



Richland County Council
Regular Session
April 2, 2019 – 6:00 PM
Council Chambers

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Vice-Chair; Joyce Dickerson, Calvin “Chip” Jackson, Gwen Kennedy, Bill Malinowski, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio and Joe Walker III

OTHERS PRESENT: Michelle Onley, Beverly Harris, Kim Williams-Roberts, John Thompson, Stacey Hamm, Eden Logan, Larry Smith, Jennifer Wladischkin, Mohammed Al-Tofan, Brad Farrar, Ismail Ozbek, Jeff Ruble, Trenia Bowers, Cathy Rawls, Ted Powell, Ashiya Myers, Ashley Powell, Sandra Yudice, Shahid Khan, Allison Stone, Pam Davis, Quinton Epps, Nathaniel Miller, Michelle Rosenthal, Jocelyn Jennings, Clayton Voignier, Tim Nielsen, Michael Niermeier, Valeria Davis, Michael Byrd, Art Braswell and Geo Price

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The invocation was led by the Honorable Gwen Kennedy
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Gwen Kennedy
4. **PRESENTATION OF RESOLUTIONS/PROCLAMATIONS**
 - a. **Resolution for Richland Library Chief Operating Officer Steve Sullivan** – Mr. Livingston presented a resolution to Mr. Sullivan in recognition of his years of service to the Richland Library.
 - b. **Proclamation Proclaiming April as Fair Housing Month in Richland County** – Ms. Myers presented a proclamation to Ms. Valeria Davis and Mr. Gilbert Walker proclaiming April as Fair Housing Month in Richland County.
6. **APPROVAL OF MINUTES**
 - a. **Regular Session: March 5, 2019 {Portion}** – Ms. Kennedy moved, seconded by Ms. Terracio, to approve the minutes as distributed.

In Favor: Terracio, Malinowski, Jackson, Myers, Kennedy, Walker, Livingston and McBride

Present but Not Voting: Newton and Manning

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The vote in favor was unanimous.

- b. Regular Session: March 19, 2019 – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The vote in favor was unanimous.

- c. Zoning Public Hearing: March 26, 2019 – Ms. Dickerson moved, seconded by Ms. Terracio, to approve the minutes as distributed.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Dickerson, Livingston and McBride

Present but Not Voting: Manning and Walker

The vote in favor was unanimous.

- d. Special Called Meeting: March 26, 2019 – Ms. Myers moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Dickerson, Livingston and McBride

Present but Not Voting: Manning and Walker

The vote in favor was unanimous.

- 7. **ADOPTION OF THE AGENDA** – Mr. Livingston stated the Administrator Search Update needs to be added under the Report of the Chair.

Ms. Newton requested to add a report from the Rules and Appointments Committee to the agenda. The item was added immediately following the Report of the Transportation Ad Hoc Committee.

Mr. Manning requested to move Item 13(a) "Recognition of Miss Midlands Queen..." up to immediately following the Adoption of the Agenda.

Mr. Smith stated Item 8(a) "CHA Consulting, Inc. vs. Dennis Corporation Daniel R. Dennis, and Richland County" needs to be deleted from the agenda. He also requested to add an update on SCDOR vs. Richland County under the Report of the Attorney.

Ms. Dickerson moved, seconded by Ms. Newton, to adopt the agenda as amended.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

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The vote in favor was unanimous.

Recognition of Miss Midlands Queen – Traci Cooper, Local Executive Director – Miss Midlands Pageant – Dr. Cooper introduced Miss Midlands Queen, Brianna Binder, to Council.

PRESENTATION

SC Gospel Quartet – Blanche Goodson – Ms. Goodson presented Ms. Kennedy with a token of appreciation for her support of the SC Gospel Quartet events.

8. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** – Mr. Smith stated the following items are eligible for Executive Session.
- a. SCDOR vs. Richland County
 - b. Administrator Search Update

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

In Favor: Terracio, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Opposed: Malinowski and Manning

The vote was in favor of going into Executive Session.

Council went into Executive Session at approximately 6:27 PM and came out at approximately 6:45 PM

Mr. Manning moved, seconded by Mr. Walker, to come out of Executive Session.

In Favor: Malinowski, Jackson, Kennedy, Manning, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Terracio, Newton and Myers

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

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

10. **CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda** – Ms. Vi Hendley spoke regarding the needs of the Columbia-Richland County Fire Service.

Ms. Cassandra Hoffman spoke regarding the re-zoning of the Crickentree Golf Course property.

REPORT OF THE ACTING COUNTY ADMINISTRATOR

- a. 911 Communications – Dr. Thompson stated, over the last 2 years, Richland County Sheriff's Department has had conversations with the City of Columbia about assuming the operations and management of the 911 Communications Center from the City. They have also had the opportunity to speak with County Council and have provided the reasons they wanted to assume the responsibilities. He noted the IGA with the City of Columbia expires June 30, 2019, and the Sheriff's Department is requesting that 5 staff members, presently employed at the Sheriff's Department, be sworn, uniformed personnel, as noted in the proposed organizational chart. The dispatchers will be civilians. The request is to move this forward, based on staff's recommendation.

Mr. Jackson moved, seconded by Mr. Walker, to approve the recommendation, as presented by staff.

Mr. Malinowski stated someone told him that Batesburg-Leesville has a new state-of-the-art 911-system that provided a lot more use at a lot less cost. He inquired if anyone has looked into that.

Dr. Thompson stated staff has not explored that option, but can certainly do so.

Mr. Malinowski inquired why we need the 5 sworn officers in these positions.

Chief Cowan stated the 5 sworn officers will be managing sworn and non-sworn personnel in the center, and they believe it is best practice with what they have seen across the country.

Mr. Malinowski inquired if the new Councilmembers have been briefed on the issues the Sheriff's Department has faced over the last few years.

There was no response.

Mr. Malinowski inquired why we are "short-handed".

Chief Cowan responded that current staffing is run by the City of Columbia; therefore, that would be a question for them. The operations they are talking about are moving forward, and they are trying to reorganize and redevelop the programs in place, so they can better serve the citizens. It is a situation where this is going to help catapult us forward in fixing the issues that have been in existence for some time.

Mr. Malinowski stated that on pp. 37 there is a lengthy list of items the Human Resources Department will be trying resolve (i.e. benefits, City employees vs. County employees). It seems to him that before we approve this we would want these answers.

Dr. Yudice stated her understanding is that the City employees will become County employees. The items listed are matters the Human Resources Department has identified that the County needs to speak with the City about.

Chief Cowan stated they are trying to provide them information that would be a part of the process, so you could see that they are looking ahead, and not just today. The idea tonight is to request Council to make an official declaration to move forward, and staff, collectively, would work toward those solutions.

Mr. Byrd stated the City dispatchers that would come over, and dispatch the City functions, the City

would pick up that cost. Just as we pick up the cost for the County dispatchers now.

Ms. Newton inquired about what kind of planning is happening, from a revenue perspective, to make sure that once we implement this it is sustainable.

Chief Cowan stated they are looking at what the expenses are today, versus what they will be tomorrow, how we pay for them, whether there are grants out there, and the expenses the partners will incur.

Mr. Byrd stated there is a concern statewide about dropping revenue. The subscriber fees they get from landline phones and the wireless fees they receive from cellular phones fluctuate. They are currently in litigation with the service providers of wireline phones. The revenue streams have gone down over the years and they have been supplementing the Emergency Telephone Fund with General Fund revenue, as well as some other sources, to be able to pay the dispatchers and fund the equipment. The wireline and wireless fees can only be used for certain things, and cannot be used for personnel. He stated there are ongoing discussions with the Budget Department in an attempt to solve the issue.

Ms. Terracio requested a brief recap of the issues we have faced over the past few years.

Chief Cowan stated they have been talking about this for approximately 3 – 4 years. One of the things they have talked about is how they can make the collaboration stronger between the City and County. How we can work through the challenges that Mr. Byrd mentioned, not only fiscally, but also operationally. Where we are today, is how do we make this partnership stronger. How do we lead it in the right direction, and the County needs to take the lead in that now?

Ms. Myers stated, for clarification, the 5 sworn officers are being transferred out of the existing staff at the Sheriff's Department.

Chief Cowan stated Council approved the positions, and they have already begun working. Therefore, this will not enlarge the Sheriff's budget.

Ms. Myers inquired if the civilian employees will be reporting to Administration.

Chief Cowan stated, in his opinion, that is "putting the cart before the horse", in the sense that they have to work through the logistic issues of how it is going to work, as far as, the existing staff, and how many FT positions they have filled. The organization chart included in the agenda is what Council is being requested to approve.

Dr. Yudice stated the dispatchers will be under the Sheriff's Department. The EMS/ESD staff will remain under the County Administrator's purview.

Ms. Myers stated she is confused as to why the dispatchers would be reporting in through the Sheriff's Department.

Chief Cowan stated you have call takers, dispatchers, and supervision, and that is a function of the Sheriff's Department. Keep in mind, they will also have the oversight committee, which is made up of all the collaborators.

Ms. Myers inquired, if the dispatchers are hired and come in as a part of the Sheriff's Department,

will those employees then not be able to be reduced, if there comes a time we have to reduce the budget. Of course, by State law, we cannot reduce the Sheriff's Department's budget once it is enlarged. She inquired if all the dispatchers have to be reporting into the Sheriff's Department as Sheriff's Department employees.

Chief Cowan responded, as we go forward, we figure that out and make the decision that Council is comfortable with.

Ms. Myers inquired if there have been any discussions about PEBA, Worker's Comp, and Cobra.

Dr. Yudice stated, the request before you, is to begin the discussions with the City of Columbia about the transition process.

Ms. Myers inquired as to when we will get a final organizational chart.

Dr. Yudice responded they do not have a date yet, but should be completed through the budget process.

Ms. Kennedy inquired if the City is going to be paying their portion of the cost or will the County be responsible for the majority of it.

Dr. Yudice stated, her understanding is, the calls that are dispatched within the City, the City will reimburse the County or absorb the cost.

Mr. Byrd stated we are trying to get all of this worked out, and get it on paper, so we can get an agreement with the City. The City is waiting on us to take this step. To say we are going to do this, and this is how we are going to do it. Then, we can sit down and talk to them about the specifics. Currently, the City and County are each paying 50% of the cost to operate the call taking location. Richland County has a responsibility to fund and operate the entire 911 System (i.e. telephones, lines, computers).

Chief Cowan stated they have talked about percentages, based on calls for service, with the entities that are interested in partnering with the County.

Dr. Yudice stated, once the negotiations are completed, they will bring an IGA with the City to Council.

Mr. Malinowski stated, for clarification, the County will pay the entire amount, and we have to wait on reimbursement from the City. Also, he inquired why we continue to charge fees based on landlines in homes when they are becoming a thing of the past. He would think the majority of calls that are received are for buildings and accidents along the highway. He suggested assessing a fee on each home to keep the revenues where they belong. He stated right now there are permanent residents here that have out-of-state numbers. According to what we have now, we are not collecting anything, but they get all of the benefits of the services.

Mr. Byrd stated that would be up to Council. State law allows counties to charge a subscriber fee for landline phones. We also get wireless fees, which comes from cellphones. The wireless fees formula is based on the number of 911 calls received from cellphones in the actual 911 Center. So, if someone driving down the interstate from Greenville dials 911 in Richland County, we log that call in. We submit quarterly, to the State, our wireless calls, and they use a formula to reimburse us

funds from the State Wireless Fund.

Mr. Malinowski inquired as to why we are having reduced revenues when populations are increasing.

Mr. Byrd stated, according to the providers, the number of wireline phones are decreasing, which is the basis of the litigation we are involved in. Each county submits their call volumes quarterly, and the funding received from the State Wireless Fund is based on a competitive formula. If the number of calls received goes down, we are going to get less money in that quarter, which is why it is hard to budget the funds throughout the year.

Ms. McBride inquired what if the City chooses not to participate and we cannot get an IGA. Are plans in place to move forward?

Dr. Yudice stated it would be up to Council if we move forward.

Chief Cowan stated the Sheriff's position is that we need to move forward and create a Richland County 911 Center. They feel a collaboration and partnership with the City of Columbia is imperative.

In Favor: Terracio, Jackson, Newton, Myers, Kennedy, Manning Walker, Livingston and McBride

Abstain: Malinowski

The vote was in favor with Mr. Malinowski abstaining from the vote.

Ms. Dickerson moved, seconded by Ms. Myers, to reconsider this item.

Opposed: Terracio, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Abstain: Malinowski

Present but Not Voting: Manning

The motion for reconsideration failed.

- b. Columbia/Richland Fire 2018 Annual Report – Chief Aubrey Jenkins gave a brief overview of the Columbia/Richland Fire's 2018 Annual Report.

Ms. Myers requested the ISO Ratings, per area.

12. **REPORT OF THE CLERK OF COUNCIL**

- a. Upcoming Work Sessions:

- 1. April 16 – Business License Ordinance
- 2. May 7 – Annexation

Ms. Roberts reminded Council of the upcoming work sessions on April 16th and May 7th.

The April 16th work session will need to be rescheduled to accommodate another Council matter. Mr. Livingston will coordinate with the Clerk's Office regarding this matter.

- b. 24th Annual Columbia International Festival, April 6 – 7, State Fairgrounds – Ms. Roberts reminded Council of the upcoming Columbia International Festival on April 6th and 7th at the State Fairgrounds.
- c. CASA Volunteer Appreciation Luncheon, April 17, Noon, Doko Manor, 100 Alvina Hagood Circle, Blythewood – Ms. Roberts reminded Council of the upcoming CASA Volunteer Appreciation Luncheon.

13. **REPORT OF THE CHAIR**

- a. Creation of Flood and Drainage Project Ad Hoc Committee – Ms. Powell stated there is a request for a Flood and Drainage Project Ad Hoc Committee. Richland County will have the opportunity to submit a list of flood and drainage projects that we may need funding for. The list is due by mid-May.

Mr. Manning inquired if this is something the Blue Ribbon Ad Hoc Committee could take up.

Ms. Powell stated that was considered, but because this project is different than what the Blue Ribbon Ad Hoc Committee was convened to discuss, it is felt that it might be best to engage a different set of stakeholders.

Ms. McBride moved, seconded by Mr. Walker, to create the Flood and Drainage Ad Hoc Committee.

In Favor: Terracio, Malinowski, Jackson, Newton, Walker, Dickerson, Livingston and McBride

Abstain: Myers

Opposed: Manning

Present but Not Voting: Kennedy

The vote was in favor.

Ms. McBride moved, seconded by Mr. Walker, to reconsider this item.

Opposed: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Kennedy and Manning

The motion for reconsideration failed.

- b. Administrator Search Update – This item was taken up in Executive Session.

14. **OPEN/CLOSE PUBLIC HEARINGS**

- a. 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. Franklin DuBose, Ms. Brenda McGriff, Ms. Christine Fludd, Mr. Bob Holmes, Mr. Robert O’Brien, Ms. Barbara Jones, Mr. Frank Barron, Mr. Donald Caldwell and Elaine DuBose in opposition of this item.
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 18, Offenses, to add Section 18-7, Public Nuisances; and Amending Chapter 16, Licenses and Miscellaneous Business Regulations, Section 16-18, relative to license suspension and revocation for a business determined to be a public nuisance – Mr. Jaehoon Choe, Mr. Robert Brown and Mr. Mark Huguley spoke in favor of this item.

15. **APPROVAL OF CONSENT ITEMS**

- a. 19-001MA, Michael Niermeier, RU to OI (33.16 Acres), Lower Richland Boulevard TMS # R12700-03-29 [SECOND READING]
- b. 19-003MA, Anna Fonseca, OI to RS-HD (1.55 Acres), Farrow Road and Plantation Drive, TMS # R17300-02-22 [SECOND READING]
- c. 19-005M, Ray L. Derrick, RU to NC (3.76 Acres), 1012 Bickley Road, TMS # R02415-02-01 [SECOND READING]
- d. 19-007MA, Deborah Stratton, RU to NC (2 Acres), 2241 Clemson Road, TMS # R20281-01-24 [SECOND READING]
- e. Approval of Purchase: Fire Pumper Truck
- f. Richland Rebuilds (1228 Tolliver Street) – Required Change Order
- g. Southeast Sewer Project Award
- h. Internal Auditor

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

In Favor: Terracio, Malinowski, Jackson, Newton, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Myers and Manning

The vote in favor was unanimous.

Dr. Thompson requested the following items be reconsidered: “Approval of Purchase: Fire Pumper Truck” and “Southeast Sewer Project Award”.

Ms. Myers moved, seconded by Mr. Walker, to reconsider the “Approval of Purchase: Fire Pumper Truck” and “Southeast Sewer Project Award”.

Opposed: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The motion for reconsideration failed.

16. **THIRD READING ITEMS**

- a. 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 – Ms. Dickerson moved, seconded by Ms. McBride, to approve the ordinance with the deletion of the underlined language and adopt the remaining ordinance, as drafted.

Mr. Livingston inquired, for clarification, the motion is to delete which language.

Ms. Dickerson stated, for clarification, to delete the red underlined language.

Mr. Livingston stated the deletions are as follows:

- (1) Fitted cover, for the purpose of this section, means a cover that conforms to the basic shape of the vehicle and covers all portions of such vehicle.
- (2) or scooters, by any source of artificial power (i.e., not propelled by human effort), excluding trains.
- (2) and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- (4)(c) ... (1) acre (replace with 3 acres)

Ms. Myers stated she would agree with Ms. Dickerson and suggest that we restore the acreage restriction to 3 acres everywhere where it has been reduced to 1 acre, we restore the language regarding the fitted covers where it has been reduced, retain the authority that has been given to the Sheriff, and retain the 30 days, as opposed to the 45 days.

Mr. Farrar stated the additional language that is of concern is on pp. 170, near the end of “(d) An operator (“Commercial Operator”) of a truck tractor, semi-trailer or trailer for commercial purposes [i.e., one or more of these vehicles is regularly used in the operator’s present employment, and not his or her former or speculative future professional employment, or, put differently, the operator is legitimately employed in a capacity that requires the use of one or more of these vehicles] shall be permitted to park such vehicles at the operator’s residence in between use of the truck tractor, semi-trailer or trailer in the operator’s professional employment, including overnight parking. For purposes of this subsection, “regularly used in the operator’s present employment” does not mean that the truck tractor, semi-trailer or trailer may be allowed to be parked at the operator’s residence or at any other residence subject to this ordinance if parked and remaining idle for a period of ____ days”. He stated this does not deal with the acreage piece, but with the overnight commercial operators.

Ms. McBride stated this was the 1st issue that she worked on when she came on Council. She met

with some of the constituents and they had expressions of disillusionment, which she now understands since they have been working on this issue for over 5 years. She thinks this is unacceptable. With that said, she wants to support Ms. Dickerson's amendment and to clarify that the community wants the acreage to be restored to 3 acres or larger throughout the ordinance.

Ms. Newton stated that she is concerned, at this point, that she is not tracking to all the changes that are being made; therefore, she is having a hard time figuring out what she would be voting for. She wants to support the effort, but wondered if we could bring this back with a clean version, so that she knows what we are doing. Also, one of the things that we need to do is balance the needs of different constituents. For those of us that live in neighborhoods, we want to be careful. We do not want large trucks parked that are obstructing our view, and are safety hazards. At the same time, the way this ordinance is written it applies universally across the County, even for people that have very large lots, so she wants us to take that in to consideration.

Mr. Malinowski stated he also supports what Ms. Newton just commented on. He stated this started with a one-size fits all, and by deleting some of these changes, we are back to a one-size fits all. He said that he can support the older communities, the brand new ones and those currently being built, that are residential neighborhoods, but he does not think it is really right for these people that are living in neighborhoods that are smaller, close together, with narrower streets within them to dictate what the entire County is going to have to come under (i.e. 3 acres or more). There are many, many areas in the County that people own anywhere from 1 acre – 3 acres, and that is all they have. The houses are situated that they put a "U-shaped" driveway in the front and the owners can pull in and pull right out. There are no houses on either side of them, but we are going to saddle these individuals out in the "Rural" community with the exact same restrictions as we are putting on neighborhoods that have smaller lot sizes, smaller streets, etc. We requested staff to come back with something that would address more than a one-size fits all. They did and he can support the deletion of the section about the overnight parking over tractor trailers and the fitted car covers. But, he cannot support the section that increases the acreage up to 3 acres, and punish the entire County for these communities that are asking for our help. We can help them and still treat the others in our County with equality in this matter. The law needs to cover the actual neighborhood, and not the size of lot.

Mr. Malinowski made a substitute motion to defer this item until the next Council meeting, so Council can be provided a clean version. The motion died for lack of a second.

Ms. McBride stated, for clarification, the motion is to delete the red language in Section (d) on p. 170 and restore the acreage in Sections (c) and (f) to 3 acres.

Ms. Terracio stated she does not think we have clarified what happens with Section (h) "Penalties", and especially the following language, "Anyone violating the provisions of this section shall have an opportunity to cure the violation within ___ days/."

Ms. McBride stated Ms. Myers included that part with the 30 days.

Mr. Livingston inquired if it was a part of the motion.

Ms. McBride stated it was not, but we can make it a part.

Mr. Manning stated Ms. Dickerson made the motion, and Ms. Myers make a friendly amendment that Ms. Dickerson accepted.

Ms. Myers stated her friendly amendment would have included 30 days in all the section where the remedies were needed.

Ms. McBride stated she thinks Section (d) was to be replaced with “no commercial trucks, tractor trailers, or straight trucks shall enter any residential neighborhood, except for the immediate delivery or pick up of products and services, except where lot sizes are 3 acres or larger.”

Ms. Myers stated she did not see that.

Ms. McBride agreed to leave the language in Section (d) as is.

Ms. Newton made a substitute motion, seconded by Mr. Malinowski, to bring back a clean copy, with all of the proposed revisions, at the April 19th Council meeting.

In Favor: Malinowski, Walker, Newton and Kennedy

Opposed: McBride, Jackson, Livingston, Manning and Dickerson

The substitute motion failed.

In Favor: McBride, Livingston, Myers, Jackson, Manning and Dickerson

Opposed: Malinowski, Kennedy and Newton

The vote was in favor of the original motion.

17. SECOND READING ITEMS

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 18, Offenses, to add Section 18-7, Public Nuisances; and Amending Chapter 16, Licenses and Miscellaneous Business Regulations, Section 16-18, relative to license suspension and revocation for a business determined to be a public nuisance – Mr. Manning moved, seconded by Ms. Dickerson, to give 2nd Reading approval to this item, with the deletion of Subparagraph 5(b), as the provisions in that subparagraph are adequately addressed in the following Subparagraph 5(c).

Ms. Myers stated she is in favor of the nuisance ordinance, but it needs to be more precise. She had someone to pull some information to define “excessive requests” in other jurisdictions. In most other jurisdictions, “excessive requests” is defined as a request for emergency assistance made to the Sheriff’s Department in a particular location, or premises, and that it is 3 or more times within 30 days. She stated we could have someone cut themselves on knife in a kitchen in January, someone slip and fall...and EMS have to come, but that is not what we are talking about. We are talking about nuisance activity, and it is not well defined enough to not capture the Wal-Mart. She would suggest 3 or more calls within 30 days or something that gets us to a real definition. She is not sure if this has gotten any research from what other jurisdictions do. This is more of a finger in the wind. Six calls over a 12-month period is not a whole lot, so she would be afraid to close down businesses. Now, if you wanted to define “excessive” as a number of calls, and a type of call. If you got 6 calls where someone got shot, then they need to be shut down, but we are not making any gradation between and among the kinds of calls. She is in favor of the nuisance clubs being shut down, but there has to be fairness, and this does not read fair yet.

Ms. Dickerson stated she listened to everyone talk about Decker Boulevard and Percival Road, but you cannot leave out Broad River Road, which is probably as bad off as Arcadia Lakes. She requested that the language be inclusive and addresses the differences between types of calls.

Mr. Livingston stated he thinks the concern is, if we are going to have the word “excessive” in the ordinance, we have to define it somehow.

Mr. Malinowski stated he thinks the ordinance is still too broad. He is glad that Ms. Myers took the time to research this, and get us one answer. There is a list of questions presented, that staff needs to get answers to. He hopes Council gets them sooner than later.

Mr. Walker stated Section 5(c), in his opinion, defines what type of incidents are addressed in this ordinance. Now, if there needs to be further tightening to the types, maybe we could hone in collaboratively, and direct Council to look at the six (6) identified types of crimes for which 6 incidents, in a given year, probably would be deemed excessive.

Mr. Smith stated the incidents they were trying to capture are the ones contained under Subparagraph (c) and would not include incidents such as someone falling off of a bed or wounding themselves. There had to be a response by law enforcement. Now, if there needs to be further clarification...

Ms. Myers stated the incidents are disjunctive, and not conjunctive. You could pick one the way it is written now. She stated there is an “or” and that is the problem.

Mr. Livingston stated Ms. Myers is referring to (c) which says, “incident reports, citations, or search warrants”.

Mr. Manning stated he knows there was a meeting with the attorney from the Sheriff’s Department, administration from the Sheriff’s Department, Business License personnel and the County Attorney’s Office to try to address things that were brought up, so he does not think they were ignored. He inquired if the team understands why his colleague feels like it is not clear, from the work you did, so you can do some different kind of work.

Ms. Myers stated she would be happy to provide Mr. Smith with her notes.

Chief Cowan stated we agree that we need to focus on the types of crimes, so our goal in this, was to target violent crime. The wording that we chose was to target those issues related to violent crime, and that is what is negatively impacting the communities. The only examples they could find in other jurisdictions, were those that were related to 3 or 6 alarm calls, or traffic accidents, which is not what we want to address. That is why they chose 6 violent crimes within a period of a year.

Mr. Farrar stated, as far as drafting, it is whatever Council wants as a standard (i.e. 3 or more in 30 days). He thinks people focus on Subsection (d) Emergency Abatement, which is the shuttering of the doors. That is a part of the ordinance, but the real enforcement is Subsection (c) which says it is an ordinance violation. So, if you get a nuisance citation, you get an ordinance violation. If we have this ordinance being used a lot, that is going to be a real issue because you do not use Subsection (d) unless you are also prepared to go for an injunction. Those should be parallel, not exclusive of each other. The one time we have used the injunction was after 2 people were murdered and 70 rounds of ammunition fired. He stated they are happy to make the changes, but as far as the application of this, if we get to Subsection (d) we are talking about a significant violent crime going on in Richland

County.

Mr. Malinowski stated, if we are serious about passing this ordinance, and creating certain penalties on these businesses, then we need to be serious about addressing it if an appeal comes up after the Business License review. In the ordinance it says, "Council shall conduct within 7 calendar days...", which seems like a quite a bit of time. If we are serious, and feel that this is a serious enough violation to take someone's business license, then we as a Council need to be serious enough to come in here within 2 or 3 days of this determination being made.

Mr. Manning stated, for clarification, the motion is the language that was provided in the agenda packet, with the deletion of Subsection 18-7(5)(b), on p. 176, as those provisions in that subparagraph are adequately addressed in subparagraph (c).

Ms. Myers stated she supports the motion, but she requested the comments made be included before 3rd Reading.

In Favor: Terracio, Jackson, Newton, Kennedy, Manning, Walker, Dickerson, Livingston and McBride

Opposed: Malinowski

Present but Not Voting: Myers

The vote was in favor.

18. **REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

- a. Rural Zoning vs. Open Space Provision – Rural minimum lot size is 0.76 acre lots. Open space provision will allow high density lots with green space set aside. The uses for housing are similar but the capacity is different; therefore, there should be a zoning change from any current zoning to another defined use [N. JACKSON] – Ms. Dickerson stated the committee recommended that this item be tabled.

Mr. Malinowski stated he does not think this item needs to be tabled. It needs to be discussed and handled. We currently have ordinances that are specific regarding the number of homes that can be built in specific zoning areas. They give minimum lot sizes that are allowed to be built, and if you change the lot size due to open space density, you are not following the ordinance that is in place. We either need to create an ordinance that will address these new lots sizes because the densities are being changed, or we need to eliminate those bonuses to stay in conformity with the ordinance. It was stated in committee that, "There is only a very small change in these densities." It is a small change now, then there is a small change to the small change. At what point, do we wind up that we are having a large change.

Ms. Newton stated part of what they discussed in committee is that we are currently in the process of redoing the Land Use Code, so the idea was that we could address this issue as part of the ongoing process, as opposed to creating a 2nd effort that is going to address part of the same thing.

Mr. Malinowski inquired as to the timeframe of the rewrite. It is his understanding that it is quite a while, and if it is, we are allowing these additional densities to take place while we are waiting for this.

Ms. Powell stated this is slated to be completed 4th Quarter of this year or 1st Quarter of 2020.

Mr. Malinowski inquired if this was going to be addressed in the code rewrite.

Ms. Powell stated Council will have the opportunity to address it. The consultants have put forth several proposals. Planning Commission will vet those proposals and make a recommendation to Council. The recommendation will come before Council at a work session.

Ms. Newton stated if there is a process that we would need to follow to add that consideration for the consultant, she would like to do that proactively instead of waiting.

Mr. Malinowski made a substitute motion, seconded by Ms. Newton, to consider a 4th option for the consultants during the rewrite of the Land Use Code.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Livingston and McBride

Opposed: Dickerson

Present but Not Voting: Manning

The vote was in favor of the substitute motion.

- b. An Ordinance Amending Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations, by adding Section 16-23, "Health Massage, Bodywork Therapists, and Massage Establishments" [FIRST READING] – Ms. Myers stated she raised some questions about this time, and most of them have not been addressed. She stated under Subsection 4, there is no exemption for standard personal trainers that are not affiliated with a professional sports team or institution. We have lots of those, so they would be regulated out of business. Then on pp. 149, "#8 - Operation in connection with living or sleeping quarters prohibited", she raised the issue of hotel, which are sleeping quarters, and you could not have a spa. She also questioned "9 – Hours of Operation." Then on pp. 150, she stated she had a question about "#11 – Employment of persons found guilty of criminal sexual offenses" because if someone gets out of jail and gets trained as a therapeutic fitness trainer they could not work with sports teams under this Code, which is problematic to her. We want to stop them from engaging in bad activity, but not earning a living. On "#13 - Access; right of entry" you could have a peace officer coming into a spa and exploring all of the rooms while people are getting service because this is quite broad. If we could narrow some of those things, she would be grateful. She also noted on pp. 146, that we do not have other ordinances where we do all this case law citation, so it seems odd to her.

Mr. Manning stated he thinks one of the issues that did not get address, and maybe there needs to be additional language, but with regard to the hotels, the reading of this is that it would be a massage establishment, not a hotel. If there is a massage establishment within the hotel, that would not make the whole hotel a massage establishment. After he went back and reread the ordinance after the D&S Committee meeting, he felt like that was clear enough. As he said in the email on Sunday, he would certainly be happy to take any wording changes to the County Attorney. In terms of hours, he forwarded an email to his colleagues from the Program Manager, Government Relations from the American Massage Therapy Association, where he had sent some wording from another location in Colorado and those hours, and he was basically saying their association recommended that we might want to look at that plan, and those hours were the same as what is included in the proposed ordinance. He further stated we can work the interpretation of what

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access the Code Enforcement would have to enter rooms where people were having massages. As he indicated in his email, he is certainly happy to have this provided to him or the County Attorney's office to get the language right, so we can keep this moving because ultimately jurisdictions all around the country concerned about human sex trafficking have passed and use this wording.

Ms. Dickerson moved, seconded by Mr. Jackson, to call for the question.

In Favor: Terracio, Jackson, Newton, Manning Walker, Dickerson, Livingston and McBride

Opposed: Malinowski and Myers

Present but Not Voting: Kennedy

The vote was in favor of calling for the question.

Mr. Livingston moved, seconded by Ms. Dickerson, to move forward with 1st Reading, with the understanding that the information that has been discussed will be included for 2nd Reading.

In Favor: Terracio, Jackson, Newton, Manning, Walker, Dickerson, Livingston and McBride

Opposed: Malinowski

Present but Not Voting: Myers and Kennedy

The vote was in favor.

- c. Bulk Item Collection Procedure – Ms. Kennedy stated the committee recommended to leave the procedure as it is presently.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The vote in favor was unanimous.

19. **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

- a. Affordable Housing Development Project – Ms. Dickerson stated the committee recommended approval of this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The vote in favor was unanimous.

- b. An Ordinance Amending the Richland County Code of Ordinances; Chapter 2, Administration; so as

to restructure the departments of the County [FIRST READING] – Ms. Dickerson stated the committee recommended approval of this item.

Ms. Terracio requested the word Councilman be changed to the gender neutral Councilmember.

Ms. Newton stated there are several areas in the ordinance that are really prescriptive, and she is unclear how much latitude that gives managers, in terms of making reasonable changes within their departments.

Mr. Manning made a substitute motion, seconded by Mr. Jackson, to defer this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Kennedy, Manning, Walker and McBride

Opposed: Myers and Livingston

Abstain: Dickerson

The vote was in favor.

- c. I move that Richland County Council pass a resolution urging the South Carolina State Legislature to pass the Equal Rights Amendment, making it the final state required to ratify the Amendment [TERRACIO] – Ms. Dickerson stated the committee recommended approval of this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Manning, Walker, Livingston and McBride

Abstain: Dickerson

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

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

- a. An Ordinance Consenting to the conversion of an existing lease purchase agreement between Richland County (the "County") and Mars Petcare US, Inc., f/k/a Kal Kan Foods, Inc. (the "Company") to a fee in lieu of tax agreement pursuant to Title 12, Chapter 44, South Carolina Code, 1976, as amended; authorizing the execution and delivery of a fee in lieu of tax (conversion) agreement by and between the County and the Company; authorizing the reconveyance by the County to the Company of the property subject to such lease purchase agreement and other related matters [FIRST READING] – Mr. Jackson stated the committee recommended approval of this item.

Mr. Malinowski inquired as to what the term “conversion” means.

Mr. Ruble stated the original fee-in-lieu of tax statute required companies to deed their real and personal property over to the County to remove it from ad valorem taxes. The company would then lease their property back from the County, which created a fee, thus the term fee-in-lieu of taxes. They have modernized that structure and it does not require companies to transfer the property over to the County anymore, so the company is exiting the old statute and modernizing it. Now, we are shifting property back to the company’s ownership.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson and

Livingston

Present but Not Voting: Manning

Abstain: McBride

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

- b. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and an entity known for the time begin as "Project M19," identifying the project; and other matters related thereto – Mr. Jackson stated the committee recommended approval of this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson and Livingston

Present but Not Voting: Kennedy, Manning and McBride

The vote in favor was unanimous.

- c. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and an entity known for the time being as "Project M19" to provide for payment of a fee-in-lieu of taxes; and other related matters [FIRST READING] – Mr. Jackson stated the committee recommended approval of this item.

Mr. Malinowski noted on p. 446 it says, "within a reasonable period of time". He inquired if there was not a way to narrow it down and have a specific time placed in here.

Ms. Myers stated this is the way it is typically written. And, the law understands what that means.

Ms. Terracio stated she believes she just voted to commit to negotiate for Project M19, and now she is being asked to give a 1st Reading to this simultaneously.

Ms. Luther stated under Title 12, Chapter 44, the State law that authorizes counties to enter into fee-in-lieu of tax arrangements, there is a requirement for the County to adopt an inducement resolution to start the clock by which expenditures made by the company can qualify for fee-in-lieu of tax treatment. The inducement resolution, under State law, requires essentially 2 things, (1) to identify the project, and (2) for the County to commit to negotiate the fee-in-lieu tax agreement. Traditionally, they are brought to Council at one time, unless there is a gap between when the company knows there will be investments made and the incentives are worked out. The Economic Development Committee has been briefed on the incentives to be offered to this company, so that is why we have brought 1st Reading of the ordinance authorizing the fee-in-lieu of tax agreement.

Ms. Terracio stated, for clarification, that we do not actually know what the project is.

Mr. Jackson stated the committee does, but because we are bidding for the project, like other counties are, we do not want it publicly known who it is, at this time.

In Favor: Jackson, Newton, Myers, Walker, Dickerson and Livingston

Opposed: Malinowski

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Present but Not Voting: Terracio, Kennedy, Manning

Abstain: McBride

The vote was in favor.

- d. To provide authorization for an installment purchase plan of finance for certain capital projects (Economic Development Infrastructure) in the County; and other related matters – Mr. Jackson stated the committee recommended approval of this item.

In Favor: Terracio, Malinowski, Jackson, Myers, Walker, Dickerson and Livingston

Present but Not Voting: Newton and McBride

The vote in favor was unanimous.

- e. To provide authorization for an installment purchase plan of finance for certain capital projects (Parking) in the County; and other related matters – Mr. Jackson stated the committee recommended approval.

Mr. Malinowski stated he sees this as approving something that we do not have details about. Within the resolution it says, “the of Project Kline, the County and the City relating to the Project are to be memorialized in a memorandum of understanding (“MOU”)", which is not here, so he has no idea what we may be memorializing. On p. 467, it says, it is “proposed that... Corporation will adopt a resolution approving the Base Lease”. What is the proposal going to state? What is the base lease going to have in it? In Section 1.01, it says, “The Council hereby consents to the creation of the Corporation.” He stated he does not have any organizational chart to know what kind of organization or corporation we are talking about. It goes on to say, “...and the undertaking by the Corporation of an installment purchase plan of finance...” Again, there are no figures that have been provided. Lastly, it says, “The Council hereby consents to and approves the issuance, sale, execution and delivery of the Bonds”, but we are not given any specifics what these bonds are to be used for.

Mr. Ruble stated what Council is authorizing us to do is to go forward to extend options and start the process of putting all these materials together. The whole bonding process starts with the resolution, then we will follow up with ordinance. The plan is to sit down with individual members of Council and make sure they are clear about the plan. What you are voting on tonight is to authorize us to go ahead and start putting the plan together.

Mr. Jackson stated there will be opportunities for Councilmembers to be briefed, in detail, on the very questions Mr. Malinowski is asking. He stated this was discussed in Executive Session, so we do not want to put the details on the public record.

In Favor: Terracio, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Malinowski

Abstain: Manning

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

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

- a. Approval of CR Jackson's request to utilize Richland County's Property for their assets, during the construction of Clemson Road Widening – Mr. Jackson stated CR Jackson wants to utilize Richland County's property for a storage place to store their equipment. The committee recommended approval of this item.

Ms. Dickerson inquired as to the location of the property.

Mr. Beaty stated it is near the Clemson Extension off of Clemson Road.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Kennedy and Manning

The vote in favor was unanimous.

- b. Approval of the Executive Summary and Recommendations:

1. Lower Richland Widening – Mr. Jackson stated the recommendation is to approve the executive summary and to increase the sidewalk width to 8-ft.

Mr. Malinowski inquired if this project and the Polo Road Widening are within the referendum dollar amount.

Mr. Beaty stated the Lower Richland Widening Project is anticipated to be within the referendum amount. The Polo Road Widening is going to be at, or above, the referendum amount, based on their current estimates.

Ms. Dickerson stated, for clarification, that the sidewalk is going to 8-ft.

Mr. Beaty stated, adjacent to Lower Richland High School, the project is proposing to have a 10-ft. shared-use path, and on the other side, which is currently undeveloped, instead of building a 5-ft. sidewalk it was recommended that they explore expanding it to 8-ft.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Dickerson, Livingston and McBride

Present but Not Voting: Manning and Walker

The vote in favor was unanimous.

2. Polo Road Widening – Mr. Jackson stated the recommendation is to above the executive summary.

Ms. Dickerson inquired as to why it is recommended to widening this road.

Mr. Niermeier stated it was in the original referendum to widen this road.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Dickerson, Livingston and

McBride

Present but Not Voting: Manning and Walker

The vote in favor was unanimous.

3. Smith/Rocky Branch Greenway A, B, C – Mr. Jackson stated the recommendation is to approve the executive summary.

Mr. Malinowski stated the reason he cannot support this is because it seems unfair to those people who voted for these greenways to now say we do not have the funds to complete all of them, and we do not care because we want to give the people down the road a little bit bigger or longer pathway. He cannot support taking from someone that is getting nothing and giving more to somebody that is getting something.

Mr. Manning inquired is the termini for the Gills Creek and Smith/Rocky Branch greenways ending where there is not parking available.

Mr. Beaty stated Gills Creek A is from Devine to approximately Mikell Lane, which is where the funding is anticipated to take it. At Mikell Lane, parking would be an issue because there is no opportunity for parking. They have not addressed the opportunity to move funds from Sections B and C to Gills Creek A, which would extend the project to, at least, Timberlane, where parking could be addressed. On the Smith/Rocky Branch, they held a series of public hearings. There were 3 sections, 2 along Smith Branch and then on along Rocky. Based on the comments from the public, and other interested parties, the recommendation is to go forward with design for the Rocky Branch section. At that location, there would be available parking at both ends.

Mr. Jackson stated that is a very critical point that Mr. Manning just made in debating whether or not we have enough money in the referendum. The referendum talks about the completion of the project. The request tonight is to ask for approval to do design work.

In Favor: Terracio, Jackson, Newton, Myers, Kennedy, Manning, Walker, Dickerson, Livingston and McBride

Opposed: Malinowski

The vote was in favor.

4. Crane Creek Greenway A, B, C – Mr. Jackson stated the recommendation is to approve the executive summary.

In Favor: Terracio, Jackson, Newton, Myers, Kennedy, Manning, Livingston and McBride

Opposed: Malinowski

Present but Not Voting: Walker

The vote was in favor.

5. Shop Road Extension Phase 2 – Mr. Jackson stated the recommendation is to move forward, but

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to revisit the alternative options for cost and safety.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Livingston and McBride

Present but Not Voting: Kennedy and Walker

The vote was in favor.

- c. Approval of Shop Road Termini Studies and Recommendations at George Rogers and Mauney – Mr. Jackson stated the committee recommended approval of this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Dickerson, Livingston and McBride

The vote in favor was unanimous.

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

The vote was in favor.

Mr. Malinowski inquired what the actual cost is going to be. The reason he is asking is we have a referendum amount of \$33.1 million, and then there is another figure of \$61.5 million to complete the project.

Mr. Beaty stated the current design is estimated at \$61 million to complete the project. However, what they are presenting tonight would reduce the costs by a total of \$8 million.

Mr. Malinowski stated, so if you are reducing the \$61.5 million by \$8 million, that would put it at \$53.5 million. Yet the referendum amount was \$33.1 million, which puts it \$20 million over the referendum amount. He inquired where the additional \$20 million in funding is coming from.

Mr. Beaty stated it is coming from a variety of other project scope reductions. The additional savings could come from the I-20/Broad River Road Interchange of \$52.5 million.

Mr. Niermeier stated they are looking at this in the “Get Healthy” portion of the program. It is something that is being research right now.

Dr. Thompson stated, regarding the \$52.5 million, he would never recommend to spend that money. He thinks we have an obligation to the taxpayers for the \$52.5 million that is in the ordinance for Carolina Crossroads. It is fine if SCDOT has the \$1.5 billion to pay for that project. The only issue is, he just received a request about 6 weeks ago from SCDOT, for \$4 million on a small project. So, if they are asking \$4 million for Leesburg Road Widening, why would they pass up the opportunity to ask for \$52.5 million for Carolina Crossroads. He stated they also asked us for the \$28.9 million for Hardscrabble Road. He stated we should tread lightly, and put the funds to the side until after SCDOT completes Carolina Crossroads.

Ms. Myers stated, for clarification, Dr. Thompson’s concern is that we may never get the \$52.5 million, which means the money we could cobble together to do this project may not materialize. Would it be logical to not do this design work given that we might have to redesign it?

Dr. Thompson stated that was an accurate assessment. As we have spoken in the past, it becomes a policy matter, if we are going to stick with the ordinance amount, that we make sure that we are disciplined and make sure the design work is based on that number, so we do not have to de-scope down the road.

Mr. Jackson stated it is a little bit disappointing that the conversation continues to go back to what we may or may not have, in terms of funding down the road. If the project is being designed with the referendum being the cap, the assumption the committee has made is that the project will be completed within the cap. So, the design should be developed according to the available funding in the referendum. To suggest, tonight, that we do not know if we should be designing because it may exceed the referendum when we have had 2 staff members say that they are going to ensure that it does not exceed the referendum is a little disingenuous. Either we are designing it according to what has been authorized, and will remain under the referendum, or we do not design it at all.

Ms. Myers stated, in the committee meeting, it was not her understanding that we were planning a design that far outstripped the referendum amount, but now it is her understanding that is what we are doing.

Mr. Beaty stated the proposal before Council would design a project where today's estimated cost would be \$53 million.

Ms. Myers stated, for clarification, we are essentially designing it \$22 million above the referendum.

Mr. Beaty responded in the affirmative. He further stated, the cost to design a \$33 million project is relatively the same as the cost to design a \$53 million project. There would be a minimal cost to scale back the project.

Mr. Malinowski stated all he can go by is what is in front of him. On p. 521, it says, "The referendum included an allocation of \$33.1 million for this work." Then, it went on to say, "The current design for this project proposes...an estimated cost of \$61.5 million." That is extremely large amount over the referendum amount. The only cost savings provided to us in our agenda was \$3.1 million. Tonight, we are hearing there is an additional \$5 million. He stated when we are dealing with these types of figures, we really do not have all the information here.

Mr. Manning inquired, if SCDOT comes to us and ask for the \$52.5 million, and we tell them no, do you anticipate they would not construct some portion of project or not put up signage.

Mr. Beaty stated the State Legislature has fully funded the construction of the Carolina Crossroads Project, which includes the I-20/Broad River Road Interchange. If they were to ask the County for the money, and you were to tell them "no thank you", they would still be required to construct the project.

In Favor: Terracio, Jackson, Kennedy, Manning, Livingston and McBride

Opposed: Malinowski and Walker

Abstain: Dickerson

Present but Not Voting: Newton and Myers

The vote was in favor.

- d. Approval of Decker/Woodfield Neighborhood Improvement Project Utility Agreement for AT&T Design **{This item was reconsidered at the April 16th Council Meeting}** – Mr. Jackson stated the recommendation is to approve the utility agreement for AT&T design.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Manning, Walker, Livingston and McBride

The vote in favor was unanimous.

- e. Approval of Greene Street Phase 2 Condemnations: -- Mr. Jackson stated the committee recommended to approve the request for condemnation and to also have Legal review this issue.

Mr. Malinowski stated it indicates we are paying for a temporary right-of-way and then we are paying for a permanent right-of-way. He requested an explanation.

Mr. Beaty stated we are recommending that we pay for permanent right-of-way, which would become property of the County, and ultimately the SCDOT. Also, where we would be working on their property, temporarily, the current SCDOT policy is the property owner deserves to be paid for the use of their property. We would be paying them to use their property during construction, and then whenever we are done with it, it would go back to them. It is basically renting the property while you are doing construction.

1. 5 Railroad Tracts

2. 2 Guigard Tracts

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Dickerson, Livingston and McBride

Present but Not Voting: Kennedy, Manning and Walker

The vote in favor was unanimous.

- f. Approval of Greene Street Phase 2 Gadsden Closure – Mr. Jackson stated the committee's recommendation is review and approve the letter, and schedule a public hearing to engage the community.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Kennedy and Manning

The vote in favor was unanimous.

- g. Approval of Greenway Category Summary and Recommendations – Mr. Jackson stated the referendum includes 15 sections of greenways. Not all of them is viable for construction, due to limited funding, lack of public support, or physical constraints. Therefore, the memorandum recommends the following:

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1. Lincoln Tunnel – Complete
2. Gills Creek A, B and C – To move forward with the design of Section A, and reallocate funds from Sections B and C to Section A to complete

Ms. Myers stated the discussion in committee was to look at a wholesale method of deciding which of these greenways to do, and not do this one off. Therefore, she inquired, if moving forward on this and shuffling money around do we lose the opportunity.

Mr. Jackson stated he thinks there is enough funding in “Greenways”, so moving money around in this category will not affect us not being able to do all of these, and with a balance.

Mr. Beaty stated the greenways are proposed to be developed, in its entirety, within the total amount. For example, you could take the monies from Gills Creek B and C, and move over to A, and stay within the combined 3 amounts, but only construct A.

Ms. Myers stated she thought we decided that we did not want to cede the authority to make these changes without public input. Basically, we are not going through the ordinance process, which is 3 readings and a public hearing, and making changes as it suits us.

Mr. Livingston stated, for clarification, there is nothing being proposed that is outside of the referendum.

Mr. Beaty stated there is nothing being proposed outside of the referendum amount. What they presented, at the Ad Hoc Committee meeting, was taking multiple greenways and shifting funding to construct a particular section. We also discussed deferring this subject until there could be a work session.

Mr. Jackson moved, seconded by Ms. Dickerson, to defer this item until after a work session.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Abstain: Kennedy and Manning

The vote in favor was unanimous with Mr. Manning and Ms. Kennedy abstaining from the vote.

- h. Three Rivers Greenway CSX Railroad Permit – Mr. Jackson stated the recommendation is to defer this back to committee.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The vote in favor was unanimous.

- i. Approval of Budget Transfers Between Penny Projects – Mr. Jackson stated the recommendation is to approve the budget transfers between penny projects.

Mr. Malinowski stated he did not understand the backup documentation included in the agenda

packet and requested an explanation.

Mr. Beaty stated what they are proposing is that the FY19 budget be modified on individual projects. This is independent of the referendum amount. It is independent of cost estimates. There were some projects that were put in the FY19 budget that they have spent more money in FY19 than they realized they were going to. Some projects they have spent less money. All that means is that same money may be spent in the future, but in an effort to stay whole within FY19, they are asking for permission to move the budget amount. The reason that is important is, if a project does not have enough budget, it prevents staff from being able to pay invoices and approve work authorizations for that project.

Ms. Dickerson inquired if Mr. Beaty was taking these things in order because it seems like they are being taken out of order; therefore, the funds are being shifted around and she is not following the money.

Mr. Beaty stated they are shifting the budgets for a couple of reasons. A project may have been delayed during construction, so we did not spend as much money in the fiscal year. It is going to be spent in the next fiscal year. Or, more work was completed on a project, so they spent more money in the fiscal year. Therefore, they are asking to modify the budget to accommodate how much that project is going to spend in this year. The total budget is not changing; they are just moving budget dollars from one project to another project.

Mr. Jackson stated they had this discussion in committee, and the request is simply to ensure that funds this year are enough to cover projects that are ongoing this year. And, those projects that rolled over to this year, or were completed and did not use all of their funding, would be allocate in this fiscal year in order to have enough dollars when it is time to spend. We did request information that would show in more detail which categories money going from and to, and we do not have that tonight.

Ms. Myers inquired if the information will include an analysis of how many projects are within the referendum amount.

Mr. Jackson stated it should include that information.

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

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The vote in favor was unanimous.

- j. Approval of Mitigation Credit Sales – Mr. Jackson stated the committee recommended approval of the mitigation credit sales.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Kennedy and Manning

The vote in favor was unanimous.

k. Discussion: Program Status Update – No action was taken.

21.5 **RULES AND APPOINTMENTS COMMITTEE**

a. I move that Council work with staff to conduct a comprehensive review of Council rules and recommend changes to streamline the rules to improve the functioning of Council business [NEWTON] – Ms. Newton stated she will forward a copy of the Council Rules to Councilmembers, and request their feedback regarding proposed changes to the rules by April 15.

22. **OTHER ITEMS**

a. FY19 – District 8 Hospitality Tax Allocations – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Dickerson, Livingston and McBride

Present but Not Voting: Myers, Manning and Walker

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. McBride, to reconsider this item.

Opposed: Terracio, Malinowski, Jackson, Newton, Myers, Livingston and McBride

Present but Not Voting: Manning, Walker and Dickerson

The motion for reconsideration failed.

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

a. SCDOR vs. Richland County

Ms. Myers moved, seconded by Ms. Dickerson, to go into Executive Session.

In Favor: Terracio, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Opposed: Malinowski, Jackson and Manning

The vote was in favor of going into Executive Session.

Council went into Executive Session at approximately 10:14 PM and came out at approximately 10:24PM

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

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker and Livingston

The vote in favor was unanimous.

a. SCDOR vs. Richland County – No action was taken.

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24. **MOTION PERIOD**

- a. Resolution Honoring the Ridgeview High School Boys' Basketball Team on their championship [JACKSON and MANNING] – Mr. Manning moved, seconded by Mr. Walker, to adopt the resolution honoring the Ridgeview High School Boys' Basketball Team on their championship.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

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

Opposed: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The motion for reconsideration failed.

- b. Resolution Honoring a Richland County Sheriff's Department Officer's Service [LIVINGSTON] – Mr. Manning moved, seconded by Mr. Walker, to adopt the resolution honoring a Sheriff's Department Officer's Service.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

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

Opposed: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The motion for reconsideration failed.

25. **ADJOURN** – The meeting adjourned at approximately 10:27 PM.