated the boards will not be without people because the rules for all of the boards, committees, and commissions state, that is the event, there is no one to replace the person currently serving, they continue to serve until a replacement is obtained.

Mr. Pearce stated we will not be advertising to replace boards until February.

Mr. Malinowski responded in the affirmative.

Mr. C. Jackson stated, for clarification, that his question earlier was whether any of these positions vacant. He thought the answer he got back was yes. That says to him there are positions that are vacant, without people in them, which is why he 2nd the motion, so we would not have any vacant slots. He understands those people who are going to continue to serve until their slots are filled, because their terms have expired, but his question was not about them. His question was, "Are there any vacant seats on these boards?"

Mr. Malinowski stated, without getting that information from the Clerks, he cannot say. Sometimes there are vacant seats, and others there are people serving whose terms are expiring. He inquired if the Clerks had that information handy.

Ms. Roberts stated some of the seats are vacant and do not have anyone in them.

Mr. C. Jackson stated, for clarification, that those seats will remain vacant until we can advertise next year.

Ms. Roberts responded in the affirmative.

Ms. McBride stated it is her understanding that we really did not have to bring this before Council because we did not need Council's approval to announce these vacancies. From her understanding, this vote does not prevent us from the announcements. Secondly, at this point, we cannot do anything because the Rules Committee is no longer in place because of some discrepancies on whether there is a legal number of members on it. From where she stands right now, the announcement can still be made.

Mr. Malinowski stated, for at least the past 12 years, the vacancies have been placed on the Rules Committee agenda for the Rules Committee to act on and make a recommendation to Council on which vacancies need to be advertised.

Ms. Kennedy requested a legal opinion.

Mr. Smith stated the question that was raised earlier was this matter going through committee. He responded, if this is an item that is required to go through committee, and then be reported out of committee, based on your rules, then in order to accomplish Mr. Manning's motion, you would have to waive the rules. Now, there is another question that is now being asked about whether or not this is something that needs to go through committee. He does not know the answer to that question. He knows that what has been the custom and practice is that it goes through committee and reported out.

Mr. Pearce stated, for clarification, the boards that are vacant will be vacant until sometime in March.

Mr. Pearce moved, seconded by Ms. Myers, to change the rule that requires vacancies that occur to go through the committee. When vacancies occur, they are simply announced to Council by the Clerk, and posted as being vacant.

Mr. Malinowski stated there are approximately 30 vacancies, and if they were advertised now, Council would not take any action until sometime in February after applicants are interviewed. It would take at least one meeting to make the interview, and depending on how many are needed, it could take 2 meetings to conduct interviews and a recommendation to come forward.

Mr. Pearce withdrew his motion.

Mr. Manning stated he heard something very different than what Mr. Pearce heard. He heard that there is no rule. The Parliamentarian said it was customary, but nobody can point to a rule to say there is a rule. What he heard was that the Clerk's Office would advertise these. Once the advertisement was done, the people would apply. Then, whenever the Chair that is elected January 8th makes appointments to committees, the committee is going to be ready to rock and roll. The applications would be in, and screened to make they were appropriate. Interviews would be set up for the first meeting in February of the Rules and Appointments Committee.

Mr. Malinowski requested Mr. Smith to turn to pp. 11 of the Council Rules, Item #4.1(c), which talks about the Rules and Appointments Committee, and what their functions are, including the vacancies on County boards, commissions, and committees. He requested Mr. Smith to offer an opinion on whether or not we can move forward.

Mr. Smith stated it talks about the fact that the board is made up of 3 members, and their function is to review, have oversight and be an advisory body on the rules of County Council concerning appointments to County boards, commissions and committees. The committee meets on an as needed basis. The vacancy on a County board, commission or committee shall be announced at least 2 meetings prior to Council making the appointment. Such vacancy shall be advertised in the local newspaper, and it goes on to give other duties and responsibilities to the Rules and Appointments Committee, including interviewing those individuals who apply. It appears, under the rules, there is some reference under the Rules and Appointments Committee to handling the vacancies and making the announcements of vacancies on boards and commissions. It talks about when those announcements shall be made.

Mr. N. Jackson stated, for clarification, the board does interviews and makes recommendations. The board does interviews from a list of applicants. This is a notice to be advertised. The board does not have to make a decision whether they are going to advertise or not. It is supposed to be advertised. It is posted on the agenda under that committee, but the committee does not have to meet and give approval to post notices. He does not know what the big deal is that the committee has to approve it.

Mr. Malinowski stated the committee does not approve it. They forward a recommendation to the full Council for approval.

Mr. N. Jackson stated it is not a recommendation. It says here it is a "Notice of Vacancies".

Mr. Livingston stated he thinks it is very unfortunate that we cannot move forward on this item, based on the previous vote. We have a long agenda. He wished we could move forward and advertise these vacancies. Obviously, he lost that vote.

Mr. Livingston moved, seconded by Mr. Malinowski, to call for the question.

Mr. Smith stated there is no motion on the floor; therefore, there is no need to call for the question.

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

Opposed: C. Jackson, Myers, Pearce, Manning and N. Jackson

The motion to adopt the agenda failed.

Mr. Malinowski stated since we do not have an agenda, so he will ask for a motion to adjourn.

Mr. Malinowski moved, seconded by Ms. Dickerson, to adjourn the meeting.

Ms. Myers moved, seconded by Mr. C. Jackson, to reconsider the previous motion, as it relates to advertising the vacancies.

Mr. Malinowski stated he does not believe that is in order, at this time, since we have not approved the agenda.

Mr. Smith stated, as to Ms. Myers' question, a motion to reconsider can be made on the night that the vote was cast or at the next subsequent meeting, prior to approval of the minutes. The answer to the question is that she can make the motion.

Mr. N. Jackson stated a motion was made to adjourn, which had a second. Then, there was a motion to

reconsider. If you want to follow Roberts Rules, you have to take action on the item before because this not related to that item.

Mr. Malinowski stated he did not know who made the motion to adjourn.

Mr. Manning requested to know who made the motion to adjourn before he votes.

Mr. N. Jackson stated Mr. Malinowski made the motion.

Mr. Malinowski stated he did not make the motion. He thought he said, "Maybe we should have a motion to adjourn."

Mr. Malinowski withdrew his motion to adjourn the meeting.

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

Opposed: Dickerson

The motion for reconsideration passed.

Ms. Myers moved, seconded by Mr. C. Jackson, to advertise those vacancies on the list where there are vacancies. We can debate the others when we come back in February. She stated some of these committees cannot operate until we get them properly constituted.

Mr. Malinowski stated we will still need unanimous consent for this item.

Mr. N. Jackson stated, for clarification, we just voted not to advertise.

Mr. Malinowski stated we voted to not bring it out of committee and advertise all of the vacancies. Ms. Myers is narrowing down the list to only advertise where there are vacancies. The Clerk's Office will determine which boards, committees and commissions have vacancies, and advertise only those.

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

Opposed: Dickerson

The motion failed to advertise.

Mr. Pearce moved, seconded by Mr. C. Jackson, to approve the agenda as amended.

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

Opposed: Manning

The vote was in favor of adopting the amended agenda.

Mr. Manning requested that they officially codify this document, that we publish to the public, says Item #19 is Report of Rules and Appointments Committee; #20 is Notification of Vacancies, which is what the document says, but there is apparent glitch, that we have not gotten resolved, in an agenda software. We are not taking this issue up, even though it is very clear on the agenda because Mr. Malinowski was told there is a glitch in the agenda, and the way it reads is not right.

Mr. Malinowski directed IT to work on correcting the agenda software, so the agenda reads correctly.

PRESENTATIONS

6.

- a. Rhonda Hunsinger, Executive Director – SC Philharmonic – Mr. Regan Voit, Board of Directors Member, and Ms. Hunsinger, Executive Director, thanked Council for their support to the orchestra. He stated without the contributions by the County, the general public, and businesses in the community, they could not do many of the community services they do. They provide concerts at local hospitals, which is broadcast throughout the hospital. They also take their program “Conduct the Phil” to places such as Transitions, the VA Hospital and Palmetto Home. In addition, they support a youth orchestra and work closely with the school districts.

Ms. Hunsinger stated they had a Halloween at Hogswart Concert that sold out months in advance. They could not plan concerts like that without the support of Richland County Council. They are going to a Star Wars Concert on May 22nd.

- b. John Andoh, Executive Director/CEO – COMET – Mr. Andoh gave a brief presentation about the Midlands Regional Intermodal Transportation Center Study that presented to the Council of Governments in 2016. The study was initiated by the COG to study the future location for a potential intermodal facility where you can bring buses, trains, bike sharing and passenger amenities to one specific location. This is the first step needed to pursue funding from the Federal Transit Administration. An intermodal center facility is basically a facility that brings together all transportation functions to one facility. It can have many amenities, such as shopping, apartments, offices, etc. If the project is found feasible, it could take 3 – 10 years to construct at an approximate cost of \$14.7 Million. There were 22 sites considered. The study recommends continuing to have the facility at the corners of Laurel and Sumter. The City of Columbia presently owns that facility, and the COMET leases the facility. The 4 sites that were advanced for further study were the Laurel/Sumter; Main/Anthony; Main/Scott; and Taylor/Harden. As stated, the Laurel/Sumter location was the preferred location, and would take into consideration the existing City owned property, the parking lot next to the transit center, and the potential of purchasing the private property immediately next to the current transit center building. Presently, the COMET Board of Directors adopted a transit center roadmap that discussed what we are doing with the transit center today, and what we envision doing within the next 10 years. One of the caveats of the roadmap is to study the present transit system, which would include doing a short range transit plan and a comprehensive operational analysis. They are doing that in conjunction with the COG, and it will be studying the current network of the transit system. That will give them the necessary information to determine if the current system makes sense to have a transit center at the corner of Laurel and Sumter, or should they have more cross town routes and satellite super-stops where people can make transfers in alternative locations throughout the service area. That would possibly mean an elimination of the current hub and spoke concept where all the routes come to downtown Columbia and then go out. There is still merit at looking at a small intermodal transit center near the Amtrak station and USC where we can have a few COMET bus routes along with an inter-city

bus services. There can also be some consideration of a super-stop at the corner of Harden and Taylor where a few downtown bus routes can also serve. The process to implement something like that could be 2 – 5 years and would include a Title VI review.

- c. Approval of Resolution Authorizing the Issuance and Sale of Not to Exceed \$158M for the General Obligation Bond Anticipation Notes – Mr. Gomeau stated this is the recommended Bond Anticipation Note amount that we are asking for to refund the existing \$250M of Bond Anticipation Notes in February and give us an additional \$100M, which is in addition to the Penny Tax funding. He stated they have worked on the numbers and looked at the ability that we need to have in order to maintain the kind of funding we are doing. He has looked at run rates, in terms of expenditures, and this is more than enough money to keep us going. The \$250M, which we only used \$50M of, is going to cost approximately \$8M in interest in addition to other fees that are associated with bond issues. That was an expensive \$250M that we are turning back, most of which we did not use for the year.

Ms. Myers inquired, of the \$250M BAN from last year, how much was used.

Mr. Gomeau responded that we spent \$50M - \$60M. He stated you are paying interest on the whole \$250M, in addition to issuance costs and other things that go with that.

Ms. Myers stated, for clarification, Mr. Gomeau is recommending \$158M. She inquired if we will triple it next year, and if it is a 2-year BAN or 1-year BAN.

Mr. Gomeau responded it is a 1-year BAN. He stated this is a compromise between what Dr. Thompson has come up with, in terms of his cash flow needs, and what PDT thinks they can accomplish, which is in the vicinity of \$100M. If that is the case, the \$158M, plus the Penny Tax and surplus, is more than enough money to cover this. He based his look on this on the reports that he has gone over, and the run rates for construction now. Obviously, we pay the COMET and other things outside of the normal operations, but for the construction fees, we are somewhere between \$4M - \$5M run rate every month. We have more than enough money to pay that kind of payout every month. Rather than incurring additional interest, that is going to come out of the Penny funds, which we have paid a lot of interest to date on money we never used. He stated that goes against all prudent fiscal management to do that. He does know of any reason that you would want to take \$250M, which you cannot spend in a year, and pay another \$7M - \$8M in interest, for another \$50M - \$70M of expenditures.

Mr. Pearce stated, for clarification, the amount of money that is collected on the Penny Tax goes to both the COMET and the Transportation Program.

Mr. Gomeau stated that is correct. The COMET gets 18%, the internal costs for the Transportation Program is 3%, and the remaining goes into the expenditures for the program.

Mr. Pearce inquired, if when Mr. Gomeau is doing his calculations on the funds available, if he is removing the COMET money.

Mr. Gomeau stated he is not removing the COMET. He is looking at the total expenditures, but what he is saying is, in terms of the expenditures on project expenses, the run rate on that is not \$100M a year. In addition to the 18% we pay for the COMET, there is enough funds available to pay those things in addition to what the run rate will be during the year. He stated he and Dr. Thompson agree on what he needs. Now whether or not it turns out to be more or less we are not sure, but we

looked at what our needs are, and the \$158M, plus the \$65M, and the balance we have at the end of the year is more than enough to do that. The \$250M is way above anything that you will need for a year. Keep in mind you are only borrowing it for year, so if you only use \$100M you will pay interest on another \$150M, which will take money away from projects. You are already short money on some projects. You are using that extra money up by paying interest. Bonds and BANs look good, but unfortunately at the end you have to pay it back with interest. That interest is chewing up any ability you have to make up for any of the projects that have been taken off the list.

Mr. Pearce inquired, of the projects that are ready to go, if Dr. Thompson is convinced that he has sufficient funds, under this model, to pay all of those projects.

Dr. Thompson responded in the affirmative. In fact, they inserted in the agenda packet the draw down schedule. If you look at the draw down schedule, it gives you a prospective of how much money. We are looking at approximately \$118M for the PDT to spend for the next fiscal year.

Mr. Manning requested the page # of the document Dr. Thompson is referencing.

Mr. Malinowski stated it is pp. 323 – 324.

Dr. Thompson stated the bottom line, as he mentioned to the Transportation Ad Hoc Committee last week, staff does not pull numbers out of the air. These numbers come directly from what the PDT proposed in their outlays document. So as Mr. Gomeau mentioned, between the BAN and the Transportation Sales Tax, the revenues we plan to generate for next fiscal year, we will have more than adequate money. He stated he assured Mr. Beaty of that.

Mr. Pearce inquired if the Transportation Ad Hoc Committee is comfortable with this.

Mr. C. Jackson stated they are comfortable as long as there is a mechanism to fund the projects when they come up. It is clear that we cannot spend that much in one year. However, in years 3, 4 and 5, we want to make sure if we make the decision today that there will be funding, although it will be at a bond rate, which is much higher than a BAN rate, to fund those projects. Therefore, no projects will come off the list, as Mr. Gomeau has suggested.

Mr. Livingston stated, when we started the Penny process, we had a referendum. That referendum had 2 important questions on it: Whether or not you were going to support the Penny? and Whether or not you wanted to bond up to \$450M? The citizens voted on both of those items. Actually, if he recalls correctly, more citizens voted to bond projects than actually voted to approve the referendum. The citizens, at that time, said it was very important that we get these projects done as soon as possible. By doing that we may save money because of cost escalations, and so forth, and we do not want to wait 22 years to complete the projects. Council did move forward with an ordinance, whereby we approved the \$250M BAN. When we did that, he thought we were doing that based on a project projection list that he received in December 2017. The list laid out the projects and explained why we needed \$250M, and that is the reason why we approved \$250M at that given time. Part of the reason we did that was because we were told by bond counsel that we needed to meet a March 18th deadline if we desired to ever do the bond, so we moved forward to do that. We may have issued, or rolled over, the BAN, during that particular time, as a result of that decision. If he recalls correctly, we did not spend the BAN proceeds first. We were spending some of the collection funds. Since then we have passed a motion to henceforward to spend the BAN proceeds first, so that should increase the probability of us spending the bond funds. It is important to him that whatever we do tonight that we make sure we get projects completed. Remember the

concern was not so much spending the \$250M by next year. The concern was what happens if you need the money, and do not have it. If he understands it correctly, if you do not bond enough and you end up needing more in 2020 to complete projects, you will not be able to do so. His concern is he does not want to bond money and not be able to spend it, but worse than that he does not want to not do and not be able to complete projects, and the projects ending up costing us more and taking longer to complete. He thinks it is important for us to understand where we are and how do we get to where we are. Keep in mind, it is going to cost us to bond, but remember there is an additional cost to delaying projects too. One way of saying it is this is the last, and only, bite of the apple, if we are going to do the bond because we cannot do it later. He noticed the Administrator said we did \$250M bond, and we are doing a \$250M bond again, which makes it sound like we are doing \$500M in bonds, which is not the case. He thinks we need to take those things into consideration. Last time, he asked a question, if we choose not to go forward with the full bond, what is going to happen to those projects in the 2017 (i.e. which ones are going to be completed), based on us not having the funds to move forward with them. He inquired if it was true that if we do not do the \$250M bond now and we need more at a later date we cannot do another bond.

Mr. Gomeau stated we will be restricted to the \$158M.

Mr. Livingston stated he remembered sometime back when you could do a right-size resolution to a bond. In other words, if we bond the \$250M, and next year we realize we do not need it, we can do a resolution to right-size that bond and reduce the bond, but we cannot increase it. He inquired if that is correct, based on his bond knowledge.

Ms. Heizer stated what Council has in front of them tonight is a bond anticipation note, not a bond, so if you borrowed more now, and this time next year, or earlier in the year, in anticipation, you wanted less you could reduce the actual bond that you issue. This is another 1-year debt, not a multi-year debt. Before you go into multi-year debt, you would certainly want to go down in your amount, if you did not need it. Therefore, to answer Mr. Livingston's question, the answer is no. If you actually issue a bond, you cannot change the amount. You have borrowed it. You have got to repay it, but if you have a BAN you have more flexibility.

Mr. Livingston inquired, for clarification, that you can reduce the BAN.

Mr. Cromartie stated you are right-sizing now, but if you have a bond you cannot reduce that. However, if you have a BAN and you transition that into a bond, you can reduce that amount.

Ms. Heizer stated, to put it into context, this time last year, there was a lot of concern about recommendations that were made. We had the PDT numbers and needed the \$250M, use it or lose it, so that is why you borrowed \$250M, on a 1-year basis. Now, we are a year later, and the recommendation is you really do not need \$250M. The \$158M is the right-size.

Mr. Livingston stated, for clarification, it was never the expectation to use the \$250M by now.

Ms. Heizer stated, honestly, the way we set that up was that you would have multi-years to spend the \$250M.

Mr. C. Jackson inquired as to where the numbers, that are in fine print, in the agenda packet, were obtained.

Dr. Thompson responded from the PDT Quarterly Outlays document.

Mr. C. Jackson inquired as to how far back that document goes.

Mr. Beaty stated the documents go back to 2015.

Mr. C. Jackson stated, as accurate as we can be today in 2018, or as accurate as we were in 2017, 2016 and 2015. Now, the question becomes if we do not get any more than \$158M, and we need more in 2021, the only way to get to more would be to do a multi-year bond.

Mr. Cromartie stated, at present, if you borrow \$158M on the BAN, then the max you can do on the bond is \$158M. To Mr. C. Jackson's point, the maximum bond would be \$158M. You would not be able to do \$250M or \$175M, if your maximum in the BAN now is \$158M.

Mr. C. Jackson stated, if our projected expenses for projects already exceeds the revenues, and our projections are that we will not get to all of the projects, with the maximum amount, borrowing less makes it even more difficult and increases the chances of dropping projects off the list. How else would we fund them if we cannot borrow any more money? We are being told there are several projects, that right now, if we continue the rate we are going, we will be near the end of our process and these projects do not have identified funding. That is with the maximum number of dollars. If we do not borrow the maximum number, how do we fund those projects that may not even begin until 2020 - 2022.

Ms. Heizer stated the bond anticipation notes, bond, and what was authorized by the voters, is only a cash flow tool. It does not give you more money, at the end of the day. She knows one of the concerns that we have discussed with Administration, and in making the recommendation, is that for a bond anticipation note the interest rates are better, and your interest expense for bond anticipation note is not a deal killer. The issue becomes, if you use \$250M of BAN proceeds, when that number is bonded out, there is only about 10 more years in the life of the Penny, so you have \$250M to be repaid in 10 years or less. Your repayment is going to be at \$30M a year, and that comes off the top of the County's share of the Penny. She has been around since the beginning and the idea was that you would come booming out of the gate, borrow a bunch of money and start getting projects done before inflation, or you knew projects were estimated to be over budget. She thinks you need to balance the concern between having enough cash to meet the maximum expenditure versus what happens when you have used that borrowed cash, and you start to repay it and you only have about \$15M a year of pay-go. That is a complicated balance. The bottom line question is, "Are you getting 'the bang for the buck?'" in terms of beating inflation. Again, for the bond interest, we borrowed the money at a relatively low interest rate. Interest rates are higher today, so whatever we do in February, the interest rate will be higher. The investment rates are higher, so we heard a couple months ago a small amount of BAN proceeds have been spent, which is why we recommended you switch and spend more BAN, and less revenue. You are actually earning on your unspent BAN proceeds. You are earning as much as you are going to have to pay. It was also pointed out that the total of \$7M for this year's BAN was a cash premium. She thinks your out-of-pocket interest expense for this BAN will not be \$7M. Now, once you bond it out, it will probably be more than \$7M because the interest rate is higher. They have all been comfortable that doing the \$250M last year was a reasonable decision, particularly with the idea that the arbitrage would help repair part of it. She thinks whatever Council decides tonight is going to have a bearing on what you ultimately have to repay. Another BAN is another year, that interest rate will continue to be lower than long-term bonds. The ultimate decision Council has to make is the value judgment of, "Are you getting enough inflation beating energy from using borrowed money versus pay-as-you-go?"

Mr. C. Jackson inquired, when we get to the end of this process, and if we are not able to fund all of

the projects at the end of the process, what is the feasibility of going out and getting a brand new bond to finish those projects.

Mr. Gomeau stated you can certainly do that on the authority of the County. He would suggest that because he thinks that will fulfill your commitment that you started with, and it would show good faith that you made it up. The financial consultants have given us an 8-year payback on \$158M, if we issue a bond next year for that. If the \$250M goes out for 8 years, you are going to be paying \$5M a year in interest. That is \$40M that you are not going to have for those projects. His way of looking at it is, he would put enough pressure on Dr. Thompson to make sure these things cash flow works, and we make that up. He thinks Dr. Thompson can do that. He thinks that is good management of the public's dollar. If you issue a \$158M bond, it is going to cost you 60% of the \$40M, so you are going to save \$16M, which will go a long way on some of those projects. He has a public concern with this that you try to get as much out of this as you can because of the way this thing was sold. He stated, yes, the public approved \$450M, but they had no idea that if you bonded \$450M, you are paying \$10M a year in interest. He hates to see the County end up paying more money than you should for something that you do not get any value out of. You do not get any value out of interest payments.

Mr. Manning stated, when the Penny Sales Tax was being promoted to the public, it seemed to him like the COMET, or public transportation, was more like 25% of the money. He inquired if it was accurate that it was only 18% that goes to the COMET.

Dr. Thompson stated, of the \$1.07 Billion, \$300M is going to the COMET, which is 28%.

Mr. Manning stated he is concerned about the \$158M restriction, particularly with the Carolina Crossings, which most people know as Malfunction Function. He is concerned once that gets going on how we are going to find people to do our little projects here in the County. In terms of rushing to get things done, it is very important. He would like to go back and talk about the pure ignorance of Richland County voters not knowing what they were doing when they were voting for the bond. He has a little more confidence, not just because they elected him, but because they elected these other 10 people. He was here at that time, and was at many forums. As he recalls, the vote "No" was very well funded and organized, and they had excellent speakers at every forum he attended. They explained to the voters that a bond would have interest. When you borrow money to buy a house, you pay a lot of interest on it to get the house. He does not think the voters of Richland County were that ignorant that they could not understand when they voted for it. What was keenly interesting to him, as Mr. Livingston has indicated, that there were people voting "No" on the Penny, but they voted "Yes" on the bond because, being fairly well educated in hearing the vote "No" argument and the vote "Yes" argument, was that while they may not have been for the Penny, if the Penny passed they did want to get that done quickly and immediately. One of the things that South Carolina is known for is poor roads and bridges. We had a horrible bus system. It was not running on weekends. People could not go to church, or work on a Saturday. There were hardly any routes, and the people understood that if we wanted to do something significant in Richland County that you need to do two (2) things: (1) You needed to pass a bond, in our case a \$1.07 Billion Transportation Initiative; and (2) If you wanted to get it done quickly, you needed to utilize a bond, even though there was interest and cost connected to that. He thinks the people of Richland County also understand that many of the decisions we make as Council do have some risks to it, and he thinks they are okay with that, as long as we study, as well as we can and ask questions, like we asked this evening, and to try to get what they wanted done, as quickly as possible. He is also a little concerned in our looking at what we have spent up to date, because when you are out getting easements and when you have some people drawing up projects, the cost of that is very minimal compared to once

the bid goes out for Clemson Road and Hardscrabble Widening, and you have hundreds of people on the job, with a whole lot of big equipment, and not just a pencil drawing up a project, and all that goes into that. When he looks ahead, he realizes that we have the very expensive part of the Penny coming ahead of us. To base it on what we knew ahead of time, at the earlier part, would be lesser expensive, would not be well advised. He is very concerned that we would look at restricting down to \$158M in getting the money that we need to get the projects done the way in which he feels educated and informed, and not ignorant voters, voted in 2012 on the Richland County Penny.

Mr. N. Jackson stated Mr. Manning said a lot of what he was going to say. The referendum was a 22-year project, and we decided to do a bond to expedite the project. In approximately 10 years we would build out the roads and move forward. We anticipated approximately \$50M a year, but we saw the money coming in faster, so now it is \$65M a year, which means \$45M would go to the roads. At one time, we were thinking about pay-as-you build. He inquired about how much was spent on projects last year.

Dr. Thompson responded \$80M, and in this current fiscal year the budget is \$117M, but looking at the current trends PDT will spend \$85M - \$90M. The next fiscal year, we are looking at \$118M; the following fiscal year \$150M. The trend starts declining after that.

Mr. Beaty stated they are budgeting approximately \$85M in the current fiscal year. In the next fiscal year \$126M; and then \$151M, \$104M, \$98M and \$38M, each year after.

Mr. N. Jackson stated, when we passed the referendum, we did not anticipate competing with the Carolina Crossroads, which is going to spend over \$1 Billion. In the next 2 years, Carolina Crossroads will start, so you are going to have people and construction doing that project. He inquired if we will have enough people to do the County's projects.

Mr. Beaty stated that is going to be a concern. Carolina Crossroads is fully funded by the State Legislature at \$1.5 Billion. They are expected to execute a contract with the design-build team in early 2020. In late 2020, you should see construction begin on that project.

Mr. N. Jackson stated, for clarification, there could be a shortage of construction.

Mr. Beaty stated that would be fair to say. There will be more demand at that time.

Mr. N. Jackson stated another concern is we are talking about spending this money, but certain projects SCDOT is supposed to reimburse the County for. He inquired if that was calculated in any of the PDT's figures.

Mr. Beaty stated the numbers he is giving is the total project expenditures.

Mr. N. Jackson stated he is reminding the PDT there is a clause that we will build some of the roads, and when SCDOT received that money, they are supposed to reimburse us. We are talking about a shortage of funds. If we get the money back from the SCDOT, then there should not be any shortage. If we do not ask SCDOT, they are not going to give it to us. If we spend over \$8M on their projects, per SCDOT design and construction, when they get the money back from Congress, they are supposed to reimburse the County.

Mr. Beaty stated the numbers he just read is the total amount of project expenditures. If the SCDOT comes back with \$1M - \$5M, that would be to the good of Richland County.

Mr. N. Jackson stated he is sure that was put into the agreement that we would expedite some of the roads, and because it was in the STIP, when those projects are funded they are supposed to reimburse us.

Mr. Livingston stated he does share the Interim Administrator's concern regarding the costs, but at the same time, he cares about getting the projects completed in a timely manner. His concern is trying to balance those two. Just to clarify, Mr. C. Jackson asked a question about what happens if we need more money. If he heard correctly, we could borrow some more, but would that not be against the County's debt limit. Would we have to borrow it on the back of the County, opposed to using the Penny as a revenue source?

Mr. Gomeau stated it would depend on how the voters voted, or Council voted, on the bond issue. Legal counsel can speak to that, but it does not always go against the debt limit.

Mr. Livingston stated, for clarification, but it could. It would not go against the Penny revenues.

Mr. Gomeau responded in the affirmative.

Mr. Livingston stated he was not sure Mr. C. Jackson got that point when the question was answered because that is an important point. There is a probability that you may have to use the County debt limit to pay for it.

Mr. Gomeau responded in the affirmative.

Mr. Livingston stated that concerns him. Keep in mind, it is true the bond is going to cost you, but since we started this Penny Program the inflation rate has been absolutely crazy. For example, asphalt. He inquired, in the last 4 years, what the inflation rate was.

Mr. Beaty stated the overall construction increase over the last 4 - 5 years has been 8% - 10% per year. Asphalt fluctuates quite a bit, but the overall construction increase is 8% - 10% per year.

Mr. Livingston stated his point is as we stretch projects out we have to worry about the inflation rate too.

Ms. McBride inquired, with the Carolina Crossroads coming in at over a \$1 Billion, and the number of employees being required, will that put stress or additional costs on us in trying to find people to do the work. How could that impact the PDT's budget?

Mr. Beaty stated, he could say with certainty, putting \$1.5 Billion more of construction, primarily Richland County, is going to drive prices up. The demand is going to go up, so he is confident the cost of materials will go up. There is already a limited pool of construction workers. Up to this point, we have not been struggling to get bids and workers on the Penny Program, but after 2020, prices will go up and the labor pool will become tighter.

Ms. McBride stated she agreed with Mr. Gomeau in terms of us wanting to be fiscally responsible, but at the same time, she is concerned. She is one of the laypersons that voted for the Penny. She voted for it because of the transportation (buses), and because the roads are so terrible in South Carolina. She knows that most citizens wanted the same thing that she did, in terms of improving the roads. She is concerned that we put all this energy, and money thus far, in the planning. Now, it is time to get the work done, and it is going to cost more for the construction versus the planning

part, and we may not have enough to complete those projects that we have been waiting for. She listened to the projections, based on expenditures, from Dr. Thompson.

Mr. Beaty stated the numbers he gave are the total annual expenditures, for the entire program, including design, buying right-of-way, construction, and administrative costs. That is based on developing the program as quickly as they can. They have looked at how quickly projects can be developed over the course of the next 5 – 7 years, based on a \$250M bond.

Ms. McBride requested help with the discrepancy. It was her understanding we had a projection of \$158M.

Dr. Thompson stated the BAN is \$158M.

Ms. McBride stated, for clarification, the BAN, plus other revenues, should take care of everything.

Dr. Thompson responded in the affirmative.

Ms. McBride inquired, based on Mr. Beaty's expertise, if that is how much he is projecting too.

Mr. Beaty responded that he is looking at something different, so he thinks we are talking apples and oranges. He stated he would defer to the bond attorneys and financial consultants. He can talk about how quickly we can develop the projects and spend the money.

Dr. Thompson stated the \$158M breakdown is as follows: \$101M for new project proceeds, in addition to that we will have approximately \$40M of Transportation Penny revenue; \$17M expenditures from July 1 – November 30, 2018; \$20M reimbursement for the period of May 15 – June 30, 2018; and \$20M for expenditures beginning July 1, 2018 – February 2019.

Ms. McBride stated, for clarification, that should cover what is needed to continue the projects.

Dr. Thompson stated that will reimburse the Penny Sales Tax pot of money, as well as, to finance the next fiscal year expenditures at \$101M, in addition to the \$40M from the Transportation Sales revenues.

Ms. McBride stated the \$101M is basically for the PDT.

Dr. Thompson stated we are going to roll over money. For example, the PDT projected \$117M, but they are only going to spend \$85 - \$90M; therefore, you should have approximately \$27M in roll over funding.

Ms. McBride stated Dr. Thompson is saying that should be enough to cover the expenditures for the PDT. She inquired as to what Mr. Beaty says.

Mr. Beaty stated he would have to agree, based on what he understands. That scenario would fund next year, but he does not think that scenario will fund years 2 – 4. The numbers may work if you only issue \$158M, but you will be short in years 2 – 4.

Ms. Myers requested Mr. Gomeau to state how many similar projects he has done and how long he has been doing transportation/roads work.

Mr. Gomeau stated this is his 50th year. He stated, for clarification, that he has never referred to the taxpayers and residents as ignorant. If there is any ignorance that goes out there, it is because we, as public officials, do not give the amount of information that is needed. He stated he has done this for 50 years, and he has never been accused of that, during that time. In terms of looking at this, as an overall project, he has done \$550M worth of roads, \$100M worth of roads in another community, he has issued over a \$1 Billion of bonds for municipal projects, and built every kind municipal building there is (fire departments, police departments, transfer stations, landfills, etc.), so he understands financing. When you do a specific project, if you build a building, and issue a \$100M worth of bonds, it is easy because once you finish it, it is done and you pay it off. This is not the same thing. This is stretching money out over 22 years, which carries a higher interest costs. He has looked at these things, and he is giving you the best look at this. He has done it before. He would not mislead you. You do not have to listen to him, but you will not be misled.

Ms. Myers stated we are living in the best case scenario. There is not a lot of competition from other municipalities to do road projects. She inquired about the actual spend, for the 1st four years, per year.

Mr. Beaty stated for FY15 - \$24M; FY16 - \$39M; FY17 - \$68M; and FY18 - \$78M. The projected for year 5 is \$85M.

Ms. Myers stated the reason she stopped him at year 5 is because the PDT contract ends in year 5. We then have another decision to make, which is do we continue with that contract or do we do something different with the program. As far as collections, what have the Penny collections been.

Dr. Thompson stated in 2014 - \$52.9M; 2015 - \$58.6M; 2016 - \$61.5M; 2017 - \$64.3M; 2018 - \$65.1M; and \$65.6M in 2019.

Ms. Myers stated, so based on the projections, we are lacking approximately \$20M in one year. She inquired, in the actual spend, what percentage, or actual dollars, what went to roads and what went to planning, and how does that decline over the years.

Dr. Thompson stated he will have to get back with her on that breakdown.

Ms. Myers inquired if Mr. Gomeau has an idea of what the spend is, in terms of actual money in the ground, and actual money on planning and administering.

Mr. Gomeau stated he just has the summary report that is given out every month. The one thing it does give us is, from 2014 – November 2018, we took in \$386M, and \$370M was paid out, with construction cost of \$131M and \$90M for the COMET.

Ms. Myers stated, for clarification, the projection for the high year is \$151M, and then it is going back down after that.

Mr. Gomeau responded in the affirmative.

Ms. Myers stated, even in the best of all possible worlds, with no competing construction projects, the best estimate would be that we would spend \$151M, and then it would go back down.

Mr. N. Jackson inquired about how much money is needed to complete the projects or we would have left for road projects.

Mr. Beaty stated, if he understands the question, the total project estimated cost is \$750M for the roads portion, which includes part of the administration funding, and \$300M for the buses.

Mr. N. Jackson stated we have spent approximately \$300M.

Dr. Thompson stated that includes the COMET.

Mr. N. Jackson stated what he is asking is in reference to construction, and the PDT's money.

Mr. Beaty stated that is in the referendum amount. The total that will go to roads is about \$750M.

Mr. N. Jackson inquired about how much we have spent on roads already.

Mr. Beaty stated the numbers Mr. Gomeau stated included the \$50M BAN that spent, and paid back. He would say the money that has come in from Sales Tax collections has been \$320. They have also brought in some other funding (i.e. Federal). The amount that has been spent is approximately \$320M, with \$90M going to the COMET, which leaves \$230M.

Mr. N. Jackson stated, for clarification, that we have \$520M left to complete the projects. He inquired as to how much time is projected to finish the projects.

Mr. Beaty stated approximately 6 years.

Mr. N. Jackson stated, at SCDOT, they did a program entitled "27 in 7", which was 27 years of projects in 7 years. He inquired if it was possible for us to do "6 in 2". The reason why he said that is if we can do 27 years of projects in 7 years, and have that money, and the bond, to spend, and not have anything left over, or keep borrowing. We are talking 6 years...can we do it in 3 years.

Mr. Beaty stated he does not think we can get the projects developed that fast, and get them out of on the street. He stated it takes longer. We just began some of the last major projects, and it takes 2 ½ - 3 years to develop a major project.

Mr. N. Jackson stated he understands, but we have limited design engineer companies doing it. If we have the money to expedite it, then hire enough companies to do the projects in a shorter time. Then, we would not have the problem with the bond because we would be spending that money, as we see fit within a short period of time. He stated it would solve everything. He stated in your discussions that is something to look into. He does not see why you cannot hire more construction and design companies to expedite the process, instead of waiting. We are here debating about interest rates. We are going to spend \$5M a year, for the next 8 years, when we could do it in a short time.

Mr. Livingston stated he is not relying as much on what happened in the past because he cannot account for the effects of all those delays we had. His expectation is for the projects to move along a lot faster. A lot more construction is ready. He is thinking we can do things quicker and faster. He does not want to get lost not being able to pay for it and keep moving.

Mr. Malinowski stated, for clarification, that Mr. Beaty stated he anticipated the Carolina Crossroads project to begin in 2020.

Mr. Beaty responded in the affirmative.

Mr. Malinowski stated, for clarification, that Mr. Beaty also stated, once that project starts, he believes companies and workers may become more in demand, and scarcer. That being the case, why would you project the highest dollar amount to be needed for 2020, when you have these other items facing you as negatives.

Mr. Beaty stated, as managing the Program Development Team, he can only control what he can control, and that is developing the projects. He cannot control the price of construction or the fact that the SCDOT is going to put out Carolina Crossroads, or the decisions that Council makes about bonding. What he has shown Council, and the numbers he has stated, is what he feels is the quickest that we can develop the program and spend the money.

Mr. Malinowski stated, for clarification, for an optimum situation versus any other things that may come up.

Mr. Beaty responded that is correct.

Mr. C. Jackson moved, seconded by Ms. Kennedy, to approve the resolution authorizing the issuance and sale of not to exceed \$158M for the General Obligation Bond Anticipation Notes.

Mr. Livingston made a substitute motion, seconded by Mr. Pearce, to approve a resolution to authorize the issuance and sale of not to exceed \$200M for the General Obligation Bond Anticipation Notes.

In Favor: Pearce, Manning, Livingston and McBride

Opposed: Malinowski, C. Jackson, Myers, Kennedy, N. Jackson

Abstain: Dickerson

The substitute motion failed.

Mr. Manning made a second substitute motion, seconded by Mr. Livingston, to approve a resolution authorizing the issuance and sale of not to exceed \$175M for the General Obligation Bond Anticipation Notes.

In Favor: Pearce, Manning, N. Jackson, Livingston and McBride

Opposed: Malinowski, C. Jackson, Myers and Kennedy

Abstain: Dickerson

The vote was in favor of the second substitute motion.

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

In Favor: Malinowski, C. Jackson and Myers

Opposed: Pearce, Kennedy, Manning, N. Jackson and Livingston

The motion for reconsideration failed.

POINT OF PERSONAL PRIVILEGE – Mr. Manning thanked everyone for their work on this difficult issue.

- d. Use of Assigned Funds – Salary Adjustments – Mr. Malinowski stated, after speaking with some individuals on this, including staff and elected officials, Council was not given full information on the Total Rewards Study. It is the study, at the time of voting last week, he was told was 70% complete. This week he hears it is now 80%, so to vote on a Total Rewards Study, which takes in all pay raises in the future. We did not have the complete information, which is why it was moved to a work session at the Council Retreat. However, since then, he has been told what Council should have actually been voting for, for salary adjustments, were the cost of living increases, which was a 2% COLA for all employees. The cost of living increase of 2% had already been approved in the budget. With that being said, he would like to readdress this situation, and make a motion that the Total Rewards Study, upon completion, will be handled at the Retreat, but that we move forward and approve the 2% COLA adjustment for all employees in January. Mr. N. Jackson seconded the motion.

Mr. Pearce stated that is the clarification that he was looking for. He had received information from several department heads and elected officials that they were confused about the cost of living, and were not sure that was going to be coming forward. It was his understanding, the 2% was approved. He fully supports the Total Rewards concept being deferred until the study is complete.

Mr. C. Jackson stated, as he recalls during the discussion, because there was some confusion and another program was tied into the cost of living, the PDT's request, which he recalls initiating the larger conversation, and our inability to do 2 things: separate the 2 and resolve the question for both, as opposed to answering it for employees, but not answering for the PDT. They were both deferred to the Retreat. His motion, at the last meeting, was when we discussed them at the Retreat, and resolved it, they would be retroactive to January 1st, so that no one would lose any money. It would be a matter of a couple weeks, so we would have a full understanding and make a decision on the PDT's request and the County's request. We are making a decision now on one of the 2 issues. They were both going to be in the same session, so if you do you do that, but the motion that went forward was to discuss both of them at the Retreat.

Mr. Manning stated, for clarification, the discussion, and ultimate motion was that there would be a work session held. There was nothing in the motion that said it would be at the Retreat.

Mr. Malinowski stated, if that is the case, then he stands corrected. He does see where it says about a work session.

Mr. Manning moved, seconded by Mr. C. Jackson, to reconsider the approval of the minutes.

Mr. C. Jackson stated the motion he made was to specifically have this item discussed at the Retreat. Then, to have whatever decision we made at the Retreat to make it retroactive to January 1st. It is not reflected verbatim in the minutes, but that was his motion.

Mr. Malinowski stated on p. 27 it does say something similar to that. It says, "Mr. C. Jackson restated his motion to authorize a work session to discuss the salary document, and once that work session has occurred, and is ready for a vote of Council, the approval will allow pay raises to be retroactive to January 1st." Therefore, we want to correct the minutes to reflect that the work session will take place at the Retreat.

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

The vote was in favor of reconsider the approval of the minutes.

Mr. Malinowski restated the motion to correct the minutes, on pp. 27 as follows: "...authorize a work session at the Retreat to discuss the salary document,"

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

Opposed: Manning

The vote was in favor of correcting the minutes.

Mr. Pearce stated, for clarification, Mr. C. Jackson's motion would hold up the COLA because of discussing the PDT and County's request, along with the new program, but the COLA would be paid retroactive, following the discussion, and clearing up the matter, that is not related to the County employees. Their money would be forthcoming.

Mr. Malinowski stated that was the motion that was clarified from the last meeting, but the motion on the table is the one that he made after the reconsideration.

Mr. Pearce stated his whole purpose in bringing this up was to get clarity.

Mr. Malinowski stated the motion on the table is that County employees will receive a regularly scheduled 2% COLA for all employees, which funds have been budgeted in the budget.

Mr. Pearce inquired as to when the increase will be effective.

Mr. Malinowski stated in January when they normally get their COLA.

Mr. C. Jackson stated, if the funding for the cost of living was included in the budget, and we voted and approved the budget, why is it necessary for that single item to be voted on.

Mr. Malinowski stated he believes, at the last meeting, there was not clarity when Council was being talked to about raises for employees. He thinks that most of us we led to believe we were talking about the Total Rewards Study, which had nothing to do with the COLA increases. We voted to put all raises aside until we had the work session. The work session only needs to be for the Total Rewards Study, not for the COLA increase. He is trying to separate the 2 now, so we can move forward with employees receiving their COLA allowance in January.

Mr. Manning stated we have been up here talking about all this, but we have a Budget Manager and Finance Director. He would like someone to say, when we passed the Biennial Budget I, which had 2 fiscal year components in Biennial I, that included a COLA of 2% on January 1, 2019.

Mr. Hayes stated, to issue a point of clarification to Mr. Manning's question, actually that was not a part of the budget amendment for FY19. The \$3.1M, that was approved by Council, as part of the fund balance assignment is where those funds would come from.

Mr. Manning stated he believes that is a good answer, but he does not believe it was to the question he asked.

Mr. Hayes stated Mr. Manning asked whether it was a part of the budget that passed for FY19. His

answer to that was “No.” It was not a part of that, but it was approved as part of the fund balance assignment, which is 2 separate pots of money.

Mr. Manning stated, for clarification, there is \$3.1M that was assigned to personnel.

Mr. Hayes responded in the affirmative.

Mr. Manning stated, for clarification, that it was still sitting there.

Mr. Hayes responded that it is in fund balance.

Mr. Manning stated, for clarification, that it was approved for personnel purposes. So, is he right that the thought, way back when we did that, was that the comp and class program would have been completed, and we would need the money to address that.

Dr. Yudice stated what we presented to Council was Phase I of the Total Rewards, that we combined with the 2% COLA increase. Now, we have to wait until Council has the work session, at the Retreat, to bring back the portion of the Total Rewards system in order to bring the current salaries up to the market rate.

Mr. Manning stated that is assuming it is complete.

Dr. Yudice responded in the affirmative.

Mr. Manning stated that is his concern with what Mr. Pearce said about staff being guaranteed they were going to get money retroactively. Until you know where the money is, where it is going, you pass it, and you either reconsider or approve the minutes, we are not guaranteeing any employee anything.

Dr. Yudice stated Council approved the \$3.1M in September 2018.

Mr. Manning stated, he understands that, but it is based on the Total Rewards Program.

Dr. Yudice stated a part of it. The 2% COLA increase is already there. The rest of it, we will bring back to Council next year.

Mr. Manning stated, for clarification, so the COLA money is there.

Dr. Yudice stated the \$3.1M includes the 2% COLA increase.

Mr. Manning stated, then he is back to what Mr. C. Jackson said, if we approve the COLA, and we continue with the COLA. Come January 1, we have funded COLA. We have funded a 2% COLA. We can begin the 2% COLA on January 1, and the remainder of the money will still be there that we institute, if the package is done. If he recalls, it was going to be done in March, then it got pushed to the summer, and now it is getting pushed to the Retreat. Whenever it gets completed, and Council approves it, then the remainder of the money, even though the COLA started in January 1, would still be there for us to institute in the Total Rewards Program.

Mr. Hayes stated, for clarification, that Mr. Manning keeps using “the remainder of the money”, but the \$3.1M is dedicated totally to the 2%, across the board. We have not identified any other funding

for the residual part of the Total Rewards. The 2% was just solely for the across the board COLA.

Mr. Manning inquired, then what in the world are we waiting on to not give it to the employees, because all the money is for the COLA.

Mr. Pearce requested to have the motion restated.

Mr. Malinowski stated the motion is to give all employees the 2% COLA increase, whenever they normally get it in January. The funds are available, and dedicated strictly for that purpose.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

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

- a. Contractual Matter: USC Regarding Phase II of Greene Street Project
- b. Township Auditorium Update
- c. Personnel Matter

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

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

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

Council went into Executive Session at approximately 8:15 PM and came out at approximately 8:41 PM.

Mr. Pearce moved, seconded by Mr. C. Jackson, to come out of Executive Session.

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

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

Contractual Matter: USC Regarding Phase II of Greene Street Project – Mr. Pearce moved, seconded by Mr. Livingston, to approve the agreement between the University of South Carolina and Richland County regarding the Greene Street Phase II Transportation Project, have the Administrator to execute the agreement, and Chair or Vice Chair to execute the resolution.

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

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

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

The motion for reconsideration failed.

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

Mr. Robert Morris spoke in favor of the County paying the \$5.248M due to the COMET. He requested the County give the COMET the \$230,000 interest that accrued over the time you had the \$5.248M. If the COMET had invested the \$5.248M, they would have accrued the \$230,000.

Ms. Barbara P. Jones spoke regarding the Magistrate's Office on Wilson Boulevard. She stated they anticipated a structure that was going to be an asset to the community, but it has turned into an albatross. They are requesting the building be constructed with a brick façade or brick veneer, a few windows, and appropriate landscaping.

Mr. Robert Reese spoke regarding the Lower Richland Water and Sewer Project that is negatively effecting the schools in that area. Hopkins Elementary School is one of the schools that is negatively affected in the community. He urged Council to resolve the water/sewer issue, and to do so, so that they can have structured and intentional development in that area. The second issue is the food deserts in the Lower Richland area. He stated we need to encourage grocers to come into that area that have fresh fruit, fresh food and meats, so we can address some of the health disparities, and issues that are combatting the neighborhoods in that area.

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

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

- a. **DHEC Consent Order: Funding for Corrective Plan of Action/Reimbursement Resolution** – Mr. Gomeau called Council's attention to the Consent Order that was signed and approved with DHEC on issuing a corrective action plan to the wastewater treatment plant. On pp. 67-70 is the plan to repair and renovate the existing system to bring it up standards, so we can get released from the consent agreement. He thinks, from his discussion with officials, that we got 60 days to turn the CAP, when it is usually 45 days. A lot of that has to do with Mr. Khan's reputation in the community. There are 2 actions associated with this, one is a resolution the Vice Chairman has, in terms of allowing us to get the funds needed to implement the Corrective Action Plan (CAP). This requires a loan from the unassigned General Fund over to the General Fund that will be paid back, if you pass the resolution included in the agenda packet. In terms of the bonding, we would bond to pay for these things and pay the money back to the General Fund.

Mr. N. Jackson moved, seconded by Ms. Myers, to increase the FY2019 budget by \$3,103,000 to fund the emergency repairs to address the Broad River Waste Water Treatment Plant Consent Order. The funding will be a loan from the General Fund Unassigned Funds to the Broad River Utility System Proprietary Fund and approve the Reimbursement Resolution as presented to County Council.

Mr. Livingston inquired if the system has the capacity to repay the debt, or how will the General Fund be paid back.

Mr. Gomeau stated they are now in the process of conducting the rate study, which will be presented to Council at the Retreat. The rate study will have 2 things in it. One will be the ability to pay back this loan, and the other is on a go forward basis to be self-sufficient. Right now you are not able to be self-sufficient.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

Mr. Gomeau stated you have the resolution for the redemption of paying back the loan, which allows you to take the money out of the bond issue and pay back the General Fund.

Mr. Livingston moved, seconded by Mr. N. Jackson, to approve the Reimbursement Resolution.

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

The vote in favor was unanimous.

Mr. Pearce moved, seconded by N. Jackson, to reconsider this item.

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

The motion for reconsideration failed.

- b. Township Auditorium Update – This item was taken up in Executive Session.
- c. Financial Update Report – Mr. Gomeau stated staff is going to provide Council a monthly status report, so you will have the ability to look at it and ask questions.
- d. Pinewood Lake Update – Mr. Gomeau stated he was assigned the task of trying to bring together some kind of understanding with regards to Pinewood Lake Park. He has met with the Pinewood Lake Park Foundation and the Conservation Commission Director and Chairman. We are now going through the historical documents, to try to put something together, so when we bring them back together to agree on what their differences are. Right now we cannot get an agreement on what the differences are between the 2 parties. They seem amenable to doing things. We just have to work out the details with them so each side is able to walk away and think they did what they were supposed to do.

11. **REPORT OF THE CLERK OF COUNCIL**

- a. REMINDER: Richland County Magistrates' Holiday Luncheon, December 14, 11:30 AM, Brookland

**Regular Session
December 11, 2018**

Banquet & Conference Center – Ms. Roberts reminded Council of the upcoming Richland County Magistrates’ Holiday Luncheon.

- b. Central SC Holiday Drop-In, December 13, 5:00 PM, CSCA Atrium, 1201 Main Street – Ms. Roberts reminded Council of Central SC’s upcoming Holiday Drop-In.
- c. Council Farewell Drop-In, December 19, 4:00 PM, 4th Floor Conference Room – Ms. Roberts reminded Council of the upcoming Council Farewell Drop-In.
- d. Committee Meetings and Zoning Public Hearing, December 18th – Ms. Roberts reminded Council of the Committee Meetings and Zoning Public Hearing on December 18th.

12. **REPORT OF THE CHAIR**

- a. Personnel Matter – This item was taken up in Executive Session.
- b. Tuition Assistance Program – Mr. Hanna stated the Tuition Reimbursement Program is a benefit offered to County employees. The classes should be related to the employee’s job or enhance their performance in their job. It is on a class by class basis. It is not a degree basis. The employee pays upfront, and then is reimbursed. It is not a pay in advance; it is a reimbursement type program.

Ms. McBride inquired as to what the approval process is for an employee to participate in this program and be reimbursed.

Mr. Hanna stated there is a form, that was included in the agenda packet, the employee and Department Head signs.

Ms. McBride inquired if the approval is necessary prior to the person taking the training. Does he/she get approval for the County to pay upfront.

Mr. Hanna stated the process would be that the request would be submitted prior to the class.

Ms. McBride stated, for clarification, the request would be submitted to the supervisor, who then approves or disapproves the request.

Mr. Hanna responded in the affirmative.

Mr. Manning stated, on pp. 72, in regard to some of the questions that Councilwoman McBride was asking regarding the approval process. He stated, if he was reading this right, “Instructions for Employee”, it is highlighted, #1 is to inform supervisor prior to the budget process of any planned requested for TAP courses during the upcoming fiscal year. He stated, for clarification, when we do a biennial budget, that would not need to be before the whole biennial budget, it would be the fiscal year portion of the biennial budget.

Mr. Hanna stated, one thing he did not say is, the Tuition Reimbursement Program is paid from the respective departments budgets, and that is why that is in there so there would be adequate funding in the department’s budget. Some departments would have enough funding without that, but some may not. That is why we encourage planning in advancement.

Mr. Manning stated, for clarification, that is an encouragement, and not policy.

Mr. Hanna stated what Mr. Manning is reading from is a guideline. There have been some departments that have approved it from the approved funds in their budget.

Ms. McBride stated she knows that if you do not stay with the County for a year you have to pay back. Suppose the person leaves, how does the County recoup the money.

Mr. Hanna stated one way is they are asked to sign a document, which is a commitment to that. If the funding is available in their check, the County is authorized to take it that way. If there is not enough money there, the County will request the employee to pay it back.

Mr. Malinowski stated it says any TAP monies that are paid by the County to, or on behalf, of the employee represents pay advance, and it is deducted from their final paycheck or their paychecks as they go along. He inquired if that is in all cases, or is there some instances where the County actually pays, and reimbursement is not required. Is that only in the case of non-completion that they have to pay back?

Mr. Hanna stated the Human Resources Department is not aware of any of those cases. The reason we have it stated on there that way is because, in talking with outside legal counsel, to withhold money from an employee's check it needs to be stated that way, as a pay advance, so if they were to leave, we can legally withhold the money from their paycheck.

Mr. Malinowski stated his question is, if they successfully complete the course, do they still have to pay back tuition.

Mr. Hanna stated, if they successfully complete the course, and stay with the County, they do not.

Mr. Malinowski inquired if they payback whether they complete or do not complete the course. Do they payback both times.

Mr. Hanna stated they must successfully complete the course to be reimbursed.

Mr. Malinowski stated, for clarification, they will get reimbursement, but only if they complete the course. He inquired if employees are limited to a specific dollar amount annually they can request.

Mr. Hanna stated it is limited, based upon the IRS Regulations. He believes it also states that it can be up to 5 classes.

Mr. Malinowski stated, for clarification, this is only if an employee wants to avail themselves of this loan for tuition. They are perfectly entitled to take courses on their own, if they want to, as long as it is on their own time.

Mr. Hanna responded in the affirmative.

Mr. C. Jackson inquired, if the process is as it was outlined, and someone submits a form to HR that does not have a department heads approval, what do you do. Do you inform them of that? Send it back? Stop the process? What happens if they do not follow the correct outline?

Mr. Hanna stated he cannot recall HR getting one like that, but we would contact the department's

HR Contact and coordinate through them to have the department head to sign the form.

Mr. C. Jackson stated the reason he is asking is, obviously, someone has to check to verify the funds are there. If they are doing it during business hours, that they can free them up to do it.

Mr. Hanna stated he had never heard of that situation.

13. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Amending and Supplementing Ordinance No. 039-12HR to add the requirement that procedures be established for: (I) Entering into Intergovernmental Agreements with other political subdivisions for completion of infrastructure projects within those political subdivisions, (II) Securing required audits from organizations receiving funds from the Transportation Sales and Use Tax, (III) Approving future changes to the infrastructure projects being funded with the Transportation Sales and Use Tax, including cost and scope; and (IV) the annual budgeting process; ratifying prior actions including: (I) changes in cost and scope of infrastructure projects, (II) privatization of said projects, and (III) appropriation of funds for said projects; and other matters related thereto – *This item was removed from the agenda during the Adoption of the Agenda.*
- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Owens Corning Non-Woven-Blythewood, LLC to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – No one signed up to speak.

14. **APPROVAL OF CONSENT ITEMS**

- a. 18-033MA, Sanjiv Narang, HI to GC (1.46 Acres), 809 Idlewild Boulevard, TMS # R11209-02-04 [THIRD READING]
- b. 18-034MA, Johnathan L. Yates, PDD to PDD (49.27 Acres), 1141 Kelly Mill Road TMS # R23300-03-06 [THIRD READING]
- c. 18-037MA, Ben H. Higgins, RU to NC (1.02 Acres), 1041 McCords Ferry Road, TMS # R38000-03-02 [THIRD READING]
- d. 18-039MA, Gabriel McFadden, RU to NC (1.21 Acres), Dutch Fork Road, TMS # R01507-02-05 [THIRD READING]
- e. 18-040MA, Scott Morrison, GC to RM-HD (7.22 Acres), Brighton Road, TMS # R17004-02-02 (Portion) [THIRD READING]
- f. 18-041MA, Ridgewood Missionary Baptist Church, RU to OI (1.63 Acres), Lawton Street, TMS # R09310-03-14, 16-23 [THIRD READING]
- g. An Ordinance Amending the Richland County Code of Ordinances Chapter 26, so as to permit radio, television, and other similar transmitting towers with special requirements in the Rural (RU), Light Industrial (LI), and Heavy Industrial (HI) Districts and to remove the special exceptions requirements for radio, television, and other similar transmitting towers in the Rural (RU), Light Industrial (LI), and Heavy Industrial (HI) Districts [THIRD READING]

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

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

The vote in favor was unanimous.

15 **THIRD READING ITEMS**

- a. An Ordinance Amending and Supplementing Ordinance No. 039-12HR to add the requirement that procedures be established for: (I) Entering into Intergovernmental Agreements with other political subdivisions for completion of infrastructure projects within those political subdivisions, (II) Securing required audits from organizations receiving funds from the Transportation Sales and Use Tax, (III) Approving future changes to the infrastructure projects being funded with the Transportation Sales and Use Tax, including cost and scope; and (IV) the annual budgeting process; ratifying prior actions including: (I) changes in cost and scope of infrastructure projects, (II) privatization of said projects, and (III) appropriation of funds for said projects; and other matters related thereto – *This item was removed from the agenda during the Adoption of the Agenda.*

- b. An Ordinance Authorizing and providing for the combining of Richland County's existing water systems and Richland County's existing sewer systems into a combined system to be known as the Richland County Combined Utilities System; providing for addition of other utility systems to the combined system; providing for the operation thereof; providing for the establishment of rates to be charged for services; providing for issuance of bonds; and other matters related thereto – Ms. Myers moved, seconded by Mr. N. Jackson, to approve this item.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

- c. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Owens Corning Non-Woven-Blythewood, LLC to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – Mr. Livingston moved, seconded by Ms. Kennedy, to approve this item.

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

The vote in favor was unanimous.

- d. 18-038MA, Ken Jones, RS-LD to NC (1.62 Acres), 3409 Hardscrabble Road, TMS # R17300-06-08 – Ms. Myers moved, seconded by Mr. Livingston, to approve this item.

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

The vote in favor was unanimous.

- e. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax agreement by and between Richland County, South Carolina and Miwon Specialty Chemical USA, Inc. (Project Monopoly) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the execution and delivery of a purchase and option agreement; the transfer of approximately 15 acres of real property located in Richland County; the granting of an option on an additional approximately 15 acres of adjacent real property; and other related matters – Mr. Livingston moved, seconded by Mr. N. Jackson, to approve this item.

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

Abstain: Kennedy

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

16. **SECOND READING ITEMS**

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; so as to standardize this chapter more closely with the Municipal Association of SC's model business license ordinance and to reflect enhanced enforcement priorities to pursue enhanced quality of life for the Richland County Community – Mr. Malinowski stated he requested this item be removed from the consent agenda was because at the Committee meeting, and last week's Council meeting, Council approved, upon the recommendation of the Business Service Center Director, Pam Davis, that it receive First Reading, and then go to a work session. He stated this item was not properly on the agenda until after the work session is held.

Mr. Pearce moved, seconded by Ms. Myers, to defer this item until after the work session is held.

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

The vote in favor was unanimous.

- b. An Ordinance authorizing deed to the City of Columbia water lines for Richland Library Southeast, 7421 Garners Ferry Road; Richland County, TMS # 16409-04-02 (Portion), CF # 19-10A – Mr. N. Jackson moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski inquired if there was any detriment to the County.

Mr. Smith stated they are working on the language in the deed, that accompanies this ordinance. They encouraged Council to approve 2nd Reading of the ordinance. It is their understanding, the plan is for the library to open around the middle of February, and we do not want to delay that. They should have the language in the deed by Third Reading.

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

The vote in favor was unanimous.

- c. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; so as to limit noise in the unincorporated areas of Richland County – Ms. McBride moved, seconded by Mr. Pearce, to approve this item.

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

Opposed: Malinowski

The vote was in favor.

- d. An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to define vehicles subject thereto – Mr. N. Jackson moved, seconded by Ms. McBride, to approve this item.

Mr. Malinowski inquired about where we are on the pilot program. He stated the initial motion out of committee was to have a pilot program, created by staff, followed by legal review and possible signs at the neighborhood entrances stating, "No Overnight Truck Parking".

Mr. Farrar stated he suggested that we discuss this matter at the Council Retreat.

Mr. N. Jackson stated he has concerns. We have been doing this for the past 2 years.

Mr. Malinowski stated it is not going to get Third Reading until we come back in February anyway.

Mr. N. Jackson stated we may have a Special Called meeting next week.

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

Opposed: Malinowski and Manning

The vote was in favor.

POINT OF PERSONAL PRIVILEGE – Mr. Manning inquired if we have a running list of the things that we are sending to the Retreat.

- e. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification – Ms. McBride moved, seconded by Mr. N. Jackson, to approve this item.

Mr. Pearce inquired if this is the ordinance that has the height in it.

Mr. Malinowski responded in the affirmative.

Mr. Pearce inquired if the height had been adjusted.

Mr. Malinowski responded in the affirmative.

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

Opposed: Malinowski

The vote was in favor.

- f. An Ordinance Amending the Transportation Tax line item in the Fiscal Year 2019 Budget Ordinance of Richland County, South Carolina; delegation of authority; and matters relating thereto – Mr. Malinowski stated he did not see this on the December 4th agenda, and he does not know where it came from. It was not there when we made up the agenda, so he does not know where it came from.

Mr. Livingston stated, if it is not time sensitive, he would like to defer it.

Ms. Onley stated the item was taken up under the Transportation Ad Hoc Committee at the December 4th meeting.

Ms. Myers stated this is the ordinance telling us to use BAN proceeds first.

Mr. Livingston moved, seconded by Mr. N. Jackson, to approve this item.

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

The vote in favor was unanimous.

POINT OF CLARIFICATION – Ms. Myers stated this is so we do not incur unnecessary interest on BAN proceeds. This was discussed at the December 4th Council meeting, but reduced to the agenda in a different form. This is just to save the taxpayers money.

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

- a. Intergovernmental Agreement between Richland County, Lexington County and Town of Irmo for Engineering Services and Infrastructure Maintenance (Attachment A) – Mr. Livingston stated the committee's recommendation is to approve the amended IGA.

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

The vote in favor was unanimous.

18. **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

- a. Approval of Grant from Fairfield Electric Coop and related Assumption of Agreement from Santee Cooper – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski stated, on pp. 312 of the agenda, it says, "Whereas, Santee Cooper desires to assign to Richland County all of its right, title and interest in and to the Agreement and the Funds held thereunder and Richland County desires to assume the obligations of Santee Cooper under the Agreement." He did not see where it states what the obligations the County are assuming are.

Mr. Livingston stated there was a discussion about those, but he does not have them with him.

Mr. Ruble stated there is a separate agreement, but essentially it falls under the Utility Tax Credit Agreement. The assumption that we are taking is that we will use those funds, \$300,000, for economic development purposes. If we did not use it for economic development purposes, we would have to owe it back to Fairfield Coop.

Mr. Malinowski stated, for clarification, we are assuming we will use it for economic development. If we do not, we have to pay it back.

Mr. Ruble responded in the affirmative.

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

The vote in favor was unanimous.

- b. Award of Northpoint Industrial Park Bid – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski stated, when he goes to pp. 317, none of the figures add to the figures Mr. Ruble has.

Mr. Ruble stated they had to amend it to create an entrance road. He stated Procurement handled it. He did not deal with it directly.

Mr. Malinowski stated we have wrong incorrect figures in all of the line items, or incorrect totals, but it will add up correctly in the end.

Mr. Rubles stated the documents came from the engineering firm. At the end of the day, the recommendation is for the low bid.

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

The vote in favor was unanimous.

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

20. **NOTIFICATION OF VACANCIES**

- a. Accommodations Tax – One (1) Vacancy (applicant must have a background in the Cultural Industry)
- b. Hospitality Tax – Three (3) Vacancies (Two applicants must be from the Restaurant Industry)
- c. Employee Grievance Committee – Six (6) Vacancies (Must be a Richland County employee; 2 seats are altnates)
- d. Board of Assessment Appeals – One (1) Vacancy
- e. Board of Zoning Appeals – One (1) Vacancy

- f. Building Codes Board of Appeals – Eight (8) Vacancies (One applicant must be from the Architecture Industry; One from the Plumbing Industry; One from the Electrical Industry; One from the Engineering Industry; One from the Gas Industry; One from the Building Industry; and Two from the Fire Industry as alternates
- g. Procurement Review Panel – Two (2) Vacancies (One applicant must be from the public procurement arena & one applicant must be from the consumer industry)
- h. Planning Commission – One (1) Vacancy
- i. Internal Audit Committee – One (1) Vacancy (applicant with CPA preferred)
- j. Richland Memorial Hospital Board – Three (3) Vacancies
- k. Midlands Workforce Development Board – One (1) Vacancy (Private Sector Business seat; must represent private sector business with policy-making or hiring authority)

The Notification of Vacancies was not taken up, at the Council meeting, due there not being a Rules and Appointments Committee meeting held to make a recommendation to full Council.

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

- a. Approval to Continue the Shop Road Extension Phase I Project, Without Delaying it Based on Jushi’s Request – Mr. C. Jackson stated the committee recommended not to delay the project, unless the Jushi Corporation is willing to support the additional costs, at \$30,000 a month for 2 inspectors, to delay it.

Ms. Myers stated, for clarification, we would not incur the \$30,000 a month.

Mr. N. Jackson stated the project will not be delayed, and Jushi will work with SCDOT to do their piece.

Mr. C. Jackson stated the representative from Jushi is here, if he would like to speak to the item. He stated our last understanding was that was the case.

Mr. Ray Wierzbowski, Jushi VP of Operations, thanked the County for the Shop Road Extension. It is the only access on to their site. He asked Council to consider delaying the opening of Shop Road because that is their only access into Columbia. If we continue with opening Shop Road, as planned, it will cut off truck access. They will no longer have truck access onto their property. They are requesting time to install, at their cost, a truck entrance, to access their site, off of Shop Road. It would be devastating, if we open Shop Road, to our business, prior to allowing us to install that truck entrance. Without truck entrance, they would have to stop construction of their site.

Mr. C. Jackson stated, one of the requests they made of the company was, if they were willing to incur the costs for the 2 inspectors, we would be willing to delay. Secondly, if we did not delay, would it not be possible to continue with our work, and move with cones, to allow them to continue to build the lane they suggested. As Chair of the committee, no report was given back to him in response to whether or not the company is willing to incur the costs. He has no choice but to recommend what the committee suggested, unless Mr. Wierzbowski is offering up tonight that the company is willing to cover the costs for those 2 inspectors.

Mr. Wierzbowski stated he was not prepared tonight to make that offer.

Mr. Malinowski stated he knows, in committee, the motion was that the PDT would do what they need to do, and turn over the road to SCDOT when it is ready. Following that, Jushi can do whatever they need to do to get the road ready for them.

Mr. N. Jackson stated his concern is stopping construction at the plant. It is an important investment in Richland County, and to stop construction, which will delay the plant, because we have a disagreement. He stated it is cheaper for them to do their turning lane, and storage lane now, rather than to allow it to be built, and then go and tear it up. It is going to cost additional money, and it is a waste. You just build a median, and then tear it back out to put this project in. That is a waste of money. He thinks we should, at least, have some discussion to see how we can have this thing resolved. If they cannot have access to their plant, that is a major problem. He would support us meeting with the Jushi staff to resolve this thing. It has to be fixed before we move forward.

Mr. Livingston stated he is extremely concerned about shutting the door without trying to come up with some kind of resolution. He inquired if we know the anticipated time the PDT will be finished with the road.

Staff responded that it will be completed in March.

Mr. Livingston inquired, if we think we will be ready to close it out in March.

Dr. Thompson responded in the affirmative.

Mr. Livingston inquired as to how long Jushi will need to complete their portion.

Mr. Wierzbowski stated their plan is to be completed by March 31st, based on when SCDOT approves their turn lane. They still have to get that approved.

Mr. Livingston stated he thinks there was some discussion, in the committee meeting, about a cost.

Dr. Thompson inquired, for clarification, if Mr. Wierzbowski was referring to getting the permits from SCDOT in March, and not completing construction.

Mr. Wierzbowski stated it is their expectation, again it depends on SCDOT, to obtain approval in January and complete the work by March 31st.

Mr. Livingston inquired, if someone is traveling the road now, why is so important for it to be opened, other than the extra costs. Is there any other factor?

Dr. Thompson stated not to his knowledge. The bottom line is he does not want to incur any costs, related to the delays, so as long as we have a meeting of the mind on that, with China Jushi, they are good. The \$30,000, as Mr. C. Jackson alluded to, is the only concern. From his vantage point, it is the cost and the safety issue of placing cones out there. He stated that is a safety issue from the engineers. If we are going to delay, let us do a full-fledged delay, and yield to Jushi for them to do what they have to do. Of course, Jushi is at the mercy of SCDOT to be able to get the permit to add this entrance to their plant. They are hoping to get it in January. He is hoping they get it in January, but that could be a delay.

Mr. C. Jackson stated one of the things they have attempted to do, in being good neighbors, was to have this sort of deliberate discussion and conversation. It was his understanding, at the end of that deliberate discuss and conversation, that the next step was that we would hear back from China Jushi, in terms of their willingness to pick up these costs. We have already talked tonight about additional costs that are being incurred on Penny Projects, and we do not know where the funds are going to come from. Although it may not be a lot of money, we do not want add any additional costs, if we can avoid it, and then come back to Council trying to explain why we went over budget. This is a perfect example of that. If we are going to be on budget with this project, we need to be able to keep it moving. If there is overrun, of that budget, then someone needs to incur that costs. The motion is based upon not having gotten any response back to the request we made of China Jushi, in terms of whether or not they would incur the costs.

Ms. McBride stated, Mr. C. Jackson just said what she was about to say. We had a long conversation, in the ad hoc committee, regarding the costs and Mr. Wierzbowski was to take that back to his people to determine whether you would be able to pay the costs or not.

Ms. Myers stated she knows that everyone on Council shares this sentiment. Jushi, of course, sits in Council District 10. She knows everyone is excited about the opening. This Council, as you well know, has gone a long way down the road to make sure that Jushi is well taken care of in Richland County, and you find a happy home here. Her question would be has anyone had the discussion, or have you not had the discussion, or have you not had any answer back, because she is obviously concerned with not closing the door to getting this done efficiently, and it seems like the lag is just a few weeks.

Mr. Wierzbowski stated he has requested if we could pay the additional amount, and they are still in consideration of that. The challenge was the date. How long is it from the date of when it was going to open to the March 31st date?

Dr. Thompson responded the opening date is March 1st.

Mr. Livingston inquired as to what the committee's recommendation was.

Mr. C. Jackson stated the committee's recommendation is to not delay the project, and continue with construction until completion.

Mr. Livingston stated he does not want to say, at this point, not to delay project, because they may c come up with the money. He inquired if we can say we will delay the construction contingent upon Jushi's incurring the additional costs.

Mr. C. Jackson moved, seconded by Mr. N. Jackson, to continue with the construction of the project until completion.

Mr. Livingston stated his concern is, if the project is completed, and they come up with something, they still cannot do their entrance.

Mr. C. Jackson responded they still will be able to do their entrance.

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

The vote in favor was unanimous.

- b. Approval of Letter Recommending Awarding Bid for Candlewood Neighborhood Phase 3 Improvement – Mr. C. Jackson stated the committee recommended approval of the letter and award the bid for Candlewood Neighborhood Phase 3.

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

The vote in favor was unanimous.

- c. Approval of Letter Recommending Awarding Bid for Pedestrian Improvements 2 – Mr. C. Jackson stated the committee recommended approving the letter and awarding the bids for the Pedestrian Improvements 2, as listed.

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

The vote in favor was unanimous.

- d. Approval of Letter for Recommending Awarding Bid for Clemson Road Widening Project, Contingent on South Carolina Department of Transportation Concurrence of the Lowest Bid – Mr. c. Jackson stated the committee recommended approving the letter and awarding the bid for the Clemson Road Widening Project.

Mr. Malinowski stated he does not recall that one being in the committee. He inquired if it was, and if it was listed that way.

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

The vote in favor was unanimous.

22. OTHER ITEMS

- a. FY19 – District 10 Hospitality Tax Allocation – Ms. Myers moved, seconded by Mr. C. Jackson, to approve this item.

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

The vote in favor was unanimous.

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

Opposed: Malinowski, Myers, Pearce, Kennedy, N. Jackson, Livingston and McBride

The motion for reconsideration failed.

- b. FY19 – District 3 Hospitality Tax Allocation – Ms. McBride moved, seconded by Mr. N. Jackson, to approve this item.

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

The vote in favor was unanimous.

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

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, N. Jackson and McBride

The motion for reconsideration failed.

- c. Conservation Commission manage County-owned historic and conservation properties [N. JACKSON] {Tabled at the April 24, 2018 D&S Committee – Councilman N. Jackson and Councilwomen McBride and Kennedy are requesting placement of the item on the Council agenda for action} – Mr. Malinowski inquired if the Clerk's Office received written requests for this item to be placed back on the agenda.

Ms. Onley stated the only Councilmember she received written notice from was Councilman C. Jackson.

Mr. Malinowski stated if only Mr. C. Jackson gave written request, then this item would not be properly before us because the rules do state...

Mr. C. Jackson stated he did not submit a request; he responded to a request.

Mr. Malinowski stated, then we do not have any written request, and the rules specifically state the Clerk's Office has to receive written request from 3 members. An email would be fine, but she did not get them.

Ms. Onley stated that Mr. N. Jackson requested her to send out the request.

Mr. Malinowski stated he is going to declare this not properly before us.

Mr. N. Jackson stated Ms. Onley contacted Ms. McBride and Ms. Kennedy, as well as himself.

Ms. Onley responded in the affirmative. She stated she had verbal confirmation from Ms. McBride and Ms. Kennedy.

Mr. Malinowski stated the rules state the Clerk has to receive written requests. We are being a stickler on other rules, if that is the rule that is the rule. It is made as a written request to show that you are seriously interested.

Mr. N. Jackson stated, for clarification, when he asked the Clerk what needed to be done, she said she would send out an email and if the person agrees when she calls them, that confirms that they agree to it. That is the rule that was followed. Three people, Mr. C. Jackson would make four, agreed to it.

Mr. Malinowski stated Mr. C. Jackson responded to an email.

Mr. N. Jackson stated he responded to the email because he sent the email.

Mr. Malinowski stated he would ask for the Parliamentarian's opinion on this. The rule says it must be written. It does not say you can call 5 people, and get 5 people to say yes in a phone call.

Mr. N. Jackson stated 3 emails were sent out.

Mr. Malinowski stated there were no written requests received, except Mr. N. Jackson's, and a response to the email from Mr. C. Jackson.

Mr. N. Jackson stated, and Ms. Kennedy.

Mr. Malinowski stated Ms. Kennedy said she talked on the phone, there is not a written. Ms. McBride said she spoke on the phone, there is not a written request.

Mr. N. Jackson stated, but her email.

Mr. Malinowski stated he was going to be a stickler for the rules, just as other people were.

Mr. Smith stated he thinks the rule says that you must have a request, in writing, from 3 Councilmembers, to remove an item from committee. Now, whether or not what was sent in the form of emails, because he has not seen them, meets that he does not know.

Mr. N. Jackson stated the email was generated for the Councilmembers who were involved. He inquired if Ms. Onley received voice confirmations regarding email.

Ms. Onley responded in the affirmative.

Ms. Kennedy stated the email was sent on their behalf.

Mr. Malinowski stated not according to what Mr. Smith just stated as what the rule is. He inquired if, based on the rules, that this request is properly before the Council or not.

Mr. Smith stated the rules reads as follows, "Any not reported out to the full council by a committee within 90 days of that item having first appeared on the committee's agenda may be placed on the Council agenda when the Clerk's Office has received a written request signed by three members of Council, not less than 24 hours prior to the scheduled meeting."

Mr. Malinowski inquired, based upon that rule, would Mr. Smith say this is properly before us.

Mr. Smith stated he has not seen the document, which is being referred to as the item which came forth in writing.

Mr. Malinowski stated Ms. Onley has it, if you would like to see it.

Mr. Smith stated this appears to be an email from Ms. Onley that she sent to Mr. C. Jackson that says, "Please find below the verbiage the Clerk's Office was requested to forward to you, in order to remove this item from the table. If you are in agreement with the language, please respond in the affirmative to this email...". He stated he does not see anything in here that shows a response.

Mr. C. Jackson stated, for the record, he did respond to the email saying he concurred.

Ms. McBride stated, for the record, she talked with Ms. Onley. She did not realize she had to

respond in writing.

Mr. Malinowski stated he understands Ms. McBride gave verbal approval, as did Ms. Kennedy, but according the rules verbal does not count as this point.

Mr. Pearce stated, based on the ruling of the Parliamentarian, he requested to move the agenda.

23. **EXECUTIVE SESSION** – Mr. Smith stated the following items are eligible for Executive Session.
Mr. Smith stated the following items are eligible for Executive Session.

- a. Township Auditorium Update
- b. Personnel Matter

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

Opposed: Manning

The vote was in favor of going into Executive Session.

Council went into Executive Session at approximately 9:51 PM and came out at approximately 10:40 PM.

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

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

- a. Township Auditorium Update – No action was taken.
- b. Personnel Matter – No action was taken.

24. **MOTION PERIOD**

- a. I move that all RC contracts must be reviewed and approved by the Office of the County Attorney and that all notices under or modifications to RC contracts must be sent to the County Attorney, but may be copied to external counsel as desired. [MYERS] – This item was referred to the D&S Committee.
- b. I move that the County engage a third party to conduct an audit of all penny expenditures as required under the ordinance and contract and that such future audits be calendared to occur during the normal RC audit cycle [MYERS] – This item was referred to the A&F Committee.
- c. I move that the Clerk move forward with hiring the required staff for the Clerk of Council's Office. The Clerk started the process and was told to stop because there needed to be a workshop. County Council does not have the authority to tell or stop the Clerk from hiring her staff. Council cannot place a hold unless there is not a slot available. The Clerk is not interim, acting, Deputy or Assistant. Richland County now has a full time permanent Clerk of Council who has a responsibility to do her job without interference. NOTE: This does not have to go to committee and not necessary to even vote on. There is a contract which all council members approved and I am informing my colleagues

that we cannot interfere. If the Clerk was in an interim position then I think Council has the authority to suspend hiring, place a freeze on hiring, or if there appears to be some sort of mismanagement in the process of hiring then Council has the discretion to interrupt the process and make necessary changes through the interim Clerk until we appoint a permanent Clerk. This is not the case. During the period of an interim there was never an attempt to hire anyone. Now that the position is permanently filled the new Clerk of Council has that right to hire, per State law. We as a Council, nor the Chair, has that authority to halt that process and if in doubt please check with the County Attorney. [N. JACKSON] – This item was referred to Legal.

- d. Nearly 30,000 Richland County citizens live in USDA designated “food deserts”. The absence of ready/easy access to fresh fruits, vegetables and meats in these areas is statistically connected to additional costs in driving to grocery stores, and/or tax or bus fares to reach grocers that are 10 – 15 miles away. Additionally, there are negative health and welfare costs associated with this lack of access. I move that Richland County offer SSRs, aggressive FILOTs or specific property and/or business tax holidays to incentivize and attract the location of independent, full service grocers in areas of unincorporated Richland County designated by USDA as “food deserts” [MYERS] – This item was referred to the Economic Development Committee.
- e. Move that funds from the Penny Tax funds on Green Space be used to repair trails and emergency spillway for the Public Park at 1151 Old Garners Ferry Road. There is a fund balance of \$2.3 million left with the removal of a section of the Gills Creek project. NOTE: There is not any greenway trails or walkway in the Rural communities only Urban and Suburban [N. JACKSON] – This item was referred to the TPAC Committee.

25. **ADJOURN** – The meeting adjourned at approximately 10:46 PM.