



Richland County Council  
Regular Session  
June 5, 2018 – 6:00 PM  
Council Chambers

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

OTHERS PRESENT: Michelle Onley, Beverly Harris, James Hayes, Kim Williams-Roberts, Cathy Rawls, Trena Bowers, Michael Niermeier, Nathaniel Miller, Quinton Epps, John Thompson, Brandon Madden, Jennifer Wladischkin, Tracy Hegler, Sandra Yudice, Stacey Hamm, Chris Eversmann, Ismail Ozbek, Laura Renwick, Brittney Hoyle, Jackie Ricks, Bill Peters, Eden Logan, Larry Smith, Michael Byrd, Dwight Hanna, and Art Braswell

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:02 PM.
2. **INVOCATION** – The invocation was led by the Honorable Jim Manning.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Jim Manning.

4. **PRESENTATION OF PROCLAMATION**

- a. **A Proclamation Honoring the Employees of Richland County Emergency Medical Services** – Ms. Dickerson presented a proclamation to the employees of Richland County Emergency Medical Services.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized the Tae Kwon Do class from Bonnie Forest, Bob Peeler, Fire Chief Jenkins, Dr. Witherspoon, the Sheriff’s Department and Chief Magistrate Tomothy Edmond were in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce recognized the School Board members in the audience.

5. **APPROVAL OF MINUTES**

- a. **Special Called: May 14, 2018** – Mr. Pearce moved, seconded by Ms. Myers, to approve the minutes as submitted.

Mr. N. Jackson stated he asked about these Special Called Meeting minutes several times, May 15 and 24, and was told the appropriate to ask questions was tonight, June 5. His question, again, and concern, is that this motion was approved by Council. He spoke to the County Attorney about the contract and

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was told it was as it was read out loud, it would be paid. He is trying to understand. Was the contract paid? Where the funds came from, because he has no idea. What funds the money came from? He understands there was \$500,000 from one fund, \$300,000 from another fund, and \$186,000 from another fund.

Ms. Myers requested Mr. N. Jackson to refer Council to what he was talking about in the minutes.

Mr. N. Jackson stated he is asking clarification of the payment of \$1 million to the Administrator. He would like to know when the money was paid, what date. Who authorized it to be paid. And, what funds did the money come from. He would like to know before he makes any decision. His understanding is nothing should be paid or nothing is finally approved until the minutes are read. And, here we are reading the minutes tonight. If there was no effect for the minutes, then we should not have the minutes. He inquired why we would have the minutes for something. If these minutes' fail, then what happens?

Ms. Dickerson stated she heard Mr. N. Jackson's questions. She requested the County Attorney and the Administrator get the information to him as quickly as possible. She does not think that is something she needs to discuss at this point.,

Mr. N. Jackson stated we are in a public session and he is requesting clarification before he votes. He does not think this should be done secretly. He is asking it publicly. These questions are pertinent to the minutes that we are addressing tonight. At the last meeting, he was told it came from General Funds. They already know the answer, so why should they send an email. He would like to know, publicly, where it came from and when was it paid.

Ms. Dickerson inquired if this is properly before us for discussion, and if not, she will ask something to call for the question, so we can move on.

Mr. Smith stated we can answer some of the questions Mr. N. Jackson has asked, and he will attempt to do that. On the question of the authority to do that, or proceed with the payment, that came from the agreement that Council made a motion to approve.

Mr. N. Jackson inquired about what part of the agreement.

Mr. Smith stated, Paragraph 7, specifically states, "That is was expressly understood and agreed that this agreement will not take effect or be binding on either party unless, and until approved, by a vote of Richland County Council taken in open session. If you recall, whenever we came out of Executive Session, there was a motion made to approve this agreement. That was the first motion and, I think, the second motion that was made was to have Mr. Bettis to execute the agreement. So, the agreement, itself, became binding upon Council vote, pursuant to Paragraph 7 of the agreement. Now in terms of the funds that were paid, and where they came from, he will let the Administrator address that question.

Dr. Yudice stated the funds came from the General Fund and the Insurance Fund.

Mr. N. Jackson stated, for clarification, \$300,000 came from the Insurance Fund.

Dr. Yudice stated she does not recollect the amounts that came from each fund.

Mr. N. Jackson stated there is a \$300,000; \$500,000; and a \$186,000. He thought the \$186,000 was to paid in installments over a year. That was paid in full?

Dr. Yudice stated that was paid in full.

Mr. N. Jackson inquired about the insurance.

Dr. Yudice stated she believes it was also paid in full.

Mr. N. Jackson inquired about how much was insurance.

Ms. Dickerson reminded Council members that on any item they can speak twice and she is going carry that out. She further stated the number of questions on that has been asked. She believes it has been addressed twice. She is following the rules.

Mr. N. Jackson stated Ms. Dickerson is trying to stop him from his questions. This is one time, not twice. This is the first time he signed up to speak and he still has the floor. When he relinquishes the floor, then he will have another chance for a 2<sup>nd</sup> time. He stated he can ask a 100 questions and it is still the first time.

Mr. Hayes stated \$185,000 was paid out of the County Administrator's General Fund budget and \$800,000 was paid out of the Risk Management Fund.

Mr. N. Jackson inquired as to where the insurance was paid from.

Mr. Hayes stated that would go against the Health Insurance Fund, Fund 1891.

Mr. N. Jackson inquired as to how much that was.

Mr. Hayes stated he would have to get that for Mr. N. Jackson.

Mr. N. Jackson stated his understanding is the County's policy says, nothing is approved until the minutes are read. Therefore, if we approve a contract, but then we are going to read the minutes after to approve the minutes, and if the minutes' fail, then what happens.

Mr. Smith stated the County's policy does not say nothing is final until the minutes are approved. What the rules say is that a person that voted on the prevailing side would have an opportunity to make a motion for reconsideration at the next meeting, should Council want to reconsider the matter. However, in this particular case, the Council made a decision to make the terms and conditions of this agreement binding upon your vote, in open session, on May 14<sup>th</sup>.

Mr. N. Jackson stated, for clarification, that this cannot be reconsidered. He stated it was never reconsidered. He inquired of the Clerk 's Office if this item was reconsidered.

Ms. Onley responded that it had not been reconsidered.

Mr. Malinowski stated, for clarification, why the \$800,000 came from the Insurance Fund (Risk

Management).

Dr. Yudice stated it was considered a claim.

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

Opposed: N. Jackson, Malinowski, and Rose

Abstain: Manning

The vote was in favor with Mr. Manning abstaining.

- b. Regular Session: May 15, 2018 – Mr. Livingston moved, seconded by Ms. Myers, to approve the minutes as submitted.

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

The vote in favor was unanimous.

- c. Zoning Public Hearing: May 22, 2018 – Mr. Manning moved, seconded by Ms. Myers, to approve the minutes as submitted.

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

Abstain: C. Jackson

The vote in favor was unanimous with Mr. C. Jackson abstaining.

- d. Special Called Meeting: May 24, 2018 – Ms. Myers moved, seconded by Ms. Kennedy, to approve the minutes as submitted.

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

The vote in favor was unanimous.

6. **ADOPTION OF AGENDA** – Dr. Yudice stated under the Report of the Chair, Item 11(c), we are requesting the work session be held on July 10<sup>th</sup> instead of June 19<sup>th</sup>.

Ms. Dickerson inquired if there was a request to change the date.

Dr. Yudice responded in the affirmative.

Ms. Dickerson inquired as to who requested the change.

Dr. Yudice stated she tried to call and send an email to the Chair requesting the date be changed because we are

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in the process of reviewing the Capital Improvement Program for the Utilities Department. In this work session we need to present that as part of the presentation on the Utilities and Sewer Rates. The review will not be completed until early July.

Ms. Dickerson stated she thought Item 7(c): “Proposed Cedar Cove/Stoney Point Sewer Agreement” should be included in the work session.

Dr. Yudice stated 7(c) is an update on the discussions with the neighborhoods.

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

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

The vote in favor was unanimous.

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

- a. Employee Grievance
- b. Potential Opioid Litigation
- c. Proposed Cedar Cove/Stoney Point Sewer Agreement
- d. Contractual Matter: Property Acquisition
- e. Personnel Matter: Current Assistant County Administrator/Acting County Administrator
- f. Personnel Matter: Clerk to Council Contract
- g. An Ordinance Authorizing the issuance and sale of not exceeding \$20,000,000 General Obligation Bond Anticipation Notes (Richland Renaissance Project), Series 2018B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the notes; authorizing the County Administrator to determine certain matters relating to the notes; providing for the payment of the notes and the disposition of the proceeds thereof; and other matters relating thereto
- h. 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 an Infrastructure Credit Agreement to provide for infrastructure credits to Reign Living LLC; and other related matters

Proposed Cedar Cove/Stoney Point Sewer Agreement – Mr. Smith stated we have met with the legal representatives, along with representatives from the community. We have come up with what we think is a path forward to getting an agreement done. We have worked, we believe, the legal framework, as well as the operational and technical issues. We are going to be exchanging information and then coming up with a draft agreement, which will be brought back to Council. The representatives of Cedar Cove and Stoney Point intend to take the draft agreement back to their homeowners’ association, as well.

Mr. Malinowski stated that both of the personnel matters are under 11(a).

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

In Favor: McBride, Livingston, Rose, Pearce, and Myers

Opposed: Malinowski, Dickerson, Kennedy, Manning, C. Jackson and N. Jackson

The motion failed to go into Executive Session.

An Ordinance Authorizing the issuance and sale of not exceeding \$20,000,000 General Obligation Bond Anticipation Notes (Richland Renaissance Project), Series 2018B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the notes; authorizing the County Administrator to determine certain matters relating to the notes; providing for the payment of the notes and the disposition of the proceeds thereof; and other matters relating thereto – Mr. Cromartie stated the item before you is the ordinance regarding the Richland Renaissance. It is an ordinance regarding 3<sup>rd</sup> Reading of the BANs for the Renaissance. It is the recommendation of co-bond counsel that you take one particular action out of 3 possible options. With respect to the ordinance, you can defer the ordinance and keep the ordinance on the same schedule as the project; you could enact the ordinance with the understanding that the debt will not be issues until such time as the money is needed; or you could vote down the ordinance. It is their recommendation, given that the project has been deferred, that you keep the financing for the project on the same path as the project.

Mr. Manning moved to accept that recommendation.

Mr. Malinowski requested to hear the recommendation again.

Mr. Cromartie stated the 3 options that Council has, with respect to the Renaissance Ordinance before you this evening for 3<sup>rd</sup> Reading, are to vote down the ordinance; to go ahead and move forward with the ordinance with the understanding that the funds will not be issued until they needed; or to defer tonight's ordinance until said time that the project comes out of its deferment. They recommend Council defer the financing for the project until the project is no longer deferred.

Ms. Dickerson inquired, for clarification, if that was Mr. Manning's motion.

Mr. Manning responded in the affirmative.

Mr. Pearce stated we are getting advice that item would not come up until later.

Mr. Cromartie stated he was making reference to the item and the public hearing. We would defer both the public hearing and the item.

Mr. Pearce stated that would come out...we're having what in effect is an Executive Session discussion. We would come out and vote for it at an appropriate time. We would not vote for it now. He stated it is not properly before us until it comes up on the agenda.

Mr. Manning moved that we go to the next item on the agenda.

Mr. Livingston moved to go into Executive Session to discuss Item 14(c), which is an Economic Development item.

Ms. Myers stated she wanted to ask Mr. Cromartie to explain the difference between his recommendations for (b) and (c). She stated (b) also works a deferral; (c) is more indefinite. She wanted to understand what distinction he is making between the two.

Mr. Cromartie inquired, for clarification, between 14(b) and 14(c)?

Ms. Myers stated between your recommendation (2) and (3).

Mr. Livingston stated, since that item was not an Executive Session item, it was placed on the agenda as 14(b) and that is when we should take it up, not now.

Ms. Dickerson stated we can take it up when we get to that item under 14(b). Then we will vote on it at that particular point and time. She instructed Mr. Cromartie that he may have to hang around since Council did not go into Executive Session.

Mr. Livingston stated we have the recommendation.

Ms. Dickerson stated we have the recommendation, but we may have additional questions.

Mr. Cromartie stated Councilwoman Myers asked for him to distinguish between recommendation (b) and (c).

Mr. Pearce stated, for clarification, he agrees with Ms. Myers. At the point that this item comes up, he would like for Mr. Cromartie to come back and explain those things again before we vote because he is not clear either.

Ms. Dickerson stated she was getting ready to ask Mr. Cromartie if he could stay around until we get to that item, so if we have any further questions we will be able to ask them.

Mr. N. Jackson stated, for clarification, since we did not go into Executive Session, why did we take up if we have to wait until Item 14.

Ms. Dickerson stated she followed the rules and kept on going.

Mr. N. Jackson stated, his question was, if we did not go into Executive Session, we are saying that Mr. Cromartie cannot say anything until we get to the item. If that is the case, we should not have addressed it.

Ms. Dickerson stated, the fact of the matter, is it came under the Attorney's Report. Right now it is under the Attorney's Report.

Mr. N. Jackson stated his clarification was because we did not go into Executive Session, he guessed we should not address it because now they are saying Mr. Cromartie has to wait until they get to 14.

Ms. Dickerson stated we would still have to wait until we get to 14 to take it up when we get to that item.

Mr. N. Jackson stated, that is what he is saying, we should not address anything because we did not go into Executive Session.

Ms. Dickerson stated we will take up the next item. The 2 items he put up here, we voted not to go into Executive Session on. We will just have to take them like it is.

Mr. Manning moved, seconded Mr. N. Jackson, to reconsider the agenda and move this item up to 9.

Mr. Malinowski stated that is a very wise motion by Mr. Manning because this is an outside attorney. Rather than have him wait and pay him to sit there, let's move forward with it.

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

Opposed: Dickerson and Pearce

The vote was in favor.

Mr. Manning moved to accept the agenda with the change of moving Item 14(b) to wherever we are on the agenda.

Mr. Cromartie stated not to confuse it, but the original concept was 14(b) and (c). As you have 2 sets of counsel.

Mr. Manning stated his motion right now is 14(b). He moved to make that become Item 9. Where is the attorney? No, Item 7...what item were we talking about right before we did this.

Ms. Dickerson stated this is under Mr. Smith, the attorney's report. We had 2 items to go into Executive Session on. They failed. That means because we did not go into Executive Session on those 2 items, it is up to Mr. Smith, since we have outside counsel, and the way it is listed on the agenda, is that those items when they come up being under his report she thought we would have went into Executive Session and came. When we came back out here, we would have voted when we got to that. Is that the proper procedure?

Mr. Smith responded in the affirmative.

Ms. Dickerson stated since we have amended the agenda to bring this item up and take it up now because we have outside attorneys, that we will vote on item 14(b). That is one that is currently before us with the amended agenda. Is that correct?

Mr. Smith responded in the affirmative.

Ms. Dickerson stated with that correction, she will entertain a motion to take that item up.

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

The vote in favor was unanimous.

Mr. Pearce requested Mr. Cromartie to restate the 3 options.

Mr. Cromartie stated Council has before them an ordinance authorizing the issuance of not to exceed \$20 million in General Obligation Bond Anticipation Notes regarding the Richland Renaissance project. It is up this evening for Third Reading and Public Hearing. That project has been deferred. Council has 3 options with the project being deferred. The options are: (1) defer Third Reading and Public Hearing and keep the same schedule for the financing of the project as the project itself. Since the project has been deferred, then you could also defer the financing; (2) Go ahead and enact the ordinance. Continue with the ordinance Third Reading and Public Hearing with the understanding that the debt will not be issued until such time that the money is needed; and (3) Vote down the ordinance all together. It is the recommendation of co-bond counsel that you keep the financing for the project on the same path as the project itself, so you defer the Third Reading and Public Hearing until such time as you have started to move forward with the underlying project itself. The distinction

between deferring, along with the project, or moving forward this evening, with the understanding that you will not issue the debt until such time as the money is needed, is very subtle. You would be taking an action upon something you have decided not to take action on. You would be saying you want to issue debt on a project that you have not decided to proceed with, at present. While you would not have any real economic impact, the idea would be what happens in the event that the Richland Renaissance Project does not come out of being deferred. What would be the harm in waiting to make a decision upon its financing if you have no idea what is going to happen with the underlying project? There would be no benefit to not deferring and you have better parody, by doing so.

Ms. Myers stated, on option 2, we would issue no debt until needed, on option 1, we would indefinitely defer, and option 3, we would vote it down. So, that takes it to a different posture than the deferral of 2 weeks ago. So, they would not be on a parallel track. That was the core of her question.

Mr. Cromartie stated, if you vote it down, that is a completely different track because you would not have any financing.

Ms. Myers stated or the opportunity for financing. She inquired why they are recommending that we vote it down completely, when that is not the posture of where we are.

Mr. Cromartie stated he was not recommending that you vote it down at all. We have 3 options, and they are recommending the deferral, which is option 1.

C. Jackson stated, with the deferral motion, which is before us, are we still in a financial obligation state, in regards to the \$20 million that we have authorized in the bond anticipation notes, in the sense that we would have an interest payment to make, at some time in the future.

Mr. Cromartie stated, not at all, because you have not had Third Reading and a Public Hearing. You have just had 2 decisions. This would have been the one, whereby you would have said you approve the issuance of the BANs. But even then, as was suggested in option 2, we would not issue any debt until the funds were needed. But, under option 1, the recommendation is do not even take that action on an underlying project, which you do not know what the ultimate end is going to be.

Mr. C. Jackson stated, he thought, if we got the money, it was in the bank and drawing interest, there was an obligation on our part that we could not make a profit off of the bond itself.

Mr. Cromartie stated we are not talking about drawing down any funds for Renaissance. We are not talking about drawing down debt for the Renaissance Project.

Mr. C. Jackson stated, so there is no authorization, up to this point, to access those dollars, which means we have not actually gotten those dollars in our account.

Mr. Cromartie stated you have not.

Mr. Manning stated, the motion is, this Council accept the co-bond's recommendation that we defer Third Reading and the Public Hearing to keep it on the track of the deferred Renaissance vote from the last meeting.

Mr. Malinowski stated, while you are saying, we defer this particular action, we are deferring it for this dollar amount. Since the Renaissance Program is also deferred, we do not know what will happen in the future

regarding the Renaissance Program. What if it is decided in the future we need \$30 - \$40 million, and not \$20 million. And what if we only need \$5 - \$10 million, and not \$20 million. Does this somewhat lock us into the \$20 million? Can that be changed, at that time?

Mr. Cromartie stated you can amend the ordinance based upon what comes out of the project. And, what comes out of your decision, with respect to the underlying project.

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

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Pearce, to go into Executive Session to discuss 14(c), which is an Economic Development item.

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

Opposed: Malinowski, Dickerson, McBride, Manning and N. Jackson

The motion failed.

Mr. Smith stated certainly Council has the discretion, if they wish, to either discuss these things in open session or go into Executive Session. He would just say, on this particular issue, there is an underlying pending litigation, related to this. He wanted to make sure that was a part of his explanation to the Council, as to why we made the recommendation to go into Executive Session, on this item. To the extent that Council wants to have Mr. Jones, the attorney involved in the matter, address the matter at the appropriate time, he will do so.

Mr. Pearce moved, seconded by Mr. C. Jackson, to reconsider.

Mr. Manning stated, as a point of clarification, he is not sure if the people that made the motion for reconsideration were on the prevailing side.

Mr. Pearce inquired if on a tie vote you can make a motion.

Ms. Dickerson stated she was going to rely on Mr. Smith, on this particular one, because she is not sure how to address it since it was tie vote.

Mr. Pearce stated the vote is considered on the prevailing side, so the motion would have passed.

Ms. Dickerson stated, she thinks we were discussing this before, and she asked for clarification on this. She really needs clarification if a person vote or do not vote, and whether they are on the prevailing side to do a reconsideration.

Mr. Smith stated your rules stated that if a person is seated and they do not vote, they do not cast a vote, their vote is considered to be on the prevailing side, but you have to determine what the prevailing side is. We have had this question come up, and he thought we had something in the Rules Committee.

Ms. Dickerson stated it has not come out of Rules Committee yet.

Mr. Smith stated you had asked the Legal Department to address this issue, and we presented the information to the Rules Committee.

Mr. Manning stated, so the fact that it did not pass, is the people that voted for it not to pass not on the prevailing side. It seems to him that one side wins and losses, and the side for not doing it is what won. And what wins, tends to be the prevailing. But, if your thing is it did not pass, so there is no prevailing side. If there is no prevailing side, then he does not think you can reconsider because it was a nothing because there was not a prevailing side.

Ms. Dickerson requested, since the motion was a 5-5, and it failed, Mr. Smith's expertise on this matter.

Mr. Smith stated, he is not sure what the recommendation was to the Rules Committee, in regard to this.

Ms. Dickerson stated she just needs to know how to proceed where we are right now. She does not know what the recommendations were in that committee, so until that comes out that will not be properly before us. Mr. Smith just needs to tell us what we need to do to move this item forward and get action on this item.

Mr. Smith stated he would recommend, at this point, since the Council indicated they did not want to go into Executive Session, we simply hear from Mr. Jones, at this point. And, Mr. Smith requested Mr. Jones come down.

Mr. Manning requested that Mr. Jones either hold the litigation part of this until the end, and then just stop talking, and if he was on the prevailing side, which he thought he was, he would make a motion, at that point, to go into Executive Session. Or, if Mr. Jones feels like we need to hear the litigation piece first, he would be glad to do a reconsideration motion and we can go talk about that. The concern he has is, he does not want to go into Executive Session for the whole kit and caboodle, when just the litigation part seems to be why we would go into Executive Session.

Ms. Dickerson stated this item for Executive Session seems to be a pick and choose, whenever we decide to pick and choose, when it is to our convenience. This Council voted not to go into Executive Session on this item, and that is what she is going to entertain, at this moment. Mr. Smith has decided to call Mr. Jones forth. She is going to leave it to Mr. Jones discretion to know how to present this item to us in open session.

Ms. McBride stated an important piece was left off, regarding this item, in terms there is litigation involved, so we were not aware of the litigation part when we voted. In the future, if we could be aware of it, it would help with the decision.

Mr. Pearce inquired if there were any other motions appropriate to be made, at this time.

Ms. Dickerson stated she would say not.

Mr. Livingston inquired, as to why not, since the item is still properly before Council.

Mr. Pearce appealed to the parliamentarian.

Ms. Dickerson stated Mr. Pearce is asking where we are on this vote, and whether a substitute motion can be made, at this time.

Mr. Smith stated he was just speaking with Mr. Jones regarding the potential of deferring this item; however, it is his understanding this item also is being taken up by the City, so it becomes time sensitive from that perspective.

Mr. Pearce stated his motion was going to be to defer the item.

Mr. Dickerson stated she would yield to Mr. Smith, as her attorney, and she thinks Mr. Smith would have the last word, not me because he is the attorney. He would refer to him as being our legal parliamentarian to make sure that we do this properly and that this stuff is properly before us. She was not going to, but since her attorney has said that she could entertain that part, she entertained Mr. Pearce's motion.

Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item to another meeting.

Mr. Smith stated the motion that failed was to go into Executive Session. And, now Mr. Pearce is making a motion to defer the item.

Mr. Livingston stated according to Roberts Rules, what determines whether something is on the prevailing side, or not, is simply whether it passed or failed. If it passed, then those who voted for it to pass are on the prevailing side. If it failed, those who voted for it fail are on the prevailing side. So, those folks had an opportunity, should have, and could have, voted to reconsider.

Mr. Pearce withdrew his motion.

Mr. Manning moved, seconded by Mr. Pearce, to reconsider going into Executive Session.

Ms. Dickerson stated her problem with that is the 5-5 vote, and it failed. In her opinion, she does not know whether you have a right side or a wrong side.

Mr. Manning stated you have 2 sides, and a person from each side is asking for reconsideration.

Ms. Kennedy requested that we do a re-vote and let her vote this item.

Mr. Smith stated, obviously, Council operates under your own rules. The Council Rules lack any clarity, as it relates to this particular issue, and that is why we have sent the information to the Rules Committee to see how the Council wants to address this. To Mr. Livingston's point, to the extent that Roberts does address, and there is a provision in Council Rules that basically says, "that if your rules lack any clarity, you would refer to Roberts." So, he agrees with that part of what Mr. Livingston has said. So, if that is what Roberts said, then he is correct.

Ms. Dickerson stated she hopes she gets what she needs to move this item forward.

Mr. Manning reconfirmed his motion to reconsider going into Executive Session, seconded by Mr. Pearce.

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

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

Mr. Manning moved, seconded by Mr. Livingston, to go into Executive Session to hear the litigation portion of this item before us.

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

Opposed: Dickerson, Myers and C. Jackson

The vote was in favor.

Mr. Manning moved, seconded by Mr. Pearce, to reconsider the agenda.

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

The vote in favor was unanimous to reconsider the agenda.

Mr. Manning moved, seconded by Mr. Pearce, to approve the agenda with the change of moving Item 14(c) up to what we are currently dealing with at the moment.

Ms. Dickerson stated under the Report of the Attorney.

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

The vote in favor was unanimous to amend the agenda.

Mr. Pearce moved, seconded by Mr. Malinowski, to deny.

Mr. Jones stated, it is his understanding, the City of Columbia has adopted its ordinance at its meeting earlier today.

Mr. N. Jackson stated they elected to move forward.

Mr. Jones responded in the affirmative.

In Favor: Malinowski, Rose, Pearce and Manning

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

The motion failed.

Mr. Livingston stated the Economic Development Committee recommended approval.

Mr. Pearce stated Council took a vote that we would not approve any additional student housing projects. The vote was made on Tuesday, October 10, 2016. It was a very strong vote that we felt there were too many factors that related to student housing and incentivizing student housing was not consistent with our Economic Development policy. It concerns him greatly now that we have overturned that and we are back in the business of providing incentives for student housing. He believes this is an inappropriate move on the part of the County.

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It is obviously going to pass, and if that be the will of the Council, so be it.

Mr. Malinowski echoed Mr. Pearce's comments.

Mr. N. Jackson stated he agrees with Mr. Pearce. We made a decision. The City reneged after they agreed with us. He has concerns about the influx of student housing. Most of the developers are not from Richland County, or even the State.

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

Opposed: Malinowski, Rose, Pearce, Kennedy, Manning and N. Jackson

The motion failed.

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

Ms. Jocelyn W. Brannon thanked the County for the Home Refurbishment Program on behalf of her mother.

9. **REPORT OF THE ASSISTANT COUNTY ADMINISTRATOR**

- a. Columbia-Richland Fire Strategic Plan – Chief Jenkins stated he wanted to introduce the Strategic Plan for the Columbia-Richland Fire Rescue. This is a Strategic Plan that has taken many setbacks. When we tried to get it started, we had the flood, so it took a backseat. The Center for Public Safety Excellence, which worked with the International Association of Fire Chiefs, the International City/County Management Association, the International Association of Firefighters and the National Protection Association assisted with the plan. They did an email blast to community leaders, businesses, and schools, and there were 8 people willing to participate. These individuals met with the external stakeholders. The external stakeholders came up with some concerns, expectations, and also gave the Fire Service some praise. They took what they received from the external stakeholders and presented it to the internal stakeholders, which was fire personnel from every rank, including volunteers. They came up with their mission, value and vision. They looked at the core programs and services. They looked at other stakeholders, which are agencies they work with. They looked at their strengths and weaknesses. Once they looked at all that, they came up with a plan. There are 9 goals, and each one of those goals has several objectives. None of the goals have been assigned to personnel. They are going to meet to talk about assigning the goals, so they can be met. The biggest thing from the community is they want a good flowing Fire Service. They have praised not only the Fire Service, but the County and the City for their partnership. He reassured Council that there are no plans to combine Fire Service and EMS. There is a plaque that will be hung in each station that has the mission, goals and values.

Mr. Pearce stated he and the Chief have spent a lot of years working on the Fire Contract. He requested assurance that they will continue to work vigorously with volunteers to try to increase the number of volunteers in the rural fire service.

Chief Jenkins stated they just hired a Volunteer Coordinator, which he has great expectations in. He is from Greenville, is very excited about being here and is working with the volunteer officers. Chief Jenkins stated, as long as he is the Fire Chief, if anyone does not want to work with volunteers they cannot work in the department. It is much needed and we are going to continue to push to make sure

we are taking care of the volunteers in the rural areas.

Mr. Pearce stated, as you recall, we had a uniquely urban service fire model and a uniquely rural service fire model, and sometimes those 2 did not mesh up.

Chief Jenkins stated that if you are going to have a great flowing body the department has got to be one. We cannot look at it on one side as being one thing and look at another side as being something else. It has got to be one. We have got to always work together, and that is our goal. The last goal is to be accredited, so all of that is going to come into play, if we want to be accredited.

Mr. Malinowski inquired how the communities were selected and notified about this process.

Chief Jenkins stated they sent out correspondence. He is not sure where all they went too, but he knows they sent out a number of correspondence.

Mr. Malinowski stated he wanted to know who participated and where the invites went, which can be provided to him later. He stated he is a little concerned about what was mentioned about hiring a Volunteer Coordinator. It is his recollection that about 4 years ago, at Retreat, we were told a Volunteer Coordinator was hired, at quite a great expense, and the results from that Coordinator were basically nil. He hopes there is better coordination this time.

Ms. Kennedy stated she is still concerned about the fact that her residents do pay taxes, and we do have a stake in the fire department. She stated her fire stations are not open, most of the time. It concerns her, in certain areas, the fire stations are always open. Do you not anticipate the people in District 7, and some of the other rural areas, will not have fires, and if they do, is it not important those stations are open and there?

Chief Jenkins stated he is not sure why the station would not be open.

Ms. Kennedy stated, if they are open, there is nobody there.

Chief Jenkins stated sometime they experience large call volumes. The trucks run on accidents, medical calls, fires, etc. So, you may go by several stations where the crew is not there, and they are probably at a fire somewhere. He stated he knows her district, and he will double check to make sure they were not on any type of calls. They do run a lot of calls.

Ms. Myers inquired about how many total fire stations there are.

Chief Jenkins stated there are 32 stations. Two of them are satellite stations, which means they have no personnel, but house equipment. The volunteers go by the station and pick up the equipment.

Ms. Myers inquired as to where those 2 stations are located.

Chief Jenkins stated one is in District 7 (Cedar Creek) and District 1.

Ms. Myers inquired, of the 30 continuously manned fire stations, how many of them are within the limits of the City of Columbia.

Chief Jenkins stated you have 20 County stations and 12 City stations.

Ms. Myers stated, of those stations, with regard to the number of stations that are manned by volunteers vs. paid staff, what is the disbursement of that.

Chief Jenkins stated some stations have 2 paid people to drive the engine, tanker and, as needed, the brush truck. Then 4, of those stations, have a driver and rescue in them. The rest in the County would have a full crew in it.

Ms. Myers stated she echoed Mr. Malinowski's questions about who contributed to it, but she has some fundamental questions about plans for development of new stations. Obviously, with a third of the stations within the City limits, with the County being so disparate that provides the opportunity for it to be difficult to get to a fire. As you well know, the 29061 zip code has more deaths, per fire incident, than any other zip code in the County. She is concerned part of the reasoning for that is not the need for a smoke alarm, but for someone to timely to a fire and put it out. She was concerned with the last presentation, when we discussed this, where you said the system is so integrated that there was a call that came from a fire in Eastover that answered by a truck that came off of Elmwood Avenue. She stated, for her, she does not want that truck to be the one that answers her house fire because it is going to take forever to get there, and by the time it gets there, my house will be gone. She appreciates the system is integrated. She appreciates they are working seamlessly together, but this plan needs to be sure that there is coverage in Mr. Malinowski's area that matches what is in Mr. Rose's area that matches what is in Mr. N. Jackson's and mine. It is not as if we are charging people less in taxes to have fire service, depending on where they are living. She understands the density is different, but we have got to do a better job of getting fire stations and trucks, that can reach them timely, in these places that are more disparate. She requested the plan be revisited with a more integrated approach and involvement around the County. She is not certain 8 people that responded to an email blast is right sampling for something this critical that everybody's lives depend on. She requested the same information that is going to be provided to Mr. Malinowski, and for a more robust look at the strategic plan that we will be bound by for the next 5 years, that includes some discussion with a wider spectrum of people across the County.

Chief Jenkins stated sometimes you do not get that much response from people wanting to be a part of the strategic plan. Then some people that committed, did not show up. He stated, in response to Ms. Myers statement about the system, that the system is so robust that we had a fire on 601, and we had trucks from Harbison respond. Not because no one responded, but because of the magnitude of the fire. We had to bring in other companies, as well. Any time a truck goes out from a station, we back that station up. We will put a City truck in a County, if that County station is out on a fire. So, we make sure we back all the areas up, no matter where it is. He stated he does have a plan, and he thinks he talked with Ms. Myers about adding more personnel in the Lower Richland area.

Ms. Myers thanked Chief Jenkins for the effort. Clearly, it is a robust effort. Her point is, it is not just personnel, it is the positioning of stations in the right place, that can get to a fire quickly. She understands you may end up with 6 trucks at a fire, but the question becomes how quickly does the first truck get there that has water and is able to put out the fire. Instead of what time does the last one get there, and what do they do when they get there. Given the stats, with the 29061 zip code having the highest numbers of deaths from fire, of any zip code, that tells us there is some indication that there is room for improvement. She is not suggesting the only room for improvement is a new fire station, but she is suggesting we need to look at it in a more robust way than 8 random volunteers. And, put some

serious thought and time on it.

Mr. Malinowski inquired if the County Coordinator is Mr. Michael Byrd. The only thing he see for the County, on the organizational chart, is on the left side. There is an Assistant Chief of Professional Services, Staffing and County Coordinator.

Chief Jenkins stated the County Coordinator is the Volunteer Coordinator.

Mr. Malinowski inquired as to where the County comes in.

Chief Jenkins stated there is not a, per se, label of a County person. Everybody on the list works for the City and County.

- b. Recognition of Richland County Fleet Manager, Bill Peters – Dr. Yudice stated Mr. Peters has put the County on the map because he has done an excellent job of managing the fleet.

Ms. Hoyle recognized Bill Peters on the County’s Fleet Service being named the 15<sup>th</sup> Best Fleet in the Americas. This is an immense achievement considering there are over 38,000 public fleets in North America alone. Richland County’s impressive ranking is a testament to the hard work and dedication of the Fleet Management staff, which is comprised of 2 employees, Bill Peters and Jaci Ricks.

- c. Assignment of Solid Waste Collections Contract – Dr. Yudice stated on May 16<sup>th</sup> the received notification from Waste Management of its intention to acquire the assets of All Waste Services. Waste Management has indicated the desire to extend the expiration of the current service contract to match the Area 6’s contract, which will expire on February 28, 2022. Staff recommendation is that Council approve the assignment of the contract extension from All Waste Services to Waste Management.

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

Mr. Malinowski inquired if this will conflict with the rule that no one company can have more than 2 areas.

Dr. Yudice stated it will not conflict.

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

The vote in favor was unanimous.

Mr. Pearce inquired, for clarification, if the motion referred to both contracts.

Dr. Yudice responded in the affirmative.

- d. Payment of Chao and Associates Reimbursement for Land Acquisition – Dr. Yudice stated, if Council recalls, Council directed staff to request reimbursement \$126,010 from Chao & Associates. We sent a letter to them on May 4<sup>th</sup> with a deadline to submit payment no later than May 25<sup>th</sup>. On May 14<sup>th</sup>, Chao & Associates sent a response to the May 4<sup>th</sup> letter. In the letter, they indicated they would reimburse the

County for that amount; however, that is provided the County pay \$276,682.04 for the work they have completed on County-owned property, and their property. In addition, they requested the County purchase the property from Chao & Associates for \$126,010 within one year of the date of the letter. Staff's recommendation is to stay with Council directive provided on May 1<sup>st</sup>, which requires Chao & Associates to reimburse the County \$126,010.

Mr. Malinowski moved, seconded by Ms. Dickerson, to approve staff's recommendation outlined on p. 100 of the Council agenda.

Mr. N. Jackson stated, his understanding of this project initially was that, Chao & Associates was supposed to pay back \$120,000 for the property they purchased, wherein they received a check from the County for \$136,000 to purchase the property. Council decided, as discussed in Executive Session, that Chao would reimburse the County. Where do we go from there? And, why is this project still on hold because Council did not make a decision to cease and desist on the project. But, he received a letter to cease and desist and the project has been on hold ever since. We instructed the former Director to release the cease and desist because that was not Council's directive, just the land. He would like to know when a letter will go out, so the project can continue. The money has been encumbered. The project is sitting there and there are other parts of the project that needs to move forward.

Dr. Yudice stated the recommendation is to continue with Council's directives of May 1<sup>st</sup>, which is stated on her May 4<sup>th</sup> letter.

Mr. Livingston requested the status of the project, and also if the land that was purchased under Chao is vital to the success of the project.

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

Opposed: Kennedy, Manning and N. Jackson

The vote was in favor.

- e. Contractual Matter – Property Acquisition – This item was taken up in Executive Session.

10. **REPORT OF THE CLERK OF COUNCIL**

- a. Upcoming Budget Meetings: June 7 - Public Hearing and 2<sup>nd</sup> Reading of the Budget; June 14 – 3<sup>rd</sup> Reading of the Budget, 6:00 PM, Council Chambers – Ms. Roberts reminded Council of the upcoming budget meetings on June 7<sup>th</sup> and 14<sup>th</sup> at 6:00 PM.
- b. Community Relations Council's 54<sup>th</sup> Anniversary Luncheon, June 27, 12:00 PM, Columbia Metropolitan Convention Center, 1101 Lincoln Street – Ms. Roberts reminded Council of the upcoming Community Relations Council Luncheon on June 27<sup>th</sup>.

11. **REPORT OF THE CHAIR**

- a. Personnel Matter: Current Assistant County Administrator/Acting County Administrator – This item was taken up in Executive Session.
- b. Personnel Matter: Clerk to Council Contract – This item was taken up in Executive Session.
- c. Council Work Session – Utilities and Sewer Rates, July 10, 2:00 – 4:00 PM, 4<sup>th</sup> Floor Conference Room – Ms. Dickerson stated the work session date has been changed to July 10<sup>th</sup>.

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Authorizing the issuance and sale of not exceeding \$20,000,000 General Obligation Bond Anticipation Notes (Richland Renaissance Project), Series 2018B, or such other appropriate series designation, of Richland County; fixing the form and details of the notes; authorizing the County Administrator to determine certain matters relating to the notes; providing for the payment of the notes and the disposition of the proceeds thereof; and other matters relating thereto – The public hearing was deferred until the Renaissance Project is back before Council for action.

13. **APPROVAL OF CONSENT ITEMS**

- a. 18-007MA, Phil Savage, RU to NC (3.95 Acres), 2241 Dutch Fork Road, TMS # R01507-02-01 [SECOND READING]
- b. 18-012MA, LM Drucker, OI to RS-LD (.71 Acres), 1344 Omarest Drive, TMS # R07405-06-05 [SECOND READING]
- c. 18-013MA, Derrick J. Harris, Sr., RU to LI (1.83 Acres), 7708 Fairfield Road, TMS # R12000-02-22 [SECOND READING]
- d. 18-014MA, Jermaine Johnson, RS-MD to MH (.26 Acre), 7901 Richard Street, TMS # R16212-12-01 [SECOND READING]
- e. 18-015MA, Charlotte & Randy Huggins, RU to GC (.59 Acres), Horrell Hill Road, TMS # R24700-09-02 [SECOND READING]
- f. Airport Planning and Engineering Consultant Selection
- g. Recommended award of electronic waste (e-waste) recycling contract
- h. Meridian Dr./Miramar Dr. Sidewalk Project

Mr. Malinowski moved, seconded by Mr. Livingston, to approve the consent items.

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

The vote in favor was unanimous.

14. **THIRD READING ITEMS**

- a. 18-008MA, Tony Cates, RU to GC (17.3 Acres), 1045 Marina Road, TMS # R02414-01-04 – Mr. Malinowski moved, seconded by Ms. Myers, to approve this item.

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

Opposed: Rose

The vote was in favor.

- b. An Ordinance Authorizing the issuance and sale of not exceeding \$20,000,000 General Obligation Bond Anticipation Notes (Richland Renaissance Project), Series 2018B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the notes; authorizing the County Administrator to determine certain matters relating to the notes; providing for the payment of the notes and the disposition of the proceeds thereof; and other matters relating thereto – This item was deferred under the Report of the Attorney.

- c. 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 an Infrastructure Credit Agreement to provide for infrastructure credits to Reign Living LLC; and other related matters – This item was taken up under the Report of the Attorney. ***{This item was reconsidered at the June 19, 2018 Council meeting.}***

15. **SECOND READING ITEMS:**

- a. An Ordinance to levy and impose ad valorem property taxes for Richland County School Districts One and Two; to improve, simplify and make more efficient the systems and procedures among Richland County School Districts One and Two and Richland County Government to fulfill responsibilities under Act 280 of 1979; and to repeal Ordinance Sec. 2-537(2) and Amended Ordinance Sec. 2-535(H) – Mr. N. Jackson moved, seconded by Mr. Livingston, to approve this item.

Mr. Malinowski recalled that Council was requesting the Auditor's input on this item. This could be something that changes the way the County does business with all millage agencies, if this ordinance is repealed. He stated Council wants the Auditor's opinion and input on how this will affect overall millage during the budget process.

Mr. Brawley stated the school districts are a millage agency, so if you do anything outside what is customary, as being done for the millage agencies, you are making an exception. His personal opinion is, and he has told both of the school districts, he thinks they would like fiscal autonomy. This kind of

moves them toward fiscal autonomy by getting around the intent of the statute in State law. If they would like to have fiscal autonomy they should go to the Legislature, so they can secure that. But, until that, because they are a millage agency they should be treated as a millage agency.

Mr. Malinowski stated he still feels this is like saying, "Hey, dad. I'm going out tonight, can I have some money? Well how much do you need, son? Well how much is in your pocket? A hundred dollars. Ok, good I'll take that." That is the way he sees this request. They want everything they can possibly have coming without having to submit an actual budget of what they need. Again, we come down to needs versus wants. They want all of this, but they do not necessarily need it.

Mr. Livingston requested a time to come and sit down with the Auditor. One thing that is not clear to him is how we are dealing with anticipated fee-in-lieu revenue with this particular situation.

Ms. Dickerson dittoed what Mr. Livingston said.

Ms. Myers inquired if there are any legal issues with us allowing the districts to do this. She does not oppose it, but she wants to be clear when we do it there is nothing that needs to be changed, other than this in our ordinances, and we are writing this in a way that we are consistent with State law.

Mr. Smith stated his office received a copy of this ordinance last Thursday. They have been researching what the school districts are requesting of the County. To be clear, on p. 194, subparagraph (b), what they are asking is that the Council simply determine the operating millage, but not appropriate any funds or approve a budget. Our challenge has been to make sure the Council does not have a legal duty to approve a budget. We have shared our research with the district. They shared their information with us, and we still have not come to final conclusion on the legal piece yet. He spoke with the district representative, and they assured him they will have something to us by tomorrow. The other issue is, obviously, from an operational perspective, there are 3 departments that are impacted by this request: the Treasurer, the Auditor and the Assessor. He has encouraged them to meet with them, to discuss the operational impact of their request, so there would be attempt to be on the same page, as it relates to how it would impact them. They have indicated to him, and he thinks they have reached out to secure a meeting with the 3 offices, so there can be an attempt to reach a meeting of the minds. We should have an answer to the Council's duties and responsibilities fairly soon.

Mr. C. Jackson stated this is a 2<sup>nd</sup> Reading request. The intent is to make sure that a little bit more than just simply fiscal autonomy the districts are seeking. Having been on District 2's Board for 8 years, and served as its Chairman twice, one of the things they are trying to seek, and he is sure District 1 would agree, to have a more accurate reflection of what the numbers and dollars are going to be early on. So, when the millage is set and determine, and is adjusted in October. It is very difficult for the districts to plan, with any degree of accuracy, so the request is a little bit more than just simply to pull away from and have fiscal autonomy. The districts will live or die with what the millage set number is. If you set the millage, at whatever you set it, and it comes in more. The district is not going to ask for more, they are going to suffer. He also would like everyone to be on the same page, as well. Hopefully, between now and 3<sup>rd</sup> Reading those meetings can happen, and we can have some better clarity about where we stand.

Mr. Manning stated he fully supports fully supporting public education in Richland County.

Mr. Malinowski stated he also support public education throughout the entire State; however, from what he is hearing is we will take our chances with what we get. It is kind of like a little bit of roulette

with whether they get more or do not get more. The fact is, you can look at the statistics, the millage keeps going up every year, so it is a pretty good bet they will wind up getting more. He would rue the day it comes down to they do not get what they need and education suffers because of it.

Mr. Pearce inquired if this would have any impact on the other millage agencies. This would just be the school districts. Does this put the other millage agencies in a position to come in and ask for the same thing?

Mr. Brawley stated he would think they probably would. He stated he is a product of public education in Richland 1, and everything his office has done since he has been in office, has been in support of the school districts, and the millage agencies.

Mr. Pearce inquired if the ordinance is only for the school districts.

Mr. Brawley stated that is correct. It is repealing the current 2 ordinances on the books that were put in place. Act 280 came in place in 1979, and as a result of that, County Council established 2 ordinances that speaks to how school districts present their budgets to Council, and how they get approved.

Mr. Pearce inquired if Mr. Brawley had a better solution to the problem. He stated he sees it as a problem for them.

Mr. Brawley stated, he imagines everybody is looking for an exact number, and the way our budgeting process is set up, we will never get an exact number. So, what they are saying is they want an exact number, and that is just not going to happen because assessment changes every day.

Mr. Pearce stated they would get an exact number if they got the millage. They would at least get a number they could work with. They would be assured of getting all the money they were entitled to, if they got the millage. Not a fixed amount.

Mr. Brawley stated, the argument could be, if you develop a budget that is what the budgeting process is for. You develop a budget, this is what I intend to operate on next year. If you meet the objectives of that budget through the millage process, without overcharging the public, on the millage side, because we set a budget and then we come back and set the millage according to the budget request. Then the public is not at a disadvantage. If you set a millage rate before you set the budget, there are excess dollars the school districts get that, but the taxpayers are paying in excess of what the school district would have requested, if they requested a dollar amount. Again, as your Auditor, part of my process is to protect the taxpayers, and he thinks that is part of Council's process, as well. That is why he thinks the dollar amount tells you what you are interested in operating on, and then you set your millage according to that. When the revenue comes in and supplies the budget, the school districts have got what they need.

Ms. Myers requested Mr. Smith to provide some guidance on how to keep this from becoming a slippery slope, so that we do not have exact problem that Mr. Brawley points out, which is essentially everyone comes in and says we would like that too. She would like some legal guidance that points out how the school districts differ from other millage agencies, and why they would be more entitled to such a distinction than anyone else.

Ms. Dickerson concurred with Ms. Myers. She sees what Mr. Brawley said. If we do it for one, you are

going to have to do it for all.

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

Opposed: Malinowski

The vote was in favor.

16. **FIRST READING ITEMS:**

- a. An Ordinance Authorizing the issuance and sale of not to exceed \$8,500,000 General Obligation Bonds, Series 2018A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the Assistant County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [BY TITLE ONLY] – Ms. Myers moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski stated this is very nebulous. It says we are approving \$8.5 million of General Obligation Bonds, but it does not say anything about what it is for. He believes he knows what it is for, but he feels the public should know and we should put it in here.

Dr. Yudice stated the funds are for the Sheriff's Department's radios.

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

The vote in favor was unanimous.

- b. An Ordinance Authorizing the issuance and sale of a not to exceed \$2,000,000 Fire Protection Service General Obligation Bond, Series 2018B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bond; authorizing the Assistant County Administrator to determine certain matters relating to the bond; providing for the payment of the bond and the disposition of the proceeds thereof; and other matters relating thereto [BY TITLE ONLY] – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item.

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

The vote in favor was unanimous.

17. **REPORT OF DEVELOPMENT & SERVICES COMMITTEE**

- a. Council Motion: Move forward with the feasibility of placing a hospital/emergency care facility in the Lower Richland Community. NOTE: It is mentioned in the Renaissance Plan but no solid documentation has been presented. This motion will start the process of working with the healthcare community of developing a plan and placing a facility in the Lower Richland community [N. JACKSON] – Mr. Pearce

stated he wanted to clarify the committee recommended moving this item to the Renaissance Ad Hoc Committee. It is his understanding, right now the Renaissance Ad Hoc Committee is still in existence, but Mr. C. Jackson has a motion later on that may effect this motion.

Mr. Pearce stated Palmetto Health is moving forward with this project, but when the committee took it up, they moved it to the Renaissance Ad Hoc Committee.

Mr. N. Jackson stated, for clarification, that Palmetto Richland was already moving forward with the project. Somehow it was taken under the Renaissance Plan. Whether it is fails here, we will still move forward. It is just that it may not end up in the Renaissance Plan.

Mr. Pearce stated Mr. Ford had reported to the committee that Palmetto Health was to meet with Dr. Yudice, at some point in the near future, to discuss their recommendation, and what they were prepared to do in Lower Richland.

Mr. N. Jackson stated this has been going on for quite some years.

Ms. Myers moved, seconded by Ms. Dickerson, to take this item up in the motion period and move forward with the agenda.

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

The vote in favor was unanimous.

18. **REPORT OF ADMINISTRATION & FINANCE COMMITTEE**

- a. Homes of Hope Affordable Housing Development – Mr. Malinowski stated on p. 132 of the agenda contains the committee recommendation; however, the committee also added the agreement was to be brought back to Council for final review and approval.

Mr. Malinowski moved, seconded by Ms. Myers, to approve the item with the addition of the directive to bring back the agreement or final review and approval.

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

The vote in favor was unanimous.

- b. Solid Waste Curbside Collection Services Contract Extension, Service Area 2 – Mr. Livingston stated the committee recommended approval of staff's recommendation.

Mr. Malinowski inquired if this was a one reading item.

Ms. Dickerson stated she believes it is a one reading item.

Mr. Malinowski stated, for clarification, that this was reviewed by Legal.

Mr. Smith responded in the affirmative.

Mr. Malinowski stated, in the past, he has seen where there is wording to the effect that the employees of the company the County is contracting are not to consider themselves County employees. He did not see that in this contract. He did not know if we need it in the contract, but if we do consider adding that. He congratulated them for finally getting in here on p. 207 that all references to days, mean calendar days. Shall, must, and will are interpreted as mandatory.

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

The vote in favor was unanimous.

19. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

- a. Lease of the C. R. Neal Dream Center – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski inquired if there was any contract with the primary company this is being leased for that says, in the end, they are responsible for damages. We do not know what they may or may not do, or how many thousands of dollars of damage that could be incurred.

Mr. Ruble stated there is not. They are using it for classroom space.

Mr. Malinowski stated, so do colleges, but bathrooms get blown up and toilets ruined. He stated we should have some protections in there for ourselves.

Mr. Ruble stated it was a standard contract and Legal had reviewed it.

Mr. Smith stated he is comfortable with the contract.

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

Abstain: C. Jackson

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

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

21. **NOTIFICATION OF APPOINTMENTS**

- a. Board of Zoning Appeals – 2 – Mr. Malinowski stated the committee recommended appointing Mr. William C. Simon, Jr. and Mr. Jason Branham.

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

The vote in favor was unanimous.

- b. Board of Assessment Appeals –2 – Mr. Malinowski stated the committee recommended re-appointing Mr. Eric Grant.

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

The vote in favor was unanimous.

22. **ITEMS FOR ACTION FROM RULES AND APPOINTMENTS**

- a. Move that the Rules & Appointments Committee review the current County Council Rules and offer amendments for consideration by Council that would clarify exactly how County Council voting will occur with specific reference to how a non-vote (i.e. not a “yes”, “no”, or “abstain” vote) from a member present at the meeting shall be counted or not counted [PEARCE] – Mr. Malinowski stated if you go to p. 270 of the agenda you will see the recommended, from the Legal Department, and the committee recommended to accept the language.

The proposed revision is as follows: “Each member shall vote on each question put, except no member shall be permitted to vote on any question in which that member has a direct personal or pecuniary interest, or in which that member perceives that he or she has direct personal or pecuniary interest, or in which his or her participation might create an appearance of impropriety in that member’s estimation. A Council member must be at his/her seat in order to vote for those at the dais. If a member does not declare a vote or an abstention, *such member shall not be considered to have voted for either the prevailing or for the non-prevailing side, but instead shall not have his or her vote recorded at all on the question put.* If voting an abstention, a reason for the abstention must be stated and recorded in the minutes. No member shall, under any circumstances be permitted to vote after a decision has been announced by the Chair. After the decision of the question, an absent member may be permitted to record the vote she/her would have given if present, but such vote shall not affect the previous question.”

Ms. Myers stated, so that means that a Councilmember could come to Council meetings, and vote on nothing, the entire time. Not record an abstention, and vote neither yea nor nay, and not explain to the public why they are sitting there and not voting. We are saying that is the rule change we recommend to be a part of our rules. She stated, essentially if you are elected, the whole point is to have people have you come and do a job. And, to the extent, that you are going sit here and not vote all night long. Not explain why you are abstaining, all night long, but just sit there and watch the votes go by. If she is a member of the public, my question becomes why are you there? Because it seems to me you are here to vote.

Mr. Malinowski stated he agrees with Ms. Myers, but we see it every Council meeting. There are some individuals the vote never shows up.

Ms. Myers suggested the remedy is to query them, as to whether they are abstaining, or voting yea or nay because the public, the people they represent, are entitled to a vote.

Ms. Myers moved, seconded by Mr. Malinowski, to send the item back to the Legal Department to

provide more stringent guidelines to this Council for voting on motions that come before us.

Ms. Dickerson stated that has always been a serious problem with her. She has asked about it, and there has always been something in writing when a person abstained, and why they were abstaining from voting.

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

The vote in favor was unanimous.

23. **REPORT OF THE TRANSPORTATION AD HOC COMMITTEE** – Mr. C. Jackson expressed his appreciation for the support of the Transportation Ad Hoc Committee and its commitment to getting the business of the County done in such a professional manner. Even when we disagree in our committee meetings, it is being done in such a professional way that it has been making it a joy and a pleasure for him to serve as the Chair. He also wants to publicly say how much he appreciates the excellent working relationship that now exists between the PDT leadership, specifically Mr. Beaty, and the County’s Director, Dr. Thompson, as they have created some synergy to move projects forward, in a very expeditious manner. As a result of their hard work, all of the projects are now in progress, and that is a tremendous accomplishment. Not very long ago, we were having discussions about things not moving, at all, to now having a status report on where they are. At the last meeting, several of our members could not be there, but those that were there, discussed the items that are before you tonight.

- a. Approval for studying and installing safety measures to Longwood Road – Mr. C. Jackson stated the committee is seeking approval for the studying and installing of safety measures on Longwood Road. Longwood Road is a road that runs parallel to the Jushi plant that is being built. As a result of that plant being built, there are major concerns with the increased amount of traffic, specifically the neighborhood of Millwood Creek. The motion is to request the project be studied and there be some safety measures installed on Longwood Road to increase safety and reduce the risks of accidents.

Mr. Malinowski stated that he does not have any type of backup information on any of the items under the Report of the Transportation Ad Hoc Committee. He does not see anything mentioned about Longwood Road, Shared-Use Paths, the DOT \$52.5 million review, etc. What he has is pretty much a regurgitation of what was presented at from the last ad hoc meeting.

Ms. Dickerson inquired if Mr. Malinowski would accept the committee’s recommendation, and if there is anything different they can make sure you got it.

Mr. Malinowski stated not having the information he will just vote no, but that is the reason he will vote no on the items.

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

Opposed: Malinowski and Manning

The vote was in favor.

Mr. C. Jackson stated these items were discussed, in detail, in the committee meeting. The recommendations before you were vetted with the committee.

Mr. Malinowski stated, for clarification, the correct information was always provided in the Council agenda. It was not just discussed in committee, and then not given to the Council.

- b. Approval for resurfacing and analyzing Shared Use Paths for Pineview Road and Bluff Road Phase 2 – Mr. C. Jackson stated this information has been given to Council before. It was given to Council, earlier, and it was presented, and sent to committee, so the redundancy of the information that was submitted in the past was not resubmitted to Council. Before Council is the approval for the resurfacing and analyzing of the Shared-Use Path for Pineview Road and Bluff Road Phase 2. Those 2 projects create about \$80 million in projected revenue reduction, with appropriate modifications. During the committee discussion, and as presented in a work session with Council, those same recommendations came out talking about how that could be done, and reduce the overall costs of those 2 projects. It would reduce it from \$40 million each down to about \$6 million. The committee’s recommendation, in order to continue to try to balance the budget and the bond, is to approve the resurfacing and analyzing the Shared-Use Path for Pineview Road and Bluff Road Phase 2 to keep those projects on the list of projects.

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

Opposed: Malinowski

The vote was in favor.

- c. Approval for staff to draft a letter to SCDOT for Council’s review regarding the \$52.5 million for the I-20/Broad River Interchange – Mr. C. Jackson stated the committee’s recommendation is to approve staff drafting a letter to the SCDOT. The project on I-20 and Broad River Road is a project that is now being funded by the State. As a result of that State funding, part of the “Malfunction Junction” project included the work scheduled to be done on the portion the I-20 and Broad River Road. So, the request from the committee is that staff draft a letter, that would be approved by Council, to send to the SCDOT regarding the approximate \$52.5 million for that. Those funds would then be retained by the County as a further effort to reduce the overages the County is now experiencing. The committee’s recommendation is that staff simply draft a letter, sending it to SCDOT, with the expectation of them reimbursing us or allowing us to keep those funds.

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

The vote in favor was unanimous.

- d. Approval of the Bluff Road Phase I Final Change Order – Mr. C. Jackson stated apparently there was some underground utility work and additional resurfacing and restriping work that needed to be done, that came in outside of the final contract costs of approximately \$5.5 million. The committee is recommending the additional change order work of \$78,000 be approved.

Mr. Malinowski stated this project was bid out and we had a figure given to us. He would like to know what the 2<sup>nd</sup> bid was because some of these items that are in here, as a change order, seem like they would have been items they would know about to put in the costs. But, all of a sudden to ask for \$500,000 for a change order.

Mr. C. Jackson stated the change order is for \$78,686.98.

Mr. Malinowski stated the bottom line he has says, “net contract increase/decrease” has \$501,000 for the increase.

Dr. Thompson stated the total project cost of \$5.5 million includes a contingency of 10%. The \$78,000 goes above the total contract amount, plus contingency.

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

The vote in favor was unanimous.

- e. Approval of the Gills Creek Greenway Section A Final Design – Mr. C. Jackson stated the PDT is requesting approval for the final design for Gills Creek Greenway Section A. There was major discussion regarding some City imposed requirements and restrictions placed on this project. The committee is recommending that it sticks to the funding allocated for this project, and not to exceed its funding allocation based upon any impositions by the City, with regards to the widening and lengthening of the boardwalk. The motion is to approve moving forward with the design of the project.

Mr. Pearce stated he regrets, after all this time, he is going to have to vote against this, not related to the City issues. The issue here has to do with the terminus of project at Michael Lane. In an earlier meeting today, the Blue Ribbon Flood Committee moved forward with the final purchasing of most of the property on Timberlane Drive and Tall Pines. That area, which is further down Gills Creek, will be turned into some type of park. There is a staff committee that is working on plan and that is where the terminus of this greenway ought to end. It should not end at Michael, which is a very difficult street to get in and out of. What we are going to end up with is a greenway where someone gets on it and they walk to Michael Lane, and there is nowhere to go, so they are going to turn around and go back. As opposed to where it should be, which the beginning at Beecliff and extending down to Timberlane. That could have easily been done with the shifting of the money from Sections B and C, that we know are not going to ever get built. He believes that money was sequestered for use for something, and not committed elsewhere. He is concerned to say this is where we are going and spend this money to go this far when it really needs to go the entire way. It just does not make any sense. It defies the whole purpose of having a greenway. It’s a greenway to nowhere. Whereas if it began over where it’s supposed to begin and ended at a really nice park on the other end where you more than ample parking on both ends.

Mr. Livingston inquired if it would help to defer this item, considering the new information we received today in the Blue Ribbon Committee.

Mr. Pearce stated if we could consider that, that would be a possibility. He does not know if the Transportation Committee would be willing to take another look at it. We did not get a report in the committee today as to what staff recommends happen to the property. We do know that all the properties along Timberlane and along in there will be torn down and developed into some sort appropriate greenspace, but he does not have a specific plan to share tonight.

Mr. Livingston moved, seconded by Mr. Rose, to defer this item to the next Council meeting.

Mr. Livingston withdrew his motion for deferral.

Mr. N. Jackson stated, for clarification, someone can make a substitute motion before we vote on the

motion for deferral. He stated, for clarification, that Mr. Pearce found out today they are going to build a park and this trail is supposed to go to the new park they decided to build, to accommodate that park.

Mr. Pearce stated we do not know exactly what...they have not come up with a plan, and we have not appropriated any funding for anything other than FEMA will provide the money for the demolition of the buildings. Developing it into something, we would then have to take that up separately.

Mr. N. Jackson stated, his reason, and they discussed in committee, the original plan was for an 8 ft. wide trail and the City accepted the trail. Then later the City decided they did not want 8 ft., they want 14 ft., an additional 6 ft. The additional costs caused by the City changing their mind, they wanted the County to pay for it, which we do not think is fair. If you decide to change the plan, after it has been approved, then you should pay for the change. If the City refuses, then we will build it to where the money goes, wherever it stops it stops. If the City wants to move forward with it, then they should find the additional funds to move it forward. He does not think the citizens, with the Penny Tax Program, should be burdened because the City decides 2 years later they do not want 8 ft. They want 14 ft. and decide we should find the money for them.

Mr. C. Jackson stated there is nothing in this motion that prevent 2 things from happening. One, it would not prevent the funds that have not been obligated from being reconsidered at a later time. Two, this motion is only to create the design for the project. Whether the design takes it all the way out to where Mr. Pearce described, or shorter, the design of the project is still going to be the same. The only thing in question tonight is whether it goes as far as you think it should go. This is a motion to simply move forward with the design of it, regardless of how far out it goes.

Mr. Pearce stated, for clarification, what he was responding to was it says, "supporting facilities that extend along Gills Creek Drive from Beecliff Drive to Michael Lane", so that is where the design is going to be, so it would not extend it out to Timberlane.

Mr. C. Jackson stated the design is the way the boardwalk looks. Whether the boardwalk goes 3 miles or 5 miles, it is going to look the same. The request is to move forward with the design of the look, not the length of it.

Mr. Pearce stated he is going to take the committee's word for it. That what we are voting for is the look.

Mr. C. Jackson stated he wants to verify that what he has said is correct. He requested Mr. Beaty to come and verify what he has said is correct, or incorrect.

Mr. Beaty stated the Gills Creek Section A was originally in the referendum to go from Kilbourne all the way to the Congaree River. It was modified to begin at Ft. Jackson and go as long as the funding would allow it to go. The referendum funded it at \$2.246 million. What we have done with the Phase II Scope, which is design, is we have stayed with the referendum funding. The current termini, approved by Council, is from Ft. Jackson to as far as the money will allow us to go. So, what we have done is set up this scope to begin the design studies at Beecliff. We are skipping from Ft. Jackson to Rosewood. We are going to get the OETs started from Beecliff to approximately Michael Lane. The reason is, we think there is enough money to go from Ft. Jackson to Michael Lane, based on estimates. We are breaking up the design because we need to get them going on studying the typical section. It will be a simpler design to study from Beecliff to Michael. We want to get the OETs working. It will be a more difficult coordination

from Ft. Jackson under Rosewood because the OETs are going to have to coordinate with the SCDOT. The SCDOT will probably make us redesign the signal at Devine. We could spend months trying to get permission to build a greenway under the Rosewood Bridge, so this allows the design to move forward. We are staying within the budget and we have estimated the length could go from Ft. Jackson to Michael. The termini are variable depending on the final estimate and final construction bid. The OET will design what the greenway looks like, and depending on the money we may be able to go all the way to Timberlane. We will not know that until we get the design done and get a good construction estimate. By moving forward with this piece, it is not endangering from Ft. Jackson to Rosewood, or the potential extension from Michael forward.

Mr. Pearce stated once we get under the bridge we are in Richland County. End of discussion about the City of Columbia.

Mr. Malinowski stated, for clarification, you were asked what time it was and you told us how to build the clock. He believes the question was, is what you are doing strictly the design. It makes no difference on the length, at this point. We are approving you to move forward with the design, is that it?

Mr. Beaty stated the request is to move forward with the design.

Mr. N. Jackson inquired as to who required the change to the design from 8 ft. to 14 ft.

Mr. Beaty stated, as he understands it, the referendum and ordinance never specified the original width being 8 ft. or 10 ft. The referendum only said there was a greenway from Point A to Point B. Now oftentimes greenways vary from 8 – 14 ft. Over the 4 or 5 years since the referendum, the City has passed their own requirements that greenways within the City, in their definition of an urban area, be 14 ft. wide. Since the City and County has entered into a maintenance agreement, where the City will take over ownership of the greenway, to maintain it and provide security, if they are going to maintain it and own it, it needs to be a 14 ft. width.

Mr. N. Jackson stated the initial costs for the length was based on 8 ft., not 14 ft. Now we have to shorten it because the City wants it to be 14 ft.

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

The vote in favor was unanimous.

- f. Approval for staff to pursue the 2018 BUILD Grant Application for Shop Road Extension Phase 2 – Mr. C. Jackson stated this item speaks to the approval of staff pursuing the 2018 BUILD Grant Application for the Shop Road Extension Phase 2. There is a Federal Grant application, now referred to as the BUILD Grant. There is a maximum of \$25 million that can be applied for. The recommendation is to move forward with submitting the application and channeling that money toward the Shop Road Phase 2.

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

The vote in favor was unanimous.

- g. Approval of the 2017 Annual Report – Mr. C. Jackson stated the PDT has provided Richland County with their 2017 Annual Report. It gives details on the work that has been done, and gives an overview of the program’s accomplishment for the calendar year 2017. The program to date includes information on the COMET, as well. The committee’s recommendation is to approve the annual report and authorize PIO to release the information.

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

The vote in favor was unanimous.

- h. Approval of the PDT managing the Dirt Road Program – Mr. C. Jackson stated this item is the approval of the PDT getting the responsibility of managing Dirt Road Program. As you know, dirt road projects have not been giving the kind of attention and accountability that they deserve; therefore, one former corporation had to release and the contract was not renewed. The committee is recommending the PDT assume the management responsibility for the dirt road projects, and those responsibilities now become included in their scope of work.

Mr. Malinowski stated once again he does not see this information included in the agenda packet. He does not know if this was discussed previously. He inquired if there was any information Council can receive on how they are going to do this.

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

Opposed: Malinowski

The vote was in favor.

18. **OTHER ITEMS**

- a. FY18-District 3 Hospitality Tax Allocations – Ms. McBride moved, seconded by Mr. N. Jackson, to approve this item, with the following amendments: to delete the Township Auditorium (\$10,000) and Edgewood Foundation (\$12,000), and then make the correction on the figures.

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

The vote in favor was unanimous.

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

The motion for reconsideration failed.

19. **CITIZENS’ INPUT: Must Pertain to Richland County Matters Not on the Agenda** – No citizens spoke.

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

- a. Employee Grievance
- b. Potential Opioid Litigation
- c. Contractual Matter: Property Acquisition
- d. Personnel Matter: Current Assistant Administrator/Acting County Administrator
- e. Personnel Matter: Clerk to Council Contract

Contractual Matter: Property Acquisition – Mr. Pearce inquired as to why that last item is properly before us.

Ms. Dickerson stated, for clarification, Mr. Pearce is referring to Item (e).

Mr. Pearce stated we voted not to proceed with that, so why is this now coming back up again.

Mr. Smith stated, his recollection, and the Clerk can correct him if he is wrong, is that there was a motion made to not to proceed. Then there was a substitute motion made to defer the Renaissance. The initial motion, as I recall, was never voted on. Instead you voted on the substitute. That is his recollection, but he will defer to the minutes from the Clerk.

Dr. Yudice stated, if she could expand no that, this is in response to the Council's request to extend the closing for that property. The property owner responded to Council's request to extend the date for the closing.

Mr. Pearce stated, he understands that, but since action was taken to defer any action, then that would negate that, would it not?

Mr. Smith stated, as he understands it, Council took action to defer the Renaissance, which is the whole...

Mr. Pearce stated which is a part of that.

Mr. Smith stated, to the extent, that this particular matter is in response to that, they have responded. Now, if you want to further defer this matter, we can do that. They responded back to us and indicated they are willing to extend the agreement.

Mr. Pearce stated he does not believe Mr. Smith answered his question. The question is, is it properly before the Council for consideration.

Mr. Smith responded in the affirmative.

Mr. Pearce stated he disagrees with Mr. Smith.

Mr. Livingston stated he thought at the last meeting we got an answer and we declined.

Mr. Smith stated, it is his understanding, at the last meeting the issue was whether or not they would extend it before the closing. The closing was scheduled for the 30<sup>th</sup>. At that point and time, they indicated they would not.

We sent a letter to them telling them your action that evening was to defer the Renaissance. They responded with the letter, which Administration sent to you.

Mr. Livingston stated, he understands that, but did they not first decline.

Mr. Smith stated that is his understanding.

Mr. Livingston stated, his next question is, he is concerned about down the road. He did not support the motion, but the motion was made to defer the Renaissance. Does that mean that every meeting we can pick a part of it and come back and have a motion on it? Because that is kind of what we are doing here. Or is that deferred? We have to be clear on what we are doing. Are we going to open up a can of worms, so we can have this every meeting, or is it deferred until we un-defer it.

Mr. Smith stated, he thinks, that is one of the things the Council has to make a determination as to what they are going to do. What you have is obviously different parts of this concept, or plan, and the motion, which is before you tonight, is different from the motion that was made at last meeting. It is specific, as it relates, to this particular piece of property. While the motion to defer was, as it relates to the whole concept, or plan. Council has to make a determination as to how you are going to deal with this.

Mr. N. Jackson stated we had a discussion, and we took action to defer everything. This was even part of why we made that motion because, in part of the discussion, it was noted we would lose our earnest money and we would have to pay attorney's fees. Some of his colleagues were concerned why would give up the earnest money and pay attorney's fees. There was a discussion that sometimes you lose a little bit to save a lot. Everything was included it in, so he has to agree with the attorney that we decided to defer everything in the Renaissance Plan. The property owner, they decided they would not change the date, so we decided so be it. Now, he is concerned that we voted on an action, and then Administration is bringing back something. He is not sure why they decided to bring it back to Council. We denied it. It was voted, and Council denied it. So, why is it back before us on the Administrator's Report?

Mr. Smith stated, it is his understanding, Council deferred the Renaissance. The motion that was made by Mr. Livingston was specific to this particular piece of property, which the Council did not act on. Council acted on the motion to defer the Renaissance, as a whole. Now, if the Council's intent in deferring the Renaissance was for no portions of it to come back to Council, as we get information, then he thinks that is something you need to clarify. At the end of the day, we reported back to them what your action was because we were looking at a closing date of the 30<sup>th</sup>, and we needed to tell them what you had done. They then came back and said, "Well, to the extent that you want to consider an extension, we will agree to that." It is up to Council to decide how you want to handle it. We thought we had an obligation to report to you they had responded back in writing.

Mr. N. Jackson stated he can understand they reported back to us, but it should not be an action. We could just say, "Thank you very much for the report." To have the report as action, to decide whether to move forward with it should not be before us.

Ms. Myers stated, she agrees with the underlying point Mr. N. Jackson is making, she thinks the staff is trying to say is they do not have the authority to send back any information, without this Council telling them what to do. Because they received subsequent information, they needed to make us aware of that, and ask us for guidance. It is a matter that pertains to what could be contract, without us telling them...she falls down on the side of saying to our staff, don't go off and send another response without coming back to us. It is this body that has to take the decision. She thinks that is what they are asking us to do. She does not think they are trying to

undermine the action that was taken. She thinks what they saying, "We sent a letter. In the interim, we had a phone call and their letter came back in the mail. What do you want us to do with this letter now?" She thinks that is why they are now saying there is something they need to make us aware of and discuss, as a contractual matter in Executive Session.

Ms. Dickerson stated it does not even have to be in Executive Session, does it?

Mr. Livingston inquired if the only item before Council is whether or not to accept the extension.

Mr. Smith responded in the affirmative. Going back to the last meeting, there was a discussion about liquidated damages. We did not have an exact amount, at that time. We knew what the earnest money was. We do have an exact amount now. To the extent, that if you do not decide to go with the extension, we would, at least, like you to know what the amount if that could potentially be lost.

Ms. McBride inquired if we accept the extension, and then decide not to go forth, will there be additional charges.

Mr. Smith stated he does not anticipate any additional costs beyond what they have indicated to us the costs are, at this point, to include the earnest money. He does not think there be any additional work that is going to be incurred between now and the 20<sup>th</sup>, which is when they have asked the new closing date be set.

Mr. Pearce inquired as to why we have to take this up in Executive Session.

Mr. Smith stated it does not have to be taken up in Executive Session.

Ms. Dickerson inquired if we can handle that one when we come out, or do you want to do it now?

Mr. Smith stated he could do it now. The amount would be \$57,540.25. That would be the expenses they incurred, plus the \$20,000 worth of earnest money.

Mr. Livingston inquired if this is a number they are giving us, or is this clearly what our agreement says. There is no question, in your opinion. There is nothing here we can challenge or whatever. Is that something they gave us?

Mr. Smith stated what we got was a statement, which was reviewed by our attorney, Mr. Fuller, of expenses they had incurred. Most of them are in the form of attorney's fees.

Mr. Livingston inquired if our agreement clearly says we are obligated to pay them.

Mr. Smith responded in the affirmative because we are in default.

Ms. Dickerson inquired if this is an action item, or only for information.

Dr. Yudice stated it is an action item.

Mr. Smith stated we simply need some direction.

Mr. Pearce moved, seconded by Mr. Manning, based on the fact that the Renaissance Program has been

deferred at this time, we express to them we are not interested in taking any action additional action on this property.

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

Opposed: Myers

The vote was in favor of not taking any additional action on the property.

Employee Grievance – Mr. Livingston moved, seconded Mr. N. Jackson, to accept staff's recommendation.

Mr. Malinowski requested staff to refresh his memory about which grievance we are talking about.

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

Abstain: C. Jackson

The vote was unanimous with Mr. C. Jackson abstaining from the vote.

Mr. Livingston moved, seconded by Mr. C. Jackson, to go into Executive Session.

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

Opposed: Malinowski and Manning

The vote was in favor of going into Executive Session.

*Council went into Executive Session at approximately 9:27 PM and came out at approximately 10:15 PM.*

Potential Opioid Litigation – Mr. Livingston moved, seconded by Mr. N. Jackson, to move forward with the opioid litigation matter, in reference to the firms, as discussed in Executive Session.

Ms. Dickerson inquired if we need to name the firm.

Mr. Livingston stated it was the recommendation of the County Attorney.

Ms. Dickerson stated this is what she is hearing a lot. We want to vote on something, as discussed in Executive Session. We discussed a lot on this matter, in Executive Session. She would like some more clarity on what we are actually voting on, in terms of who we are planning to select.

Mr. Smith stated he knows what is recommendation was, and what firms were involved in that recommendation.

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

The vote in favor was unanimous.

Personnel Matter(s): Current Assistant County Administrator/Acting County Administrator and Clerk to Council Contract – Mr. Malinowski moved, seconded by Mr. Manning, to have each one of these contracts be reviewed by the Human Resources Department Director, the Richland County Attorney, in conjunction with an outside labor attorney, with Council’s input to the attorney, wherever they feel there is a question. The amended contracts are to be brought back, with all the correct information, to the June 19<sup>th</sup> Council meeting, for action. In directing the County Attorney to involve an outside contract attorney/specialist, that outside attorney should be someone other than the one that has been used in the past.

Ms. Dickerson requested Mr. Malinowski identify the employees.

Mr. Malinowski stated the employees are Kimberly Roberts, Clerk to Council and Dr. Sandra Yudice, Acting County Administrator.

Ms. Myers stated, for clarification, she thinks the statute governing Mr. Smith puts him in charge of selecting external Council. She believes we could ask him to hire someone for us, but she thinks we have to be careful with the statutes that govern our employees, and what their duties are and what our role is. She is a little nervous the statute is pretty clear, that is his role to make that call, not ours.

Mr. Malinowski stated he was just presenting the consensus he was given.

Mr. Smith stated, he thinks, as part of the motion, there was a statement made that if members of Council had any questions or concerns, they were to contact the County Attorney. And, based on that, it sounded like there were a suggestion that we were to make changes to the document. He wants to make sure it is not being suggested that we are to make changes to the document, based on what one Council member may say. He is assuming you want that information brought back to the Council, and then the Council would give its consensus, as a body, about what you wanted changed.

Mr. Malinowski stated we want to make sure the contracts, as being put forward, are legally done.

Mr. Livingston stated, based on what Ms. Myers said, keep in mind that whether we like it or not the statute and ordinance clearly says it is the attorney’s responsibility to choose the attorney. We actually have no say so in that. We can suggest, but its ultimately the decision of the County Attorney.

Ms. Dickerson stated she wished the motion would be amended to strike that, or amend it so that Mr. Smith still has the authority to hire a labor attorney. That is his prerogative.

Mr. N. Jackson stated, for clarification, the County Attorney has the discretion to hire a labor attorney, or any attorney that Council desires. Is it the attorney discretion, and Council does not have a say? He stated he has seen where we have chosen an attorney before. Unless we are acting illegally.

Mr. Smith stated under the ordinance the County Attorney has the authority to hire the attorney. Now, obviously, if you an attorney who is exclusively representing the body, that is a different situation. Attorneys that are utilized by his office, as consultants, if you will, to assist us, those are the attorneys we are talking about. Obviously, whenever he exercises that discretion, he will be mindful of any input that comes from Council, in terms of any concerns you may have about who that attorney is.

Mr. Malinowski stated, for clarification, in regards to a labor attorney, if the ordinance says the choice of the labor attorney is up to the County Attorney, then that is what we will go with.

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

Opposed: Manning

The vote was in favor.

21. **MOTION PERIOD**

- a. Move to establish guidelines for dedications at the Decker Center, to include how they will be funded. [DICKERSON] – This item was referred to the A&F Committee.
- b. As a result of action taken by Council at its May 24<sup>th</sup> Special Called Meeting, planning for two “mission critical” projects associated with the Richland Renaissance Program were suspended: 1) The Sheriff’s Department “package” (i.e. Laboratory, evidence storage and 911 Call Center), and 2) Emergency Management Services (EMS) Emergency Operations Center (EOC). This Motion directs the staff to proceed with making a recommendation to Council as to where these projects should be located with an accompanying plan for moving forward with construction at the earliest possible date. [PEARCE] – Ms. Dickerson will create “911 Emergency Building Ad Hoc Committee” to work on this matter.
- c. As a result of action recently taken by Richland County Council to table and/or defer all activities associated with the Richland Renaissance Project, I move that the Richland Renaissance Ad Hoc Committee be disbanded, effective immediately. [C. JACKSON] – Ms. Dickerson immediately disbanded the Richland Renaissance Ad Hoc Committee.
- d. In order to ensure that the purchase and/or development of land, buildings or other real estate by the County be properly vetted, and that all appropriate parties, who may be affected by these decisions, be given advance opportunity to participate in the earliest discussion and to further ensure that citizen input and expert opinions of all plans being considered are given time before final plans are approved for the purchase or development, I move that a Space Acquisition and Development Ad Hoc Committee be established for the purpose of evaluating all property recently purchased or sold by Richland County and the development of such property by Richland County be evaluated to determine its current and future use. [C. JACKSON] – Ms. Dickerson will appoint a “Space Allocation and Development Ad Hoc Committee”
- e. Council Motion: Move forward with the feasibility of placing a hospital/emergency care facility in the Lower Richland Community. NOTE: It is mentioned in the Renaissance Plan but no solid documentation has been presented. This motion will start the process of working with the healthcare community of developing a plan and placing a facility in the Lower Richland community [N. JACKSON – forwarded from the 5/22/18 D&S Committee] – This item was be taken up in the Space Allocation and Development Ad Hoc Committee.

**ADJOURN** – The meeting adjourned at approximately 10:30 PM.