



Richland County Council

SPECIAL CALLED MEETING
December 12, 2017 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Michelle Onley, Jamelle Ellis, Brandon Madden, Sandra Yudice, Dale Welch, Larry Smith, Kim Williams-Roberts, Gerald Seals, Shane Kitchens, Beverly Harris, Ashiya Myers, Brittney Hoyle, Tony Edwards, Jeff Ruble, Tim Nielsen, Trenia Bowers, Dwight Hanna, Rokey Suleman, Lillian McBride, Brad Farrar, and Ismail Ozbek

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Dalhi Myers
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Dalhi Myers
4. **PRESENTATION: EngenuitySC** – Ms. Meghan Hickman thanked Council for their continued support of EngenuitySC and gave an update on the Midlands Regional Competitiveness Report.

Mr. C. Jackson requested Ms. Hickman to speak to the data that has been collected to date for 2017 compared to 2016 data.

Ms. Hickman’s colleague, Will Schenk, who works directly with the Moore School of Business and is the Project Manager for the report was requested to share the highlights of the initial numbers.

Mr. Schenk stated that one thing worth noting is that there was an uptake in the entrepreneurial and business environment index. They continue to see an environment that is more and more conducive to business. There is also an improvement in critical areas, such as industry clusters.

Mr. C. Jackson inquired about how the region measures up in regards to employment opportunities, particularly for the various subgroups. If it is not looking favorable, are there plans for Engenuity to address that in the future?

Mr. Schenk stated they do not specifically capture the data in the context of the report. It is something they are tracking as a part of their everyday work. Their mission is to improve the lives and job opportunities for all people, which means they need to know how people are doing within Richland County and the surrounding counties. The uptake in educational obtainment is the best indicator (i.e. Midlands Technical College’s Tech Hire Program). Programs like that present opportunities for people to enter higher paying, better careers than they would have had access to previously.

Ms. Hickman stated if there are specific data points Council members would be interested in seeing they would be glad to help to gather the data either working with their resources or working directly with the Moore School of Business.

Mr. C. Jackson stated it is his understanding there are certain groups of young men in our region that have to leave South Carolina in order to be successful. He stated it would interesting to know whether there are facts to support that.

Ms. Hickman stated that is something they can go back and take a look at. She does think we are talking about 2 different types of workforce, but it will be interesting to see how they compare, where we are doing well and where we have some issues where we are losing talent.

Mr. Malinowski stated he noticed on the index value charts the comparison is between 2014 and the most recent year. He inquired if that is when Engenuity started the report.

Ms. Hickman stated they pulled the data initially in 2012, but the first report was not produced until 2014.

Mr. Livingston thanked Engenuity for their commitment to the community and to economic development.

5. **APPROVAL OF MINUTES**

- a. Regular Session: December 5, 2017 – Mr. Pearce moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

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

The vote in favor was unanimous.

6. **ADOPTION OF THE AGENDA** – Mr. Pearce stated the language in motion (c) was incorrect. The intent was to review the ordinance related to cats and not the “CAT” team.

Ms. Dickerson requested to move Item 11(c): Public Defender Lease under the Report of the Attorney for Executive Session Items.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to adopt the agenda as amended.

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

The vote in favor was unanimous.

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

- a. Employee Grievances (5)
- b. Potential Litigation: Class Action
- c. Pending Litigation: Public Interest Foundation vs. Richland County
- d. Legal Advice: Regarding Transportation Bond Ordinance
- e. Contractual Matter: Land Acquisitions
- f. Contractual Matter: Due Diligence
- g. Public Defender Lease

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

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

The vote in favor was unanimous.

Council went into Executive Session at approximately 6:26 PM and came out at approximately 6:50 PM.

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

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

The vote in favor was unanimous.

- a. Legal Advice: Regarding Transportation Bond Ordinance – No action was taken.
8. **CITIZENS' INPUT: For Items on the Agenda Not Requiring a Public Hearing** – LaSenta Lewis Ellis spoke regarding the SLBE Program.
9. **REPORT OF THE COUNTY ADMINISTRATOR**
 - a. Project A Unveiling – This item was taken up in Executive Session.
 - b. Update on Class & Comp Study – Mr. Seals stated the County has been negotiating with the companies that submitted proposals. The Evaluation Committee recommended Conduit Consulting. The numbers negotiated are well within the budgetary figure of \$400,000. As a fact, it was under that at \$350,000. The project will go forward and the timing set by Council is expected to be met. This matter will be brought back to Council in April.
10. **REPORT OF THE CLERK OF COUNCIL**
 - a. 2018 Council Meeting Calendar – Ms. Roberts stated the 2018 Council meeting calendar is before Council for action tonight.

Mr. N. Jackson stated there is only one Council meeting scheduled for the month of July on July 10th and inquired if an additional meeting could be scheduled for July 17th.

Ms. Dickerson stated if we schedule an additional meeting on July 17th that would give us meetings back to back. In the event, there is a need we will schedule a Special Called meeting.

Mr. N. Jackson stated in November there is a Special Called Meeting on November 13th and committees and Zoning Public Hearing are scheduled for November 15th. He suggested mirroring that schedule for December by having a Special Called Meeting on December 11th and committees and Zoning Public Hearing on December 13th.

Ms. Dickerson suggested looking at the schedule on an as needed basis instead of making changes at tonight's meeting.

Mr. N. Jackson stated leaving it in the air and not addressing it could present a problem since the action at tonight's meeting is to set the schedule for the coming year. For example, this year Council

had to abide by the schedule adopted in the previous year or make a motion to amend the calendar. He believes full Council should have been a part of drafting the calendar.

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

Opposed: Manning

The vote was in favor.

- b. December Meeting Schedule: December 19 – D&S (5:00 PM) and A&F (6:00 PM) Committees and Special Called Zoning Public Hearing (7:00 PM) – Ms. Roberts reminded Council of the upcoming committee and Zoning Public Hearing meetings.
- c. Township Board Holiday Drop-In, December 13, 6:00 PM, Township Auditorium – Ms. Roberts reminded Council of the upcoming Township Board Holiday Drop-In.
- d. Edgewood Library Groundbreaking Ceremony, December 14, 2:00 PM, 2101 Oak Street – Ms. Roberts reminded Council of the upcoming Edgewood Library Groundbreaking ceremony.
- e. Central SC Holiday Drop-In, December 14, 5:00 – 7:00 PM, 1201 Main St., Ste. 100 – CSCA Atrium – Ms. Roberts reminded Council of the upcoming Central SC Holiday Drop-In
- f. Columbia Chamber’s Public Policy Reception, January 11, 2018, 5:00 – 7:00 PM, 1221 Main St., Ste. 1100 (Terrace) – Ms. Roberts reminded Council of the Columbia Chamber’s upcoming Public Policy Reception.

11. **REPORT OF THE CHAIR**

- a. Domain Change – Ms. Dickerson stated she sent out a letter to her colleagues and requested they review the letter regarding the request to change the domain name.

Mr. Malinowski stated Mr. Manning raised the question about the cost to change the domain name and the personal email addresses versus the overall Richland County account, but he never saw a response to the questions.

Mr. Welch stated the change is a move toward branding so that Richland County’s name is more easily recognizable. There is no cost for the change. The old domain name will still work, so if someone uses rcgov.us it will redirect them to richlandsc.gov.

Mr. Livingston stated his response was that he likes the new domain change because it says who we are and where we are. Whereas the current domain name does not.

Mr. Rose inquired if there will be a transition period so that new business cards, letterhead, etc. does not have to be ordered.

Mr. Seals stated there is will be a transition period of approximately a year.

Mr. Livingston moved, seconded by Mr. Manning, to authorize the Chair to sign the letter to allow the change of the domain name.

Mr. Manning inquired if the rcgov.us would remain forever and to change business cards, stationery, etc. over the course of a year.

Mr. Malinowski inquired if someone uses the new domain name if it will forward to the old domain address.

The response was in the affirmative.

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

Abstain: Manning

Opposed: C. Jackson

The vote was in favor.

- b. Presentation to Councilmember – Ms. Dickerson presented Mr. Malinowski a resolution and a small token of appreciation for serving as the Vice-Chair in 2017.

Ms. Dickerson also thanked all of the chairs of the various standing and ad hoc committees.

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Authorizing the issuance and sale of \$250,000,000 General Obligation Bonds, with an appropriate series designation and \$250,000,000 General Obligation Bond Anticipation Notes, Series 2018, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; directing the County Administrator to take certain actions related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto – Mr. James Felder, Mr. James DeWitt and Mr. J. T. McLawhorn spoke in favor of this item.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized that Mr. McLawhorn has been a longstanding supporter of many programs in the community to assist young people.

13. **APPROVAL OF CONSENT ITEMS**

- a. 17-022 MA
Chuck Munn
RU to RS-LD (38 Acres)
5339 Hard Scrabble Road
TMS# R20500-04-06 [THIRD READING] – Mr. C. Jackson moved, seconded by Mr. N. Jackson, to approve this item.

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

The vote in favor was unanimous.

- b. 17-034MA
Cruddie Torian
PDD to PDD (.56 Acres)

113 Barton Creek Court

TMS# R20206-03-03 [THIRD READING] – Ms. Myers moved, seconded by Mr. Pearce, to approve this item.

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

The vote in favor was unanimous.

14. **THIRD READING ITEM**

- a. An Ordinance Authorizing the issuance and sale of \$250,000,000 General Obligation Bonds, with an appropriate series designation and \$250,000,000 General Obligation Bond Anticipation Notes, Series 2018, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; directing the County Administrator to take certain actions related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto – Mr. Pearce moved, seconded by Mr. Manning, to approve this item.

Ms. Myers made a friendly amendment to remove the following substitution from Section 23. Miscellaneous. “Poe, Adams & Bernstein LLP and Jabbar & Isaac, P.A., as Co-Disclosure Counsel”.

Mr. Malinowski stated we keep talking about bonding, running out of money and how much we are going to pay for the actual interest on the bond. He inquired if anyone had reviewed the part that states should there be a shortfall in the collection, the County’s full faith and credit is on the line for the projects in Richland County, the State of South Carolina, as well as, other municipalities. He suggested reviewing this and issuing bonds for the amount needed for the Richland County projects and to give SCDOT and the municipalities their share out of the collections.

Mr. Livingston stated he believes all of these projects are Richland County projects. They are in Richland County. If it is a SCDOT road, the person paying the transportation penny is paying for the road to be done. It may be in different jurisdictions, but he perceives it as all county projects.

Ms. Myers stated this has been difficult to understand and she wished to thank Mr. Livingston and Mr. N. Jackson for assisting her. She stated she supports where we are, but she has a couple requests. In moving full steam ahead to bond that we provide some sort of backstop on the contractors that ultimately will be performing the work. We are being we need this money ASAP because we have a bunch of people who can finish the work ASAP but we do not have anything in the contracts that penalizes them for not finishing the work ASAP. She requested Mr. Smith, if acceptable to her colleagues, to work on what is standard in construction contracts some sort of liquidated damages, so that once we get the money and put the full faith and credit of the County behind paying it back that there is some requirement that we get going on the projects.

Mr. Pearce stated he has no problem with what Ms. Myers is proposing, but according to what we are passing tonight we will then vote, at a later date, on spending the money. That would be the time when we would...

Ms. Myers stated she agrees. She just wanted to put it on the record and to ensure Mr. Smith is on notice that there is going to a separate piece now that we have the money.

Mr. N. Jackson stated his concern is with the BAN and the bond. It was his understanding, we can do a one year BAN and if we paid it off it would be \$3 - \$6 million. Then he is understanding that if Congress passes a budget the interest rate may go up. If we decide to do that we are talking about in

excess of \$22 - \$24 million, but if Congress passes this budget we may be paying \$35 - \$56 million in interest. If we are bringing in \$60 million, and you take away for the bus and greenways, we are using \$45 million. We are going to spend over \$56 million in interest. He finds it hard to spend that much in interest and it affect other parts of the County that may not have their projects done, especially in the unincorporated and rural communities where they want to have their dirt roads paved. He has seen all of the projects in the City of Columbia almost completed, but in the unincorporated area there are approximately 300 roads that need to be paved. Only 2 or 3 roads have been paved. Also, he is hearing more concern regarding the reporting and funding process with the Penny Tax Program. He is concerned we have not gotten all the information we need to get to move forward when things have not been done according to the ordinance. He cannot take a risk of spending over \$56 million in interest while the people in the unincorporated area have not been properly served.

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

Opposed: Malinowski and N. Jackson

The vote was in favor.

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

In Favor: Malinowski and N. Jackson

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

The motion for reconsideration failed.

15. **SECOND READING ITEM**

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

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

Opposed: Malinowski and Rose

The vote was in favor.

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

- a. Request of Board of Voter Registration and Elections: Repeal of Ordinance Section 1-16 of Chapter 1, General Provisions of the Richland County Code of Ordinances – Mr. Pearce stated, if you recall, we carried this item over in order to get clarification. Prior to tonight's meeting, Council received an email from Mr. Seals stating he had met with the Elections Department and had worked out a means of dealing with the issue. He requested legal advice on how best to dispose of this item.

Mr. Smith stated Council could either table the item or vote to not repeal the ordinance.

Mr. Manning moved, seconded by Mr. Malinowski, to table this item.

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

The vote in favor was unanimous.

17. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

- a. A Resolution committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Liberty; identifying the project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski inquired if the resolution was one reading.

Mr. Livingston stated that is correct. The resolution is to move forward with negotiations. The committee will come back with an ordinance regarding this matter at a later date.

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

Opposed: Malinowski

The vote was in favor.

- b. A Resolution to amend the December 21, 2010 resolution requiring certain accountability practices concerning economic development projects in Richland County – Mr. Livingston stated the committee recommended approval of this item and to come back with a suggestion on how to identify some of the information discussed in the committee meeting. One of the concerns discussed was how to best account for a company's hiring, particularly in Richland County. The concern was how we capture the information now. We capture the information by zip codes and that is creating a problem for us getting that kind of information. What we are still looking at is making sure we get a copy of the company's annual report.

Ms. Myers stated she is in favor of making sure we have the most robust business climate in the State, and in the region, and we are making it easy for companies to do business. However, she knows of no company in the world that does not collect zip codes on its employees. She cannot see that this is so onerous. Once we give away the requirement to collect the zip codes, we do not know on the other side. We are giving out money, in terms of a FILOT or tax holiday, and all we are saying is tell us you are hiring folks from Richland County. They do not have to tell us who they are. Just tell us where they are coming from. What we are saying now is they cannot be bothered to even track a zip code, but they collect that to pay people. She is in favor of the form being acceptable and easy for businesses. She is not in favor of saying they do not have to tell us the zip codes. She would suggest staff look for ways that truly make it more business friendly in Richland County. If companies that are getting millions of dollars in FILOTs or tax holidays cannot even give us a zip code to guarantee the citizens whose tax money make it possible to get the FILOT are getting some benefit in exchange for it, then maybe we should reconsider it. She stated she has worked with businesses over 25 years and she had never heard anybody say they do not collect zip codes.

Mr. C. Jackson stated, as a member of the Economic Development Committee, he concurs with Ms. Myers in broad terms. However, a couple challenges. One, zip codes were being provided and nothing was being done with them. We have requested the group go back and look at, and be specific, and talk about how many of the employees are actually living in Richland County versus other places. It will be much more specific, in terms of knowing where the individuals live in Richland

County, and not so much what part of Richland County they live in. The modification was not because it was onerous for the organizations, as much as it was nothing was being done with the way it was coming in and the format. The request was to reformat the information so that it would come in and be useful information for us on the Economic Development Committee. He stated he has said repeatedly he is very concerned about employees who work in our county and live other places. We want to be able to know, but he does not want to sort through zip codes to figure it out. If companies can let us know how many live in Richland, Lexington, Kershaw counties that is what he needs to make a determination about whether they are being a far employer of Richland County residents.

Ms. Myers inquired about what the other substitute method being put in place to take the place of the zip codes. What are we asking for?

Mr. C. Jackson stated that is what is being designed. It will likely be a question of how many of your employees live in Richland County. How many live in other counties. In the motion it says they are going to amend the annual report to make sure they capture that, but the actual document has not been done yet.

Ms. Myers stated what is going to happen is they are going to figure it out by zip codes. There is no other way.

Ms. McBride inquired as to who made the request.

Mr. Livingston stated the Economic Development Director made the request to change the form.

Ms. McBride stated we give companies discounts for coming into Richland County so we can hire the citizens of Richland County and we are not able to track the number of employees that are hired from Richland County. She finds that very confusing and frustrating to not be able to do that. Secondly, why do we not find a way to use the zip codes rather develop a new process? Thirdly, if we are going to develop a new process, I would want to know what that process is prior to voting not to use the zip codes. We are just voting blindly as to not using zip codes, but not knowing what we are going to use.

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

Opposed: Myers, N. Jackson and McBride

The vote was in favor.

- c. A Resolution committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Lite; identifying the project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

- d. Approval for the Economic Development Department to accept a \$500,000 Site Enhancement Grant from the South Carolina Department of Commerce to grade a 300,000 SF building pad on a county-

owned site at the Northpoint Industrial Park – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

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

19. **NOTIFICATION OF VACANCIES**

- a. Accommodations Tax – 5 Vacancies (One applicant must have a background in the Cultural Industry; three applicants must have a background in the Hospitality Industry; and one is an at-large seat)
- b. Hospitality Tax – 2 Vacancies (Applicants must be from Restaurant Industry)
- c. Internal Audit Committee – 1 Vacancy (Applicant must be a CPA)
- d. Business Service Center Appeals Board – 1 Vacancy (Applicant must be an attorney)
- e. Board of Assessment Appeals – 2 Vacancies
- f. Board of Zoning Appeals – 3 Vacancies
- g. Central Midlands Council of Governments (CMCOG) – 3 Vacancies
- h. Building Codes Board of Appeals – 2 Vacancies (One applicant must be from Architecture Industry & one from the Contractor Industry)
- i. Procurement Review Panel – 2 Vacancies (One applicant must be from the public procurement arena & one applicant must be from the consumer industry)
- j. Airport Commission – 1 Vacancy
- k. Central Midlands Regional Transit Authority (CMRTA) – 1 Vacancy
- l. Transportation Penny Advisory Committee – 2 Vacancies (One 3-year term and one 5-year term)
- m. Richland Memorial Hospital Board – 1

Mr. Malinowski stated the Richland Memorial Hospital Board vacancy needed to be added to the list of vacancies. He then stated the committee recommended advertising and/or re-advertising the vacancies.

Mr. Manning inquired if the agenda needed to be amended to add the Richland Memorial Hospital Board vacancy prior to taking action on the vacancies.

Mr. Malinowski stated he inquired about that prior to the meeting and it was recommended this is a committee report and therefore, he is reporting out what was taken up and recommended at the committee meeting.

Ms. Dickerson inquired if the Richland Memorial Hospital Board vacancy is properly before Council since it was not added at the "Adoption of the Agenda".

Mr. Smith stated the appropriate way for this to have been addressed would have been when the agenda was adopted for Mr. Malinowski to request that another item be added under his report.

Mr. Manning moved, seconded by Mr. Malinowski, to reconsider the adoption of the agenda.

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

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Manning, to add the Richland Memorial Hospital Board vacancy to the agenda for action.

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

The vote in favor was unanimous to add the Richland Memorial Hospital Board vacancy.

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

The vote in favor was unanimous to advertise/re-advertise the vacancies.

20. **NOTIFICATION OF VACANCIES**

- a. Lexington Richland Alcohol and Drug Abuse Council (LRADAC) -2 – Mr. Malinowski stated the committee recommended re-appointing Mr. DuJuan Council. The committee is awaiting a reply from LRADAC to determine if Mr. Gregory B. Cunningham is eligible for re-appointment.

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

The vote in favor of re-appointing Mr. Council was unanimous.

- b. Community Relations Council – 3 – Mr. Malinowski stated the committee recommended appointing Ms. LaShonda McFadden and Ms. Gretchen D. Barron and re-advertising for the remaining position.

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

The vote in favor of appointing Ms. McFadden and Ms. Barron and re-advertising the remaining position was unanimous.

- c. Planning Commission – 1 – Mr. Malinowski stated the committee recommended appointing Mr. Mettauer (Tau) L. Carlisle.

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

The vote in favor of appointing Mr. Carlisle was unanimous.

21. **ITEMS FOR ACTION FROM RULES & APPOINTMENTS**

- a. I move that 2020 Hampton Street discontinue the practice of scheduling meeting for Council members at the same time [MANNING] – Mr. Malinowski stated the committee recommended approving the following amended language: “No meeting of a committee of Council may be scheduled to commence at the same time, or within 1 hours of the scheduled start of another meeting of a committee of Council; provided, however, that the Chairs of committees that may have conflicting meetings may coordinate between themselves to shorten the time between the start of such meetings set forth herein if they determine that their meetings are anticipated to be of such short duration that overlapping start times would not work prevent members of Council from

attending those meetings. For purposes of this rule, a “meeting of a committee of Council” is a meeting where a quorum of Council members who have been appointed by the Chair of County Council to a committee, subcommittee, ad hoc committee, working group or any other public body is in attendance.”

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

The vote in favor was unanimous.

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

- a. Atlas Road Widening Project: Right of Way acquisition – Mr. Manning stated the committee recommended moving forward with the right-of-way acquisition for the Atlas Road Project as presented in the ad hoc committee, which is the remaining 3 parcels.

Mr. C. Jackson inquired if the end result is to do condemnation on the 3 parcels.

Mr. Manning responded in the affirmative, but stated there is one that still has ongoing negotiations and could potentially not result in condemnation.

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

The vote in favor was unanimous.

- b. Blythewood Road Widening Project Revision – Mr. Manning stated originally the termini for the Blythewood Road Widening Project was from I-77 to Syrup Mill. After public input, Council moved forward with extending the project limits to Muller Road. However, due to funding shortfalls to the program it is recommended to shorten the termini back to the original termini as was passed. The recommendation is to revise the termini for the Blythewood Road Widening Project to match what was originally in the referendum from I-77 to Syrup Mill Road.

Mr. N. Jackson stated for clarification to return it to how it was in the referendum.

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

The vote in favor was unanimous.

- c. Gills Creek Greenway Project: Maintenance Agreement – Mr. Manning stated we went back and forth about moving from one side of the creek to the other side of the creek. Almost everyone was happy with the outcome of that; however, there was an issue about a maintenance agreement because this is not in the unincorporated part of Richland. We requested the City of Columbia to step up, which they did. There is a maintenance agreement that has been approved by the City Council. The recommendation is to approve the maintenance agreement for the Gills Creek Greenway Project, as approved by the City of Columbia, for the maintenance and security of the greenway.

Ms. Dickerson inquired if this is a change in the ordinance.

Mr. Manning stated this is just an agreement about the City of Columbia is going to maintain and keep security of the greenway.

POINT OF CLARIFICATION – Mr. Pearce stated there was a public outcry about the original plotting of the greenway on the east bank of Gills Creek. There were over 350 people who turned out and there was a very heated debate about that. It took approximately a year to get everyone settled down. There have been additional public meetings. The greenway has been relocated to the right-hand side. There were 2 remaining issues. The County is going to build the greenway, but it has to be maintained and someone has to provide security. The original letter from the City said they would maintain it. The letter was very vague; therefore, when we took up the greenway there was a motion made that before any additional work could be done on the Gills Creek Greenway 2 things must happen. One, we would obtain a letter from the City stating they would agree to provide both maintenance and security of the greenway. Secondly, we would provide to the affected homeowners a document in which the County asserted it would not move the greenway back to the east bank. The document before Council tonight basically does both things. In Section 1 of the document it states, “Richland specifically agrees that regardless of any other changes to the proposed Greenway alignment, the final as-built alignment will not include any connection to the Hampton Estates neighborhood.” Once the MOA is executed, he will be able to provide a copy of the document to the homeowners.

Ms. Dickerson inquired if this a part of the greenways in the referendum.

Mr. Pearce stated it is a part of the original ordinance and Council took a vote on where the boundaries of this project. When Council voted on the boundaries, he added the amendment to provide the maintenance and security.

Mr. N. Jackson inquired if the document was a part of the ordinance.

Mr. Pearce stated the Gills Creek Greenway was a part of the ordinance.

Mr. N. Jackson inquired if we are changing any alignment in the greenway.

Mr. Pearce stated the alignment is where the Council voted on it.

Mr. N. Jackson inquired if we are eliminating any alignment.

Mr. Pearce stated there are no alignment changes.

Mr. N. Jackson stated for clarification that we are discussing maintenance.

Mr. Manning stated that we are discussing maintenance and security.

Mr. Malinowski stated Mr. Pearce’s amendment that was discussed in the Transportation Ad Hoc Committee does not appear to be included in the document before Council tonight.

Mr. Pearce stated the first time he saw the document was at the committee meeting. At that time, he felt he could kill two birds with one stone. He consulted with the Legal Department and they suggested adding a few words to strengthen the agreement by defining what the Hampton Estates are. The City was in agreement with the addendum and they have incorporated the wording into the agreement.

Mr. Malinowski inquired if the City of Columbia voted on and approved the agreement at their December 5th meeting.

Mr. Pearce stated they did.

Mr. Malinowski stated while we are being told there are no changes, there are changes and he would like to know if this affects the overall cost. In a letter from City Manager, Teresa Wilson, she stated they wanted to change the width of the greenway from 12 ft. to 14 ft. Therefore, he would like to know what the additional costs will be.

Mr. Beaty stated there will not be an additional cost to the project. They are developing the project to stay within the total referendum amount assigned to the project.

Mr. Malinowski stated the agreement is good for 20 years; therefore, what happens at the end of the 20 years.

Mr. N. Jackson stated in the discussion points it states, "at the June 2, 2017 meeting, Section A was modified to delete the segment from Kilbourne Rd. to Fort Jackson Blvd. and start at the intersection of Fort Jackson Blvd. and Crowson Rd. The removal of the Kilbourne Rd. to Fort Jackson segment eliminates the direct connection from Section A to Section B." He inquired if this removal or change would require 3 readings and a public hearing.

Mr. Pearce stated Council has already voted on it.

Mr. N. Jackson stated if it affects or makes changes to the ordinance it requires 3 readings and a public hearing. If we have not had 3 readings and a public hearing the practice is not correct.

Mr. Manning stated the issue about the ordinance is the project and the money and not what side of the creek it is going to be on. There is a greenway going down the creek and if there are adjustments that need to be made, he does not believe that specificity was a part of the ordinance and referendum.

Mr. N. Jackson stated his question was if in the ordinance a specific route was approved and there was a public hearing. There was not supposed to be a public hearing, but a public notice of moving forward. From the public hearing, which the PDT carried out, the citizens had a change of mind and they wanted a segment removed and it was voted on to remove it. If it was approved in the ordinance, based on the design and the ordinance approved, if we are eliminating or making any changes there must be 3 readings and a public hearing to make that change and put it somewhere else. It was not an arbitrary design. It was a specific design. A route was laid out, how it would look, and where it was supposed to be. The community decided they wanted it changes and Council changed it. His understanding is that any changes to anything in the ordinance needs 3 readings and a public hearing.

Mr. Smith stated if in fact Council is making any changes to the 2012 ordinance, as adopted, to include the projects, and the cost of those projects as adopted, it is correct there is a need for 3 readings and a public hearing. In terms of this particular item, he is not sure as to what is being changed as a result of what is being said, but if you are changing the ordinance, a project in the ordinance or the amount assigned to that project, then that would require 3 readings and a public hearing.

Mr. Pearce stated what is before us tonight is simply the maintenance and security agreement.

Mr. N. Jackson stated we are not finished with what was approved in June until we have 3 readings and a public hearing. He does not want the public to think it has been changed and we have not had the 3 readings and a public hearing. The document in front of him reminds him that we were not following the proper practices and he would like for us to follow it, as we presented it to the public. We need to do right and have 3 readings and public hearing for any changes.

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

Opposed: Malinowski

The vote was in favor.

- d. Options to stay within Referendum amounts – This was received as information only.

23. **REPORT OF THE COURTHOUSE AD HOC COMMITTEE**

- a. Recommendation from December 4th Ad Hoc Meeting – Mr. Rose stated the committee recommended moving this discussion into the Richland Renaissance Plan.

24. **OTHER ITEMS**

- a. A Resolution relating to the declaration of intent by Richland County, South Carolina, to reimburse certain expenditures prior to the issuance of tax-exempt debt on behalf of the County – Mr. Pearce moved, seconded by Mr. C. Jackson, to defer this until after Executive Session.

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

Opposed: N. Jackson

The vote was in favor.

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

Mr. Pearce made a substitute motion, seconded by Mr. Malinowski, to defer this item until such time as we spend more than the cash available on hand.

It was ruled the motion for deferral until such time as the cash on hand was expended was not permissible; therefore, Mr. Pearce restated his motion to simply defer the item.

Mr. N. Jackson stated for clarification from what we were advised it is necessary to move certain things forward. Was that correct?

POINT OF CLARIFICATION – Mr. Manning stated the financial advisor was not in the room. It was bond counsel.

Mr. Pearce withdrew his substitute motion.

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

Opposed: Malinowski, Pearce, and Rose

Abstained: Manning

The vote was in favor.

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

In Favor: Malinowski, Pearce and Rose

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

The motion for reconsideration failed.

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

26. **EXECUTIVE SESSION**

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

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

Council went into Executive Session at approximately 8:34 PM and came out at approximately 10:08 PM

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

Opposed: Manning

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

- a. Employee Grievances (5) – Mr. C. Jackson moved, seconded by Mr. Malinowski, to uphold the Administrator's recommendation with the exception of the grievances referenced in Council Memo 11-6 and Council Memo 11-8.

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

The vote in favor was unanimous.

- b. Potential Litigation: Class Action – Mr. Smith stated, as it relates to the matter discussed in Executive Session, Council would like to receive additional information on anyone else that may be interested.

Mr. N. Jackson moved, seconded by Ms. Kennedy, to direct legal to proceed as discussed in Executive Session.

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

The vote in favor was unanimous.

- c. Pending Litigation: Public Interest Foundation vs. Richland County – Received as information.

- d. Contractual Matter: Land Acquisitions – Mr. Manning moved, seconded by Mr. Pearce, to disapprove this item.

Mr. N. Jackson made a substitute motion, seconded by Ms. Myers, to approve this item.

Mr. Livingston made a second substitute motion to move forward with the 3 major project purchases under consideration regarding the Renaissance Plan and to move forward with continuing with the concept of the Renaissance Plan.

Several Council members asked for clarification of the 2nd substitute motion.

Mr. Livingston stated he was not sure if he needed to mention the locations regarding where we are talking about relocating that are currently under consideration.

Mr. N. Jackson inquired if Mr. Livingston was referring to the “Project A Unveiling”.

Mr. Livingston responded in the affirmative.

Mr. Livingston restated his motion as followed: “To move forward with the purchase of the 3 major properties under consideration regarding Item 9.a. and continue to work on the Renaissance concept.” Mr. C. Jackson seconded the motion.

Ms. Kennedy requested clarification.

Mr. Livingston stated the difference is you voting on the entire plan, which would include every specific detail in the plan in terms of other areas, locations, properties, and so forth. What it says is you are going to move for one part of it and then you are going to make sure you look at the other parts and get more information.

Ms. Kennedy stated for clarification, what Mr. Livingston is saying, is we are going to split it all up.

Mr. Livingston stated we may change some things and we may not.

Ms. Myers stated for clarification the goal of Mr. Livingston’s motion is to say we are moving forward with one piece of it and the others remain contingencies. So essentially, we would have to come back and vote 6 separate times.

Mr. Livingston stated we may only have to come back one separate time.

Ms. Myers stated her point is the goal of the 2nd substitute motion is to segregate the whole thing.

Mr. Livingston stated that one part of it. It may be one motion that cares all of it next time.

Mr. N. Jackson stated he is trying to figure out the difference between the 2nd substitute motion and the substitute motion. The substitute motion is to move forward with the plan and in doing so the Administrator can move forward with the purchase of the necessary property. The 2nd substitute motion is to purchase the property and then decide on the plan later or which part of the plan.

Mr. Livingston stated when he says to purchase the property he means moving forward with one part of the Renaissance Plan, which is to move where the County services are located.

Mr. Rose stated he wanted to clarify the 3 motions. Mr. Manning made a motion to not purchase any property, correct? Or to not move forward with the Renaissance Plan.

Mr. Manning stated it was to not purchase the property.

Mr. Rose further stated then Mr. N. Jackson made a motion to purchase the property and move forward with the entire Renaissance Plan.

Mr. N. Jackson stated his motion is to move forward with the plan.

Mr. Rose then stated Mr. Livingston made a 2nd substitute motion to purchase the property, but not approve the full Renaissance plan.

Mr. Livingston stated his motion was to purchase the property that we are currently considering and move forward with discussions with the rest of the Renaissance Plan.

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

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

The 2nd substitute motion failed.

Mr. Rose requested Mr. N. Jackson to restate the substitute motion.

Mr. N. Jackson stated the motion is to move forward with the plan, to include the necessary purchase by the Administrator, as discussed in Executive Session.

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

Opposed: Malinowski, Pearce, Manning, Livingston and Rose

The vote was in favor of the substitute motion.

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

In Favor: Malinowski, Pearce, Manning, and Rose

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

The motion for reconsideration failed.

- e. Contractual Matter: Due Diligence – Received as information.
- f. Public Defender Lease – Mr. N. Jackson moved, seconded by Ms. Myers, to request the County Attorney to renegotiate the lease.

Mr. Malinowski made a friendly amendment that during renegotiations for the lease we continue to look for another suitable property.

Mr. N. Jackson accepted the friendly amendment.

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

The vote in favor was unanimous.

27. **MOTION PERIOD**

- a. I move that Council get specific answers regarding the PDTs past performance and the current status of projects before moving forward with the bonding [N. JACKSON] – Mr. Malinowski stated we do not need a motion for this according to Ordinance 039-12HR states “an outside agency or organization that receives appropriations from sales and use tax can be directed by Council to provide additional information.” Therefore, he suggested directing the Administrator or staff to go directly to the PDT and provide the information Mr. N. Jackson is requesting.

This item was referred to Administration for follow-up.

- b. Based on several complaints received, I move that the PIO investigate if anything can be done to our livestream broadcasts to enhance the public’s ability to visually decipher votes taken by Council. Currently, the viewing screens in the Council Chamber cannot be read [PEARCE and ROSE] – This item was referred to the D&S Committee
- c. Move to review the existing cat ordinance and remove the last sentence of the ordinance [PEARCE] – Ms. McBride inquired if Council can legally vote on this again since they took it up approximately 3 months ago.

Mr. Smith stated the ordinance was amended and Mr. Pearce’s motion is simply to review the ordinance. Therefore, there is not a request being made to do anything further at this time.

Mr. Pearce stated it was a new ordinance that was designed to resolve a problem. It has come to his attention the ordinance is not working properly; therefore, he is requesting a review of the ordinance.

This item was referred to the D&S Committee.

- d. Resolution honoring the Dutch Fork High Football Team on their 2nd Consecutive State Championship [MALINOWSKI] – Mr. Pearce moved, seconded by Mr. Malinowski, to adopt a resolution honoring the Dutch Fork High Football Team on their 2nd consecutive State Championship.

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

The vote in favor was unanimous.

ADJOURN – The meeting adjourned at approximately 10:29 PM