



## Richland County Council

REGULAR SESSION  
May 19, 2020 – 6:00 PM  
Via Zoom Meeting

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

**OTHERS PRESENT:** Michelle Onley, Kimberly Williams-Roberts, Ashiya Myers, Ashley Powell, Angela Weathersby, Leonardo Brown, Larry Smith, John Thompson, James Hayes, Michael Niermeier, Dale Welch, Kyle Holsclaw, Brittney Hoyle-Terry, Tiffany Harrison, Jennifer Wladischkin, and Stacey Hamm

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:02 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Bill Malinowski
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Bill Malinowski
4. **PRESENTATION OF PROCLAMATION**
  - a. A Proclamation Honoring “National Public Works Week” May 17-23, 2020 – Ms. Roberts read the proclamation into the record.
5. **APPROVAL OF THE MINUTES**
  - a. Special Called Meeting: May 5, 2020 – Ms. McBride moved, seconded Ms. Dickerson, to approve the minutes as submitted.  
  
In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Manning, Jackson, Myers and Newton  
  
The vote in favor was unanimous.
6. **ADOPTION OF THE AGENDA** – Mr. Brown requested to add a “Sewer Update” and “Audit Engagement Update” under the Report of the County Administrator. He also requested to add “Amended Budget Calendar” under Other Items.

Mr. Livingston requested to add the “Land Development Code Rewrite” under the Report of the Chair.

Mr. Jackson requested to remove Items 13(a) and 15(b): “Approving the sale of certain property located on Farrow Road; and other matters related thereto” from the agenda.

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

Ms. Newton inquired if Mr. Livingston was going to speak to the PRISMA Healthcare collaboration discussed at the Coronavirus Ad Hoc Committee meeting.

Mr. Brown responded that will be covered under the Report of the County Administrator.

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

Opposed: Malinowski

The vote was in favor.

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

a. Richland County vs. SC Dept. of Revenue Update

b. Coggins vs. Richland County

Ms. Newton moved, seconded by Ms. McBride, to go into Executive Session.

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

Opposed: Walker and Manning

The vote was in favor.

***Council went into Executive Session at approximately 6:13 PM and came out at approximately 6:38 PM***

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

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

The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. Terracio, to accept the Executive Session items as information.

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

Opposed: Walker

The vote was in favor.

8. **CITIZENS' INPUT**

a. For Items on the Agenda Not Requiring a Public Hearing – No comments were received for this item.

9. **CITIZENS' INPUT**

a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time.) – Reverend Deacon Dianna Deaderick and Carl Cox spoke regarding the request for an Affordable Housing Trust Fund.

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown stated included in the agenda packet is the recently published CDC guidance that several Council members requested. Additionally, there are decision trees, which were a part of the guidance. The Coronavirus Ad Hoc Committee met and discussed the possibility of collaborating with PRISMA. As a part of that collaboration, PRISMA could serve as a subject matter expert, assistance with the County’s plan as we prepare to re-open, review the County’s protocols, potentially providing PPE assistance, and to assist the County with looking at the data from the County’s perspective to determine what the Council and County should consider as it continues to try to protect its citizens, and employees. Additionally, related to our COVID-19 response, the County has two (2) ongoing projects with small business grants, as well as, with non-profit grants. We also discussed some internal projects the County needs to consider from a financial standpoint, but those will be addressed during the budget process.
- b. Sewer Project Update – Mr. Brown reminded Council that we have an approved change to our sewer billing scheduled for July 1<sup>st</sup>. There were some Sewer Ad Hoc Committee requests that came down to Administration staff. Staff has reviewed the request, and from a time-sensitive standpoint, Council in its regular process, have to give a 30-day advance notice when there is going to be change. Any changes to these approved rates, we need to discuss this month.
- c. Audit Engagement – Mr. Brown stated it is time for us to begin our annual audit procedures. He knows that we have a past provider that the County has used, but has questions about. This is also a time-sensitive matter that needs to be addressed before the end of the month.

11. **REPORT OF THE CLERK OF COUNCIL** – No report was given.

12. **REPORT OF THE CHAIR**

- a. Land Development Code Rewrite – Mr. Livingston stated we had a meeting schedule with the consultants, and we were not able to hold that meeting. He has received a request to reschedule the meeting for May 28<sup>th</sup> at 3:00 PM.

13. **OPEN/CLOSE PUBLIC HEARING**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for public infrastructure credits to 604 Huger LLC; and other related matters – Mr. Dan Rothschild, Josh Harding, Hal Stevenson and W. Lawton Lord, III.
- b. Approving the sale of certain property located on Farrow Road; and other matters related thereto – This item was removed from the agenda under the Adoption of the Agenda.

14. **APPROVAL OF CONSENT ITEMS**

- a. An Ordinance Amending the Fiscal Year 2020 General Fund Annual Budget by \$455,259.00 to pay for in car camera system for the Richland County Sheriff’s Department [SECOND READING]
- b. An Ordinance Amending the Fiscal Year 2020 General Fund Annual Budget by \$670,600.00 to pay for repairs and improvements at the Central Garage Facility [SECOND READING]

Mr. Walker moved, seconded by Mr. Jackson, to approve the consent items.

Ms. Newton inquired if we have made arrangements, so the invoice for the Sheriff's Department in car camera system can be timely paid in the future.

Mr. Brown responded this was included in the current budget process to ensure that is not an issue going forward.

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

The vote in favor was unanimous.

15. **THIRD READING ITEMS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for Public Infrastructure Credits to 604 Huger, LLC; and other related matters – Mr. Jackson moved, seconded by Ms. Dickerson, to approve this item.

In Favor: Dickerson, McBride, Livingston, Terracio, Kennedy, Jackson

Opposed: Malinowski, Myers and Newton

The vote was in favor.

- b. Approving the sale of certain property located on Farrow Road; and other related matters – This item was removed from the agenda under the Adoption of the Agenda.

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

- a. Approving the transfer of certain property located in the Blythewood Business Park to Fairfield Electric Cooperative; and other related matters [FIRST READING] – Mr. Jackson stated the committee recommended approval of this item.

Mr. Malinowski stated, on p. 156 of the agenda packet, in Section 2, it says, "Any actions taken in the name of the County prior to the effective date of this Ordinance with respect to the transfer of the Proposed Site are expressly ratified and confirmed." He inquired if any previous actions been taken.

Ms. Harrison responded that no actions have been taken.

Mr. Malinowski inquired if we should have a statement included that if, at any time in the future, the property is no longer used for the intended purpose it would be transferred back to Richland County.

Ms. Dickerson stated she will follow-up with Mr. Jackson and Mr. Ruble on this matters because she has additional questions.

Ms. D. Myers inquired if Mr. Malinowski's comment was intended as a motion.

Mr. Malinowski responded he would like to add it as a friendly amendment. Ms. D. Myers seconded the friendly amendment.

Mr. Jackson stated he accepted the friendly amendment.

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

The vote in favor was unanimous.

17. **REPORT OF RULES & APPOINTMENTS COMMITTEE**

**a. ITEMS FOR DISCUSSION/ACTION**

1. 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] – Mr. Malinowski stated this item was held in committee due to the fact that several of the other items being taken up by the Rules and Appointments Committee may affect the changes to the rules, depending on what Council decides to do with the other items.

2. Unless there are truly extenuating circumstances agenda items should not be listed as “Title Only”. (Somebody was late getting it to us” is not extenuating.) This only gives the public two opportunities to see an item prior to final approval by Council when in fact there should be three [MALINOWSKI] – Mr. Malinowski stated the committee recommended approval of this item. The reasoning being that the agenda item needs to be there for the public three (3) times and some type of information should be present on an item so the public can see what we are doing at three (3) readings, and not two (2).

Ms. Dickerson stated she is concerned about removing the “Title Only” because we sometimes have time-sensitive items that may require us to refer to them as “Title Only” for First Reading.

Mr. Malinowski stated it was felt by the committee that regardless of the time sensitivity an item can still be placed on an agenda. Staff knows what it is that we are trying to do, so there is no reason not to provide some information to the public. Something could be provided to the public to give them a general idea of what the Council is trying to do.

Mr. Jackson stated he does not disagree that in general. He would say, as Chair of the Economic Development Committee, understanding the competitive nature, and the opportunities we have lost out on because too much information got out, in advance. Because information leaked out it hurt the County’s chances of being successful, he would request a compromise. He suggested keeping the information as generic as possible, so that people understand what area it is in (i.e. manufacturing) and that it is highly competitive would a reasonable compromise to “Title Only”. He would certainly hope that we would not divulge the particulars of an industry’s search for a location, when we are in the final running between 2 or 3 cities, and lose out because we reveal too much.

Mr. Malinowski suggested sending it back to committee and request Legal provide alternative language, to incorporate Mr. Jackson’s concerns.

Mr. Manning stated the language of the motion says, “Unless there are truly extenuating circumstances...”, and while he is curious about who makes that determination, there is some

clarification saying, "...Somebody was late getting it to us is not extenuating." He does not know if our category is extenuating or truly extenuating. He would like to know who will be empowered to make the determination of truly extenuating circumstances.

Ms. Kennedy stated she is in agreement with Mr. Jackson's comments.

Mr. Livingston stated his concern was to determine what was truly extenuating circumstances, and he is also concerned because most of the "Title Only" items are from Economic Development projects. He is concerned about what that would do in terms of those Economic Development projects. Also, when we take up the budget, we do a "Title Only" for First Reading.

Ms. Terracio stated she would like to use this opportunity to advocate for as much transparency as we can get. She understands the need to be nimble and responsive when we have opportunities. She also understands we need to be able to be strategic in the way that we present information, especially when it is First Reading, but she would like to advocate for as much as information as we can possibly offer the public, as soon as possible.

Mr. Jackson state, with these items being three (3) reading items, and a public hearing, he thinks that the opportunity to get further along than the surface level, in order to get into the game, is critically important. He would hope that the public would recognize, after the initial entry into the process, there are two (2) more readings for public information to be revealed, and a public hearing, before it become final. If this were an one reading item process, then he would totally support it, but with it being three (3) readings and a public hearing, he thinks there is ample opportunity to provide as much information as possible, as we move along the process.

Ms. Dickerson stated there are ample possibilities to defer things so Council can receive additional information, and also provide it to the public. She does not want to remove "Title Only" because she believes it gives us leverage, and she supports not having that in a document.

Ms. D. Myers stated perhaps there is a compromise, and that we approve specific language that that an item is for First Reading by Title Only for the purpose of Economic Development, which would give the public some information, and does not disadvantage the public. The public is disadvantaged if we lose Economic Development projects that could assist in a providing jobs and opportunities, so there is a public interest on both sides. She suggested identifying a set of categories, which these items can be placed under, and staff is aware that it has to be one of these enumerated things with as much information as possible being provided.

Ms. Newton moved, seconded by Mr. Malinowski, to recommit this item to committee to develop the compromised language, as discussed.

Mr. Jackson stated he hopes the committee invites members that have the majority of the issues that these categories would affect and impact (i.e. EDC).

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

The vote in favor was unanimous.

3. In my continued decade long battle for accountability, transparency, efficiency and effectiveness. I move that all County Council standing committees, ad hoc committees and one time/short term committee meetings be held in Council Chambers, as is the Transportation Ad

Hoc Committee with votes recorded in like fashion [MANNING] – Mr. Malinowski stated the committee requested the Clerk’s Office to review the minutes to determine if this item was previously taken up by the committee, and what the committee’s recommendation was.

4. Consider moving the Horizon meeting to Tuesday and have delivery of finished agendas to Council members by Thursday close of business [MALINOWSKI, McBRIDE, MYERS, NEWTON and TERRACIO] – Mr. Malinowski stated the committee held this item in committee to have the Administrator and Clerk’s Office to bring back a recommendation on how this could be implemented.
5. I move that Richland County disqualify any vendor in its procurement process as a “qualified bidder” if Richland County is currently in any legal dispute, lawsuit or settlement negotiation either individually or jointly named [WALKER] – Mr. Malinowski stated the committee held this item in committee to receive legal input on the item.

18. **REPORT OF THE EMPLOYEE EVALUATION AD HOC COMMITTEE**

a. Evaluation of Council Employees:

1. Evaluation Process
2. Updated Job Descriptions
3. Contractual Matter: Procurement of Evaluation and Oversight Support

Ms. Newton stated the committee met to discuss the evaluation process for the three (3) current direct reports to Council. The committee recommended that we use a third-party firm to assist Council with the evaluation process, and update the job descriptions, where needed. Procurement has advised us that we can extend the contract we have with the vendor we used in the Administrator’s search. A sample scope of work was emailed out to Council by Ms. Onley. Of course, we have the option to modify the scope, as we see fit, but we are nearing the time when we are supposed to complete the evaluation process for our Administrator. The committee felt that extending the contract with Find Great People would give us continuity, and an efficient way to move forward. Again, the committee’s recommendation is to expand the contract we currently have with Find Great People to assist us with the evaluation process and job descriptions for the Council’s direct reports.

Mr. Jackson stated he would assume, in order to do an evaluation, there was a planning part of the process, not just a job description update, but goals and objectives were set, for which an evaluation would be done to determine whether they were met. He was curious, in terms of where that fits, since evaluation was specifically mentioned, and planning was not.

Ms. Newton responded one of the items in the scope of work was there would be a feedback process with Council members, and also looking at previous information from our Retreats and discussions regarding the creation of criteria. To her knowledge, Council never developed a formal document, in advance, about the exact criteria for evaluation, which is why creating that will be a part of this process.

Mr. Jackson stated he is trying to focus on the more broadly, mutually agreed upon objectives, as opposed to the scope of work, which is probably much more defined, based upon what we hope to see out of the job. Typically, an evaluation will also include those goals and objectives that both the supervisor and supervisee agree upon as things they would like to accomplish, and then go back and measure, as opposed to the scope of work, which is developed before a person is hired. The part he

is referring to is specific to the mutually agreed upon objectives that each party wants to see accomplished. Additionally, since we have an Administrator who is ready to have an evaluation, and we will not have time to develop a scope work, what will be the plan for trying to do an evaluation for which there is currently no scope of work in place?

Ms. Newton stated she wants to make sure she and Mr. Jackson are talking about the same thing while they are using the term "scope of work". She acknowledged that Mr. Jackson was talking about a best practice for evaluation, and if we had done this process differently, she thinks we would have incorporated what some of those things were beforehand. Part of the process we are looking at, with the vendor, is not just saying help us with this specific evaluation now, but help us as a Council develop what our evaluation process, but for all of the direct reports. For this particular process, had we started months ago, we would have done it differently, but we are here now, which is why the process calls for input from all of the Council members. It also calls for a process with our direct reports, and in this case, our Administrator, in terms of developing it. Mr. Jackson is correct, in this case, we are in arrears, but what we are doing is developing a process that is going to help us move forward because there are also other employees who have never received evaluations from Council. The plan is to address those concerns, moving forward.

Mr. Jackson inquired, as a follow-up, if the committee would consider extending the period of time for the Administrator, so we can put in place what we would like to evaluate, roll it forward, and have a fresh start, now that everyone is on the same page. His theory is we may come up with some things that we think are appropriate, measureable and necessary in the position that we never agreed upon in advance, and put that person at a disadvantage now because we are trying to build the airplane as we fly it. He would rather roll it forward, build in some time, then come back in 8 months, a year, and evaluate that rather than doing an evaluation in a vacuum.

Ms. McBride stated, with the Administrator, we did a pretty well thought out job description. From the job description, you develop your tasks and objectives. She does not think it is going to be as complicated with the Administrator because we started a process when we developed the search for the Administrator. In fact, we had an evaluation component with Find Great People, but Council did not follow through. She would not be opposed to waiting until later, but she does not think it is going to take as long because we did a long process, in terms of getting comments from Council members and external stakeholders regarding the job description.

Ms. Newton restated what came out of committee was a recommendation to expand the existing agreement with Find Great People to help us with this process, so there is still time for us, both as a committee, and as full Council, to talk about what the specifics are, in terms of timeframe.

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

Abstain: Dickerson and Jackson

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

For the record, Ms. Dickerson abstained because she needs more information about the process. Mr. Jackson abstained because he is not clear about the process, in real time, as it relates to the current Administrator.



19. **OTHER ITEMS**

- a. An Ordinance Authorizing the temporary waiver of late fees or penalties on the payment of Hospitality Tax, Tourism Development fees, and Business License fees – Ms. D. Myers moved, seconded by Ms. Newton, to approve this item.

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

The vote in favor was unanimous.

- b. Amended Budget Calendar – Mr. Brown stated, as a result of the work session, he plans to send out correspondence to the millage agencies, as well as the County's other partners and staff, which will highlight the need to prepare for potential changes to the budget. In initial reviews with the Budget Director, we looked at a couple possibilities. We are going to be asking that everybody consider what their budget would look like if there was a 10% reduction. The amended budget calendar is a reflection of what was discussed at the budget work session, which will allow time for Council to receive an amended plan, with two different options.

Mr. Hayes stated millage agencies and grants were scheduled to have 2<sup>nd</sup> Reading on May 21<sup>st</sup>, but based on Council's direction to have the millage agencies to resubmit "true" budget requests, we are requesting that 2<sup>nd</sup> Reading be pushed back to June 4<sup>th</sup>, and 3<sup>rd</sup> Reading would be June 11<sup>th</sup>. We are looking at two (2) different tracks to the budget process this year. Non-General Fund items will be on Track 1. Track 2 will be a budget amendment to the General Fund in September, which will allow them to get more definitive revenue numbers. This will allow us to stay on track, so the Auditor can get the tax bills out, and to report the millage to Council at the first Council meeting in October.

Ms. D. Myers inquired if the Administrator thinks starting out with a 10% cut is sufficient given that we are probably going to end up in a budget deficit larger than that.

Mr. Brown responded sitting down with the Budget Director, and looking at our internal numbers, we initially looked at what it looks like across the board. We thought it would be a good baseline to share with those additional agencies. We also looked at a process that is not across the board, but is more targeted in areas that may be able to sustain a greater reduction. For the external partners that we do not know that information from, we believe that was a good baseline to consider in their recommendation to Council.

Ms. D. Myers stated that exactly her point. We do not know their internal constraints, but if we ask them to give us their best guess of a 15 – 20 % cut. We may be able to give more back, in the future. She stated it would always be better to be able say, "Okay, the cut does not have to be as dramatic as that, than to say you have to go back and trim even more.

Mr. Livingston stated he is comfortable with the 10% cut. Part of the reason is, in his conversation with the Treasurer, a lot of the property tax revenue has already been generated, so it may not be as bad overall. The big loss is going to be in sales tax revenue.

Mr. Jackson stated the issue for him is, if we are willing to consider changing from a biennial budget to an annual budget, the impact of whatever the numbers are, once the dust settles and all of the revenue has come in, and once we recognize the amount of revenue we are not going to collect, we are not locked in for two (2) years. Though he would like to see a higher number, he is willing to do 10%, but he feels strongly we need to consider going from a two (2) year approval process to an

annual process until we get beyond the current health/economic crisis we are in to determine whether or not we can sustain these numbers for two (2) years. We could probably sustain anything for one year, and this year is probably not a good barometer because the numbers the Treasurer is getting came prior to COVID-19. What happens next year, when it is after COVID-19 and the numbers are much worse? If he needs to make that in the form of a motion, at the next meeting, so it gets sent to Mr. Malinowski's committee, he would like to consider that. He is concerned that a 2-year biennial budget, based upon a subjective, unrealistic forecast is going to put us in a horrible situation for a longer period time than we can sustain.

Mr. Malinowski moved, seconded by Ms. Terracio, to approve this item.

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

The vote in favor was unanimous.

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

21. **MOTION PERIOD**

- a. Change Procurement Rules that allow awarding a contract from a point's only basis after a review to one based on a two-fold method: 1. Points derived from the Request for Proposal review and, 2. Bid amount for the project. REASON: Many companies are qualified and following review aren't recommended for the contract because they have scored one or a few points lower than another competitor. Then, when the bid comes in the high point scorer may be several hundred thousand dollars higher than the next offeror who is also qualified. In a recent Council meeting the difference between the two companies awarded a contract and lowest competitive price was nearly \$1 million. [MALINOWSKI] – This item was referred to the A&F Committee.

20. **ADJOURNMENT** – The meeting adjourned at approximately 7:45 PM.